

Independent Reporting Mechanism

Action Plan Review:
Serbia 2020-2022

Open
Government
Partnership



Independent
Reporting
Mechanism

Introduction

Starting in January 2021, the IRM began rolling out the new products that resulted from the IRM Refresh process.¹ The new approach builds on the lessons after more than 350 independent, evidence-based and robust assessments conducted by the IRM and the inputs from the OGP community. The IRM seeks to put forth simple, timely, fit for purpose and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

The new IRM products are:

1. **Co-creation brief** - brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design. This product is scheduled to roll out in late 2021, beginning with countries co-creating 2022-2024 action plans.
2. **Action Plan Review** - an independent, quick, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This product is scheduled to roll out in early 2021 beginning with 2020-2022 action plans. Action Plan Reviews are delivered 3-4 months after the action plan is submitted.
3. **Results report** - an overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product is scheduled to roll out in a transition phase in early 2022, beginning with 2019-2021 Action Plans ending implementation on August 31, 2021. Results Report are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of Serbia's 2020–2022 action plan. The action plan is made up of 12 commitments, four of which the IRM has filtered and clustered into two. This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For the commitment-by-commitment data, see Annex 1. For details regarding the methodology and indicators the IRM used for this Action Plan Review, see section IV. Methodology and IRM Indicators

Table of Contents

Section I: Overview of the 2020-2022 Action Plan	4
Section II: Promising Commitments in Serbia's 2020-2022 Action Plan	6
Section III: Methodology and IRM Indicators	14
Section IV. Methodology and IRM Indicators	17
Annex I. Commitment by Commitment Data	17
Annex II: Minimum Requirements for Acting According to OGP Process	19

¹ For more details regarding the IRM Refresh, visit <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>

Section I: Overview of the 2020-2022 Action Plan

Serbia's 2020–2022 Action Plan tackles diverse policy areas, and its promising commitments seek to better inform and engage the public on pressing national issues. However, the overall ambition of the action plan is low, on par with previous plans. The IRM recommends strengthening future action plans by incorporating more thorough milestones that effectively leverage each other to achieve the stated goals. It also recommends more suitably integrating higher-level public servants throughout the country's OGP process so that the selected priorities become better integrated with government priorities and are addressed in greater depth.

Serbia's 2020–2022 OGP action plan is made up of 12 commitments. While the action plan largely resembles the previous one, some of its commitments carry potential to enable better monitoring and public participation in policymaking (commitments 2 and 3) and improve access to information and public accountability on combating violence involving children (commitment 7).

Overall, the action plan includes no new policy areas and carries over five themes from the previous action plan, including access to information, civic participation, environment and climate, public procurement, and public service delivery. For example, commitment 8, on amending the Access to Information Law, continues on from the 2018–2020 Action Plan¹ and is closely related to another commitment of the 2016–2018 Action Plan.² Similarly, commitments 11 and 12, which seek to improve the framework and implementation of the Law on Public Information and Media, complement two commitments from the previous plan designed to improve transparency and public participation in the public financing of media.³ It is important to note that while commitments 8, 11, and 12 are commendable in attempting to change important legal frameworks to improve access to information, civic participation, and public accountability, their results depend on the legal amendments being adopted without delay, and subsequent implementation is not likely to see early results until after the end of the action plan cycle.

AT A GLANCE

Participating since: 2013

Action plan under review: 2020–2022

IRM product: Action Plan Review

Number of commitments: 12

Overview of commitments:

- Commitments with an open gov lens: 12 (100%)
- Commitments with substantial potential for results: 3 (25%)
- Promising commitments: 3 (25%)

Policy areas carried over from previous action plans:

- Access to information
- Civic participation
- Environment and climate
- Public procurement
- Public service delivery

Emerging policy areas:

- N/A

Compliance with OGP minimum requirements for Co-creation:

- Acted contrary to OGP process: No

The plan responds to IRM recommendations on incorporating more commitments targeting direct civic engagement and citizen-centered public services. The overall ambition of the plan, however, is comparable to that of previous cycles, in which the issues to be tackled are of high relevance to Serbia's context, but the steps proposed to tackle them do not point to significant change in government practice, thus resulting in low ambition. Commitments that may be worth expanding on in the next Action Plan include commitment 4 on citizens' participation in the management of protected environmental sites. The commitment envisions the formation of a working group to draft a law to this effect, but the results will flow only from effective implementation of the law, which goes beyond the scope of this action plan.

