

Independent Reporting Mechanism

Results Report:
Serbia 2020-2022

Open
Government
Partnership



Independent
Reporting
Mechanism

Executive Summary

Serbia's fourth Open Government Partnership (OGP) action plan focused on digitalization and public participation in decision-making. Half of the commitments were either fully or substantially completed, but only one (simplifying administrative procedures) saw major results in opening government. To improve future action plans, the government could involve high-level public officials and take a strategic approach to reforms that require legislative changes.

Early Results

Serbia's fourth action plan (2020-2022) carried over several policy areas from previous action plans, including access to information, civic participation, environment and climate, public procurement, and public service delivery.

The IRM has assessed one commitment (Commitment 6) as having major early results, with four achieving marginal early results, including the three commitments identified as promising in the IRM Action Plan Review (Commitments 2, 3, and 7).¹ This was similar to the third action plan (2018-2020), where one out of 14 commitments had major early results. Notably, in both action plans, the work on simplifying administrative procedures for citizens and businesses achieved major early results. In the fourth action plan, Commitment 6 resulted in the establishment of a public register of administrative procedures and a single platform with all information on procedures and services.

Completion

Out of the 12 commitments, six were substantially or fully implemented. The remaining six saw limited implementation. This was similar to the third action plan, where seven out of 15 commitments were fully or substantially completed.² Some commitments saw high levels of implementation because the government prioritized them, such as the eConsultation portal (Commitments 2 and 3) and ePaper portal (Commitment 6). On the other hand, the general elections in 2020 and 2022 limited progress for other commitments. For example, the commitments on media co-funding and participation in determining topics of public interest (Commitments 11 and 12 respectively) involved adopting legislative proposals. This proved challenging during the long period with a caretaker government after the general elections. Moreover, the Serbian authorities lacked the capacity to produce the online platform for monitoring the funding of media projects.³ Commitment 7 on combating violence against children (proposed by the Association of Lawyers AEPA) was identified as a promising commitment in the IRM Action Plan Review but saw only limited completion. The key outcome – online reporting and monitoring of the violence involving children – was not finished.

IMPLEMENTATION AT A GLANCE

LEVEL OF COMPLETION

6/12

Complete or substantially complete commitments

EARLY RESULTS

6/12

Commitments with early results

1/12

Commitments with major or outstanding early results

COMPLIANCE WITH MINIMUM REQUIREMENTS

Acting according to OGP process.

Participation and Co-Creation

The Ministry of Public Administration and Local Self-Government (MPALSG)'s coordination during the fourth action plan improved compared to previous cycles. For example, the MPALSG included civil society stakeholders outside the OGP working group in discussions on relevant topics during the co-creation and implementation periods. The MPALSG organized five meetings of the working group and six meetings of the core group⁴ during the co-creation process.⁵ As in past action plans, public institutions had final veto over the proposals related to their jurisdictions. As a result, civil society participants found that the interventions from public institutions often changed the substance of the proposals and reduced the level of ambition of commitments. Moreover, high-level political representatives (i.e., ministers) were insufficiently informed about their ministries' role in the OGP process, which negatively impacted implementation of some commitments.

Implementation in context

The implementation of the fourth action plan coincided with two rounds of parliamentary elections (in 2020 and 2022) followed by prolonged processes to form the governments. Elections directly affected the implementation of Commitment 5, as no changes could be made to the Unified Voters Register during the election period. Organizational (administrative) changes that followed the formation of new governments also delayed certain commitments. Notably, the elections impacted Commitments 11 and 12, as the planned laws were not adopted. The COVID-19 pandemic also impacted implementation in 2020, as institutions were closed at first and later worked remotely. Commitment 10 was delayed, as the Office for Information Technologies and eGovernment prioritized data collection connected to the pandemic.⁶

¹ Open Government Partnership, Serbia Action Plan Review 2020-2022,

<https://www.opengovpartnership.org/documents/serbia-action-plan-review-2020-2022/>

² Open Government Partnership, Serbia Transitional Results Report 2018-2020,

<https://www.opengovpartnership.org/documents/serbia-transitional-results-report-2018-2020/>.

³ Based on the insights from representatives of the Ministry of Culture and Information, interview by the IRM, 28 October 2022.

⁴ The core group is comprised of the commitment proposers and representatives of institutions.

⁵ Minutes of all meetings available in the country repository, <https://ekonsultacije.gov.rs/ogpPage/1>

⁶ Serbia End-of-Term Self-Assessment Draft Report 2020-2022, <https://ekonsultacije.gov.rs/ogpPage/1>

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Section I: Key Observations

While Serbia's recent action plans have covered a diverse range of policy areas, there is room for improvement in their ambition and implementation. During the fourth action plan, the IRM noted that changes to commitment proposals during co-creation and a lack of high-level political involvement negatively impacted ambition and implementation. The action plan also demonstrated that carrying forward unfulfilled commitments requires careful planning to account for the scale of work and political sensitivities. More positively, the action plan showed that involving a wider range of civil society stakeholders helps raise awareness of OGP.

Observation 1: Lowering the ambition of commitments during the co-creation phase led to less impactful early results.

