

# Independent Reporting Mechanism (IRM): Serbia Progress Report 2016-17

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## Executive Summary: Serbia

### Independent Reporting Mechanism (IRM) Progress Report 2016-17

While the Serbian Action Plan addressed many core open government issues, including access to information and civic space, it mostly lacked transformative commitments. For the next plan the national actors will need to identify how they can improve the overall ambition, perhaps by closely integrating commitments with the relevant European Union accession requirements.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. Serbia began participating in OGP in 2012. The Independent Reporting Mechanism (IRM) carries out an annual review of the activities of each country that participates in OGP.

The OGP process in Serbia is led by the Ministry of Public Administration and Local Self-Government (MPALSG). The budget and staff dedicated directly to OGP is limited and MPALSG has little authority over other ministries in charge of implementing individual commitments.

#### OGP Process

Countries participating in the OGP follow a process for consultation during development of their OGP action plan and during implementation.

The MPALSG established an OGP working group, and held an open call for CSOs to participate with support of the Office for Cooperation with Civil Society of the Government of Serbia. This open call was published online but limited eligibility to CSOs who had been registered at least three years prior, had dealt with OGP-relevant issues, and had implemented at least two relevant projects or published a relevant study. The group consisted of representatives of government institutions, the Anti-Corruption Agency (independent body), the Chamber of Commerce, and CSOs. It met five times. The government also included more actors through a roundtable, with 47 participants formulating 22 commitment proposals. Despite an inclusive co-creation process, only 5 out of 22

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#### At a Glance:

Member since: 2012  
Number of commitments: 14

#### Level of Completion:

Completed: 3  
Substantial: 3  
Limited: 8  
Not started: 0

#### Commitment Emphasis:

Access to information: 9  
Civic participation: 6  
Public accountability: 1  
Tech & innovation for transparency & accountability: 5

#### Commitments that are

Clearly relevant to an OGP value: 9  
Of transformative

commitments proposed by the CSO were finally included in the current action plan, as some commitments were removed at the end of the process, without providing adequate notice to CSOs.

The multistakeholder forum (working group) which was established during the preparation of the current AP has continued to exist, but has not formally met since the AP adoption. One open meeting for CSOs (outside of the scope of the working group) was organized in June 2017. While ongoing participation was limited or slowed down by elections, the government is in the process of establishing a new working group (for the development of the new AP). The MPALSG released a draft six-month self-assessment report in June 2017.

## Commitment Implementation

As part of OGP participation, countries make commitments in a two-year action plan. The Serbia action plan contains 14 commitments. Table 1 summarizes each commitment's level of completion and potential impact. Table 2 provides a snapshot of progress for each commitment and recommends next steps. In some cases, similar commitments are grouped and reordered to make reading easier.

Note that the IRM updated the criteria for starred commitments in early 2015 in order to raise the standard for model OGP commitments. Under these criteria, commitments must be highly specific, relevant to OGP values, of transformative potential impact, and substantially completed or complete. Serbia received no starred commitments.

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION			
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE
<b>1. Develop model job description of civil society liaison</b>								
<b>2. Organize trainings for public servants</b>								
<b>3. Organize civil society trainings</b>								
<b>4. Improve initiative collection system</b>								
<b>5. Standards for civic participation</b>								
<b>6. Develop information booklets</b>								
<b>7. Amend information access law</b>								
<b>8. Development of an open data portal</b>								
<b>9. Draft bylaws for evaluation of websites</b>								
<b>10. Public hearings on drafting of laws</b>								
<b>11. Develop monitoring and evaluation instructions for government CSO funding</b>								
<b>12. Amend fund regulations for civil society programs</b>								
<b>13. Law on electronic documents and ID</b>								
<b>14. Public register of administrative procedures for doing business</b>								

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	RESULTS
<p><b>1. Develop model job description of civil society liaison</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Substantial</li> </ul>	<p>In order to increase public trust and bolster cooperation between local government and CSOs, this commitment seeks to introduce a model job description for a CSO liaison position within local self-government units. The model's potential impact is limited in nature due to concerns about the liaison's actual limited administrative authority, as well as the inability of this commitment to address larger issues, such as rigid government hierarchies. The model description was developed in cooperation with Standing conference of Towns and Municipalities, the Office for Cooperation with civil society and Civic initiatives. IRM recommends following up on this commitment by assessing how many employees in local government fit this description, and how their work can be better supported. For enhancing cooperation with civil society on a local level, the IRM researchers recommend inclusion of more ambitious citizen engagement activities, such as participatory budgeting in municipalities in the next action plan.</p>
<p><b>2. Organize trainings for public servants</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Complete</li> </ul>	<p>In order to enhance citizen involvement in decision-making processes and to foster trust between public administration bodies and CSOs, this commitment proposes relevant trainings of public administration employees and CSOs. The trainings are specific to those parts of administration developing and implementing regulations and public policy documents. The training hours, number of trainees and list of included institutions are, however, assessed as low, compared to the total number of public servants in Serbia (estimated around 39,000 public servants in the central and local administrations) and the number of CSOs in the country (over 31,000 registered organizations). Although implementation has been delayed, the government has developed the training program and has completed two trainings for public servants and four CSO trainings (though the latter were organized between October and November 2017, which is outside of the timeframe of this report). Initial results suggest increased knowledge, however, trainees have noted the difficulties in translating acquired knowledge into action. The IRM researchers recommend conducting future trainings which would bring civil servants and civil society representatives together, ensuring greater attendance of high-level officials, improving the manual for CSO inclusion to entail a tailor-made part for local self-governments, and crafting a plan to better monitor training impact by including outcome indicators.</p>
<p><b>3. Organize civil society trainings</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Complete</li> </ul>	<p>In order to enhance citizen involvement in decision-making processes and to foster trust between public administration bodies and CSOs, this commitment proposes relevant trainings of public administration employees and CSOs. The trainings are specific to those parts of administration developing and implementing regulations and public policy documents. The training hours, number of trainees and list of included institutions are, however, assessed as low, compared to the total number of public servants in Serbia (estimated around 39,000 public servants in the central and local administrations) and the number of CSOs in the country (over 31,000 registered organizations). Although implementation has been delayed, the government has developed the training program and has completed two trainings for public servants and four CSO trainings (though the latter were organized between October and November 2017, which is outside of the timeframe of this report). Initial results suggest increased knowledge, however, trainees have noted the difficulties in translating acquired knowledge into action. The IRM researchers recommend conducting future trainings which would bring civil servants and civil society representatives together, ensuring greater attendance of high-level officials, improving the manual for CSO inclusion to entail a tailor-made part for local self-governments, and crafting a plan to better monitor training impact by including outcome indicators.</p>
<p><b>4. Improve collection of citizen and business initiatives</b></p>	<p>This commitment seeks to improve the online government system for soliciting and processing initiatives from citizens and businesses to the Republic Secretariat for Public Policies (RSPP). While the</p>

NAME OF COMMITMENT	RESULTS
<ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Substantial</li> </ul>	<p>commitment consists of activities for collecting and processing input, it does not contain any mechanisms that oblige the government institutions to consider initiatives, and it does not specify how the proposed initiatives would be considered. With the assistance of UNDP, the RSPP created the online portal, "Adminhack," and an online forum. However, procedures to utilize these features are not finished. The portal is not being widely used by citizens or businesses thus far. The IRM researchers recommend including users in re-designing the online system's interface for easier use, designating a civil servant to exclusively monitor and administer the portal, and clarify the purpose, planned composition, and methods of the forum.</p>
<p><b>5. Standards for civic participation</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Complete</li> </ul>	<p>In order to enhance citizen participation in policy-making, these two commitments propose creating a legal requirement for civic participation via public consultations and hearings during the drafting period for public policy documents and laws, as well as mandating 'concept papers,' which would be used to communicate to and involve the public. Despite advancing the conditions for civic participation, the commitments are only an endorsement of the Bill (not passing the Law in Parliament). The government drafted Law on a Planning System and Law on State Administration, as well as a regulation on a Methodology for Public Policy Management, including a broad consultative process with both civil society and the government institutions. The final public hearing for the Draft Law on Planning System included 170 representatives of civil society, local government, and other actors that put forward 30 different proposals. However, procedural hurdles and reticence by some parts of state administration, particularly in the case of Law on State Administration, have slowed the passage of these laws. Government Rules of procedures have not been modified. The IRM researchers recommend that the Ministry in charge of public administration should encourage exchange of best practices among all government agencies regarding the implementation of consultation processes, as well as providing trainings for civil servants on holding consultations with the public.</p>
<p><b>10. Public hearings on drafting of laws</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>In order to enhance citizen participation in policy-making, these two commitments propose creating a legal requirement for civic participation via public consultations and hearings during the drafting period for public policy documents and laws, as well as mandating 'concept papers,' which would be used to communicate to and involve the public. Despite advancing the conditions for civic participation, the commitments are only an endorsement of the Bill (not passing the Law in Parliament). The government drafted Law on a Planning System and Law on State Administration, as well as a regulation on a Methodology for Public Policy Management, including a broad consultative process with both civil society and the government institutions. The final public hearing for the Draft Law on Planning System included 170 representatives of civil society, local government, and other actors that put forward 30 different proposals. However, procedural hurdles and reticence by some parts of state administration, particularly in the case of Law on State Administration, have slowed the passage of these laws. Government Rules of procedures have not been modified. The IRM researchers recommend that the Ministry in charge of public administration should encourage exchange of best practices among all government agencies regarding the implementation of consultation processes, as well as providing trainings for civil servants on holding consultations with the public.</p>
<p><b>6. Develop information booklets</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Transformative</li> <li>• Completion: Limited</li> </ul>	<p>This commitment seeks to amend the Law on Free Access to Information of Public Importance so as to mandate the creation of uniform information booklets across government agencies that provide open-access data for the purpose of administrative transparency. The commitment provides that the government will create a unified IT system to access the booklets, as well as training public servants on how to use the system and to promote it to the public. The legal amendments are still in the drafting stage, and civil</p>

NAME OF COMMITMENT	RESULTS
	society representatives feel under-involved in the process thus far. The IRM researchers recommend this commitment be carried forward to the next action plan, despite continued delays.
<p><b>7. Amend free access to information law</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>To address the inadequate responsiveness of public administration bodies towards public information requests, this commitment aims to amend the Law on Free Access to Information of Public Importance. By imposing fines for violations and strengthening the role of the Commissioner, this commitment ensures that the right of access to information and the time limits set by the law are respected. The amendments are behind schedule, still being drafted, and there has been no input by civil society. The IRM researchers recommend greater cooperation between government agencies (especially the Ministry of Public Administration and the Office of the Commissioner for Information of Public Importance and Personal Data Protection), so as to better inform stakeholders, publishing the amendment draft, making the amendments draft publicly available for comments and recommendations, communicating clearly to citizens what the relevance of the law is, and initiating enforcement activities to ensure proper implementation.</p>
<p><b>8. Development of an Open Data Portal</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>These two commitments propose the development of an Open Data Portal for the public storage and accessibility of government datasets, with the support of UNDP. Additionally, they seek to modify the legal Guidelines and Criteria for Evaluation so as to streamline and coordinate the websites of state agencies, with special focus on data openness and transparency. While both commitments are delayed, the Open Data Portal has been developed and is currently being used by several institutions and new datasets are gradually being uploaded. As for commitment 1.9, the redefinition effort is being held up by delays on a separate Law on e-Government, which is still undergoing public consultation. The IRM researchers recommend that the portal be modified to allow user feedback. Additionally, future trainings in the portal can include ways to suggest additional data to include on the portal, already published datasets can be accessed and analyzed to assess their utility and what additional information may be needed.</p>
<p><b>9. Draft bylaws for evaluation of websites</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>As for commitment 1.9, the redefinition effort is being held up by delays on a separate Law on e-Government, which is still undergoing public consultation. The IRM researchers recommend that the portal be modified to allow user feedback. Additionally, future trainings in the portal can include ways to suggest additional data to include on the portal, already published datasets can be accessed and analyzed to assess their utility and what additional information may be needed.</p>
<p><b>11. Develop monitoring and evaluation instructions for government CSO funding</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> </ul>	<p>To address low trust in civil society, this commitment proposes to develop a uniform methodology for monitoring and evaluating civil society programs funded by the government, which has been combined with the commitment to amend legal regulations to mandate a reporting mechanism on results of these civil society programs. These commitments will increase transparency by</p>

NAME OF COMMITMENT	RESULTS
<ul style="list-style-type: none"> <li>• Potential Impact: Minor</li> <li>• Completion: Limited</li> </ul>	
<p><b>12. Amend regulations on funding civil society programs</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Limited</li> </ul>	<p>detailing how the public budget is being spent. Although MPALSG has created a special working group, consisting of government institutions, to draft amendments for the regulations on funding, the amendments have not yet been adopted. CSOs were able to provide commentary on the draft amendments, but it is unclear whether these comments will influence the finalized version. The IRM researchers recommend that the Office for Cooperation with Civil Society develops additional means and assistance for civil servants in order to comply with these new regulations, such as assigning a point of contact who would reply to CSO questions, etc.</p>
<p><b>13. Law on electronic documents and ID</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Unclear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	<p>This commitment proposes the passage of a new law on electronic identification and documents that will simplify electronic transactions between the administration, citizens and businesses, including the process of using electronic signatures on documents. While this is an important initiative, this commitment does not include any elements which would advance access to information, citizen participation or public accountability. The new law was drafted with both business and civil society representatives and deemed highly transparent. Parliament adopted the Law in October 2017, although the drafting of bylaws has not yet begun. The IRM researchers recommend investing in capacity-building activities and developing a plan to raise awareness of digital signature and ID technology. Taking notice of other country examples could help to get best practice insight into implementation and communication of these procedures.</p>
<p><b>14. Public register of administrative procedures for doing business</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>This commitment seeks to create a unified online public register that will allow businesses and citizens to easily identify all procedures necessary for legal business activities, and download all necessary forms, as well as providing information regarding fees and other requirements. This online register was also proposed to include a feature whereby users can flag procedures as obsolescent and can monitor average times for responses from government agencies. The commitment also provides for trainings for civil servants to populate the register, of which 422 have been trained. The register currently contains information on 1700 out of 2439 procedures, while 500 import procedures are still missing, as are court procedures. However, the public is not sufficiently familiar with the register and businesses have not yet seen results. The IRM researchers recommend promotional activities to increase awareness, especially for civil society, and to have CSOs help</p>



<b>NAME OF COMMITMENT</b>	<b>RESULTS</b>
	identify the benefits of the register.

## Recommendations

While a considerable number of commitments regarding stakeholders' priorities on access to information were included in the current action plan, many commitments achieved limited completion after the first year of the action cycle. Moving forwards, it is critical that the government improve OGP's visibility and include more ambitious commitments covering open budgeting, the OGP working group, and public accountability.

Beginning in 2014, all OGP IRM reports include five key recommendations about the next OGP action planning cycle. Governments participating in OGP will be required to respond to these key recommendations in their annual self-assessments. These recommendations follow the SMART logic; they are Specific, Measurable, Answerable, Relevant, and Timebound. Given these findings, the IRM researcher presents the following key recommendations:

Table 3: Five Key Recommendations

To ensure continuity of OGP activities in the context of frequent administration changes and high frequency of the electoral process, proper handover mechanisms are needed. IRM recommends establishing an OGP multi-stakeholder forum with an adequate mandate and scope of work covering all phases of the action plan cycle, including the implementation.
To increase financial transparency, the next action plan should include a commitment introducing open budgeting at national and local levels, specifically disclosing financial plans and expenditure reports in open data formats.
To ensure the continuity of high-impact commitments, the government should carry forward commitments and scale up activities with demonstrated impact. For example, the current commitment on the open data portal should be expanded to encompass a wider range of institutions and datasets.
Focus on commitments with clear citizen engagement and public accountability tools. Expand citizen inputs mechanisms such as the portal developed by the Public Policy Secretariat, which is currently limited to business representatives. Authorities need to ensure transparent and timely feedback to citizens' proposals.
Develop a more targeted communication approach and awareness-raising activities to increase citizen involvement. Additionally, the government needs to consider wider cooperation with CSOs at central and local level.

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The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



**Eligibility Requirements:** To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, see Section VII on eligibility requirements at the end of this report or visit [bit.ly/1929F1I](https://bit.ly/1929F1I).

## I. Introduction

The Open Government Partnership (OGP) is an international multi-stakeholder initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government.

Serbia began its formal participation in 2012, when Jasna Matić, a state secretary in the former Ministry of Culture, Media and Information Society declared her country's intention to participate in the initiative.<sup>1</sup> With the reorganization of Serbia's public administration, the OGP initiative in Serbia is currently coordinated by the Ministry of Public Administration and Local Self-government (MPALSG).

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria. Objective, third-party indicators are used to determine the extent of country progress on each of the criteria: fiscal transparency, public official's asset disclosure, citizen engagement, and access to information. See Section VII: Eligibility Requirements for more details.

All OGP-participating governments develop OGP action plans that elaborate concrete commitments with the aim of changing practice beyond the status quo over a two-year period. The commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Serbia developed its national action plan from February 2016 to June 2016. The official implementation period for the action plan was from November 2016 to June 2018. This report covers the action plan development process and first year of implementation, from November 2016 to September 2017. Beginning in 2015, the IRM started publishing end-of-term reports on the final status of progress at the end of the action plan's two-year period. Any activities or progress occurring after the first year of implementation, September 2017, will be assessed in the end-of-term report. At the time of writing, September 2017, the government has yet to publish its self-assessment but it did release a six-month implementation report in June 2017.

In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with the European Policy Centre (CEP), which carried out this evaluation of the development and implementation of Serbia's second action plan. To gather the voices of multiple stakeholders, the IRM researcher interviewed both local and central level civil society organizations (CSOs) and government representatives located in Belgrade. The IRM researcher also organized a stakeholder meeting on 19 September 2017 to engage civil society and government representatives in dialogue about the current action plan implementation progress.<sup>2</sup> However, the workshop predominantly gathered civil society. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. Methods and sources are dealt with in Section VI of this report (Methodology and Sources).

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<sup>1</sup> Open Government Partnership, Serbia, Serbia's Letter of Intent to Join OGP:  
<https://www.opengovpartnership.org/countries/serbia>.

<sup>2</sup> See (in Serbian): <http://cep.org.rs/odrzan-konsultativni-sastanak-otvorena-uprava-dostignuca-i-izazovi/>.

## II. Context

Serbia's progress towards open government has varied in different areas. While there have been achievements in public participation and provision of open data, government's public accountability has not been sufficiently prioritized in OGP action plans. In the context of declining press freedoms, problems of corruption and abuse of power at the highest levels of public administration, Serbia's second action plan<sup>1</sup> falls short of addressing systemic issues for changing the culture of government decision making. The scope of the current action plan is largely limited to technical and legal measures which do not adequately respond to the need for stronger enforcement of accountability rules.

### 2.1 Background

Since early 2000's Serbia has made significant progress in creating the legislative framework for freedom of information and government transparency. Serbia became an EU candidate country in 2012. The EU accession process has been a major driver of reforms, placing particular emphasis on democracy, rule of law and the fight against corruption.

Serbia's 2004 Law on Free Access to Information of Public Importance is currently considered one of the strongest Freedom of Information (FoI) laws globally. According to the Global Right to Information Rating, Serbia has the second highest rated legal framework.<sup>2</sup> The law extends the right to access information to all natural persons, regardless of citizenship and applies to all branches of government as well as state-owned enterprises, public authorities, and private bodies receiving significant public funding.<sup>3</sup> However, an extensive number of institutions do not adequately respond to citizens' requests for information. Since its creation in 2004, the Commissioner for Information of Public Importance and Personal Data Protection has received 27,697 complaints; around 78 percent of these complaints were cases of 'administrative silence'.<sup>4</sup> Institutions which fail to provide information to the citizens based on the current legal framework are not properly sanctioned.<sup>5</sup> The current action plan includes a commitment on amending the Law on Free Access to Information of Public Importance to ensure institutions are held accountable when they do not provide citizens with the requested information and to include open data.