The plan's co-creation included a broader consultation process, covering more than 70 representatives from government and civil society. It also addressed two key recommendations the IRM had made regarding the previous co-creation process⁴ by including a broader range of civil society organizations (CSOs) and considering more diverse causes than it had in the past.⁵ Among new topics discussed was the potential adoption of a more transparent procurement process in the government's response to the COVID-19 pandemic. Ultimately, however, the OGP Working Group did not submit a commitment proposal relevant to this discussion in part due to the pressing deadline to submit the action plan and decided to discuss the issue in greater depth with competent authorities in the future.⁶

According to a CSO representative, civil society was able to use the co-creation's procedures to act collectively and successfully advocate for turning down commitments they deemed of lower quality.⁷ Nevertheless, several CSO representatives viewed the co-creation process as a mechanism to channel ideas to decision-makers outside of the OGP Working Group rather than a space to empower said Working Group to make decisions.⁸ Some CSO representatives deemed that the agencies in charge of implementing the discussed commitments watered down the proposals without properly justifying the proposal modifications.⁹

This Action Plan Review recommends improving engagement of higher-level public servants throughout the co-creation and implementation of the action plan, better integrating CSOs' demands with government priorities and improving the plan's ambition by increasing the thoroughness of the commitments' milestones to ensure that they effectively help accomplish the stated goals.

¹ See commitment 12 in the 2018-2020 Action Plan: https://www.opengovpartnership.org/wp-content/uploads/2019/11/Serbia_Design_Report_2018-2020_EN.pdf.

² See commitment 7 in the 2016-2018 Action Plan: https://www.opengovpartnership.org/wp-content/uploads/2019/03/Serbia_End-Term_Report_2016-2018_EN_final_web_publication_7-March-2019.pdf.

³ See commitments 4 and 6 of the 2018-2020 Action Plan: https://www.opengovpartnership.org/wp-content/uploads/2019/11/Serbia_Design_Report_2018-2020_EN.pdf.

⁴ IRM Serbia Design Report 2018-2020, OGP IRM, 2019 https://www.opengovpartnership.org/wp-content/uploads/2019/11/Serbia_Design_Report_2018-2020_EN.pdf.

⁵ Interview with Bojana Selaković, Civic Initiatives, 15 March 2021.

⁶ Minutes of the Fourth OGP Working Group meeting: <http://mduls.gov.rs/wp-content/uploads/Zapisnik-sa-4.-sastanka-RG-AP-OGP-2020-2022..docx>.

⁷ Interview with Danijel Dašić, National Coalition for Decentralisation, 12 March 2021.

⁸ Minutes of the Fifth OGP Working Group meeting: <http://mduls.gov.rs/uprava-po-meri-svih-nas/strateska-dokumenta/>; interview with Danijel Dašić, National Coalition for Decentralisation, 12 March 2021; and interviewee with stakeholder who asked for anonymity.

⁹ Interview with Danijel Dašić, National Coalition for Decentralisation, 12 March 2021 and Interview with Bojana Selaković, Civic Initiatives, 15 March 2021.

Section II: Promising Commitments in Serbia's 2020-2022 Action Plan

The following review looks at the three commitments (two of which are clustered together) that the IRM identified as having the potential to realize the most promising results. This review will inform the IRM's research approach to assess implementation in the Results Report. The IRM Results Report will build on the early identification of potential results from this review to contrast with the outcomes at the end of the implementation period of the action plan. This review also provides an analysis of challenges, opportunities, and recommendations to contribute to the learning and implementation process of this action plan.

The IRM selected the promising commitments discussed in this section using the methodology described on Section III. These commitments address issues of significant relevance to Serbia today. For example, commitment 7 responds to reports of widespread violence involving children, and commitments 2 and 3 seek to improve the quality of public participation in the creation of public policy. Each of the commitments included in this section is designed to have a wide reach and significant impact, and their milestones clearly articulate how they will contribute to the commitments' respective goals.

However, this section leaves out several commitments that at first glance appear promising but whose contextual circumstances and narratives suggest otherwise. Commitment 8, for example, seeks to create a draft amendment for the Law on Free Access to Information of Public Importance to improve the government's transparency. Amending the law to address its current shortcomings is an ambitious endeavor, but it is something that was unsuccessfully tried in the previous two action plan cycles.¹¹ With the creation of the draft amendment as its last milestone, commitment 8 fails to anticipate challenges in the adoption of the draft and risks facing a similar fate. Commitment 10 has some design drawbacks as well. While it seeks to improve the government's data management capacity, an important step for Serbia to modernize its data management capabilities and potentially the government's ability to share information with the public, the commitment's immediate goal is some steps removed from actually improving the delivery of information to the public, rendering its potential for early results moot.

As for commitments 11 and 12, their intention to make improvements to the Law on Public Information and Media from 2014 is highly relevant to the country, not the least because transparency as to how the government funds media has yet to be established.¹² The commitments respond to recommendations from the European Commission that Serbia make "ensuring suitable funding of public broadcasting services, transparent and equitable co-funding for media content serving the public interest, and increased transparency in media ownership and advertising" a priority, as well as to demands of the Balkan Investigative Reporting Network (BIRN) and Civic Initiatives.¹³ Nevertheless, the success of both commitments depends on the amendments being passed, and neither commitment addresses any potential roadblocks to accomplishing that. Beyond improvements in legal frameworks that both commitments would accomplish, any significant results would rely on the effective implementation of those legal frameworks, which would likely fall outside the timeframe of the current action plan.

Table 1. Promising commitments

Promising Commitments
2 and 3: Improved public participation in the creation of public policy – These commitments aim to create a central platform to enable administrative bodies to improve access to information and public participation in the creation of national policies as well as a mechanism to systematically monitor the quality of public engagement in these processes. These efforts could improve public participation throughout the public policy cycle.
7: Combating violence involving children – This commitment seeks to create a platform to centralize and report on currently sparse or unavailable information related to violence involving children and will undertake responding to this violence through trainings and educational material for teachers and students. The platform could allow the public to report this type of violence and will require pertinent authorities to respond to those reports.

Commitment cluster 2 and 3: Improved public participation in the creation of public policy

(General Secretariat of the Government; Office of Information Technology and eGovernment; Ministry of Public Administration and Local Self-Government; and GIZ project "Support of the Public Administration Reform in Serbia")

For a complete description of the commitments, [see commitment 2 and 3 in the action plan](#).

Context and objectives

Over the past several years, Serbia has improved its legal framework to better engage the public in the policymaking process. However, despite improvements, the regulatory framework is yet to be implemented consistently, and its impact remains to be seen.¹⁴ Indeed, as established by the Law on the Planning System, the Law on State Administration, and their respective regulations, as of 2019, Serbia's state administration bodies are required to use the eGovernment portal¹⁵ to consult the public on the preparation of laws, regulations, and policy documents and to report back on these consultations.¹⁶ However, the eGovernment portal lacks the functionality to consistently and effectively accompany all of the consultation processes the law requires.¹⁷

Commitment 3 seeks to address the portal's shortcomings by improving its capabilities through the creation of a single platform to enable access to information related to, and a space for, all phases of consultation and public debate to inform national laws, regulation, and policy documents. This is intended to operationalize the administrative bodies' legal obligations and to improve how the public is engaged in the country's policymaking process. Meanwhile, commitment 2 seeks to facilitate further improvements by establishing a mechanism to systematically monitor the quality of all consultations and public debate processes.

The Ministry of Public Administration and Local Self-Government (MPALSG) proposed commitment 2 during the co-creation process. In turn, Civic Initiatives, a CSO focusing on promoting democracy and civic education, submitted the original proposal for commitment 3.¹⁸ The commitments are complementary to commitment 14 of the previous action plan to amend the Law on Referendum and Civic Initiatives to electronically enable all existing forms of civic engagement for referendums and civic initiatives. As of early 2021, the draft amendment was still pending an additional round of inter-institutional review and government approval.¹⁹

Potential for results: Substantial

Currently 50% of adopted laws in Serbia undergo public debate. Meanwhile the percentage of policy documents and regulations that undergo consultations is around 85% and 35%, respectively.²⁰ Because there is no single system for aggregate data collection on consultations and public debates in the creation of public policy, it is difficult to comprehensively assess how these engagements are conducted. Commitments 2 and 3, thus, constitute an important step in strengthening public participation in the creation of public policy. On one hand, a well thought-out eParticipation platform (commitment 3) could result in the operationalization of administrative bodies' legal obligations to improve how they inform and engage the public throughout the policy creation process by enabling a central place to conduct this work online. On the other hand, the implementation of a mechanism to systematically monitor the quality of all consultations (commitment 2) could allow the identification of strengths and shortcomings and the implementation of relevant solutions to existing challenges. In turn, better and continuously improving channels for consultations and public debate should help improve Serbians' participation in the government's decision-making process. These commitments, thus, represent an important opportunity for the country, as only about 3% of Serbians claim to have ever participated in public debate related to government decisions.²¹ Furthermore, these developments could help the relationship the public has with institutions like the government and the Parliament, which currently only around 27% Serbians says they trust.²² Due to these commitments' significant relevance and potential reach, the IRM considers them to have the potential to achieve substantial results.