Access to government-held information has been critical for the work of media and investigative journalists in the country, uncovering stories of corruption and organized crime.<sup>6</sup> However, in recent years media freedom has become a concern, given recorded cases of threats, intimidation and violence against journalists as well as media financing issues.<sup>7</sup> Serbia has fallen in the latest Freedom of the Press 2017 Index.<sup>8</sup> As the 2017 World Press Freedom Index states, Serbian media "works under harsh financial and editorial pressure, and those that are most critical of the government are attacked publicly".<sup>9</sup> Recent personal attacks on investigative journalists have even prompted the Commissioner for Information of Public Importance and Personal Data Protection to release a statement confirming that

every citizen is free to request information of public importance without explaining his or her motives.<sup>10</sup>

Serbia has an active civil society comprised of professional CSOs, as well as grassroots movements and citizen initiatives that are increasingly important.<sup>11</sup> While civil society remains underfunded, the EU accession process has provided a boost for enhancing civil society involvement in policymaking and ensuring continual dialogue with government. The recent *Serbia 2016 Report* by the European Commission<sup>12</sup> states that, while progress was achieved in terms of creating an enabling environment for civil society, more action needs to be taken to “ensure systematic inclusion of civil society in policy dialogue and help develop its full potential”.<sup>13</sup>

Implementation of OGP commitments is taking place in parallel to the process of EU negotiations.<sup>14</sup> So far 10 out of 35 negotiation chapters have been opened.<sup>15</sup> The currently opened chapters are complementary to Serbia’s OGP progress as they regulate relevant areas such as public procurement (chapter 5) and democracy, rule of law and anti-corruption (chapters 23 and 24).<sup>16</sup> The prospect of EU membership has created incentives that have garnered more political will for open government topics such as budget transparency, among others.<sup>17</sup> In budget transparency Serbia lags significantly behind its EU neighbors in the Balkans such as Croatia, Bulgaria, Romania and Slovenia.<sup>18</sup> According to the Open Budget Survey, the government of Serbia only makes four of eight key budget documents publicly available online and does not provide many opportunities for public engagement with the budget process.

Corruption remains a problem in Serbia, with the country scoring 42 out of 100 on the Corruption Perceptions Index.<sup>19</sup> While anti-corruption legislation has been strengthened, implementation of legal norms in practice remains a challenge. Serbian government ministers and other high government representatives in the past have been accused of corruption, plagiarized doctoral theses and misused public funds, among other things, thus undermining public confidence.<sup>20</sup> Consequences for these actions have been further impeded by the questionable state of judicial independence. As the *Serbia 2016 Report* explains, comments by politicians regarding ongoing controversies and investigations call into question the extent to which the judiciary is independent enough to resolve such cases.<sup>21</sup>

Following the 2017 presidential elections and the subsequent reorganization of public administration bodies, the former Serbian European Integration Office was replaced by the new Ministry of European Integration, signifying the importance of this process in Serbia. In this context, the positive effects of the attention given to the EU accession process could potentially trickle down to OGP efforts.

Frequent elections have impeded the OGP process in Serbia, slowing down progress in commitment implementation. In the previous progress report, the IRM researcher’s interviews suggested that, following elections, ministries require roughly six months to return to pre-election levels of activity.<sup>22</sup> This issue appeared both in the End-of-Term Report 2014-2016 and in the interviews conducted for this report. While civil society complained that there was less proactive transparency and communication between government institutions and CSOs,<sup>23</sup> private sector representatives indicated that they felt as if everything stopped working during the period around elections.<sup>24</sup>

Moreover, government representatives frequently indicated their frustration with how elections affect their work, slowing down progress on commitments and impeding inter-institutional cooperation.

## **2.2 Scope of Action Plan in Relation to National Context**

The 2016-2018 action plan primarily focuses on civic participation and access to information, and includes several commitments that are of a legalistic nature..

It is commendable that the current action plan envisages amendments to the Law on Free Access to Information of Public Importance, since both the Commissioner for Information of Public Importance and civil society organizations have been advocating for amending this law for years in order to increase compliance by public bodies.

Reforms happening under chapters 23 and 24 of EU accession negotiations, focusing on policies in the judiciary and fundamental rights (chapter 23) and justice, freedom and security (chapter 24), have not trickled down to commitments in the OGP action plan. PreEUgovor, a major civil society coalition of seven organizations monitoring accession negotiations under these chapters<sup>25</sup>, do not participate in the development of the action plan either as a coalition or as individual organizations. Members of the coalition state different reasons. Belgrade Center for Security Policy perceives the OGP process in Serbia as being simulated, while the essential transparency is gradually decreasing.<sup>26</sup> Centre for Investigative Journalism of Serbia lacks capacities to engage beyond potentially providing media coverage on the OGP topics.<sup>27</sup> Transparency Serbia did not consider joining the working group and they consider that the government has not provided them with sufficient reasons to believe they would include measures in the OGP process that would lead to true progress in the area.<sup>28</sup> While the Anti-Corruption Agency of Serbia (ACAS) and the Public Procurement Office are part of the discussions on OGP commitments, other independent institutions, that have an oversight role to play when it comes to the fight against corruption and promotion of government transparency, such as the Supreme Audit Institution, the Ombudsman's Office and the Office of the Commissioner for Information of Public Importance and Personal Data Protection, are not represented in the OGP working group.

The current action plan has not taken over some of the commitments relevant for the fight against corruption that were included in the previous NAP 2014-2015 but were not fully completed. These include commitments in diverse thematic areas, such as budgeting, public procurement and financing of political parties. Although in budget transparency Serbia lags significantly behind its EU neighbors,<sup>29</sup> the current action plan does not include a commitment in this important area, despite a proposal from civil society during the development of the plan.

Additionally, given that press freedom indicators for Serbia have been signaling a decrease in media freedom,<sup>30</sup> this potentially limits objective reporting on government activities. Therefore, there is need for more commitments that promote public accountability of government and engage citizens, civil society and the government in constructive dialogue. This would require establishing and improving mechanisms for communication as well as helping civil servants utilize them



effectively. The scope of the current action plan falls short of furthering engagement and improving public trust.

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- 1 The first action plan was never implemented. See more about the OGP history in Serbia, <http://ogp.rs/pou-srbija/#istorijat>
- 2 Global Right to Information Rating, Country Data, <http://www.rti-rating.org/country-data>
- 3 Law of Free Access to Information of Public Importance, <http://www.poverenik.rs/en/pravni-okvir-pi/laws-pi/881-zakon-o-slobodnom-pristupu-informacijama-od-javnog-znacaja-preciscen-tekst-sl-glasnik-rs-12004-5407-10409-i-3610.html>
- 4 Data was taken from the Commissioner's open data portal, which can be accessed here, <http://data.poverenik.rs/>
- 5 Stanojla Mandić, Deputy Commissioner for Information of Public Importance of the Republic of Serbia, interview with IRM researcher, 15 September 2017.
- 6 See, for example, <https://www.occrp.org/component/tags/tag/119-serbia?lang=en>
- 7 Shannon O'Toole, "A Cry for Help from Serbia's Independent Media", Freedom House, <https://freedomhouse.org/blog/cry-help-serbia-independent-media#.WdZo312d4lw.twitter>.
- 8 Freedom House, Freedom of the Press 2017, Serbia Profile, <https://freedomhouse.org/report/freedom-press/2017/serbia>
- 9 *ibid.*
- 10 Commissioner for Information of Public Importance and Personal Data Protection, "Pravo na pristup informacijama u posedu vlasti - pravo svakog gradjanina," <http://www.poverenik.org.rs/sr/saopstenja-i-aktuelnosti/2651-pravo-na-pristup-informacijama-u-posedu-vlasti-pravo-svakog-gradjanina.html> (in Serbian)
- 11 This process was aided by international projects such as a USAID 27-month program lasting from 2012 until 2015. See more, <http://www.iscvt.org/program/serbia-civil-society-forward/>
- 12 European Commission, "Serbia 2016 Report SWD(2016) 361", [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2016/20161109\\_report\\_serbia.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_serbia.pdf)
- 13 *Ibid.*, 8.
- 14 Dragana Brajović and Dražen Maravić, interview with IRM researchers, 11 September 2017.
- 15 For more information, see [https://europa.rs/images/publikacije/07-35\\_Steps\\_Toward\\_EU.pdf](https://europa.rs/images/publikacije/07-35_Steps_Toward_EU.pdf).
- 16 For a more detailed timeline, please see [https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/serbia\\_en](https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/serbia_en).
- 17 *Ibid.*, 10-11.
- 18 European Commission
- 19 Transparency International, Corruption Perceptions Index 2016, [https://www.transparency.org/news/feature/corruption\\_perceptions\\_index\\_2016#table](https://www.transparency.org/news/feature/corruption_perceptions_index_2016#table)
- 20 For example, see KRIK, Investigations, <http://www.krik.rs/en>
- 21 European Commission, "Serbia 2016 Report SWD(2016) 361", [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2016/20161109\\_report\\_serbia.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_serbia.pdf), 55.
- 22 See Serbia 2014-2015 Progress Report, <https://www.opengovpartnership.org/documents/serbia-2014-2016-progress-report-final-english>
- 23 Stakeholder workshop organized by the IRM, Belgrade, 19 September 2017.
- 24 Interviews with the Foreign Investors Council, Belgrade, 14 September 2017.
- 25 PreUgovor, <http://www.preugovor.org/prEugovor/1121/About-us.shtml>
- 26 Bojan Elek, Belgrade Center for Security Policy, email response to IRM Researcher, 7 December 2017.
- 27 Branko Čečen, Center for Investigative Journalism of Serbia, email response to IRM Researcher, 7 December 2017.
- 28 Nemanja Nenadić, Transparency Serbia, email response to IRM Researcher, 7 December 2017
- 29 European Commission
- 30 Freedom House, Freedom of the Press 2017, Serbia Profile, <https://freedomhouse.org/report/freedom-press/2017/serbia>

### III. Leadership and Multi-stakeholder Process

The Ministry of Public Administration and Local Self-government, with support of the Office for Cooperation with Civil Society, established a working group gathering government and civil society representatives early in 2016. This group led the consultation process which, unlike the previous action plan, included advance notice of meetings and awareness-raising activities. Hence, the depth and breadth of consultations were more extensive, especially taking into consideration that both central- and local-level events were organized. However, regular multi-stakeholder consultations stopped following the adoption of the working plan due to the 2017 presidential elections. The self-assessment of the government has not yet been made available.

#### 3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Serbia. Table 3.1 summarizes this structure while the narrative section (below) provides additional detail.

Table 3.1: OGP Leadership

1. Structure	Yes	No
Is there a clearly designated Point of Contact for OGP (individual)?	<input type="checkbox"/>	
	Shared	Single
Is there a single lead agency on OGP efforts?		<input type="checkbox"/>
	Yes	No
Is the head of government leading the OGP initiative?		<input checked="" type="checkbox"/>
2. Legal Mandate	Yes	No
Is the government's commitment to OGP established through an official, publicly released mandate?	<input type="checkbox"/>	
Is the government's commitment to OGP established through a legally binding mandate?	<input type="checkbox"/>	
3. Continuity and Instability	Yes	No
Was there a change in the organization(s) leading or involved with the OGP initiatives during the action plan implementation cycle?		<input checked="" type="checkbox"/>
Was there a change in the executive leader during the duration of the OGP action plan cycle?	<input type="checkbox"/>	

Serbia is a parliamentary democracy with three branches of government divided into an executive, legislature, and judiciary. Additionally, Serbia's Constitution recognizes three separate levels of governance: central, provincial, and local. The OGP process is legally mandated<sup>1</sup> and led by the Ministry of Public Administration and Local Self-government (MPALSG). Each action plan is developed by the MPALSG as the

coordinator of the Working Group in collaboration with other ministries, government bodies, and civil society organizations. Once the Working Group produces a draft, it goes to an inter-ministerial consultation process through which every public administration authority concerned with the draft issues a formal written opinion. In this process, the strongest and most binding opinions are those of the Ministry of Finance and the Legislative Secretariat. Therefore, these two institutions have the most decisive influence on the final version of the strategic document. The version of the action plan which emerges from this consultative process is then adopted by the Government through an act titled Government Conclusion.<sup>2</sup> (See Table 3.1 on the leadership and mandate of OGP in Serbia.) During the previous action plan reporting cycle, the researcher noted that MPALSG has little authority over other ministries, which negatively affected its OGP coordination process as other ministries were in charge of executing particular commitments. Following the 2017 presidential elections, the head of MPALSG was named prime minister, which may increase the visibility of OGP efforts. However, the 2017 elections also slowed down the implementation of the 2016-2018 action plan and reduced the number of consultative meetings with government and civil society. This is not a new phenomenon, as the same situation occurred during the finalization of the previous action plan cycle and the 2016 parliamentary elections.

Overall, the amount of budget and staff dedicated directly to OGP is limited. A lack of human resources is a particularly burdensome issue emphasized both by government and civil society, as the whole OGP process is coordinated by one individual in MPALSG. Coordination of OGP and implementation of most of the action plan commitments were already planned by other strategic documents or projects in order to ensure these activities could be properly funded.

### 3.2 Intragovernmental Participation

This subsection describes which government institutions were involved at various stages in OGP. The next section will describe which nongovernmental organizations were involved in OGP.

Table 3.2 Participation in OGP by Government Institutions

How did institutions participate?	Ministries, Departments, and Agencies	Legislative	Judiciary (including quasi-judicial agencies)	Other (including constitutional independent or autonomous bodies)	Subnational Governments
<b>Consult:</b> These institutions observed or were invited to observe the action plan but	8	1	0	1	0

may not be responsible for commitments in the action plan.					
<b>Propose:</b> These institutions proposed commitments for inclusion in the action plan.	5	1	0	1	0
<b>Implement:</b> These institutions are responsible for implementing commitments in the action plan whether or not they proposed the commitments.	5	1	0	1	0

In Serbia, participation in OGP was limited to a small number of ministries and offices which already cooperate with civil society in some manner.

Nonetheless, the participation of some of these bodies in OGP, for example the participation of the Office for Cooperation with Civil Society (CSO), has been extensive. The Office for Cooperation with Civil Society was established by the Government of the Republic of Serbia as a government service – an institution that performs professional or technical tasks for the entire Government, ministries or government organizations. It is therefore directly accountable to the Government, which also appoints its director. According to the regulation establishing the OCCS, it performs expert tasks for the Government, pertaining to ensuring the consistency of actions of public authorities and promoting the cooperation of public authorities with associations and other civil society organizations.

During the first roundtable with CSO representatives in February 2016, representatives of different government institutions served as moderators helping to define civil society proposals for commitments for the next action plan. While the MPALSG defined the action plan themes, government representatives from other bodies and civil society drafted the first commitments. Government institutions included in this process were then defined as responsible institutions in the official action plan, along with the names of individuals leading the implementation process.

Presidential elections in the first year of implementation eventually led to reshuffling within these institutions, leading to inconsistencies between the action plan and current implementing institutions. For example, the Directorate for e-Government,

which was previously a body within MPALSG, now has more autonomy as the Office for IT and e-Government.<sup>3</sup>

### 3.3 Civil Society Engagement

Countries participating in OGP follow a set of requirements for consultation during development, implementation, and review of their OGP action plan. Table 3.3 summarizes the performance of Serbia during the 2016-2018 action plan.

Table 3.3: National OGP Process

Key Steps Followed: 5 of 7						
Before	<b>1. Timeline Process &amp; Availability</b>			<b>2. Advance Notice</b>		
	Timeline and process available online prior to consultation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Advance notice of consultation	No <input type="checkbox"/>	Yes <input type="checkbox"/>
	<b>3. Awareness Raising</b>			<b>4. Multiple Channels</b>		
	Government carried out awareness-raising activities	Yes <input type="checkbox"/>	No <input type="checkbox"/>	4a. Online consultations:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
				4b. In-person consultations:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	<b>5. Documentation &amp; Feedback</b>					
Summary of comments provided				Yes <input type="checkbox"/>	No <input type="checkbox"/>	
During	<b>6. Regular Multi-stakeholder Forum</b>					
	6a. Did a forum exist?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	6b. Did it meet regularly?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
After	<b>7. Government Self-Assessment Report</b>					
	7a. Annual self-assessment report published?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	7b. Report available in English and administrative language?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	7c. Two-week public comment period on report?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	7d. Report responds to key IRM recommendations?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

A small number of civil society organizations were first included in the OGP process through the OGP working group established in January 2016.<sup>4</sup> The government established this group in a transparent manner via an open call for CSOs, which was published online and included a set of criteria.<sup>5</sup> Only CSOs registered at least three years prior to the publication of the call, dealing with OGP-relevant issues (e.g. fiscal transparency, open data, anticorruption, etc.), and which had implemented at least two relevant projects or published a relevant study in the previous three years were eligible to apply. The group gathered representatives of 24 institutions, 18

government institutions, the Chamber of Commerce of Serbia, and five civil society organizations. The first meeting of the group was held on 8 February 2016 and it gathered 18 government representatives, one representative of the Chamber of Commerce of Serbia, one UNDP representative, and six CSO representatives. The minutes of this meeting, as well as all subsequent meetings, are available in Serbian online.<sup>6</sup>

Following this process, the government included a wider range of civil society actors through a roundtable for CSO representatives on 19 February 2016. 47 representatives of civil society were present at this roundtable and they formulated 22 commitment proposals for the following action plan, while an additional six proposals were sent online via email to the MPALSG following the roundtable.<sup>7</sup> Overall, the working group held five meetings from February until August 2016, and each gathered both government and civil society representatives, although the size of the meetings fluctuated. Two additional consultative meetings were held at the local level in Niš and Novi Sad, two large regional cities. These meetings did not result in additional commitments and their nature was more focused on awareness-raising related to the OGP process in Serbia. Overall, the core of the consultation process was primarily focused on expert organizations already familiar with the OGP process, while informal citizens' initiatives did not shape the action plan. This aspect requires more attention, as informal stakeholders do not necessarily "speak" the policy language, yet can be more familiar with local-level problems.


Civil society was given significant space for influence in the drafting of the action plan. However, only 5 out of 22 commitments proposed by the CSO<sup>8</sup> were accepted during the finalization of the current national action plan (in the final stage of inter-ministerial consultations), and some of the key CSO inputs were not included. Namely, a commitment proposing opening Serbia's budget in an open data format was rejected by the Ministry of Finance<sup>9</sup> following a series of meetings with both civil society and government representatives which tried to negotiate on this commitment.<sup>10</sup> Hence, while CSOs indicated their satisfaction in cooperating with government institutions during the consultations for this action plan, there were issues with some institutions remaining closed to constructive cooperation. The report on the consultation process and received comments was published online in September 2016.<sup>11</sup>

#### Table 3.4: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.<sup>1</sup> This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for "collaborative".

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<sup>1</sup>[http://c.yimcdn.com/sites/www.iap2.org/resource/resmgr/foundations\\_course/IAP2\\_P2\\_Spectrum\\_FINAL.pdf](http://c.yimcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf)

Level of public influence		During development of action plan	During implementation of action plan
<b>Empower</b>	The government handed decision-making power to members of the public.		
<b>Collaborate</b>	There was iterative dialogue AND the public helped set the agenda.		
<b>Involve</b>	The government gave feedback on how public inputs were considered.		
<b>Consult</b>	The public could give inputs.		
<b>Inform</b>	The government provided the public with information on the action plan.		
<b>No Consultation</b>	No consultation		

### 3.4 Consultation During Implementation

As part of their participation in OGP, governments commit to identify a forum to enable regular multi-stakeholder consultation on OGP implementation. This can be an existing entity or a new one. This section summarizes that information.

The MPALSG established a working group gathering both government and civil society representatives for the purposes of co-creating the action plan in January 2016. However, given that the scope of work of the group was limited to one action plan cycle, the MPALSG indicated the need for re-establishing the working group to widen its scope of work to include continued implementation of the current action plan and beginning the drafting process of the new one. The process of establishing the new working group was expected to begin in late 2017.<sup>12</sup> Given this context, before then, no formal working group meetings have been organized during the implementation process.

Nonetheless, six months into the implementation of the action plan, MPALSG organized one open meeting for civil society organizations in June 2017, outside of the scope of work of the working group. The minutes or a report of this meeting have not been published,<sup>13</sup> although an interviewed CSO representative confirmed that the meeting provided an opportunity to give feedback on the AP implementation.<sup>14</sup> Conversely, a good practice from the action plan development phase was that the minutes of the working group meetings, as indicated in the previous section, were made available online and included the names of government and CSO representatives present at the meetings.<sup>15</sup>

Overall, most of the cooperation occurred during the drafting process, while consultation during implementation was limited and slowed down by elections. With the establishment of the new working group, the IRM researcher expects that the good practices during the action plan drafting process will be continued during implementation as well.

### 3.5 Self-Assessment

The OGP Articles of Governance require that participating countries publish a self-assessment report three months after the end of the first year of implementation. The self-assessment report must be made available for public comments for a two-week period. This section assesses compliance with these requirements and the quality of the report.

The MPALSG released a six-month self-assessment report in June 2017. There was no public comment period announced. Instead, one open meeting, gathering CSO and government representatives, was held on 27 June 2017 (mentioned also in section 3.4 above).<sup>16</sup> The quality of the report varied by commitment, as some institutions in charge of specific commitments were more detailed in their reporting than others.

Given that Serbia's action plan was adopted in November 2016, rather than June of that year, the MPALSG was late in publishing a draft self-assessment report on the first year of implementation.<sup>17</sup> This draft self-assessment report was published on 17 October 2017, and was open to comments for two weeks.<sup>18</sup> Although the draft self-assessment report is more extensive than the six-month self-assessment report, there is little difference in analysis and progress for each commitment, which signals a slow implementation process. The final version of the Report was published on 17 November 2017.

### 3.6 Response to Previous IRM Recommendations

Table 3.5: Previous IRM Report Key Recommendations

	Recommendation	Addressed?	Integrated into Next Action Plan?
1	Improve ownership of the OGP action plan by appointing a relevant authority with increased enforcement powers for the overall coordination of the OGP action plan. It should be an independent role, following the model of the state secretary for public revenue.	<input type="checkbox"/>	<input type="checkbox"/>
2	To ensure meaningful stakeholder participation in the development and implementation of the action plan, the government should coordinate with Parliament to initiate a legal mandate for open government and a permanent dialogue mechanism for public consultation.	<input type="checkbox"/>	<input type="checkbox"/>
3	Support ongoing efforts to connect the release of datasets with specific reform efforts in critical policy areas.	<input type="checkbox"/>	<input type="checkbox"/>
4	Commitments should be written in such a way that they clearly elaborate which policy targets they intend to achieve and how these activities will lead to reforms in the policy area.	<input type="checkbox"/>	<input type="checkbox"/>
5	The scope of the action plan should include		



other policy areas that would benefit from more openness and open government solutions such as healthcare, the pensions system, and undeclared workers.	□	□
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Of the five key recommendations, the MPALSG addressed all of them and integrated them to a certain extent in the current action plan. The first recommendation was addressed by organizing numerous official and informal consultative meetings with civil society representatives. These meetings ranged from formal working group meetings, to open meetings with CSOs in Belgrade and at local level, to individual meetings of CSOs with ministries in charge of individual commitments. However, private sector representatives were included in a more limited manner.<sup>19</sup> Secondly, while the MPALSG expanded their communication activities and broadened the geographical reach of the action plan consultations, they still have issues with a lack of human resources. Specifically, the MPALSG representative complained that the lack of HR capacities prevents innovative and ambitious initiatives.<sup>20</sup> As far as the fourth recommendation is concerned, the MPALSG made sure to include both government and civil society representatives in the consultative processes while the action plan was still in development. Lastly, Local Self-Government Units (LSGUs) and the Standing Conference of Towns and Municipalities (SCTM) have been included in cooperation on the current action plan and its commitments. Both the MPALSG and two Belgrade-based CSOs, Civic Initiatives and the Centre for Research, Transparency and Accountability (CRTA), are currently trying to raise awareness of OGP on the local level through a variety of formats, including meetings, presentations, and informative videos.<sup>21</sup> In particular, CRTA's work on the local level could lead to local-level OGP action plans.<sup>22</sup> Civic Initiatives and MPALSG organized awareness raising events in Belgrade, Zaječar and Subotica, which targeted both local CSOs and local self-governments, and had a high turnout.<sup>23</sup> The medium- and long-term effects of these civil society activities remain to be seen, however, in the short term, the number of informative OGP-related events has expanded the number of civil society and government representatives acquainted with OGP.

1 Zaključak Vlade Republike Srbije 05 br. 021-10793/2016 o usvajanju Akcioni plan za sprovođenje inicijative Partnerstva za otvorenu upravu u Republici Srbiji za 2016. i 2017. godinu [http://www.srbija.gov.rs/vesti/dokumenti\\_pregled.php?id=279281](http://www.srbija.gov.rs/vesti/dokumenti_pregled.php?id=279281).

2 For example, the Government Conclusion for the current action plan can be accessed here (in Serbian): <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/reg/viewAct/d0cfa421-8773-4a35-8369-294e5e28abaf>.

3 For example, see (in Serbian) Nevenka Rangelov, "Ukinuta direkcija za e-upravu — šta su implikacije?", <https://startit.rs/ukinuta-direkcija-za-e-upravu-sta-nam-to-govori/>

4 The timeline for this process can be accessed here (in Serbian), <https://ogp.rs/akcioni-plan-2016-2017/>

5 "Public Invitation," Republic of Serbia, [Serbian] <http://bit.ly/2fRuXnb>

6 See, <https://ogp.rs/vesti/>

7 The IRM researcher was present at this roundtable as an observer.

8 See visualizations of the action plan 2016-2018 (in Serbian), <https://ogp.rs/video/>.

9 See more (in Serbian), <http://www.istinomer.rs/clanak/1790/Ministarstvo-finansija-Gradjani-ne-bi-razumeli-budzet-u-Excelu>

10 Dragana Brajović, MPALSG, interview with IRM researcher, 24 August 2017.

11 The report can be accessed (in Serbian) here, <http://www.mduls.gov.rs/latinica/partnerstvo-za-otvorenu-upravu.php> or <https://ogp.rs/vesti/izvestaj-o-sprovedenim-javnim-konsultacijama/>

- 12 Dragana Brajović, MPALSG, stakeholder workshop organized by IRM researcher, 19 September 2017, Belgrade.
- 13 The public call for this event can be accessed here (in Serbian), <https://ogp.rs/vesti/poziv-za-ucesce-na-sastanku-u-okviru-pracenja-procesa-sprovođenja-ap-pou/#more-590>
- 14 Danijela Božović, CRTA, interview with IRM researcher, 16 August 2017.
- 15 The minutes of the working group meetings are available here in Serbian, <https://ogp.rs/vesti/>
- 16 ibid.
- 17 Dragana Brajović, MPALSG, stakeholder workshop organized by IRM researcher, 19 September 2017, Belgrade.
- 18 See (in Serbian), <https://ogp.rs/vesti/javni-poziv-za-davanje-komentara-na-privremeni-godisnji-izvestaj/>
- 19 Representatives of the Foreign Investors Council noted that the private sector has little knowledge of the OGP initiative and related action plans interview with IRM researcher, 14 September 2017.
- 20 Dragana Brajović, MPALSG, interview with IRM researcher, 24 August 2017.
- 21 Danijela Božović, CRTA, interview with IRM researcher, 16 August 2017.
- 22 On 20 September, CRTA organized a presentation of a model local level action plan and manual for creating an action plan in Zrenjanin. See more (in Serbian), <https://ogp.rs/vesti/predstavljen-nacrt-lokalnog-akcionog-plana/#more-612>.
- 23 See the reports on organized events (in Serbian): <https://www.gradjanske.org/u-subotici-predstavljen-akcioni-plan-za-otvorenu-upravu/>; <https://www.gradjanske.org/partnerstvo-za-otvorenu-upravu-u-zajecaru/>; <https://www.gradjanske.org/predstavljen-akcioni-plan-za-sporvodjenje-inicijative-partnerstvo-za-otvorenu-upravu/>

## IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.<sup>1</sup>

### What Makes a Good Commitment?

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan and analyzes the first year of their implementation.

The indicators used by the IRM to evaluate commitments are as follows:

- **Specificity:** This variable assesses the level of specificity and measurability of each commitment. The options are:
  - High: Commitment language provides clear, verifiable activities and measurable deliverables for achievement of the commitment's objective.
  - Medium: Commitment language describes activity that is objectively verifiable and includes deliverables, but these deliverables are not clearly measurable or relevant to the achievement of the commitment's objective.
  - Low: Commitment language describes activity that can be construed as verifiable but requires some interpretation on the part of the reader to identify what the activity sets out to do and determine what the deliverables would be.
  - None: Commitment language contains no measurable activity, deliverables, or milestones.
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
  - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
  - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions?
  - Public Accountability: Will the government create or improve opportunities to hold officials answerable for their actions?

- Technology & Innovation for Transparency and Accountability: Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?<sup>2</sup>
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
  - Identify the social, economic, political, or environmental problem;
  - Establish the status quo at the outset of the action plan; and
  - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.

**Starred commitments** are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

- Starred commitments will have "medium" or "high" specificity. A commitment must lay out clearly defined activities and steps to make a judgement about its potential impact.
- The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a "transformative" potential impact if completely implemented.<sup>3</sup>
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation.

Based on these criteria, Serbia's action plan contained no starred commitments.

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Serbia and all OGP-participating countries, see the OGP Explorer.<sup>4</sup>

### General Overview of the Commitments

The action plan was divided into six areas of commitments, namely:

- Public participation (commitments 1-5)
- Access to information (commitments 6 and 7)
- Open data (commitments 8 and 9)
- Government integrity (commitment 10)
- Fiscal transparency (commitments 11 and 12)
- Public services (commitments 13 and 14)

Given that some of these areas overlap, as was seen during the consultation process, there are relevant connections between commitments related to public participation and government integrity, as well as between those related to access to information and open data. These connections have affected, and will continue to affect, how activities within these commitments are implemented.

## Themes

Given the aforementioned overlap in goals and activities of commitments pertaining to different areas, the IRM researcher reorganized the commitment analysis in the following manner:

- Public participation and government integrity (commitments 1-5 and 10, with commitments 2 and 3, as well as 5 and 10 analyzed together)
- Access to information (commitments 6 and 7)
- Open data (commitments 8 and 9, analyzed together)
- Fiscal transparency (commitments 11 and 12, analyzed together)
- Public services (commitments 13 and 14)

The IRM researchers believe that this reorganization will make the report more understandable and less repetitive, bearing in mind that the commitments which were analyzed together shared either the same goals or activities.

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<sup>1</sup> Open Government Partnership: Articles of Governance, June 2012 (Updated March 2014 and April 2015), [https://www.opengovpartnership.org/sites/default/files/attachments/OGP\\_Articles-Gov\\_Apr-21-2015.pdf](https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf)

<sup>2</sup> IRM Procedures Manual. Available at: [http://www.opengovpartnership.org/sites/default/files/IRM-Procedures-Manual-v3\\_July-2016.docx](http://www.opengovpartnership.org/sites/default/files/IRM-Procedures-Manual-v3_July-2016.docx)

<sup>3</sup> The International Experts Panel changed this criterion in 2015. For more information visit: <http://www.opengovpartnership.org/node/5919>

<sup>4</sup> OGP Explorer: [bit.ly/1KE2WII](http://bit.ly/1KE2WII)

## 1. Develop model job description of civil society liaison

### Commitment Text:\*

*Title: Develop a model of job description or part of job description of an officer responsible for cooperation with civil society in local administration*

*Prepare and submit a model job description or part of a job description for a post in charge of civil society liaison for all LSGUs in the Republic of Serbia. The model job description should include a description of duties and a designation of job complexity and responsibility, with recommended civil service title, required level and type of education, qualifications and skills.*

\*Editorial Note: For full commitment text, please refer to National Action Plan at <https://www.opengovpartnership.org/documents/serbia-second-national-action-plan-2016-2018-english>

**Responsible institution:** Ministry of Public Administration and Local Self-Government (MPALSG), Standing Conference of Towns and Municipalities

**Supporting institution(s):** Office for Cooperation with the Civil Society, Local self-government units (LSGUs), Civic Initiatives

**Start date:** October 2016.....

**End date:** December 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
1. Develop Model Job Description of Civil Society Liaison				☐		☐				☐			☐			☐	

### Context and Objectives

While the previous years have brought increased cooperation between civil society and the government at the central level in Serbia, the same cannot be said for cooperation between local governments and CSOs. Numerous civil society reports have pointed out the lack of public trust and absence of constructive cooperation with local governments. For example, there are few public hearings at the local level, and mechanisms for cooperation do not exist.<sup>1</sup>

This commitment proposes introducing a model job description for a CSO liaison within LSGUs. Having an individual whose job would include the tasks of building and maintaining cooperation mechanisms between respective LSGU's and civil society

could improve cooperation. Therefore, this commitment is relevant to advancing OGP values of improving civic participation.

While the proposed measure is highly specific, its potential impact is minor as it lacks ambition and represents a minimum first step for improving cooperation with civil society. The director of the Office for Cooperation with Civil Society called this commitment “an important moment” in defining the relationship between civil society and LSGUs.<sup>2</sup>

However, experience at the local level shows that formal job descriptions of local level government employees may not actually match their real activities.<sup>3</sup> More importantly, the SCTM representative<sup>4</sup> and various CSO representatives<sup>5</sup> emphasized that the low trust of citizens and civil society in their local governments cannot be solved without addressing larger issues, including improving HR capacities in LSGUs and addressing rigid government hierarchies. For this commitment to lead to any tangible results, it is important that the recruitment of the civil society liaison officers actually takes place, necessary resources are provided and that this role has authority within the local executive body.

### **Completion**

This commitment is substantially completed. The MPALSG and SCTM developed the model of the job description in cooperation with the Office for Cooperation with Civil Society and the CSO Civic Initiatives. Main tasks include proposing and improving mechanisms for cooperation with CSOs, providing support in organizing public debates and consultations with CSOs, ensuring CSO participation in the local budgeting, keeping records on best practices, and other tasks related to promoting CSO participation, as well as reporting on the outcomes of cooperation.<sup>6</sup> As the job grade of the model officer falls at the lower to medium level of seniority, and as the position is foreseen to be located in the very formalistic departments for general administrative affairs, the IRM researchers do not expect these officers to be highly influential in the formal hierarchy.

As of September 2017, SCTM was finalizing its report, which includes a “follow up on the increase in the number of public administration bodies with a dedicated post for cooperation with CSOs” (envisaged as the last activity within this commitment). This commitment is one of the few activities in the action plan which was not slowed down or otherwise significantly affected by the 2017 presidential elections.

### **Early Results (if any)**

According to a recent SCTM analysis, tasks or complete job posts related to cooperation with CSOs are envisaged in 50 percent of town authorities.<sup>7</sup> The number is lower in the case of municipalities, where, based on a sample of 43 percent of municipalities, only 13 percent of them have these tasks included in the job descriptions. However, a SCTM representative indicates that most municipalities are generally understaffed and have problems covering even basic tasks.<sup>8</sup>

While the manner of completion and timeliness of this commitment were commended both by civil society and government representatives, all interviewees questioned the effect of this commitment in different ways. The representative of MPALSG explained that, even if LSGUs have an employee designated to cooperate

with civil society, this employee will not be in a position of authority and autonomy to design and implement strong cooperation mechanisms. As indicated above, IRM researchers consider this estimate as correct, based on the foreseen level of seniority of the officer as well as the fact that they will be located in the rather formalistic, and traditionally legalistic, general affairs departments. Additionally, given that LSGUs vary greatly in size and the number of CSOs acting on their territory, the MPALSG representative's opinion was that existence of this type of position would not make sense in the smallest LSGUs with very little or no civil society activity.<sup>9</sup>

Contrary to this view, the representative of the Office for Cooperation with Civil Society believes that the size of LSGUs and existing civil society activity are not significant factors.<sup>10</sup> Namely, he believes that employees working in smaller LSGUs will have the same amount of work as those working in large LSGUs with a proactive and dynamic civil society, but in different ways. Employees in large LSGUs will have to maintain cooperation and communication with the existing civil society ecosystem, while employees in small LSGUs will have to work on developing and fostering civil society activity.

### Next Steps

This commitment could be followed up on by looking at those LSGUs that have an employee designated to work with civil society and analyzing what these employees need to further improve government and civil society cooperation at the local level (such as capacity-building or exchanging best practices). Secondly, once the analysis by the SCTM is published, it would be useful to monitor the number of employees fitting the model job description over time. Moreover, further analyses should also include an assessment of powers and resources available to CSO liaison officers, both prescribed and in practice.

Overall, the view of the IRM researcher is that, although this commitment was coherent and clear, it could have been more ambitious. According to one government representative interviewed, there are more important activities happening at the local level that can foster better cooperation between government and civil society, and expansion of these initiatives should have been included in the action plan.<sup>11</sup> One example is a project on participatory budgeting in 10 municipalities.<sup>12</sup> Another example is an initiative led by the NGO CRTA to promote OGP at the local level and develop local OGP action plans.<sup>13</sup>

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<sup>1</sup> For example, see: Vanesa Belkić, Danijela Jović, Petar Đurović, Peđa Martinović and Dušan Vukajlović, "Učešće Civilnog Sektora u Dosadašnjem Strateškom Planiranju Razvoja na Lokalnom Nivou u Srbiji," Belgrade, October 2014, 17, <http://bit.ly/1OCRAVf>

<sup>2</sup> Žarko Stepanović, Office for Cooperation with Civil Society, interview with IRM researcher, 18 September 2017.

<sup>3</sup> Marko Tomašević, Standing Conference of Towns and Municipalities, interview with IRM researcher, 5 September 2017.

<sup>4</sup> Marko Tomašević, Standing Conference of Towns and Municipalities, interview with IRM researcher, 5 September 2017.

<sup>5</sup> Local level CSOs present at the stakeholder workshop organized by IRM researcher, Belgrade, 19 September 2017.

<sup>6</sup> Model job description is accessible here: <http://www.skgo.org/reports/details/1882>



<sup>7</sup> Based on a sample of 18 out of 26 towns (70%), **additional information provided by Marko Tomašević**, Standing Conference of Towns and Municipalities, 17 November 2017.

<sup>8</sup> **Additional information provided by Marko Tomašević**, Standing Conference of Towns and Municipalities, 17 November 2017.

<sup>9</sup> Saša Mogić, Ministry of Public Administration and Local Self-Government, interview with IRM researcher, 5 September 2017.

<sup>10</sup> Žarko Stepanović, Office for Cooperation with Civil Society, interview with IRM researcher, 18 September 2017.

<sup>11</sup> Saša Mogić, Ministry of Public Administration and Local Self-Government, interview with IRM researcher, 5 September 2017.