Currently, citizens can share their inputs regarding policy proposals directly to the administrative bodies overseeing the proposals through the webpages of those bodies, and they may only use the eGovernment portal to find out information about consultations and public debates related to these proposals. The eGovernment portal, thus, faces significant limitations to fulfill its mandate. According to Civic Initiatives, one of the main remarks from CSOs about the portal is that it lacks critical material and functionalities necessary for these consultation and public debate processes.²³

This commitment envisions that the eParticipation platform provide all key material related to each consultation and debate and enable electronic participation in, and monitoring of, the entire policy proposal process. Many of the current portal's limitations are primarily of a technical nature and include limited visibility, accessibility, and navigability. Among other improvements, the new eParticipation platform could allow administrative bodies overseeing policy proposals to directly manage the consultation and debate procedures, provide feedback on the inputs received, and answer any questions asked throughout these processes.²⁴ In essence, the new platform could enable administrative bodies to improve the quality of engagement they have with citizens during the consultation and debate of policy proposals. Improvements that could result from the implementation of the eParticipation platform should manifest some improved metrics compared with the current portal. These include the number of visitors to the platform, the average time spent in it, its bounce rate, and the number of returning visitors. But perhaps more significant may be the number of administrative bodies conducting consultation processes on the new platform and the public's assessment of how well the new platform is informing it about policy proposals, how easy it is for the public to provide feedback, and how easy it is for it to understand how feedback is incorporated.

Although the eParticipation platform could result in important improvements in how the public is engaged online, commitment 2 could lead to the systematic monitoring of the quality of public participation, online or otherwise, in the creation of public policy. The insights drawn from this monitoring could help inform further improvements, which should in turn contribute to more effective participation from the public.

Opportunities, challenges, and recommendations during implementation

The implementation of these commitments could result in both an enabling platform to better engage the public in policymaking, as mandated by law, and in a mechanism to assess the quality of these engagements. However, the existence of this platform and mechanism does not necessarily guarantee improved citizen engagement. For the eParticipation commitment to achieve its full potential, the government will need to ensure that a wide number of administrative bodies adopt the platform, that the public knows about and understands how to engage through the portal and, ultimately, that it is motivated to do so. Similarly, it will be critical for the monitoring commitment to not only institutionalize its mechanism but also to lay the ground for improvements of the mechanism itself. To ensure these determining factors, the IRM recommends the following:

- **Explore opportunities to maximize government and public uptake of the new eParticipation platform.** Regardless of how well designed the new platform is, its success will heavily rely on how widespread its use is. On the government's side, it will be helpful to enforce and support the legally binding use of the platform among administrative bodies and other relevant government entities. But perhaps more importantly, it will be necessary to understand stakeholders' potential use of the platform and, to the extent possible, increase its utility for them to positively influence its uptake. Consulting stakeholders to inform the design and piloting of the platform will, therefore, be critical to the platform's success, as will be ongoing consultations with stakeholders to ensure future improvements. Other important factors to consider to maximize uptake include ensuring the platform is well advertised and easily accessible and that it employs a user-friendly interface.
- **Develop and implement a capacity building strategy for the eParticipation platform users from the government and the public.** The implementation of the commitment should be accompanied by a strategy that implements clear guidelines and training for government users. The strategy should also consider the resources necessary to ensure that, beyond training, relevant staff have the time and resources required to design and lead meaningful consultation and debate processes in their respective areas using the platform. The strategy should seek to cultivate public usage for the platform by helping interested users from the public build competencies on the platform's use through guidance material. Training the public is already considered in the commitment's last milestone, but it is important to note that the reach and sustainability of the training will be crucial in developing the competencies of users in the long run. Adopting training modules available on the platform itself could help address this last point.

Ensure the institutionalization of the monitoring mechanism for public participation and plan to strengthen it with future improvements. Though it is understood that the commitment seeking to establish this monitoring mechanism

anticipates that the mechanism will be permanent, the milestones, as stated, exclusively guide actions for the year 2021. For the commitment to fulfill its potential the mechanism should continue operating in the future, so actions to ensure that the mechanism is institutionalized should be taken either in this action plan cycle or in the next one. Furthermore, the mechanism should plan for future improvements to increase its influence. One possible route for strengthening it may be that, beyond monitoring, the mechanism eventually conducts evaluations of topics dealing with public participation in the creation of public policy, as needed.

Commitment 7: Combating violence involving children

(Office of Information Technology and eGovernment; Government Working Group for Peer Violence; and Association of Lawyers AEPA)

For a complete description of the commitment, [see commitment 7 in the action plan](#).

Context and objectives

Studies find violence involving children in Serbia to be widespread. A UNICEF report from 2017 points to previous research highlighting that 47% of children between the ages of 1 and 4 are at high risk of violence at home; one showed that 44% of school-aged children surveyed reported being exposed to peer violence; and one found that in the 2013/2014 school year, as many as 74% of secondary school students were exposed to at least one form of gender-based violence.²⁵ ²⁶At the moment, Serbia lacks a single system for collecting information on and monitoring cases of violence involving children, including demographic data related to perpetrators or victims. Some domestic violence data involving children can be obtained upon request, as is true with the number of registered cases in the National Institute for Social Protection and criminal sanction from within the judicial statistics. In some other cases, some data on peer-to-peer violence could, in theory, be requested from the Ministry of Education, Science and Technological Development or from the Ministry of the Interior. In no small part due to the stigma surrounding the topic, most important information regarding these cases remains dispersed across agencies or is unavailable.²⁷ Having a comprehensive understanding of violence involving children is critical in helping address both the cases of violence and their repercussions.²⁸ If implemented as planned, this commitment would bridge the information gap that prevents the proper tackling of violence involving children.