<sup>12</sup> See more, <https://birn.eu.com/uncategorized/participatory-budgeting-project-completed-in-serbia/>

<sup>13</sup> See more, <https://ogp.rs/vesti/nastavak-promocije-partnerstva-za-otvorenu-upravu/#more-627>

## 2. Organise Trainings for Public Servants

*Title: Organise trainings for public administration officers in connection with the application of the Guidelines on Inclusion of Civil Society Organisations in the Process of Passing Regulations*

*Plans have been made for up to 5 training events for representatives of public administration that would address the importance and potential modalities of cooperation with civil society organisations in the process of developing and implementing regulations and other public policy documents.*

*The trainings will be organised in collaboration with the Human Resource Management Service and other public administration services. The minimum planned number of participants is 20, including officers in charge of drafting regulations, as well as officers in charge of financing and cooperation with civil society organisations.*

(Office for Cooperation with the Civil Society; Human Resource Management Service, Civil society organisations. December 2016 – December 2017)

## 3. Organise Civil Society Trainings

*Title: Organise trainings for CSO in connection with application of the Guidelines on Inclusion of Civil Society Organisations in the Process of Passing Regulations*

*The plan is to collaborate with Civic Initiatives to make a public call for interested CSOs and hold 4 training events for CSO staff in connection with application of the Guidelines on Inclusion of Civil Society Organisations in the Process of Passing Regulations in several cities in the Republic of Serbia. Minimum 30 representatives of CSOs are expected to undergo this training.*

(Office for Cooperation with the Civil Society; LSGU; Civic Initiatives; Civil society organisations. December 2016 – December 2017)

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
2. Organise Trainings for Public Servants				☐		☐				☐			✗				☐
3. Organise Civil Society Trainings				☐		☐				☐			✗				☐

## Context and Objectives

Public servants, particularly at the local level, are not always aware of the benefits of civil society inclusion in the decision-making process. In addition, CSOs could be more vocal to demand greater participation and offer constructive partnership with the state. While local governments tend to view cooperation with CSOs through the provision of financial assistance,<sup>1</sup> and have limited awareness of other possible modes of interaction<sup>2</sup>, local CSOs often lack human resources and more substantial legal knowledge.<sup>3</sup>

The aim of these two commitments is to increase awareness and capacities of both public administration bodies and civil society organizations to foster mutual trust, and enhance citizen involvement in policy-making and implementation. To this end, the government proposed trainings for these two target groups, which is relevant for promoting the OGP value of civic participation. The commitment texts are highly specific as they envisage clear activities and measurable outputs.

Both commitments have a minor impact on changing the status quo. Civil servants would gain additional knowledge and skills, learn to better understand CSO needs, and better grasp the mechanisms for more consistent cooperation in government decision-making processes. Good practice examples included in the training content could be useful to promote a positive peer-pressure dynamic between institutions. However, the effects would remain limited in the short-term because the number of trainees, list of institutions included, and training hours are relatively low compared to the total number of public servants in Serbia (estimated around 39,000 public servants in the central and local administrations) and the number of CSOs in the country (over 31,000 registered organisations).<sup>4</sup> Additionally, there is no plan to monitor whether the lessons learned are being implemented. While civil society representatives see trainings for CSOs as beneficial for building their organizational capacities and raising knowledge,<sup>5</sup> they believe that trainings dedicated to public servants are not a satisfactory solution for tackling deeper systematic issues.<sup>6</sup> They additionally see this as a mild approach that will not lead to long-term effects, especially because trainees are often lower-level servants with limited decision-making powers. On the other hand, public servants commend the purpose, significance and necessity of the trainings for public administration.<sup>7</sup>

## Completion

There has been substantial progress in completing both commitments. OCCS developed the training program for public servants based on a regular module of the general professional development program for civil servants provided by the Government HRM Service.<sup>8</sup> Unlike the regular module, which is broader and includes improving inter- and intra-ministerial consultations and public debates, the training module developed by OCCS is more focused on cooperation between CSOs and the state. It focuses on the institutional and legal framework for cooperation, presentation of the OCCS' work and available guidance, financing of CSOs, guidelines

for the inclusion of civil society, and concrete models of cooperation such as informing CSOs, seeking expert advice from them, including them in decision making and establishing partnerships.<sup>9</sup> The IRM researchers assess the training content as adequate given the target groups and identified problems and needs. At the same time, a shift from introductory topics to a more advanced training curriculum would better help achieve desired effects in the long-term.

Trainings for local government employees were still ongoing after the first year of action plan implementation. Within the timeframe of this report, the government had conducted two out of three planned trainings for public administration. Four CSO trainings were organized between October and November 2017, which is outside of the timeframe of this report. So far, a total of 39 trainees from 19 local self-governments and five town municipalities have been trained, which is roughly half of the targeted number of institutions.<sup>10</sup>

Trainings for public administration representatives have initially been delayed due to limited capacities in the Office for Cooperation with Civil Society.<sup>11</sup> A representative of OCCS believes that all trainings will be completed on-time (by the end of 2017).<sup>12</sup> According to the HRM Service, in the framework of general professional development of civil servants there is usually a low number of trainings related to this topic per year. This is a result of several factors: 1) the Training Needs Assessment<sup>13</sup> conducted at the level of the state administration, which shows which topics are more popular, 2) a low number of civil servants apply for the trainings; 3) busy schedule and heavy workload of some of the trainers (as many of the trainers are regular civil servants).<sup>14</sup>

Finally, the OCCS prepared the Report on Completed Trainings with recommendations for further improvement of the collaboration process. It covers two trainings for public servants and is publicly available.<sup>15</sup>

### **Early Results (if any)**

As a result of the trainings, the OCCS seems to have established firmer links with local administration bodies, familiarizing them with existing opportunities to ask for assistance, advice and guidance for interacting with CSOs. The training content was highly evaluated by 80 percent of the participants, with 64 percent of them stating that the knowledge gained would be applicable in practice and would improve their role in CSO cooperation.<sup>16</sup> According to OCCS, trainees increased their knowledge by ca. 11.3 percent compared to the baseline.<sup>17</sup> The real effects of trainings in terms of concrete cooperation cases are expected to be seen in the upcoming period.<sup>18</sup>

The IRM researchers conducted online interviews with a number of trainees, asking their personal views on the quality and effectiveness of the trainings. Generally, the attitude among trainees was positive, highlighting that the trainings were helpful and applicable for their future work. Additionally, many said the component of sharing experiences between participants was useful. On the negative side, participants pointed out that a significant number of local self-government employees were already trained to work with CSOs, but that they do not have the authority to

autonomously plan and implement activities. Hence, their influence is limited to what the local political leadership thinks should be done.

### Next Steps

According to the OCCS representative the remaining trainings for both target groups will be conducted by the end of 2017.<sup>19</sup> A local government employee who participated in the trainings indicated the need for improving the legal framework for cooperation between local governments and CSOs, as well as the need to educate political leadership on the possibilities and importance of cooperation.<sup>20</sup> On the other hand, a CSO representative highlights that only an umbrella law on cooperation between the civil society and the government would show tangible and long-term results.<sup>21</sup>

The IRM researchers recommend that both of the commitments are completed until the end of the current action plan, and that the topic of improving collaboration and increasing capacity-building for both CSOs and civil servants is included in the next action plan but with significantly greater ambition.

To improve the quality of trainings IRM researchers recommend:

- Conduct trainings for civil servants and CSO representatives *together*. This can lead to better mutual understanding of the needs and capacities for cooperation in decision-making, as well as acting as an exercise in trust-building.
- Better promote the trainings among the high-level public servants (e.g. managers) and require their participation together with their employees. That will allow for sensitization of those with decision-making powers and enable better application of trainings.
- Consider developing, together with local CSOs, part of the Manual for the Implementation of the Guidelines for the Inclusion of Civil Society Organizations that will be especially dedicated to local self-governments, and include real local-level experiences and good practice examples. .
- Develop a plan to monitor the impact of training. To better measure impact, administration should consider more advanced indicators of success of the trainings: for example, are departments publishing more information proactively, are CSOs participating more actively, etc.

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<sup>1</sup> Milena Banović, Office for Cooperation with Civil Society, interview with IRM researchers, 18 September 2017.

<sup>2</sup> Jelena Kokotović, Regionalna građanska unija, Stakeholder Workshop, 19 September 2017.

<sup>3</sup> Jelena Kokotović, Regionalna građanska unija, Stakeholder Workshop, 19 September 2017.

<sup>4</sup> Business Registration Agency, <http://bit.ly/2ois6ZH>

<sup>5</sup> Stakeholder Workshop, 19 September 2017.

<sup>6</sup> Bojana Selaković, Civic Initiatives, Stakeholder Workshop, 19 September 2017.

- <sup>7</sup> Online interview with trainees from local self-governments, 26-29 September 2017.
- <sup>8</sup> Milena Banović, Office for Cooperation with Civil Society, interview with IRM researchers, 18 September 2017.
- <sup>9</sup> Milena Banović, Office for Cooperation with Civil Society, interview with IRM researchers, 18 September 2017.
- <sup>10</sup> Office for Cooperation with Civil Society, Report on the conducted trainings, <http://civilnodrustvo.gov.rs/%D0%BF%D0%BE%D1%87%D0%B5%D1%82%D0%BD%D0%B0.122.html>
- <sup>11</sup> Bojana Selaković, Civic Initiatives, Stakeholder Workshop, 19 September 2017; Milena Banović, Office for Cooperation with Civil Society, interview with IRM researchers, 18 September 2017.
- <sup>12</sup> Ibid.
- <sup>13</sup> Government HRM Service, Report of Training Needs Assessment, <http://suk.gov.rs/dotAsset/21470.pdf>
- <sup>14</sup> Dragana Janković, Government Human Resource Management Service, interview with IRM researcher, 7 September 2017.
- <sup>15</sup> <http://civilnodrustvo.gov.rs/%D0%BF%D0%BE%D1%87%D0%B5%D1%82%D0%BD%D0%B0.122.html>
- <sup>16</sup> Office for Cooperation with Civil Society, Report on the conducted trainings, <http://civilnodrustvo.gov.rs/%D0%BF%D0%BE%D1%87%D0%B5%D1%82%D0%BD%D0%B0.122.html>
- <sup>17</sup> Ibid.
- <sup>18</sup> Milena Banović, Office for Cooperation with Civil Society, interview with IRM researchers, 18 September 2017.
- <sup>19</sup> Milena Banović, Office for Cooperation with Civil Society, interview with IRM researchers, 18 September 2017.
- <sup>20</sup> Online interview with the trainees, 26-29 September 2017.
- <sup>21</sup> Bojana Selaković, Stakeholder Workshop, Belgrade, 19 September 2017.

## 4. Improve collections of citizen and business initiatives

**Commitment Text:**

*Title: Improve the system for collecting initiatives from citizens and businesses*

*Different models should be available for enabling the participation of citizens and businesses in the decision-making process. An improved system for soliciting initiatives from citizens and businesses would be a key mechanism for the decision-making process. This commitment will require the installation of appropriate online software and provision of functionalities on the website of the Republic Secretariat for Public Policies (RSPP) through better, faster and easier access of citizens and businesses to the content of RSPP's website. There are also plans to establish a Forum for Initiatives for Amendment of Inefficient Regulations in the Legislative Process. This system would enable citizens and businesses to submit initiatives to amend any existing regulations or initiatives to pass new regulations. For this system to be able to function properly, it will be necessary to build the capacities of the RSPP staff in charge of these duties.*

**Responsible institution:** Republic Secretariat for Public Policies

**Supporting institution(s):** Ministry of Public Administration and Local Self-Government – eGovernment Directorate, Ministry of Economy, Civil society organisations and companies

**Start date:** Ongoing .....

**End date:** 2Q 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
4. Improve collections of citizen and business initiatives			☐			☐		☐		☐			x			☐	

**Context and Objectives**

Regulations in Serbia are frequently enacted without taking into account views of the key stakeholders to be affected by new rules, leading to the adoption of legal solutions that do not properly or entirely address concrete problems.<sup>1</sup> What often motivates decision-makers in Serbia to involve stakeholders in the process is only formal compliance with prescribed procedures or gaining confirmation for decisions

already made.<sup>2</sup> In the case of businesses, complicated administrative procedures seriously hinder business development.<sup>3</sup>

This commitment aims to facilitate the role of citizens and businesses in the decision-making process. An online portal for collecting initiatives to amend or propose legislation, as well as to abolish unnecessary red tape, would enable users to directly communicate with the Republic Secretariat for Public Policies (RSPP) and indicate which regulations impose administrative obstacles. Afterwards, the RSPP would forward the initiative to the responsible institution and inform the submitter, while the public would be able to monitor outcomes. Another result of this commitment would be a forum to discuss collected initiatives.

This commitment does not describe the goals and activities with sufficient precision. The commitment is unclear on establishing the Forum, not specifying its purpose, form, composition or working methods. According to the CSO representative<sup>4</sup> this commitment was added to the action plan at the very end of the consultative process, and only after the conclusion of public consultations.<sup>5</sup>

While the commitment represents a positive step to improve gathering input from citizens and the business community, it would have a minor impact. The commitment does not specify how the proposed initiatives will be considered, nor does it envisage mechanisms that would oblige government institutions to consider any of the proposed initiatives. Both CSO and business representatives commend the idea, but raise concerns about its effectiveness, the transparency of the process and the quality of feedback.<sup>6</sup>

### **Completion**

There has been substantial progress in implementation of this commitment. With the assistance of UNDP, the online portal "Adminhack"<sup>7</sup> was established at the end of 2016. The portal can be used to both submit initiatives and monitor the process. All submitted initiatives and their status, as well as the response of the administration, are publicly accessible. Although accessible for every citizen, the portal has been "piloted" in the Information Communications Technology (ICT) business community through explicit invitations to make the first initiatives.<sup>8</sup> Moreover, UNDP hired consultants to develop a communication strategy in which RSPP organized roundtable meetings with ICT sector representatives to present and promote the portal.<sup>9</sup> In addition to promotional online articles, a Facebook page was created, but the last activity was in February 2017, which could indicate little engagement on the government side.<sup>10</sup> The IRM researchers could not determine in what way citizens have been included in this commitment, since the examined promotional articles<sup>11</sup> were focused only on businesses. On the other hand, a representative of RSPP recognizes that the current responsiveness and interaction with users is still challenging due to the low human resource capacities of the RSPP.<sup>12</sup> Namely, even though four people have been assigned to administer the portal, none of them is exclusively working on it due to other priorities. The long-term success of these mechanisms is highly dependent on the government's commitment to provide



feedback and take action based on the received initiatives. Therefore, the IRM researchers positively view the RSPP's refraining from wide promotion of the portal as long as their internal capacity to work on the portal is low.

By launching the portal, the government created an online forum where initiatives can be publicly discussed. So far, the forum has only a restricted audience – the ICT business sector as invited pilot users. Although the AP envisages quarterly meetings of CSOs, administrative bodies and businesses, the RSPP has not developed a physical forum yet, which is inconsistent with the Government's Self-Assessment Report on AP implementation, stating that all activities within this commitment have been completed.<sup>13</sup> A RSPP representative confirms that the forum should have both an online and a physical component.<sup>14</sup> There is no consistent message so far regarding the physical forum's composition, working methods or expected results.

Internal procedures for collecting and processing initiatives were finalized on 29 September 2017 and should become official at the beginning of October 2017,<sup>15</sup> which is a six-month delay due to lack of HR capacity.<sup>16</sup> Although initially drafted at the beginning of 2017, procedures have been "tested" in parallel with the piloted portal, and therefore adjusted several times. The final version would be integrated with the general procedures that the RSPP has been using for initiatives received through email or postal mail. The view of the RSPP is that the procedures have been applied 90 percent of the time, but timely responsiveness remains a challenge.<sup>17</sup> There is no evidence yet that the application of these procedures is effectively leading to changes, since there are no mechanisms to encourage or demand feedback from the relevant agency.

### **Early results (if any)**

So far, the ICT business community has submitted 17 initiatives to the portal, out of which three have been solved/implemented, four are pending and seven are currently being processed and should be resolved by the end of September 2017.<sup>18</sup> The remaining three initiatives have been rejected by the RSPP as groundless and the submitters were informed of the reasons. Some users of the portal report poor quality of argumentation provided by the Government and say that little has been done to respond to a problem submitted via the portal.<sup>19</sup> They see the portal as a great tool that could provide relevant information to public administration, however, they assess its current function as that of a "bulletin board for attaching problems," without real interest for changes.<sup>20</sup>

### **Next Steps**

To ensure effectiveness and wider uptake of the proposed tool, the IRM researchers propose the following:

- Improve interaction between users of the portal and administrators by involving users in re-designing and improving the interface of the portal for easier use. Additionally, the domain name of the web page should be changed into something more intuitive for the users and complementary to its content and purpose.

- In the short-term, consider the possibility to designate a single person whose exclusive task would be to administer the portal. In the long term, consider strengthening the human capacities of the RSPP. Include other state administration bodies in direct communication with the users of the portal, such as by making it mandatory for each institution to have a designated user on the forum and to encourage that user to be active.
- Once the human resource capacities of the RSPP are strengthened, promote the portal among other stakeholders beyond the ICT community.
- Make the Forum for initiatives fully functional. Clarify the purpose of the online and physical forum by providing more details about planned composition, working methods and expected results. The physical forum could serve to enable substantive discussion between the government, the initiators and the expert community (CSOs included) regarding the concrete initiatives, whereas the online forum could serve as an accountability instrument, in order to allow the public to monitor how the received initiatives are considered and processed into legislation.

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<sup>1</sup> Think for Europe Network, November 2016, [http://cep.org.rs/wp-content/uploads/2016/11/policymaking\\_in\\_the\\_western\\_balkans\\_final.pdf](http://cep.org.rs/wp-content/uploads/2016/11/policymaking_in_the_western_balkans_final.pdf).

<sup>2</sup> Aleksandar Bogdanović, *Think tank organizacije u Srbiji: u potrazi za uticajem*, Evropski pokret u Srbiji, 2016, p.2., <http://www.emins.org/uploads/useruploads/forum-it/08-PB-Think-tank--NETSRB.pdf> 8

<sup>3</sup> <http://ceves.org.rs/wp-content/uploads/2017/05/Mapiranje-prepreka-za-preduzetni%C5%A1tvo-mladih.pdf> p. 30 ; Online interview with a representative of the private sector, 28 September 2017.

<sup>4</sup> Danijela Božović, CRTA, interview with IRM researcher, 16 August 2017.

<sup>5</sup> <http://ogp.rs/vesti/zapisnik-sa-petog-sastanka-radne-grupe-za-izradu-akcionog-plana/>

<sup>6</sup> Online interviews with representatives of the private sector, 28 September 2017, and Stakeholder Workshop, 19 September 2017.

<sup>7</sup> Adminhack portal, <https://adminhack.yrpri.org/group/883>.

<sup>8</sup> <http://www.rsjp.gov.rs/ukljuci-se-i-kreiraj-svoje-poslovno-okruzenje/t>

<sup>9</sup> Ninoslav Kekić, Republic Secretariat for Public Policies, interview with IRM researcher, 5 September 2017.

<sup>10</sup> <https://www.facebook.com/AdminHackRS/>

<sup>11</sup> See: <https://startit.rs/pokrenut-adminhack-rs-traze-se-predlozi-it-industrije-za-smanjenje-administrativnih-prepreka/> <http://sociojalnoukljucivanje.gov.rs/rs/ukljuci-se-i-kreiraj-svoje-poslovno-okruzenje/>; <https://www.vesti.rs/Dobre-vesti/Ponudite-predlog-za-smanjenje-administrativnih-prepreka.html>; <https://www.rnids.rs/publikacije/RNIDSinfo34.pdf>

<sup>12</sup> Ninoslav Kekić, Republic Secretariat for Public Policies, interview with IRM researcher, 5 September 2017.