The commitment intends to establish a platform, called "I protect you," for filing reports, monitoring, responding to, and educating the public and government stakeholders on all forms of violence that involve children as either victims or perpetrators. The commitment could contribute to improved access to information as it pertains to violence involving children and how it is addressed, alongside other tools to help reduce it. Importantly, it would allow individuals to report cases of this type of violence, which authorities, like the Ministry of Education, Science and Technological Development, would then be required to handle and respond to, according to their purview and competence, incorporating a public accountability component to the commitment. These agencies would then be required to report on the progress of each case using the reporting platform. Meanwhile, by managing the platform, the government would be responsible for coordinating the reporting, assessing how well cases are being handled, and adjusting the overall strategy for handling future cases. Besides the platform, a national call center would deal with calls related to this type of violence, which the government would oversee as well.²⁹

This commitment was proposed during the broader consultation process in mid-2020 by the Association of Lawyers – AEPA, a voluntary, professional, nonprofit organization dedicated to the promotion of the legal field and the advancement of vulnerable groups.³⁰ The Government Working Group for Peer Violence and the Ministry of Labour, Employment, Veteran and Social Affairs together developed the final text of the commitment.³¹ According to a government representative, the Office of the Prime Minister had a crucial role in formulating this commitment.³²

Potential for results: Substantial

The platform this commitment proposes could contribute to three important aspects of tackling violence involving children. The first would be to integrate relevant reporting on the topic from competent government agencies, particularly the Social Affairs and the Ministry for Family Welfare and Demography; the Ministry of Education, Science and Technological Development; and the Ministry of Labor, Employment, Veteran and Social Affairs.³³ Currently, data such as the causes of this form of violence, how this violence is manifested, and the gender, age, and territorial distribution of perpetrators and victims are difficult and sometimes impossible to assemble. Yet, these data are crucial for the adequate prevention and protection of children from violence.³⁴ The information that would be reported out as a result of the commitment could increase and improve the access to information about the topic and allow the government and civil society to better inform their strategies for tackling violence involving children.

The second component, led by the Ministry of Education, Science and Technological Development, would develop and implement online training and accompanying material for pupils and teachers on this type of violence.³⁵ This could ultimately improve the capacity to respond to such cases of violence.

Finally, the platform would include a space for the members of the public to report on cases involving children to competent agencies, and these agencies would be required to respond to such reports.³⁶ This last component could lead to results for public accountability, wherein competent authorities are made responsible for properly handling each one of these reports.

If implemented successfully, this commitment could result in a better informed and trained public and a more responsive and strategic government, all of which could contribute to reduced violence involving children. Therefore, this commitment has a potential for substantial results.

Opportunities, challenges, and recommendations during implementation

This commitment seeks to tackle violence involving children, a pressing problem in Serbia, and its components point toward achieving important progress in addressing it. The IRM makes the following recommendations to ensure the commitment is successfully implemented and fulfills its potential:

- **Implement the highest standards for handling reports made through the “I Protect You” platform and the call centers.** For the commitment to fulfill its potential, the successful handling of each one of the reports submitted through either the platform or call center will be crucial. Both means of reporting should ensure sensitive but swift handling of the reports and guarantee the protection and support of all children involved. Those responsible for overseeing the reports should be highly trained staff who, whenever possible, operate at the local level in close touch with and

significant knowledge of local social services, education institutions, and the justice system to ensure that each case appropriately meets its needs.³⁷

- **Implement high standards for managing data, including anticipating and addressing potential data privacy concerns.** Given that one of the aims of the commitments is to centralize data to better understand and tackle violence involving children, high standards for managing this data will be necessary. It would be critical, for instance, to publish anonymized data in machine readable form to facilitate its analysis. Similarly, protecting the privacy of individuals should be of utmost concern. All risks should be considered, and protocols should be in place to address them and safeguard the privacy of victims and those reporting cases of violence. Furthermore, all staff handling these data should be properly trained on these protocols.
- **Validate the “I protect you” platform with stakeholders.** As the platform is being designed and implemented, it will be important to create validating exercises where the platform’s potential users, from the government and the public alike, have an opportunity to provide feedback, from early on, on important aspects of it, such as the type of information being collected and how it is presented. These exercises may help ensure that the data collected and presented are adequate to meet the needs of the users. The exercises should lead to modifications to address the concerns or recommendations provided. These exercises may have already been intended for the piloting phase of the commitment, but it is important to see them through. To maximize the data’s accessibility, it is important to ensure that any person who lacks technical knowledge about the topic can easily find and understand the information presented. This may be members of civil society or of the public in general, and the goal would be to facilitate the monitoring and follow-up of the policies that end up being implemented to address violence concerning children.
- **Conduct dialogue with the public regarding violence involving children and its intended solutions.** The educational components built into the commitment are certainly important but as currently designed appear rather one-directional, with the government instilling knowledge and missing an opportunity to also receive it. As the commitment is implemented, these educational spaces should be used for the government to also receive feedback from the public, and in particular from children themselves, about how to best address the issue, and in due time, about how the policies designed to address it are being implemented. The feedback should be incorporated in the policy decisions. This dialogue would not only instill a collaborative relationship between the government and the relevant stakeholders in addressing the issue, but also could likely lead to better designed solutions and consequentially better outcomes.

¹¹ Commitment 6 of the 2016-2028 Action Plan sought to amend the Law on Free Access to Information of Public Importance to obligate public institutions to proactively publish information about their work in a consistent, complete, and regular manner. But the amendment was not passed, in part due to concerns from civil society that the amendments would result in backsliding on access to information rights. The following cycle, commitment 12 of the 2018-2020 Action Plan sought to amend the same law to improve oversight of compliance and expand the circle of authorities subject to the law. However, the amendment remains in limbo, and the public is uncertain about its future. For more information see the Serbia’s 2016-2020 End-of-Term Report: https://www.opengovpartnership.org/wp-content/uploads/2019/03/Serbia_End-Term_Report_2016-2018_EN_final_web_publication_7-March-2019.pdf; and Serbia’s 2018-2020 Early Results Report: pending publication.

-
- ¹² Serbia 2020 Report, European Commission, 2020, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf.
- ¹³ Serbia 2020 Report, European Commission, 2020, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf.
- ¹⁴ Serbia 2020 Report, European Commission, 2020, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf.
- ¹⁵ eGovernment portal, javnerasprave.euprava.gov.rs.
- ¹⁶ For more information, see the Law on the Planning System and its regulations (<https://rsjp.gov.rs/en/documents-category/regulations/>); the Law on State Administration (<http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/viewdoc?uuiid=07ee9a20-4398-4e83-9684-231f723539c2®actid=426156&doctype=reg>); and the corresponding rulebook “for good practice for achieving public participation in the preparation of draft laws and other regulations and acts” (<http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/viewdoc?uuiid=844f511a-8d31-42a1-aea4-c7f5bb8dc599®actid=428774&doctype=reg>).
- ¹⁷ Serbia 2020-2022 Action Plan https://www.opengovpartnership.org/wp-content/uploads/2020/12/Serbia_Action-Plan_2020-2022_EN.pdf.
- ¹⁸ Minutes of the Fourth OGP Working Group meeting: <http://mduls.gov.rs/wp-content/uploads/Zapisnik-sa-4.-sastanka-RG-AP-OGP-2020-2022..docx>.
- ¹⁹ See the Early Results Report for the 2018-2020 Action Plan for more information: Pending publication.
- ²⁰ Information provided by Darko Radojičić, Secretariat for Legislation, March 31, 2021.
- ²¹ Balkan Barometer, 2019, https://www.rcc.int/seeds/files/RCC_BalkanBarometer_PublicOpinion_2019.pdf.
- ²² Balkan Barometer, 2019 https://www.rcc.int/seeds/files/RCC_BalkanBarometer_PublicOpinion_2019.pdf.
- ²³ Report and Conclusions from the Consultative meetings, <http://mduls.gov.rs/wp-content/uploads/lzve%C5%A1taj-sa-konsultativnih-sastanaka-sa-OCD-AP-OGP-2020-2022-FINAL.docx>.
- ²⁴ Interview with Marija Kujačić, Andreja Gluščević and Nevena Galonja, Office for IT and eGovernment, March 23, 2021
- ²⁵ http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2017/09/Nasilje_prema_deci_u_Srbiji_Nacionalni_izvestaj.pdf
- ²⁶ The researcher did not find updated numbers on these statistics.
- ²⁷ Interview with representative of the Prime Minister’s Office, March 23, 2021.
- ²⁸ Bridging the gap The role of monitoring and evaluation in Evidence-based policy making, UNICEF, 2008, [https://mics.unicef.org/files?job=W1siZiIsIjIwMTUvMDEvMzAvMDMvMTYvNDkvMjQ2L2V2aWRlbnNIX2Jhc2VkX3BvbGljeV9tYVWtpbmcucucGRmlld&sha=66f7484e16ed9da3](https://mics.unicef.org/files?job=W1siZiIsIjIwMTUvMDEvMzAvMDMvMTYvNDkvMjQ2L2V2aWRlbnNIX2Jhc2VkX3BvbGljeV9tYVWtpbmcucGRmlld&sha=66f7484e16ed9da3).
- ²⁹ Interview with representative of the Prime Minister’s Office, March 29, 2021.
- ³⁰ European Commission, <https://epale.ec.europa.eu/en/organisations/association-lawyers-aepa>.
- ³¹ Minutes of the Fourth OGP Working Group meeting: <http://mduls.gov.rs/wp-content/uploads/Zapisnik-sa-4.-sastanka-RG-AP-OGP-2020-2022..docx>.
- ³² Interview with Marija Kujačić, Andreja Gluščević and Nevena Galonja, Office for Information Technologies and e-Government, March 22, 2021.
- ³³ Interview with Nevena Galonja, representative of the Office for IT and eGovernment, 22 March 2021.
- ³⁴ Written response received from Marija S. Dedić, Lawyer’s Association - AEPa, the initiator of the commitment.
- ³⁵ Interview with Nevena Galonja, representative of the Office for IT and eGovernment, 22 March 2021.
- ³⁶ Serbia OGP Action Plan 2020-2022 report https://www.opengovpartnership.org/wp-content/uploads/2020/12/Serbia_Action-Plan_2020-2022_EN.pdf.
- ³⁷ Safe and child-sensitive counselling, complaint and reporting mechanisms to address violence against children, UNICEF, 2016, https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/documents/publications/9_safe_and_child-sensitive_counselling_complaint_and_reporting_mechanisms_to_address_violence_against_children.pdf.