<sup>13</sup> MPALSG, "Provisional Annual Self-Assessment Report on implementation of the Action Plan for Implementation of the Open Government Partnership Initiative in the Republic of Serbia for 2016 and 2017, <http://www.mduls.gov.rs/doc/Privremeni%20godisnji%20izvestaj-samoprocena%20o%20implementaciji%20AP%20OGP%202016-17.doc>

<sup>14</sup> Ninoslav Kekić, Republic Secretariat for Public Policies, interview with RM researcher, 5 September 2017.

<sup>15</sup> Ibid.

<sup>16</sup> Government evaluation for the first 6 months of the AP implementation.

<sup>17</sup> Ninoslav Kekić, Republic Secretariat for Public Policies, interview with IRM researcher, 5 September 2017.

<sup>18</sup> Ibid.

<sup>19</sup> Online interview with a representative of the private sector, 28 September 2017.

<sup>20</sup> Ibid.

## 5. Standards for Civic Participation

*Title: Introducing standards for civic participation in the public policy management system*

*The key aspect of this commitment is to provide for consultations, i.e. to impose a duty on state administration bodies to hold consultations when drafting proposals of public policy documents. A legal framework should be put in place to define the consultation process, set out the criteria for determining the appropriate type and scope of consultations, specify the criteria for choosing representative members of the public and the business community who are knowledgeable on the subject matter and could take part in the consultations and provide for a duty to make public calls for participation of stakeholders and target groups.*

*Another important form of civic participation in the decision-making process is public hearing. It is necessary to set out methodological rules for the conduct of public hearings, standardise the public hearing process and ensure appropriate participation of stakeholders and target groups in the process of passing of public policy documents.*

(Republic Secretariat for Public Policies; Ministry of Finance, Ministry of Public Administration and Local Self-Government, Secretariat General, Republic Secretariat for Legislation, Office for Cooperation with the Civil Society. Ongoing – June 2017)

## 10. Public Hearings on Drafting of Laws

*Title: Improve the institute of public hearing in the drafting of laws*

*Amendments to the Law on Public Administration and the Government's Rules of Procedure as they pertain to mandatory public hearings in the drafting of laws.*

Ministry of Public Administration and Local Self-Government, Government's Secretariat General, Republic Secretariat for Legislation; Anti-Corruption Agency, Republic Secretariat for Public Policies, Civil society organization. Q4 2016 – Q2 2017)

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
5. Standards for Civic Participation				☐	☐	☐					☐		×				☐
10. Public Hearings on Drafting of Laws				☐	☐	☐					☐		×		☐		

### Context and Objectives

Serbian citizens have few ways to influence the process of drafting regulations and other policies, and even fewer ways to monitor their implementation. Due to an

unfavorable legal and institutional framework, civil society involvement often boils down to *ad-hoc* activities, usually through participation in public hearings or legal working groups.<sup>1</sup> Public hearings are required only for laws, but their scope is limited, they do not always take place and decision-makers are often unaware of their outcomes.<sup>2</sup> On occasions when a public hearing is held, it often has no impact due to the pro forma nature of the hearing or because it is scheduled too late into the drafting process.<sup>3</sup> Interested citizens that attend these meetings usually receive no quality feedback on the comments submitted.<sup>4</sup> In addition to this, the concept of consultations during the drafting of laws and policy documents is still unrecognized in the Serbian legal system and is often misinterpreted by some public administration bodies as the equivalent of a public hearing.<sup>5</sup>

The objective of these two commitments is to facilitate and enhance citizen participation in policymaking. First, public hearings would be legally mandated for draft laws and public policy documents. Exceptions would be allowed only for laws when there is an urgent need for enforcement, such as ratifying international treaties, or amendments which are only "technical" and do not affect rights or obligations of people or legal persons. Second, before the beginning of the regulatory drafting process, responsible institutions would be required to inform the public and open a consultative process at all stages. This would be done through the introduction of "concept papers," which would be used to communicate to and involve the public in decision-making processes at an early stage. Finally, responsible institutions would be required to publish all received suggestions and comments, as well as to provide and publish official responses.

To achieve this, the Government committed to amend the Law on State Administration and the Government Rules of Procedures, as well as to enact a Law on Planning System and prescribe methodological rules for conducting consultations and public hearings during the preparation and adoption of public policy documents. These commitments would have a moderate impact on citizens as they would create conditions for advancing civic participation, while simultaneously improving access to information, and fostering transparency as well as public accountability. Strengthening the feedback mechanism would enhance mutual trust between civil society and the state.<sup>6</sup> The concept paper component has been particularly highlighted among civil society as a positive step forward,<sup>7</sup> bringing more transparency and opportunity for discussion. Opening the door to the public during the primary phase prior to legal drafting is seen by a Serbian legal expert as almost revolutionary compared to the existing situation, and could form the basis of a completely different approach to legislation for the government.<sup>8</sup> However, since the commitment is only an endorsement of the Bill (not passing the Law in the Parliament), the potential impact is moderate.

### **Completion**

The commitment related to introducing standards for civic participation in the public policy management system has been fully completed. Following a public hearing process held in January 2017, the RSPP developed the text of the Draft Law on Planning System in March 2017.<sup>9</sup> The RSPP gathered opinions on the draft from other

public administration bodies, but government restructuring in 2017 following presidential elections required the RSPP to collect additional opinions from newly-established ministries, which caused delays. The Government finally established the law proposal on August 31, 2017<sup>10</sup> and forwarded it to the Parliament on 6 September. Representatives of RSPP believe that the drafting process encompassed wide public consultations, including approximately 170 public representatives, local government actors and civil society.<sup>11</sup> There were additional, informal consultations with invited individuals, while a total of 30 proposals were collected during the public hearing process.<sup>12</sup>

The Regulation on the Methodology for Public Policy Management, Analysis of Effects of Public Policies and Regulations and Content of Specific Public Policy Documents was prepared in March 2017. This regulation is expected to be adopted within six months after the primary law enters into force, and it should, among other things, better inform the conditions and methods for conducting the consultation process. This is a step forward, as it will offer government bodies a wide range of consultation methods, including roundtables, panels, opinion polls, focus groups, interviews and collecting written contributions. Although the Regulation stipulates that the bodies should choose the methods according to the problem in question, available time and availability of potential participants<sup>13</sup>, it does not clearly prescribe which method is mandatory in which cases, e.g. based on the context and policymaking phase.

The commitment related to the improvement of public hearings has not been completed. Following a public hearing in December 2016, as well as a slower than expected process of inter-ministerial consultations, the text of the Draft Law Amending the Law on State Administration has been finalized and submitted to the responsible Government committee in April 2017.<sup>14</sup> However, presidential elections caused further delays, as the government postponed all activities and considered only "essential laws" until its restructuring in June 2017.<sup>15</sup> The MPALSG had to repeat the consultation process, which lasted until the end of the summer.<sup>16</sup> Representatives of the MPALSG confirmed that the process of gathering around 36 opinions on the draft took a considerable amount of time.<sup>17</sup> The government evaluation of the first six months of AP implementation states that the activities regarding the text of the draft were postponed in order to satisfy a wider consultation process and ensure all interested stakeholders were involved.<sup>18</sup>

Apart from the procedural reasons for delays, there has also been resistance in some parts of the state administration, which to a large extent contributed to slowing down and complicating the process.<sup>19</sup> After implementing adjustments, the MPALSG sent the new material to the government (cabinet) in September 2017.<sup>20</sup> However, at the time of writing of this report, the cabinet has not yet considered the text for reasons which the IRM researchers were unable to determine. The fact that a minor modification to the Law caused a high level of hesitation and resistance among relevant institutions, indicated the significance of the proposed changes according to both a legal expert and a CSO representative.<sup>21</sup> This can also point to the hesitation

among the relevant institutions to apply the law, which can in turn hinder the potential for higher impact.

The MPALSG informed the IRM researchers that changes to the Government Rules of Procedures (RoP) will not be completed because the objectives of the commitment can be achieved without rule changes.<sup>22</sup> Namely, the Ministry maintained that a stronger focus should be placed on the consultation process, which falls under the Law on State Administration and not the RoP. However, civil society finds that this decision was based on an explicit request from the center of the government. Consequently, the MPALSG will develop guidelines for public administration bodies which would include good practice examples. These guidelines would serve as a soft-law instrument to approximate methods, forms and techniques in the consultation process. Instead of the "one-size-fits-all" approach, these guidelines will only define the standards that should be applied in different organizational contexts, but with the same goal and expected results.<sup>23</sup> However, since the text of the Draft Law Amending the Law on State Administration (which was subject to public hearing in December 2016)<sup>24</sup> still points to the RoP as the document which will more closely regulate ways of public participation in preparing laws and other regulations, the IRM researchers conclude that the adoption of the RoP is still necessary for the implementation of this commitment as it stands.

### Early Results (if any)

There has been a broad consultative process with both civil society and across the government institutions during the drafting of these laws. This could be a good foundation for sharing better practices with other public administration bodies and potentially replicating their successes. Based on past experiences, CSOs note that the completion of two commitments would not lead to tangible changes if proper implementation is not followed.<sup>25</sup>

### Next Steps

Given the importance of the commitments, the remaining activities should be completed through the end of the action plan, and both laws should be adopted and implemented. Potential challenges in the implementation relate to the tendency among some public bodies to avoid consultations because of the fear that they further complicate and slow down the regulatory process.<sup>26</sup>

Once adopted, to aid the effective enforcement of the laws, the IRM researchers recommend that the MPALSG actively encourage exchanging good practices among government bodies, which would contribute to raising their awareness of the benefits of such a participatory process. Additionally, CSO representatives suggest:

- Problem identification is the key to setting a good concept. Before the development of concept paper, a responsible institution should first open a discussion on identifying a problem, to achieve a common consensus on what the problem is and what needs to be changed or improved.<sup>27</sup>
- Timely development of the guidelines with best practice examples for conducting the consultation process.<sup>28</sup>

- Train civil servants on how to implement the changes. For example, they could be introduced to the concepts of the Notice on the Commencement of the Drafting Process and the Concept Paper, familiarizing them with the content, form, purpose and timeframe of these documents, as well as all other necessary details and steps in the process.<sup>29</sup>

<sup>1</sup> TEN, *Policymaking in the Western Balkans: Creating Demand for Evidence Beyond EU Conditionality*, [http://cep.org.rs/wp-content/uploads/2016/11/policymaking\\_in\\_the\\_western\\_balkans\\_final.pdf](http://cep.org.rs/wp-content/uploads/2016/11/policymaking_in_the_western_balkans_final.pdf).

<sup>2</sup> SIGMA, Principles of Public Administration, Baseline Measurement Report Serbia 2015, <http://www.sigmaweb.org/publications/Baseline-Measurement-2015-Serbia.pdf>.

<sup>3</sup> European Commission, *Serbia 2016 Report*, [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2016/20161109\\_report\\_serbia.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_serbia.pdf).

<sup>4</sup> Dragan Ranđelović, Društvo mladih istraživača Bor, Stakeholder workshop, Belgrade, 19 September 2017.

<sup>5</sup> Darko Radojičić, Republic Secretariat for Legislation, interview with IRM researcher, 15 September 2017.

<sup>6</sup> Bojana Selaković, Civic Initiatives, Stakeholder workshop, Belgrade, 19 September 2017.

<sup>7</sup> Nemanja Nenadić, Transparency Serbia, Stakeholder workshop, Belgrade, 19 September.

<sup>8</sup> Dušan Protić, European Policy Centre – CEP, interview with IRM researcher, 30 September 2017.

<sup>9</sup> Ivana Vukašinić and Suzana Stojadinović, Republic Secretariat for Public Policies, interview with IRM researcher, 11 September 2017.

<sup>10</sup> Republic Secretariat for Public Policies, “Predlog zakona o planskom sistemu Republike Srbije”, <http://www.rsjp.gov.rs/predlog-zakona-o-planskom-sistemu-republike-srbije/t>.

<sup>11</sup> Ivana Vukašinić and Suzana Stojadinović, Republic Secretariat for Public Policies, interview with IRM researcher, 11 September 2017.

<sup>12</sup> Ibid.

<sup>13</sup> Article 37, Uredba o metodologiji upravljanja javnim politikama analizi efekata javnih politika i propisa i sadržaju pojedinačnih dokumenata javnih politika, [http://paragraf.rs/nacrti\\_i\\_predlozi/050117-uredba\\_o\\_metodologiji\\_upravljanja\\_javnim\\_politikama\\_analizi\\_ekata\\_javnih\\_politika\\_i\\_propisa\\_i\\_sadrzaju\\_pojedinacnih\\_dokumenata\\_javnih\\_politika.html](http://paragraf.rs/nacrti_i_predlozi/050117-uredba_o_metodologiji_upravljanja_javnim_politikama_analizi_ekata_javnih_politika_i_propisa_i_sadrzaju_pojedinacnih_dokumenata_javnih_politika.html)

<sup>14</sup> Dušan Protić, European Policy Centre – CEP, interview with IRM researcher, 30 September 2017.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Dragana Brajović and Dražen Maravić, interview with IRM researchers, 11 September 2017.

<sup>18</sup> Government evaluation of the first six months of AP implementation.

<sup>19</sup> Dušan Protić, European Policy Centre – CEP, interview with IRM researcher, 30 September 2017.

<sup>20</sup> Dragana Brajović and Dražen Maravić, interview with IRM researchers, 11 September 2017.

<sup>21</sup> Dušan Protić, European Policy Centre – CEP, interview with IRM researcher, 30 September 2017.

<sup>22</sup> Dragana Brajović and Dražen Maravić, interview with IRM researchers, 11 September 2017.

<sup>23</sup> Dušan Protić, European Policy Centre – CEP, interview with IRM researcher, 30 September 2017.

<sup>24</sup> <http://www.paragraf.rs/dnevne-vesti/221216/221216-vest13.html>

<sup>25</sup> Stakeholder workshop, Belgrade, 19 September 2017.

<sup>26</sup> Ibid.

<sup>27</sup> Jelena Bojović, NALED, interview with IRM researcher, 12 September 2017.

<sup>28</sup> Dušan Protić, European Policy Centre – CEP, interview with IRM researcher, 30 September 2017.

<sup>29</sup> Ibid.



## 6. Opening Information Booklet Data

### Commitment Text:

*Title: Improving proactive transparency - Information Booklet*

*The planned amendments to the Law on Free Access to Information of Public Importance, namely its Article 39 and Article 3 that defines the concept of a public authority body and the concept of a government body within the meaning of this Law, to which category of authorities refers obligation to publish the Information Booklet, as well as amendments to the Instructions on Preparation of Information Booklets, will see the information contained in those Information Booklets reformatted with the aim of opening the data contained therein, improving proactive transparency and expanding the circle of administration bodies subject to the legal requirement of publishing Information Booklets. This will entail:*

- 1) *Development of a single IT system to access, process and present the Information Booklet*
- 2) *Designing a segment of an online platform that would serve as an Information Booklet, coupled with an obligation for public administration bodies to publish information booklets in PDF format.*
- 3) *Training of employees in government bodies for the use of a single IT system*
- 4) *Piloting the use of the application*
- 5) *Promotion of the application (single IT system) for the public, civil sector, business sector and the media.*

*Effectiveness of the amendments to Article 39 of the Law on Free Access to Information of Public Importance would be delayed until the online platform is designed.*

**Responsible institution:** Ministry of Public Administration and Local Self-government (MPALSG)

**Supporting institution(s):** Commissioner for Information of Public Importance and Personal Data Protection, CRTA – Centre for Research, Transparency and Accountability, Belgrade Open School (BOS), UNDP

**Start date:** Ongoing ..... **End date:** 14 months following the completion of the first milestone

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
6. Develop Information				☐	☐			☐				☐	x		☐		

### Context and Objectives

Information Booklets are a proactive transparency mechanism designed to oblige public authorities to publish information about their activities. Information Booklets were regulated through the Law on Free Access to Information of Public Importance in 2004 and intended to serve citizens as a simple and understandable way to access updated information from each public authority body,<sup>1</sup> such as their organizational structure, mission, budget, etc.<sup>2</sup> For example, the Booklet of the Commissioner includes both information that does not require frequent updates, such as the mission, as well as data which needs to be updated regularly, such as budget data or public procurement data.<sup>3</sup> However, a recent study conducted by civil society indicates that Information Booklets are not published consistently and frequently lack some of the more sensitive data (such as budget or public procurement data, data on state aid and other forms of financial support to public and other enterprises).<sup>4</sup> The quality of the booklets varies across different state bodies, and they are not easy to search and (re)use as they are published in Word and PDF formats.<sup>5</sup> This set of issues was confirmed by the Deputy Commissioner for Information of Public Importance, who indicated that the Commissioner has pushed for amendments to the Law since 2011 in order to address the high number of complaints received from the public.<sup>6</sup>

The proposed online application to create and publish Information Booklets would ensure the published documents are consistent, complete, and updated across all public authorities.<sup>7</sup> Additionally, the application would allow exporting data in open formats and make it easier to process, compare, and reuse data from different bodies. If this commitment is fully implemented, it could have a transformative impact on the way information is disseminated to citizens, given that these booklets are the primary tool of proactive transparency in Serbia (as all public authority bodies are obliged to publish them).<sup>8</sup> They are particularly significant, as they are required by the law to include data on income and expenditures, public procurement, state aid, and other highly relevant data<sup>9</sup> which would enable civil society, citizens and other stakeholders to enhance evidence-based research efforts and try to hold public authorities accountable.

### Completion

The completion of this commitment has been limited because the timeline depends entirely on the completion of first step, namely the Amendments to the Law on Free Access to Information of Public Importance. The process of drafting the Amendments is still ongoing. Both the Deputy Commissioner and a legal expert from civil society explained<sup>10</sup> that there is little access to what the internal working group, made up only of MPALSG representatives in charge of drafting the Amendments, is currently doing. Comments were provided by SIGMA/OECD<sup>11</sup> on the draft of the Amendments in July 2017 and a newer version of the draft should be made available online by the end of September, following consultations with the working groups for open data and OGP, as well as the Commissioner.<sup>12</sup> However, civil society representatives expressed concerns that the relevant stakeholders were 'kept in the dark' about the drafting process.<sup>13</sup> While they have been updated and included in the process of

developing the application for Information Booklets, the same level of inclusion has not been followed in the process of drafting the Law.

The lack of progress on the amendments is currently impeding work on new *Instructions on Preparation and Publishing of Information Booklets*. However, even though the completion of the amendments is a precondition for the subsequent steps for building the system, both civil society and government representatives have indicated that progress is being made for designing the application, training employees, and piloting.<sup>14</sup> The IRM researcher has also interviewed the developer chosen by UNDP that is working on the application and seen the pilot application, which appears user-friendly and would enable civil servants to more quickly publish Information Booklets, while not allowing them to avoid completing all necessary information.<sup>15</sup> The application is currently being piloted in 10 local self-government units (LSGUs) in order to raise awareness and build the capacity of civil servants at the local level, as well as address potential issues in the application and adapt it to ensure easy use. Government and civil society representatives both assessed progress in the piloting process as smooth. However, a CSO representative directly involved in the piloting process noted that Novi Sad and Nis, two big cities that had initially agreed to be part of the process, refused to participate, and that those who rejected involvement saw the whole process as “more work” without immediate benefits.<sup>16</sup>

### **Early Results (if any)**

Besides the work on the draft amendments to the law, cooperation between civil society and government representatives in planning and implementing the system has so far been productive. Additionally, the application is currently being piloted in nine LSGUs in order to make functionality improvements, as well as to raise the capacities of these LSGUs to fill out the necessary information in an adequate manner. However, one interview indicated that the process is going slowly as the LSGUs are not sufficiently prepared yet, with key data on local finances and public services still missing.<sup>17</sup>

### **Next Steps**

The implementation of this commitment should continue despite delays to the amendment process. Bearing in mind that the draft amendments to the law will be online by the end of September 2017, civil society and the expert public should be able to provide comments and suggestions to the amendments and be included in their finalization through an online public comment period and public discussion. Additionally, UNDP is already working with CSOs at the local level to raise their capacities in terms of analyzing and visualizing the data that will be made available through the Information Booklet application.<sup>18</sup> Therefore, even if the implementation period of the action plan expires, the IRM researcher believes that this commitment should be carried forward to the next cycle given its potential impact and the fact that relevant stakeholders are already preparing to access and use the application.

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<sup>1</sup> Information Booklets must be updated at least on an annual level, as regulated by the Law on Free Access to Information of Public Importance.

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<sup>2</sup> Art 39 of the Law on Free Access to Information of Public Importance, Off. Gazette of the Republic of Serbia, No. 120/04 and 54/07.

<sup>3</sup> For example, see Information booklet of the Commissioner for Public Information and Personal Data Protection, <https://www.poverenik.rs/en/o-nama/information-booklet.html>

<sup>4</sup> Mihajlo Gajić and Sanja Nasevski, „Proaktivna transparentnost lokalnih samouprava u Srbiji: U raskoraku između propisa i praksi“, Belgrade Open School, Belgrade, [http://dostup.no/docs/BOS\\_Proaktivna%20transparentnost%20lokalnih%20samouprava%20u%20Srbiji.pdf](http://dostup.no/docs/BOS_Proaktivna%20transparentnost%20lokalnih%20samouprava%20u%20Srbiji.pdf)

<sup>5</sup> For example, see *Analysis of the harmonization of Information Booklets (serb. Analiza usaglašenosti informatora o radu organa vlasti)*, Transparency Serbia, April 2013.

<sup>6</sup> Stanojla Mandić, Deputy Commissioner for Information of Public Importance of the Republic of Serbia, interview with IRM researcher, 15 September 2017.

<sup>7</sup> According to the Law on Free Access to Information of Public Importance (“Official Gazette of the RS” no.s 120/04 and 54/07) the category of public authorities entails: 1) state authorities, territorial autonomy authorities, local self-government authorities, organizations vested with performing public authorizations, (state authority in a broader sense) and 2) legal entities formed or financed fully or predominantly by a state authority from point 1). See <https://www.poverenik.rs/en/catalogue-of-bodies.html>

<sup>8</sup> The Commissioner also published an annual call for the best Information Booklet. However, this incentive does not appear effective for public authority bodies given that, in 2016, only six institutions applied for the call. See more (in Serbian) at <http://www.poverenik.rs/images/stories/dokumentacija-nova/izvestajiPoverenika/2016/izvestaj2016.pdf>

<sup>9</sup> While the Law on Free Access to Information of Public Importance does not go into the details of the content in the Information Booklets, the Instruction for the creation and publication of the Information Booklet on Public Authority Work (Off. Gazette of the Republic of Serbia”, No. 120/04, 54/07, 104/09 and 36/10) clearly outlines the structure and mandatory contents of the Booklets in Point 19.

<sup>10</sup> Jelena Adamović, lawyer, SHARE, consultation with IRM researcher, 17 September 2017.

<sup>11</sup> SIGMA (Support for Improvement in Governance and Management) is a joint initiative of the OECD and the European Union currently providing support to the Ministry of Public Administration and Local Self Government “on implementing a monitoring, reporting and evaluation system for public administration reform and on legislative amendments needed to enhance the effectiveness of the Commissioner for Information of Public Importance and the Ombudsman.” See SIGMA/OECD, <http://www.sigmaweb.org/countries/serbia-sigma.htm>.

<sup>12</sup> Dragana Brajović, Ministry of Public Administration and Local Self-Government, stakeholder workshop, Belgrade, 19 September 2017.

<sup>13</sup> Ivan Radojević, CRTA - Center for Research, Transparency and Accountability, stakeholder workshop, Belgrade, 19 September 2017.

<sup>14</sup> Stakeholder workshop organized by IRM researcher, Belgrade, 19 September 2017.

<sup>15</sup> Ivan Branislavljević, developer, UNDP, interview with IRM researcher, 29 August 2017.

<sup>16</sup> Sanja Nasevski, Belgrade Open School, stakeholder workshop, Belgrade, 19 September 2017.

<sup>17</sup> Ivan Branislavljević, developer, UNDP, consultation with IRM researcher, 6 November 2017.

<sup>18</sup> Ibid.

## 7. Amend Access to Information Law

### Commitment Text:

*Title: Amendments to the Law on Free Access to Information of Public Importance*

*It is necessary to amend the Law on Free Access to Information of Public Importance to ensure the right of access to information and time limits set by the law are respected. The duty to proactively publish information should also be introduced.*

**Responsible institution:** Ministry of Public Administration and Local Self-Government (MPALSG), Standing Conference of Towns and Municipalities

**Supporting institution(s):** Office for Cooperation with the Civil Society, Local self-government units (LSGUs), CRTA, Civic Initiatives

**Start date:** Q4 2016.....

**End date:** Q4 2016

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
7. Amend Access to Information Law				☐	☐		☐				☐		☐				

### Context and Objectives

According to the Global Right to Information Rating, Serbia has the second-highest rated legal framework globally for ensuring the right of citizens to access information of public importance.<sup>1</sup> However, the Commissioner for Information of Public Importance and civil society organizations has long called on Serbia’s Law on Free Access to Information of Public Importance to be amended given that an extensive number of institutions do not respond to citizens’ requests for information adequately. More specifically, the Commissioner has received 27,697 complaints since 2004 and around 78 percent of these complaints were cases of ‘administrative silence’.<sup>2</sup> As the Deputy Commissioner explained in her interview, it is not only the number of complaints and lack of capacities to handle that quantity that needs to be addressed, but also the fact that institutions which fail to provide information to the citizens are not properly sanctioned.<sup>3</sup>

This commitment aims to amend the current Law on Free Access to Information of Public Importance to increase the level of responsiveness of public administration bodies and other entities towards citizens’ requests for information by imposing fines for violations of the right to information, strengthening the role of the Commissioner and improving proactive transparency. The amendments will also potentially

introduce the concept of open data and reuse, although this aspect is not clearly defined in the commitment.

Overall, the potential impact of this commitment is judged as moderate given that the commitment activities stop at the adoption of the amendments and fail to define implementation activities such as awareness, capacity building, etc. However, Serbia's previous experiences show that a strong legal framework, which already exists for the right to information, may not necessarily result in adequate implementation.

### Completion

The completion of this commitment is not on time as only two of the five intended activities have been completed. Namely, the Special Working Group on Preparation of the Draft Law drafted the amendments and plans to provide for public consultation. This group was internally established and consists of a small number of government representatives from MPALSG. Stakeholders indicate that the work of this group has not been open and very few details are included in the government self-assessment report.<sup>4</sup> At the stakeholder workshop organized by the IRM, civil society organizations complained both about the lack of timeliness in completing this commitment, as well as about the lack of transparency in how the commitment activities are progressing.<sup>5</sup>

However, government representatives explained that the presidential elections slowed down the drafting process and that the draft will be publicly available by the end of September.<sup>6</sup> At the time of writing, the draft of the amendments has not been released to the public. Nonetheless, the MPALSG published a statement that the amended Law should be adopted by the end of 2017,<sup>7</sup> a year later than had been foreseen by the action plan.

### Next Steps

Multiple civil society and government representatives have indicated the potential significance of this law on introducing open data and the concept of reuse of government data into Serbia's legal system. Nonetheless, a legal expert consulted by the IRM researchers indicated that it is still unclear how open data and data reuse will be regulated, which means that both future legal requirements and implementation specifics are uncertain.<sup>8</sup> While researching the completion of this commitment, the IRM researchers noted a lack of communication between relevant institutions. For example, the Deputy Commissioner indicated that she received more information on how the drafting process was progressing from civil society representatives than from the MPALSG.<sup>9</sup> She was also told that the draft of the amendments received comments from SIGMA/OECD at the time when the Commissioner's office had received no drafts or indications on the amendments from the Ministry.

In the upcoming period, the IRM recommends:

- More frequent inter-institutional cooperation in order to ensure all relevant stakeholders are informed and stay updated with relevant progress on the amendments.
- The draft of the amendments should be made publicly available as soon as possible in order to allow civil society and the expert public to provide their comments and recommendations.

- As the Law on Free Access to Information of Public Importance is relevant for the wider public as well, the amendments should be adequately communicated to the citizens.<sup>10</sup> Changes in the current legal framework should be explained in a clear and simple manner in order to be understandable to the wide range of stakeholders this Law is relevant to.
- Overall, enforcement and supporting activities, which would ensure the proper implementation of the amended law, should be planned on time and in cooperation with civil society organizations. The goal would be to inform the wider public, as well as raise awareness and motivation of civil servants and public authority bodies necessary for adequate implementation.

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<sup>1</sup> Global Right to Information Rating, *Country Data*, <http://www.rti-rating.org/country-data/>

<sup>2</sup> Data was taken from the Commissioner's open data portal, which can be accessed here, <http://data.poverenik.rs/>

<sup>3</sup> Stanojla Mandić, Deputy Commissioner for Information of Public Importance of the Republic of Serbia, interview with IRM researcher, 15 September 2017.

<sup>4</sup> Stakeholder workshop organized by IRM researcher, Belgrade, 19 September 2017.

<sup>5</sup> Representatives of CRTA - Center for Research, Transparency and Accountability and the Belgrade Open School (BOS), stakeholder workshop, Belgrade, 19 September 2017.

<sup>6</sup> Dragana Brajović in consultation with Ivan Kovacević, Ministry of Public Administration and Local Self-Government, stakeholder workshop, Belgrade, 19 September 2017.

<sup>7</sup> Statement issued following the meeting between the Minister of Public Administration and Local Self-government and the Commissioner for Information of Public Importance on 7 September 2017. See more (in Serbian), <http://www.rts.rs/page/stories/sr/story/125/drustvo/2861637/sabic-i-ruzic-izmene-zakona-o-zastiti-informacija-do-kraja-godine-u-skupstini.html>

<sup>8</sup> Jelena Adamović, lawyer, SHARE, consultation with IRM researcher, 17 September 2017.

<sup>9</sup> Stanojla Mandić, Deputy Commissioner for Information of Public Importance of the Republic of Serbia, interview with IRM researcher, 15 September 2017.

<sup>10</sup> A good indicator of the relevance of this Law and the Commissioner's role for the wider public is that the Commissioner's official website has received 89,169 visits only this year.



## 8. Development of an Open Data Portal

*The aim is to publish an Open Data Portal where all institutions would open their data sets and which would provide a recognisable setting for open data users.*

(Ministry of Public Administration and Local Self-government and the former eGovernment Directorate; UNDP, Working Group on Open Data, Human Resource Management Service (Activity 4). Ongoing – Q3 2017)

## 9. Draft bylaws for Evaluation of Websites

*Title: Draft a bylaw based on the Guidelines for Evaluation of Websites*

*This Commitment will involve modification of the Guidelines and Criteria for Evaluation as they pertain to publishing of information of public importance, including budgets, in an open format. It will also include arrangements for entering information of public importance using a platform for automated data entry and generation of information booklets on the work of public authorities, as well as publishing of the content of those information booklets in several human-readable formats, as well as in an open machine-readable format. Such information includes also budget plans and budget execution. This measure will also define other aspects of websites, including the structure of websites of state authorities, and establishment of a metaregistry of data kept in official records and metaregistries of open data. Furthermore, provisions will be made for publishing of all parts of websites which contain information of public importance in an open format.*

Ministry of Public Administration and Local Self-government, Commissioner for Information of Public Importance, Working Group on Development of the Guidelines; CRTA- Centre for Research, Transparency and Accountability. Q4 2016 – Q4 2017)

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
8. Development of an Open Data Portal				☐	☐			☐			☐				☐		
9. Draft bylaws for Evaluation of Websites				☐	☐			☐			☐				☐		

### Context and Objectives

Although the Serbian government published some data in an open format in 2015, more work is necessary to include open data in the Serbian legal framework, define



an open data policy, raise awareness both within the government and in civil society, and raise the levels of open data supply and demand. Compared to other countries, Serbia is in the middle with regards to its open data progress.<sup>1</sup>

Having a centralized open data portal where all government institutions can contribute datasets is an important means to strengthen open data access.<sup>2</sup> Commitment 8 is therefore relevant both as a means to promote access to information as well as to enable technology and innovation to enhance openness and accountability.<sup>3</sup> The portal should enable CSOs, the private sector and citizens, as well as other government institutions, to access open datasets, relevant metadata, and provide comments. It is also commendable that this commitment foresees user trainings and promotional activities which can be crucial steps in ensuring both the supply and demand for open data.

Commitment 9 envisions the modification of the current Guidelines for Evaluation of Websites of Public Administration Bodies<sup>4</sup> to include open data provisions (such as establishing metaregistries or publishing information in machine-readable format). In practical terms, the commitment proposes that the Guidelines would become a Bylaw on Development of Websites and Publishing of Electronic Services in relation to the Law on eGovernment. In the past, the Guidelines have been a mechanism for creating positive competition between public administration bodies.<sup>5</sup>

### **Completion**

The Open Data Portal has been developed and is currently being used by several government institutions for releasing their open data.<sup>6</sup> However, commitment 8 is not on time given that the Portal is just now being populated with necessary information for a wider range of users.<sup>7</sup> Regarding commitment 9, the precondition for the implementation of the bylaw is the Law on e-Government, which is still going through a public consultation process that began on 20 September 2017.<sup>8</sup> This commitment is not on time, as the deadline for the completion of the commitment was set for January 2017.<sup>9</sup>

UNDP has been providing both financial and human resources to develop the Portal and has been a crucial actor in ensuring the Working Group on Open Data functions constructively and includes a wide range of government institutions, CSOs, and open data experts. UNDP's Open Data: Open Possibilities conference in 2015 managed to gather key decision-makers and raised awareness of open data potentials and Serbia's readiness.<sup>10</sup>

On the other hand, there is less optimism in the private sector on current open data progress in Serbia. During interviews, representatives of the Foreign Investors Council indicated that they see great potential in open data and that 'all serious private companies' already have staff designated to handle open data.<sup>11</sup> However, one representative stated that they felt that the overall knowledge of the government on open data is incredibly limited.<sup>12</sup> In this context, IRM recognizes that the number of government institutions producing open datasets is still too small to call open data an overarching government policy.

### Early Results (if any)

The Open Data Portal currently contains 45 datasets published by eight government institutions.<sup>13</sup> For comparison, the Commissioner's list of public authority bodies contains 11,249 bodies.<sup>14</sup> Participants in the 2015 Open Data Hackathon, who were the first to use the datasets, complained about the low level of usability of these datasets.<sup>15</sup> However, there have been good examples of use of currently available datasets. For example, Data Science Serbia used the data on traffic accidents released by the Ministry of Interior to analyze which intersections had the greatest number of car accidents and revealed other trends in traffic in the capital city.<sup>16</sup>

On the other hand, commitment 9 has not had any results given that its implementation rate is low, as well as that the commitment, as written, foresees only changes in the legal framework and the official guidelines without setting any indicators or goals for implementation.

### Next Steps

A recent study on open data policies and initiatives concluded that there are four characteristics of successful open data projects, namely: 1) they are based on partnerships between different institutions and organizations; 2) they are based on existing public infrastructure for open data; 3) they are complemented by clear open data policies with defined performance indicators; and 4) projects should be initiated in response to well-defined problems or issues recognized by the citizens or other relevant stakeholders.<sup>17</sup> While examples of the first three characteristics can be found in Serbia, the fourth cannot. Data accessible on the open data portal so far is data that government bodies have on hand, not necessarily addressing specific issues that these datasets could assist with. The same situation could continue even with the adoption of the bylaw foreseen by commitment 9.

Hence, the IRM researcher recommends:

- The Portal should include a section or option for allowing users to provide inputs on the data they need to be open to address specific issues.<sup>18</sup>
- During the promotion and training for using open datasets, envisaged as the last activity in commitment 8, the wider public or training attendees should be allowed to identify topic areas for further open data release (e.g. through an online survey or poll).
- Datasets already published on the Portal should be analyzed in terms of their usage, in order to reach conclusions on which datasets are most widely used and whether they can be complemented by additional data.
- Performance indicators for commitment 9 should be set in order to ensure both short- and long-term results for this commitment.

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<sup>1</sup> According to the Open Data Index it is ranked as the 41st out of 94 countries, while the Open Data Barometer ranks it as the 65th out of 115 countries.

<sup>2</sup> See more, <https://www.opengovpartnership.org/theme/open-data>

<sup>3</sup> Assessing OGP Values for Relevance, <https://www.opengovpartnership.org/sites/default/files/attachments/OGPvaluesguidancenote.pdf>

<sup>4</sup> Guidelines have existed for more than 10 years, the fifth version is available here (in Serbian), [http://www.deu.gov.rs/doc/Smernice\\_5\\_0.pdf](http://www.deu.gov.rs/doc/Smernice_5_0.pdf).

5 Marija Kujačić, Office for IT and e-Government, consultation with IRM researcher, 19 February 2016.

6 The Open Data Portal can be accessed at, <https://data.gov.rs/>

7 Information such as: open data definition, benefits, etc.

8 "Javni poziv za javnu raspravu o nacrtu Zakona o elektronskoj upravi," <http://www.deu.gov.rs/aktuelnosti.php#a33>.

9 The IRM researcher will follow the public consultation process and report on new developments.

10 Irena Cerović, "Open Data: Open Possibilities", UNDP Serbia, 12 January 2016,

<http://www.rs.undp.org/content/serbia/sr/home/ourperspective/ourperspectivearticles/otvoreni-podaci--otvorene-mogunosti.html>

11 Branko Pavlović and Jasmina Vignjević, Foreign Investors Council, interview with IRM researcher, 14 September 2017.

12 Jasmina Vignjević, Foreign Investors Council, interview with IRM researcher, 14 September 2017.

13 Government institutions which have opened their datasets as of November 2017: Ministry of Interior, Ministry of Education, Science and Technology, Agency for environmental protection, Public Procurement Office, Commissioner for Information of Public Importance, Medicines and Medical Devices Agency of Serbia, Republic Geodetic Authority and the Ministry of Mining and Energy.

14 See the Commissioner's open data portal with the list of public authority bodies, <http://data.poverenik.rs/vizualizacije/katalog-organa>.

15 The IRM researcher participated in the Open Data Hackathon, organized by an StartIt and UNDP, November 2015.

16 R-Bloggers, "Open Data R Meetup: exploring the Distribution of Traffic Accidents in Belgrade, 2015 in R", <https://www.r-bloggers.com/open-data-r-meetup-exploring-the-distribution-of-traffic-accidents-in-belgrade-2015-in-r/>

17 Andrew Young and Stefaan G. Verhulst, The Global Impact of Open Data: Key Findings from Detailed Case Studies Around the World, O'Reilly Media, September 2016, <http://www.oreilly.com/data/free/the-global-impact-of-open-data.csp>.

18 For example, the open data portal of the government of the Netherlands allows users to request which datasets should be opened next. See <https://data.overheid.nl/node/add/dataverzoek>.