Section III: Methodology and IRM Indicators

The purpose of this review is not an evaluation as former IRM reports. It is intended as an independent quick technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This approach allows the IRM to highlight the strongest and most promising commitments in the action plan based on an assessment of the commitment per the key IRM indicators, particularly commitments with the highest potential for results, the priority of the commitment for country stakeholders and the priorities in the national open government context.

To determine which reforms or commitments the IRM identifies as promising the IRM follows a filtering and clustering process:

Step 1: determine what is reviewable and what is not based on the verifiability of the commitment as written in the action plan.

Step 2: determine if the commitment has an open government lens. Is it relevant to OGP values?

Step 3: Commitments that are verifiable and have an open government lens are reviewed to identify if certain commitment needs to be clustered. Commitments that have a common policy objective or commitments that contribute to the same reform or policy issue should be clustered and its “potential for results” should be reviewed as a whole. The clustering process is conducted by IRM staff, following the steps below:

- a. Determine overarching themes. They may be as stated in the action plan or if the action plan is not already grouped by themes, IRM staff may use as reference the thematic tagging done by OGP.
- b. Review objectives of commitments to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
- c. Organize commitments by clusters as needed. Commitments may already be organized in the Action Plan under specific policy or government reforms or may be standalone and therefore not clustered.

Step 4: assess the potential for results of the cluster or standalone commitment.

The filtering process is an internal process and data for individual commitments is available in Annex I below. In addition, during the internal review process of this product the IRM verifies the accuracy of findings and collects further input through peer review, the OGP Support Unit feedback as needed, interviews and validation with country-stakeholders, and sign-off by the IRM’s International Experts Panel (IEP).

As described in the filtering process above, the IRM relies on **three key indicators** for this review:

I. Verifiability

- “Yes” Specific enough to review. As written in the action plan the objectives stated and actions proposed are sufficiently clear and includes objectively verifiable activities to assess implementation.

- “No”: Not specific enough to review. As written in the action plan the objectives stated and proposed actions lack clarity and do not include explicit verifiable activities to assess implementation.

*Commitments that are not verifiable will be considered “not reviewable”, and further assessment will not be carried out.

II. Does it have an open government lens? (Relevant)

This indicator determines if the commitment relates to open government values of transparency, civic participation or public accountability as defined by the Open Government Declaration, the OGP Articles of Governance and by responding to the guiding questions below. Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institutions or decision-making process more transparent, participatory or accountable to the public?

The IRM uses the OGP Values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will government create or improve opportunities, processes or mechanisms for the public to inform or influence decisions? Will the government create, enable or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable a legal, policy or institutional frameworks to foster accountability of public officials?

III. Potential for results

Formerly known as the “potential impact” indicator, it was adjusted taking into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, this indicator was modified so that in this first review it laid out the expected results and potential that would later be verified in the IRM Results Report, after implementation. Given the purpose of this Action Plan Review, the assessment of “potential for results” is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** the commitment is aimed at continuing ongoing practices in line with existing legislation, requirements or policies without indication of the added value or enhanced open government approach in contrast with existing practice.
- **Modest:** a positive but standalone initiative or changes to process, practice or policies. Commitments that do not generate binding or institutionalized changes across

government or institutions that govern a policy area. For example, tools like websites, or data release, training, pilot projects

- **Substantial:** a possible game changer to the rules of the game (or the creation of new ones), practices, policies or institutions that govern a policy area, public sector and/or relationship between citizens and state. The commitment generates binding and institutionalized changes across government

This review was prepared by the IRM with insights from Dragana Bajić, Milena Lazarević, and Vanja Dolapčev, and overseen by the IRM's International Experts Panel (IEP). The current IEP membership includes:

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

For more information about the IRM, refer to the **"About IRM" section of the OGP website** available [here](#).