## 11. Develop Monitoring and Evaluation Instructions for Government CSO funding

*Title: Development of a uniform methodology for planning, monitoring and performance evaluation of programmes and projects implemented by civil society organisations and monitoring the spending of allocated funds*

*Preparation and adoption of methodological instructions for the development of a plan of monitoring and evaluation of approved CSO programmes and projects and tracking spending of allocated funds.*

(Office for Cooperation with the Civil Society; Ministry of Public Administration and Local Self-Government, unspecified civil society organizations. January 2017 – June 2017)

## 12. Amend Regulations on Funding Civil Society Programs

*Title: Amend the Regulation on Funds to Support Programmes or Missing Amount of Funds for Programmes of Public Interest implemented by Associations*

*Amendments to the Regulation on Funds to Support Programmes or Missing Amount of Funds for Programmes of Public Interest implemented by Associations will introduce a duty to publish a report on the results achieved by supported CSO programmes and projects and will define the content and form of the Tender Cycle Evaluation Report.*

(Office for Cooperation with the Civil Society, Ministry of Public Administration and Local Self-Government; unspecified civil society organizations. December 2016 – April 2017)

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
11. Develop Monitoring and Evaluation Instructions for government CSO funding			☐		☐					☐			✗		☐		
12. Amend Regulations on Funding			☐		☐					☐			✗		☐		

### Context and Objectives

Citizen trust in civil society has been a longstanding issue in Serbia,<sup>1</sup> with one public opinion poll even finding that 61 percent of citizens distrust civil society organizations.<sup>2</sup> These two commitments are aimed at regulating the process of financing civil society in order to ensure proper monitoring, evaluation and reporting on projects funded by the state and implemented by civil society. The total state budget is a significant source of funding for the non-governmental sector, with the latest available data (for 2013) showing that 0.87 percent of the total budget was used to finance various types of non-governmental organizations (app. 170 million USD based on the 2013 exchange rate).<sup>3</sup> This includes funding by the central government, as well as the local government units. However, it should be noted that the same source of funding is used for associations, sports organizations and religious organizations.<sup>4</sup> Analyses and monitoring reports of civil society have repeatedly pointed to the problem of intransparent allocation of this funding and mismanagement of public funds.<sup>5</sup>

Based on the recommendation of the Republic Secretariat for Public Policies (RSPP), the methodology envisaged through commitment 11 has been integrated into the Amendments to the Regulation on Funds to Support Programmes or Missing Amount of Funds for Programmes of Public Interest Implemented by Associations.<sup>6</sup> These two commitments and their results are therefore assessed together.

If fully implemented, these commitments can help make more information available to the public about the use of public funding allocated for civil society projects. The MPALSG representatives interviewed for this report hope this amendment will increase the overall level of transparency of civil society financing, given that the Regulation determines the manner in which civil society organizations or citizen initiatives receive government funding. Additionally, they believe this commitment will bring benefits to both government bodies and CSOs in terms of greater integrity and citizen trust in how the public budget is being spent.<sup>7</sup> The Director of the Office for Cooperation with the Civil Society, who has had years of experience in the civil sector before accepting his current role, believes that this commitment could improve the image of civil society in the wider public.<sup>8</sup> However, civil society representatives were more skeptical about these changes in the regulation having any effect on current practice.<sup>9</sup> Additionally, they indicated that there are differences in practices at the local level, which have not been addressed adequately through the activities envisaged by these two commitments.

### Completion

The commitments are not being completed on time as the draft Amendments of the Regulation have not yet been adopted, despite a deadline for April 2017. A special working group created and coordinated by MPALSG was created in March 2017. The group consists of 11 government institutions and 22 member representatives of these institutions, who created the draft amendments over five meetings.<sup>10</sup> The draft amendments were released online for public comments for a two-week period in September 2017.<sup>11</sup> Comments from civil society and local government were collected

online both by the MPALSG and the Office for Cooperation with the Civil Society, as well as with the assistance of the Standing Conference of Towns and Municipalities. The interviewed MPALSG representative indicated that they expect the Regulation will be adopted by the end of 2017.<sup>12</sup> In terms of the comments received from civil society, one MPALSG representative indicated that they are receiving a number of comments and will have an analysis of their quantity and quality in October 2017.<sup>13</sup> It is too early to tell to what degree the comments will influence the finalized version of the amendments.

CSOs which sent comments on the draft amendments were present at the IRM stakeholder workshop organized in September 2017 and shared their doubts about both future results and the current drafting process. For example, one CSO representative indicated that the draft is not specific enough in terms of the methodology envisaged in commitment 11. More precisely, the draft amendments of the Regulation mention that monitoring visits will be conducted, but fail to specify further details.<sup>14</sup> Additionally, the draft fails to account for numerous issues occurring in the current practices of financing civil society.<sup>15</sup>

### **Early Results (if any)**

Given that commitments have not yet been completed, it is not possible to discuss early results. However, it is commendable that the draft amendments of the Regulation were put up for public comments and that civil society inputs could potentially shape the final version of the amendments.<sup>16</sup>

### **Next Steps**

As written, both commitments could increase the transparency of the process of financing civil society in Serbia. However, the commitments are not ambitious with regards to their long-term effects. Namely, their implementation could include activities aiming at increasing public accountability as well. Additionally, the next action plan could build on these commitments by envisaging activities which develop mechanisms for citizen comments and inputs into the financing process. For example, the wider public should be allowed to comment on the reports published by the Office for Cooperation with the Civil Society and civil society organizations receiving funding (whose projects are the focus of the reports). Implementing an online and open commenting process should allow more dialogue between government and CSOs as well as citizens.

Additionally, the implementation of these two commitments will be relevant for commitment 1 as well. If local self-government units have employees in charge of cooperating with CSOs, they will need to be informed and trained on developments introduced by the methodology and the amended Regulation. The Office for Cooperation with the Civil Society believes these individuals will be significant actors enabling proper implementation of the frameworks developed by commitments 11 and 12.<sup>17</sup>

However, civil society organizations are concerned about the low capacities of local-level employees overall.<sup>18</sup> Hence, the IRM researcher believes that the Office for Cooperation with the Civil Society could develop additional forms of assistance (points of contact within the Office, special guidelines, etc.) for these employees in

addition to the trainings they already provide. The new methodology for financing civil society projects will likely be a short-term challenge for some local-level governments which already have issues with low HR capacities. Direct assistance mechanisms should be developed to mitigate potential mistakes, for example by assigning a contact point in the Office for Cooperation with the Civil Society who would reply to questions of civil society organizations, proactively collect good practices, etc..

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- 1 For a historical overview, see Zdenka Milivojević, "CIVICUS Civil Society Index Report for Serbia," Belgrade, 2006, [http://www.civicus.org/media/CSI\\_Serbia\\_Country\\_Report.pdf](http://www.civicus.org/media/CSI_Serbia_Country_Report.pdf).
- 2 EurActiv, "Građani Srbije ne veruju institucijama," 2 January 2015, <http://www.euractiv.rs/pregovori-sa-eu/8212-graani-srbije-ne-veruju-institucijama->.
- 3 Annual report on budget spending for associations and other CSOs, for 2013 – Summary, [http://www.civilnodrustvo.gov.rs/upload/documents/Kancelarija/EU\\_IPA/Godisnji%20zbirni%20izvestaj%20za%202013%20godinu\\_sazetak.pdf](http://www.civilnodrustvo.gov.rs/upload/documents/Kancelarija/EU_IPA/Godisnji%20zbirni%20izvestaj%20za%202013%20godinu_sazetak.pdf)
- 4 Civic Initiatives, Matrix for monitoring the enabling environment for civil society development, Serbia Report, 2016, Belgrade, March 2014, p. 5, Balkan Civil Society Development Network, [http://www.balkancsd.net/novo/wp-content/uploads/2017/07/Serbia\\_CMR\\_2016\\_EN.pdf](http://www.balkancsd.net/novo/wp-content/uploads/2017/07/Serbia_CMR_2016_EN.pdf)
- 5 See, for example: Civic Initiatives, "Kuda idu pare za kulturu?" <https://www.gradjanske.org/wp-content/uploads/2017/08/Analiza-javnog-konkursa-kultura-2017.pdf>
- 6 Government evaluation for the first 6 months of the AP implementation, June 2017.
- 7 Marija Dživdžanović and Tijana Dimić, Ministry of Public Administration and Local Self-Government, interviews with IRM researcher, 7 September 2017.
- 8 Žarko Stepanović, Office for Cooperation with Civil Society, interview with IRM researcher, 18 September 2017.
- 9 Civic Initiatives and Europolis representatives, stakeholder workshop organized by IRM researcher, 19 September 2017.
- 10 Marija Dživdžanović and Tijana Dimić, Ministry of Public Administration and Local Self-Government, interviews with IRM researcher, 7 September 2017.
- 11 "Pozivamo vas da date sugestije na izmenu uredbe o finansiranju programa udruženja", 1 September 2017, <http://www.mduls.gov.rs/latinica/aktivnosti-obavestenja.php>.
- 12 Marija Dživdžanović, Ministry of Public Administration and Local Self-Government, interview with IRM researcher, 7 September 2017.
- 13 Tijana Dimić, Ministry of Public Administration and Local Self-Government, interview with IRM researcher, 7 September 2017.
- 14 Bojana Selaković, Civic Initiatives, stakeholder workshop organized by IRM researcher, 19 September 2017.
- 15 Ibid.
- 16 The IRM researcher will follow up with civil society organizations which have submitted comments to see whether they received feedback and whether their comments and suggestions were taken into account.
- 17 Žarko Stepanović, Office for Cooperation with Civil Society, interview with IRM researcher, 18 September 2017.
- 18 Civic Initiatives and Europolis representatives, stakeholder workshop organized by IRM researcher, 19 September 2017.

### 13. Law on Electronic Documents and ID

#### Commitment Text:

*Title: Enactment of a Law on Electronic Documents, Electronic Identification and Trusted Services in Electronic Business*

*The new Law will improve Serbia's legal framework and harmonise it with the most recent EU regulations in this field by introducing provisions pertaining to electronic documents, electronic identification and trusted services in e-business. The Law will introduce registers of electronic identification service providers, trusted service providers and qualified devices for certificate generation, regulate long-term storage of information and legal validity of electronic signatures and stamps and provide for their validation regardless of future technological changes.*

**Responsible institution:** Ministry of Trade, Tourism and Telecommunications

**Supporting institution(s):** Not specified

**Start date:** Ongoing .....

**End date:** Q4 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Completed
13. Law on Electronic Documents and ID				☐	Unclear						☐		x			☐	

#### Context and Objectives

Digital services that appeal to citizens are still rare in Serbia.<sup>1</sup> Current legislation covering the use of digital signatures<sup>2</sup> and e-documents<sup>3</sup> has not helped to promote advancement in digital service provision and e-businesses among citizens, legal persons or public authorities. For example, only around 5 percent of the population in Serbia currently uses digital signatures (and almost exclusively in business contexts)<sup>4</sup> due to the currently inconvenient software and hardware requirements,<sup>5</sup> high costs associated with the digital signature certificate,<sup>6</sup> and limited availability of attractive digital services. Currently, the existing system requires IT knowledge greater than that of an average citizen, which is time-consuming and creates additional obstacles for users.<sup>7</sup>

The intention of the Government in this commitment is to accelerate and simplify access to digital public services. To achieve this, the Government committed to improve the legal framework through enacting a Law on Electronic Documents, Electronic Identification and Trusted Services in Electronic Business, as well as



accompanying bylaws. Interviewed business representatives believe that this commitment has key significance for the development of e-business and the use of electronic signatures.<sup>8</sup> While this is an important initiative, this commitment does not contain any elements that can advance public access to information, citizen participation in government decision making or public accountability, therefore its relevance to OGP values is unclear.

### **Completion**

There has been substantial progress in implementing this commitment. The text of the draft law was completed on time, in the last quarter of 2016.<sup>9</sup> This activity included an online public debate held between 7 and 30 September 2016.<sup>10</sup> Additionally, as part of the discussion a roundtable of representatives from state administration, businesses, civil society, the academic community, and relevant experts in the field was organized in Belgrade on 13 September 2016.<sup>11</sup> Representatives of the National Alliance for Economic Development (NALED) and the Foreign Investors Council (FIC) assessed the consultation process as highly transparent and inclusive of suggestions and comments.

Despite the timely submission of the draft to the Government, the adoption by the Government was eight months overdue for several reasons identified by interviewees. Firstly, the Government required additional opinions from an expert working group.<sup>12</sup> Secondly, due to the 2016 presidential elections and the subsequent reorganization of the Government, all legislative activities were 6-12 months late.<sup>13</sup> In addition, there was a request from the business community for additional changes regarding 10-15 problematic articles,<sup>14</sup> which, although slowing the process, represented a positive example of openness of the Ministry of Trade, Tourism and Telecommunications for cooperation with and intervention by the non-state actors.

The Parliament finally adopted the Law on 17 October 2017,<sup>15</sup> although the drafting of bylaws had not yet started at the time of developing this report. Although the legally prescribed time to develop this set of bylaws is 12 months after the law enters into force, representatives of MTTT anticipate that drafting of bylaws will require only six months.<sup>16</sup> In addition, as was the case with the drafting of the law, the MTT plans to include other non-governmental stakeholders in the bylaw drafting through meetings and consultations. However, a general trend of extensive waiting for bylaws, as well as the fact that more actors involved usually requires more time to consolidate the views of different stakeholders, could challenge the optimistic view of the Ministry.

### **Early Results (if any)**

Both the government and the business community agree that there has been strong political will and support for introducing the proposed changes into the government's work and general business. The process of consultations on drafting the law was deemed a success and could serve as a good practice example for other reforms.

### **Next Steps**

For the business community, adopting bylaws is a crucial milestone. In that respect, they raised a concern that the adoption might not take place within the envisaged

timeframe, which poses a risk that the actual enforcement of the law and the anticipated results will be delayed. Therefore, NALED intends to advocate for amending the law so that: 1) the deadline for adopting bylaws is six months, and 2) the law includes sanctions for public administration bodies which fail to comply with the legal requirements.<sup>17</sup> Representatives of MTTT see risks in imposing sanctions because of the limited readiness of the administration, both in terms of the quantity and quality of existing human resources. Another major risk is that the use of digital signatures will remain low among citizens. However, the MTTT plans to organize awareness-raising campaigns to tackle this risk.

While there is a firm commitment to pursue this reform at the political level, recognized both by state and non-state actors, there has been skepticism and limited acceptance by some parts of the administration due to mistrust in the security of electronic as opposed to paper-based exchanges.<sup>18</sup> Additionally, a general resistance to change is still present in individual ministries.

In addition to the recommendations from the non-governmental actors and in accordance with the potential obstacles, the IRM researchers recommend that the commitment is completed in the remaining period of the action plan, with a focus on the following:

- Further strengthen human and technical capacities in public administration bodies, by investing, for example, in capacity-building activities to improve knowledge and achieve greater acceptance and trust, as well as in technical adaptations to enable them to accept citizen digital signatures in administrative procedures.
- Develop a comprehensive awareness-raising plan which targets three groups separately: public administration bodies, businesses, and the general public. For citizens, awareness raising should focus on the use of digital signature. On the other hand, for businesses it should promote electronic stamps, seals and delivery. Public administration bodies should raise awareness of electronic documents, digital signatures and digital services.
- Start the preparation of the bylaws before the adoption of the law and achieve an inclusive consultative process including all relevant stakeholders.
- Take note of existing practices, not just regulation, in countries which have successfully adopted and promoted digital signatures among the general population. For instance, the experience of Estonia, where digital signatures have been widely-used by citizens for years, could serve as a good practice example.

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1 Arthur Mickoleit, SIGMA, interview with IRM researcher, 1 September 2017.

2 Law on Electronic Signature, Official Gazette of the Republic of Serbia No. 135/2004.

3 Law on Electronic Document, Official Gazette of the Republic of Serbia No. 51/2009.

4 Milan Dobrijević, Ministry of Trade, Tourism and Telecommunications, interview with IRM researcher, 12 September 2017.

5 Arthur Mickoleit, SIGMA, interview with IRM researcher, 1 September 2017.

6 Foreign Investors Council, White Book 2016: Proposals for Improvement of the Business Environment in Serbia, 2016, p. 33, <http://www.fic.org.rs/projects/white-book/white-book.html>

7 Branko Pavlović, Foreign Investors Council, interview with IRM researcher, 14 September 2017.

8 Jelena Bojović, NALED, interview with IRM researcher, 12 September 2017; Jasmina Vignjević, Srđan Popović, Branko Pavlović, Foreign Investors Council, interview with IRM researcher, 14 September 2017.

9 Government evaluation for the first 6 months of the AP implementation; Milan Dobrijević, Ministry of Trade, Tourism and Telecommunications, interview with IRM researcher, 12 September 2017.

10 <http://mtt.gov.rs/slider/odrzana-javna-rasprava-i-okrugli-sto-o-nacrtu-zakona-o-elektronskom-dokumentu/>

11 <http://mtt.gov.rs/download/lzvestaj%20sa%20javne%20rasprave%20-%20Zakon%20o%20el.dokumentu,%20el.%20identifikaciji%20i%20uslugama%20od%20poverenja%20u%20el.%20poslovanju.pdf> )

12 Milan Dobrijević and Milan Vojvodić, Ministry of Trade Tourism and Telecommunications, interview with IRM researcher, 12 September 2017.

13 Ibid.

14 Jelena Bojović, NALED, interview with IRM researcher, 12 September 2017

15 <http://www.parlament.gov.rs/upload/archive/files/cir/pdf/zakoni/2017/2314-17.pdf>

16 Milan Dobrijević and Milan Vojvodić, Ministry of Trade Tourism and Telecommunications, interview with IRM researcher, 12 September 2017.

17 Jelena Bojović, NALED, interview with IRM researcher, 12 September 2017

18 Milan Dobrijević and Milan Vojvodić, Ministry of Trade Tourism and Telecommunications, interview with IRM researcher, 12 September 2017.