Annex I. Commitment by Commitment Data¹

<p>Commitment 1: Integrating CSO Participation and Anti-discrimination Processes in Professional Development</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
<p>Commitment 2: Public Participation in Public Policy</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • This commitment has been clustered as: Improved public participation in the creation of public policy (Commitments 2 and 3) • Potential for results: Substantial
<p>Commitment 3: EParticipation Portal</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Substantial • This commitment has been clustered as: Improved public participation in the creation of public policy (Commitments 2 and 3) • Potential for results: Substantial
<p>Commitment 4: Participatory Environmental Protection Law</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
<p>Commitment 5: Electronic Voter Registration</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? No • Potential for results: Modest
<p>Commitment 6: Digitizing Administrative Procedures using E-Paper Portal</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
<p>Commitment 7: Combating Violence Involving Children</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Substantial
<p>Commitment 8: Access to Information Law Amendment</p> <ul style="list-style-type: none"> • Verifiable: Yes

<ul style="list-style-type: none">● Does it have an open government lens? Yes● Potential for results: Modest
Commitment 9: Central Web Portal on Information on Impact Assessments
<ul style="list-style-type: none">● Verifiable: Yes● Does it have an open government lens? Yes● Potential for results: Modest
Commitment 10: Standardisation of Local Level Public Sector Data
<ul style="list-style-type: none">● Verifiable: Yes● Does it have an open government lens? Yes● Potential for results: Modest
Commitment 11: Platform for Information on Publicly Financed Media
<ul style="list-style-type: none">● Verifiable: Yes● Does it have an open government lens? Yes● This commitment has been clustered as: Improvements to the Law on Public Information and Media (Commitments 11 and 12)● Potential for results: Modest
Commitment 12: Public Participation for Publicly Financed Media
<ul style="list-style-type: none">○ Verifiable: Yes○ Does it have an open government lens? Yes○ This commitment has been clustered as: Improvements to the Law on Public Information and Media (Commitments 11 and 12)○ Potential for results: Modest

¹ Editorial notes:

1. For commitments that are clustered: the assessment of potential for results is conducted at the cluster level, rather than the individual commitments.
2. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see Liberia's action plan: <https://www.opengovpartnership.org/documents/liberia-action-plan-2020-2022/>

Annex II: Minimum Requirements for Acting According to OGP Process

According to OGP’s Procedural Review Policy, during development of an action plan, OGP participating countries must meet the “Involve” level of public influence per the IRM’s assessment of the co-creation process.

To determine whether a country falls within the category of “involve” on the spectrum, the IRM assesses different elements from OGP’s Participation & Co-creation Standards. The IRM will assess whether the country complied with the following aspects of the standards during the development of the action plan, which constitute the minimum threshold:

1. **A forum exists:** there is a forum to oversee the OGP process.
2. **The forum is multi-stakeholder:** Both government and civil society participate in it.
3. **Reasoned response:** The government or multi-stakeholder forum documents or is able to demonstrate how they provided feedback during the co-creation process. This may include a summary of major categories and/or themes proposed for inclusion, amendment or rejection.

The table below summarizes the IRM assessment of the three standards that apply for purposes of the procedural review. The purpose of this summary is to verify compliance with procedural review minimum requirements, and it is not a full assessment of performance under OGP’s Co-creation and Participation Standards. A full assessment of co-creation and participation throughout the OGP cycle will be provided in the Results Report.

Table 2. Summary of minimum requirements to act according to OGP Process

<i>OGP Standard</i>	<i>Was the standard met?</i>
A forum exists.	Green – The OGP Working Group serves as the multi-stakeholder forum, overseeing the drafting and implementation of the action plan.
The forum is multi-stakeholder.	Green – The OGP Working Group is made up of representatives from both government and civil society entities, though out of 43 members, only 9 are CSOs representatives.
The government provided a reasoned response on how the public’s feedback was used to shape the action plan.	Green – The Ministry of Public Administration and Local Self-Government published a report on the feedback collected from the public consultation process, along with the conclusions reached about them from consultative meetings. ¹

¹ <http://mduls.gov.rs/wp-content/uploads/lzve%C5%A1taj-sa-konsultativnih-sastanaka-sa-OCD-AP-OGP-2020-2022-FINAL.docx?script=lat>