## 14. Public Register of Administrative Procedures for Doing Business

### Commitment Text:

*Title: Establish a single public register of administrative procedures and other conditions for pursuing a business activity*

*A single public register of administrative procedures and other conditions for pursuing a business activity will enable citizens and businesses to access in one place all administrative requirements and procedures that have to be met and completed in order to obtain a certain service, including any costs in the form of fees, charges etc. Simplification of procedures and scrapping of unnecessary levies will create assumptions for greater predictability of operations and lower costs for citizens and businesses associated with the exercise of their guaranteed rights and compliance with their statutory duties. It is of particular importance to provide citizens and businesses with information about integrated procedures, i.e. procedures within the purview of multiple public administration bodies, in order to clearly identify all activities that need to be undertaken to complete a procedure as soon as possible.*

**Responsible institution:** Republic Secretariat for Public Policies

**Supporting institution(s):** Ministry of Economy, Ministry of Finance, Ministry of Trade, Tourism and Telecommunications, Ministry of Public Administration and Local Self-Government, Human Resource Management Service-activity 2 (as it pertains to training), Serbian Chamber of Commerce

**Start date:** Ongoing .....

**End date:** Q4 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
14. Public Register of Administrative Procedures for Doing Business			☐		☐			☐			☐		x		☐		

### Context and Objectives

A large number of special administrative procedures in Serbia hinder progress in service delivery by making the system complicated and less transparent for citizens and businesses.<sup>1</sup> Users of public services are often short of necessary information on

the steps, costs and other requirements of different administrative procedures, which causes additional expenses and wastes time. Business entities, for example, have been discontent with the effort they invest to inform themselves on how to apply for certain licenses and what the required documents, fees and deadlines are.<sup>2</sup> Additionally, public servants are burdened with the task of explaining individual steps and details to the users, often several times for a single procedure.<sup>3</sup>

The commitment proposed a comprehensive and user-friendly online database of administrative procedures.<sup>4</sup> The goal of the Government is to reduce administrative costs by at least 15 percent by 2022.<sup>5</sup> IRM researchers assess the specificity of this commitment as medium for it does not include verifiable deliverables. If implemented as written, this commitment would have a moderate impact on better informing businesses on administrative procedures for doing business and increase transparency when obtaining these services from the state. In addition, it will allow for simplification of procedures. The users will be able to download necessary forms, indicate if the procedure is obsolete, and have the possibility to see the average time for a decision to be made.<sup>6</sup> The benefits to citizens are less clearly articulated, suggesting that this commitment is mainly aimed at improving the business environment. Moreover, a civil sector representative confirmed that this commitment covers strictly business procedures as citizens do not fall under the competence of the Republic Secretariat for Public Policy, the institution responsible for this commitment.<sup>7</sup>

### **Completion**

There has been limited progress in fulfilling this commitment. The RSPP developed the action plan to establish the database<sup>8</sup> on time in late 2016.<sup>9</sup> Additionally, the template for the inventory of administrative procedures related to business<sup>10</sup> was finalized in early 2017. From February to March 2017, corresponding to the given timeline, the RSPP and Government HRM Service organized inventory-filling trainings for around 422 civil servants in charge of administrative procedures across 81 public administration bodies,<sup>11</sup> and provided them with instructional material and a Q&A sheet.<sup>12</sup> However, since the beginning of the inventory activities, the quality of input provided by the trainees has been varied, as there have been many cases of inadequate or insufficient information provided or even references to incorrect legal articles.<sup>13</sup>

The inventory activities began after a five-month delay and have not been completed yet. Reasons for the delay relate to the lack of financial resources of RSPP for designing a template for inventory.<sup>14</sup> The initial delays caused shifting of the subsequent activities, hence the inventory by businesses has not yet started. The new anticipated time for this activity to be completed is the last quarter of 2018<sup>15</sup>, which is a year after the originally proposed end time. Business representatives have been invited to identify 20 procedures of importance for businesses that should be optimized and simplified, potentially including the introduction of "one-stop

shops".<sup>16</sup> Moreover, the RSPB plans to tackle 30 additional procedures with the financial assistance of the UK Government's Good Governance Fund, whereas 30 percent of all inventoried procedures will be addressed through IPA 2013 Support to Implementation of the Action Plan for Improving Business Environment.<sup>17</sup>

The methodology for optimizing administrative requirements and the software for online database has not been developed yet. IRM researchers were informed that the latter would unlikely be achieved by the end of 2017, as proposed by the action plan.<sup>18</sup>

### **Early Results (if any)**

At the time of writing of this report, the inventory contains 2,470 procedures.<sup>19</sup> Another set of 500 import procedures should be completed in the second quarter of 2018, while an additional set of procedures related to the courts will be completed at a later stage.<sup>20</sup> Apart from the trainings, in which civil servants in charge of administrative procedures gained additional skills and knowledge, and apart from the large number of already inventoried procedures, no substantial results have been delivered yet. Representatives of CSOs who participated in the consultative meeting held on 19 September were not sufficiently familiar with the establishment of the database.<sup>21</sup> Businesses could not assess the quality of the process since they have not yet seen the results or been included in the implementation.<sup>22</sup>

### **Next Steps**

This commitment should be implemented in the remaining period of the action plan. Crucial for the proper implementation is the drafting of the Law on the Single Register of Administrative Procedures and Other Conditions for Pursuing Business Activity, which is anticipated in early 2018.<sup>23</sup> The quality of the proposed law remains a concern for business representatives.<sup>24</sup> Another risk identified is the sustainability of the online database in terms of proper mechanisms to ensure its regular updates and maintenance.<sup>25</sup> The IRM researchers recommend the following:

- Organize promotional and informative activities so that the non-expert public is familiar with this commitment and its purpose and potential impact.
- Apart from the business community, include civil society organizations in the process of optimizing administrative procedures.
- Clarify the benefits of this register to both businesses and citizens, given that at the moment there is a strong focus on business-oriented procedures. Further include CSOs to help identify these benefits and propose reduction of potential administrative burden in their own work.
- Dedicate attention to optimizing those procedures that are relevant for citizens, not just businesses. There is a large potential to simplify the requirements for official, paper-based proofs and certificates in citizen life events such as applying for social security, moving home, buying a used car, etc.

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- <sup>1</sup> SIGMA Principles of Public Administration: Baseline Measurement Report Serbia 2015, <http://www.sigmaweb.org/publications/Baseline-Measurement-2015-Serbia.pdf> .
- <sup>2</sup> Optimus, „Elektronski registar administrativnih postupaka i propisa“, <http://www.optimus.org.rs/onama-administrativni-postupci.php>.
- <sup>3</sup> Ibid.
- <sup>4</sup> Ninoslav Kekić, Public Policy Secretariat, interview with IRM researcher, 5 September 2017.
- <sup>5</sup> Republic Secretariat for Public Policies, “Uspostavljanje jedinstvenog registra administrativnih postupaka,” <http://www.rsjp.gov.rs/registar-administrativni-postupci>
- <sup>6</sup> Ibid.
- <sup>7</sup> Ranka Miljenović, European Policy Centre, interview with IRM researcher, 29 September 2017.
- <sup>8</sup> Available (in Serbian) at: [http://www.rsjp.gov.rs/malodrvo/registar\\_administrativnih\\_procedura/Operativni%20plan.doc](http://www.rsjp.gov.rs/malodrvo/registar_administrativnih_procedura/Operativni%20plan.doc) )
- <sup>9</sup> Government evaluation of the first six months of implementation of the action plan.
- <sup>10</sup> Available (in Serbian) at: [http://www.rsjp.gov.rs/malodrvo/registar\\_administrativnih\\_procedura/Obrazac.pdf](http://www.rsjp.gov.rs/malodrvo/registar_administrativnih_procedura/Obrazac.pdf)
- <sup>11</sup> Republic Secretariat for Public Policies, “Uspostavljanje jedinstvenog registra administrativnih postupaka,” <http://www.rsjp.gov.rs/registar-administrativni-postupci> ; Government HRM Service, „Otpočeo ciklus obuka za uspostavljanje jedinstvenog registra administrativnih postupaka“, [http://www.suk.gov.rs/sr\\_latin/vesti/vest.dot?id=21543](http://www.suk.gov.rs/sr_latin/vesti/vest.dot?id=21543)), Ninoslav Kekić, Public Policy Secretariat, interview with IRM researcher, 5 September 2017.
- <sup>12</sup> Available at [http://www.rsjp.gov.rs/malodrvo/registar\\_administrativnih\\_procedura/Uputstvo%20za%20popunjavanje%20obrasca.pdf](http://www.rsjp.gov.rs/malodrvo/registar_administrativnih_procedura/Uputstvo%20za%20popunjavanje%20obrasca.pdf) and [http://www.rsjp.gov.rs/malodrvo/registar\\_administrativnih\\_procedura/Pitanja\\_i\\_odgovori.docx](http://www.rsjp.gov.rs/malodrvo/registar_administrativnih_procedura/Pitanja_i_odgovori.docx).
- <sup>13</sup> Ninoslav Kekić, Public Policy Secretariat, interview with IRM researcher, 5 September 2017.
- <sup>14</sup> Government evaluation of the first six months of implementation of the action plan.
- <sup>15</sup> Ibid.
- <sup>16</sup> Jelena Bojović, NALED, interview with IRM researcher, 12 September 2017.
- <sup>17</sup> Ranka Miljenović, European Policy Centre, interview with IRM researcher, 29 September 2017.
- <sup>18</sup> Ninoslav Kekić, Public Policy Secretariat, interview with IRM researcher, 5 September 2017.
- <sup>19</sup> MPALSG, “Provisional Annual Self-Assessment Report on implementation of the Action Plan for Implementation of the Open Government Partnership Initiative in the Republic of Serbia for 2016 and 2017. Available at <http://www.mduls.gov.rs/doc/Privremeni%20godisnji%20izvestaj-samoprocena%20o%20implementaciji%20AP%20OGP%202016-17.doc>
- <sup>20</sup> Ninoslav Kekić, Public Policy Secretariat, interview with IRM researcher, 5 September 2017.
- <sup>21</sup> Stakeholder workshop, 19 September 2017.
- <sup>22</sup> Jelena Bojović, NALED, interview with IRM researcher, 12 September 2017.
- <sup>23</sup> Ninoslav Kekić, Public Policy Secretariat, interview with IRM researcher, 5 September 2017.
- <sup>24</sup> Jelena Bojović, NALED, interview with IRM researcher, 12 September 2017.
- <sup>25</sup> Ibid.

## V. General Recommendations

Stakeholder priorities for the current action plan focused on commitments for improving access to information. Given the national context, a higher level of transparency is necessary to enable independent media and research-focused CSOs to monitor and report on government activities. The MPALSG and the OGP working group could improve quality of the next action plan by carrying forward high impact activities, focusing on accountability-related commitments and those with both short- and long-term impacts, reviving commitments when there is more political will to implement them, and further involving citizens in the OGP progress.

This section aims to inform development of the next action plan and guide completion of the current action plan. It is divided into two sections: 1) those civil society and government priorities identified while elaborating this report and 2) the recommendations of the IRM.

### 5.1 Stakeholder Priorities

While civil society representatives were interested in all open government areas covered by the current action plan, their interest and involvement was higher for those commitments which had more CSO input or required cooperation between government and civil society. The commitment regarding the application for Information Booklets in particular was identified as a high priority commitment, as it would allow CSOs access to more information in open data formats, as well as raise the quality of information published by specific public authority bodies.

A considerable number of commitments in the current action plan focused on access to information. However, the question remains for CSOs how a higher level of transparency can be turned into a higher level of accountability. This is not a new open government dilemma,<sup>1</sup> but it is one that has plagued Serbia's civil society for years. The work of investigative journalists and CSOs has uncovered a wide range of illegal or questionable government activities over time, but these have seldom been responded to with adequate consequences for government actors engaged in those activities.

### 5.2 IRM Recommendations

While following the development of the current action plan and its implementation in the previous year, the IRM researchers noted multiple areas for improvement. Namely:

- **Ensure the continuity of high-impact commitments.** In drafting a new action plan, the MPALSG and the OGP working group should consider carrying forward commitments or activities from the previous action plan which were not fully implemented but have a moderate or transformative potential impact. Additionally, even those commitments which were fully implemented and impactful could be further developed through new commitments and activities, hence potentially scaling up existing open government



successes. These two steps are needed in order to ensure continuous progress in certain OGP areas. Experience with the first action plan indicates that commitments which are not carried forward or built upon in some way are easily 'forgotten' by both government and civil society representatives. For example, while commitment 8 envisaged the creation of the open data portal which now contains 45 open datasets, only eight government bodies have so far published on the portal.<sup>2</sup> Hence, the next action plan should include a commitment or commitments related to expanding the open data initiative to encompass a wider range of institutions and datasets.

- **Create database of OGP commitment proposals.** Given that only 5 out of 22 commitments proposed by the CSO<sup>3</sup> were accepted during the finalization of the current national action plan, the MPALSG could create a database of all OGP commitment proposals. This database could serve as a starting point for each new action plan cycle, but it could also allow stakeholders to repeat commitment proposals in the following action plan cycles. For example, the open budget commitment, which was proposed and included in a few drafts of the current action plan, but rejected by the Ministry of Finance in the finalization process due to their lack of understanding of open data and current government positions, could potentially become a part of the next action plan
- **Establish a regular and continuous multi-stakeholder forum.** OGP activities suffer greatly from the high frequency of the electoral process. Elections and reorganization within public administration bodies can lead to commitments and activities being transferred to different individuals within one cycle, affecting the overall implementation level. Moreover, the MPALSG establishes a new working group for each OGP action plan cycle, which further undermines continuity of membership. The regular multi-stakeholder group coordinated by MPALSG could have a wider scope of work than one action plan, to ensure that the same CSO and government representatives are included in every phase of the OGP - from developing commitments, action plan implementation, reporting and monitoring, to the development of a new action plan. Occasionally, part of the working group membership could be opened for new members, in order to ensure that new partners can join the process. Moreover, the working group should bring its own rules of procedure, which should contain specific rules for handover of membership (in cases where one member is being replaced by a new member). These rules would entail the details regarding handover of documents, provision of information and basic guidance to the new member by the outgoing member (from within the public institutions or the CSOs). . Furthermore, the rules of procedure of the Working Group should include details of the deliberation and decision-making processes within the group, so as to stimulate consideration and acceptance of CSO proposals to a greater extent.
- **Improve commitment quality.** The specificity and quality of commitments should be improved in order to enable proper understanding, monitoring, and evaluation by civil society and other stakeholders. Commitment texts need to contain all relevant information regarding the scope and characteristics of planned activities. Additionally, the experience of the current action plan demonstrates that commitments which were added in the later stages of the action plan development were the ones that lacked specificity and detail of intended results. This practice of adding new commitments after public consultations should be avoided. Instead, it is important to establish greater public engagement and make various forms of consultations mandatory at particular stages in the drafting process.
- **Focus on commitments with clear citizen engagement tools.** Serbia's OGP commitments are primarily of a legal nature and, while creating the proper legislative framework is necessary for public administration reform and EU accession, there is a need for more tangible commitments that have an immediate impact on citizens. For the

commitments to be more impactful, in the following action plan cycle, the MPALSG and stakeholders within the OGP working group need to prioritize issues which have both short-term and long-term effects on citizens and contribute to building a more constructive relationship between citizens and the government. A good example in the current action plan is commitment 4, which aims to establish an online portal for collecting initiatives from citizens and businesses for changing or proposing legislation. The government can also consider developing platforms for citizen inputs on legislative changes and creating specific procedures and methods for ensuring proper inter-institutional cooperation. These measures should encompass a timely response to submitted initiatives and provision of quality feedback to citizens.

- **Focus on improving accountability.** The next action plan should try to include commitments aiming to improve accountability mechanisms in Serbia and enable civil society and other stakeholders to take transparency one step further. The new action plan could include a commitment to enforce the new accountability provisions of the amended law on Free Access to Information of Public Importance, ensuring proper sanctions for public bodies not complying with the law, with a strengthened role of the Commissioner for Information of Public Importance and Personal Data Protection in the sanctioning mechanisms. The new action plan could also include a commitment on developing mechanisms for citizens to rate the transparency and quality of information provided by individual public authority bodies.
- **Include open budgeting commitment.** Given that Serbia is lagging behind its neighbors on budget transparency, the next action plan should include a commitment introducing open budgeting at the national and local levels. This commitment was proposed by civil society, but was rejected by the Ministry of Finance in the last stage of action plan development. Opening of budget information (financial plans and reports) by making them available in open data formats, free of charge for use by all, would represent a major step towards increased financial accountability of the government at all levels. It would also be well aligned with the wider open data efforts of the Serbian government, where the cooperation between the government and civil society has yielded tangible results.
- **Improve visibility of the national OGP process.** While the MPALSG and other relevant bodies have included civil society organizations in the drafting of the current action plan, there is still a low number of CSOs included in the working group (currently 5), which could be related to both the eligibility criteria and the (potentially limited) promotion of OGP. Moreover, the wider public is predominantly not aware of the action plan consultation process and Serbia's involvement in the OGP initiative. At the stakeholder workshop that IRM organized as part of this assessment, a large part of participating CSOs did not know even know what OGP is and were not familiar with the AP. Therefore, a more targeted communication approach and awareness-raising on OGP activities could increase the involvement of citizens in the next action plan cycle. This could be done through greater cooperation with civil society organizations with a wide reach at the central and local level. MPALSG should organize seminars, workshops and other types of gatherings for CSOs both in Belgrade and on the local level more frequently, so that a wider range of organizations across Serbia can get familiarized with the NAP content, MPALSG activities, significance of OGP, etc. MPALSG could organize these events possibly within some of the Technical Assistance projects it benefits from.

Table 5.1: Five Key Recommendations

1	To ensure continuity of OGP activities in the context of frequent administration
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	changes and high frequency of the electoral process, proper handover mechanisms are needed. IRM recommends to establish an OGP multi-stakeholder forum with an adequate mandate and scope of work covering all phases of the action plan cycle, including the implementation.
2	To increase financial transparency, the next action plan should include a commitment introducing open budgeting at national and local levels, specifically disclosing financial plans and expenditure reports in open data formats.
3	To ensure the continuity of high-impact commitments, the government should carry forward and scale up activities with demonstrated impact. For example, the current commitment on the open data portal should be expanded to encompass a wider range of institutions and datasets.
4	Focus on commitments with clear citizen engagement and public accountability tools. Expand citizen input mechanisms, such as the portal developed by the Public Policy Secretariat, which is currently limited to business representatives. Authorities need to ensure transparent and timely feedback to citizens' proposals.
5	Develop a more targeted communication approach and awareness-raising activities to increase citizen involvement in formulation of OGP commitments. Additionally, the government needs to consider wider cooperation with CSOs at central and local level.

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<sup>1</sup> Jonathan Fox, "From transparency to accountability?", <https://www.opengovpartnership.org/stories/transparency-accountability>

<sup>2</sup> Open Data Portal, *Organizations*, <https://data.gov.rs/sr/organizations/>

<sup>3</sup> See visualizations of the action plan 2016-2018 (in Serbian), <https://ogp.rs/video/>

## VI. Methodology and Sources

The IRM progress report is written by researchers based in each OGP-participating country. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organizations.

Each IRM researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency and therefore, where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each report.

Each report undergoes a four-step review and quality-control process:

1. Staff review: IRM staff reviews the report for grammar, readability, content, and adherence to IRM methodology.
2. International Experts Panel (IEP) review: IEP reviews the content of the report for rigorous evidence to support findings, evaluates the extent to which the action plan applies OGP values, and provides technical recommendations for improving the implementation of commitments and realization of OGP values through the action plan as a whole. (See below for IEP membership.)
3. Prepublication review: Government and select civil society organizations are invited to provide comments on content of the draft IRM report.
4. Public comment period: The public is invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.<sup>1</sup>

### Interviews and Focus Groups

Each IRM researcher is required to hold at least one public information-gathering event. Researchers should make a genuine effort to invite stakeholders outside of the "usual suspects" list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g., online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than is provided in the self-assessment or is accessible online.

### **About the Independent Reporting Mechanism**

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on an annual basis. The design of research and quality control of such reports is carried out by the International Experts Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Hazel Feigenblatt
- Mary Francoli
- Brendan Halloran
- Hille Hinsberg
- Anuradha Joshi
- Jeff Lovitt
- Fredline M'Cormack-Hale
- Showers Mawowa
- Ernesto Velasco

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at [irm@opengovpartnership.org](mailto:irm@opengovpartnership.org)

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<sup>1</sup> IRM Procedures Manual, V.3 : <https://www.opengovpartnership.org/documents/irm-procedures-manual>

## VII. Eligibility Requirements Annex

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.<sup>1</sup> When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

In September 2012, OGP officially encouraged governments to adopt ambitious commitments that relate to eligibility.

Table 7.1: Eligibility Annex for Serbia

Criteria	2011	Current	Change	Explanation
Budget Transparency <sup>2</sup>	4	4	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to Information <sup>3</sup>	4	4	No change	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration <sup>4</sup>	4	4	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	3 (7.35) <sup>5</sup>	3 (7.06) <sup>6</sup>	No change	<i>EIU Citizen Engagement Index</i> raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percent)	15/16 (94%)	15/16 (94%)	No change	75% of possible points to be eligible

<sup>1</sup> For more information, see <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>.

<sup>2</sup> For more information, see Table 1 in <http://internationalbudget.org/what-we-do/open-budget-survey/>. For up-to-date assessments, see <http://www.obstracker.org/>.

<sup>3</sup> The two databases used are Constitutional Provisions at <http://www.right2info.org/constitutional-protections> and Laws and draft laws at <http://www.right2info.org/access-to-information-laws>.

<sup>4</sup> Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), <http://bit.ly/19nDEfK>; Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009*, (OECD, 2009), <http://bit.ly/13vGtqS>; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009), <http://bit.ly/1cIokYf>. For more recent information, see <http://publicofficialsfinancialdisclosure.worldbank.org>. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and de facto public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at <http://bit.ly/1EJL4Y>.

<sup>5</sup> "Democracy Index 2010: Democracy in Retreat," The Economist Intelligence Unit (London: Economist, 2010), <http://bit.ly/eLC1rE>.

6 “Democracy Index 2014: Democracy and its Discontents,” The Economist Intelligence Unit (London: Economist, 2014), <http://bit.ly/18kEzCt>.