The IRM 2020-2022 Action Plan Review determined that three out of 12 commitments had substantial potential for results, while the IRM Design Report for the third action plan (2018-2020) determined that only one out of 14 commitments had transformative potential impact.⁷ The limited ambition resulted in less impactful implementation; in both the third and fourth action plans, the IRM assessed only one commitment as having had major results in opening government.⁸ One reason for low ambition for the fourth action plan were compromises during the co-creation process. For instance, the original proposal for Commitment 4 was to establish mechanisms to include the public in managing protected areas by implementing the Aarhus Convention. After a working group meeting with the Ministry of Environmental Protection,⁹ the wording changed from "establish" to "improve", while the reference to the Aarhus Convention was removed.¹⁰ Another example was a proposal to create an e-portal for remote voting by connecting the eGovernment portal and the voter list. Based on examples of highly developed countries in e-government, such as Estonia, this proposal would have enabled citizens to vote online in public debates, referenda and in local, provincial, and national elections.¹¹ It was ultimately not included after the Office for Information Technologies and eGovernment explained that the Office had already done a feasibility study which showed that there were too many challenges to implement the proposal.¹²

Observation 2: A lack of high-level political involvement negatively affected implementation of commitments, particularly those requiring legislative changes.

Senior officials in ministries, such as ministers and state secretaries, are often insufficiently informed about their ministries' roles in the commitments that they must implement. Members of the OGP working group noted that civil servants are devoted to their tasks in OGP, but high-level political support is missing.¹³ For example, for Commitment 11, the government did not adopt amendments to the Law on Public Information and Media, even though the responsible ministry prepared the draft.¹⁴ Involving senior officials in the executive is crucial for commitments that require legislative actions, as almost all legislative proposals submitted to the National Assembly are proposed by the government. Ensuring participation of senior government officials, or senior managers from the responsible ministries, in the working group could also improve the impact of commitments.

To further enhance cooperation with CSOs and high-level dialogue on OGP activities, the Government of Serbia adopted the "Decision on the establishment of a Public Administration Reform Council" in June 2021.¹⁵ The tasks of this council include monitoring Serbia's participation in OGP. In practice, this means that this advisory body of the Government,

established at the ministerial level, will support the processes of drafting and implementing action plans, and addressing potential challenges in the working group.

Observation 3: Transferring unfulfilled commitments between action plans required careful accounting of the scale of work and political sensitivities.

Serbia transferred several unfulfilled commitments from the third action plan, notably amending the Law on Free Access to Information of Public Importance.¹⁶ Preparing proposals for the amendments took longer than expected, and parliamentary elections in 2020 and the formation of the new government necessitated drafting a new proposal. Another example was Commitment 5, which envisaged creating a digital seal for all 174 local self-government units for citizens to submit changes to voter register. Considering the heavy workload, it was difficult for the lead ministry to complete this commitment within the planned timeframe.¹⁷ For commitments that involve legislative changes, it is essential to carefully plan the sequencing of activities in order to anticipate potential delays in getting a “green light” from top officials. Serbia could consider adopting a four-year action plan to secure strategic direction for commitments that require legislative changes beyond the two-year cycle, such as Finland’s commitment to create a lobbyist register in its 2019-2023 action plan.¹⁸ Moreover, large-scale activities like the digital seal for local self-government units could be implemented in stages over several action plans. An example is Estonia’s long-term work to make its policy-making process more participatory, which is being implemented over several action plans.¹⁹

Observation 4: Including a wider community of CSOs in co-creation and implementation helped raise awareness of OGP.

During co-creation, the Ministry of Public Administration and Local Self-Government made efforts to include a wider range of CSOs that are not officially part of the OGP working group. Examples included representatives of the Young Researchers of Serbia, and the Association of Lawyers AEPA, who actively participated in working group meetings, despite not being members.²⁰ This practice was in line with previous IRM recommendations to enable CSOs to join the working group on a rolling basis. It was important for building a culture of dialogue, trust, and partnership between the government and civil society in the OGP process. It also led to better external oversight during implementation. Good examples were proposals from non-member organizations to improve public participation in environmental protection (Young Researchers of Serbia) and to establish a platform for combatting violence against children (Association of Lawyers AEPA), which were accepted as commitments in the action plan.²¹

⁷ See Open Government Partnership, Serbia Design Report 2018-2020, <https://www.opengovpartnership.org/documents/serbia-design-report-2018-2020/>.

⁸ Open Government Partnership, Serbia Transitional Results Report 2018-2020, <https://www.opengovpartnership.org/documents/serbia-transitional-results-report-2018-2020/>.

⁹ Minutes from the fifth meeting of the special inter-ministerial working group for the development of the fourth action plan for the period from 2020 to 2022 and the implementation of the participation of the Republic of Serbia initiatives partnership for open administration, <https://ekonsultacije.gov.rs/ogpPage/1>

¹⁰ Nacional Coalition for Decentralization representatives, interview by the IRM, 23 November 2022.

¹¹ Minutes from the second meeting of the special inter-ministerial working group for the development of the fourth action plan for the period from 2020 to 2022 and the implementation of the participation of the Republic of Serbia initiatives partnership for open administration, <https://ekonsultacije.gov.rs/ogpPage/1>

¹² Minutes from the second meeting of the special inter-ministerial working group for the development of the fourth action plan for the period from 2020 to 2022 and the implementation of the participation of the Republic of Serbia initiatives partnership for open administration, <https://ekonsultacije.gov.rs/ogpPage/1>

¹³ Reform & Media Centre representatives, interview by the IRM, 23 November 2022.

¹⁴ Serbia End-of-Term Self-Assessment Draft Report 2020-2022, <https://ekonsultacije.gov.rs/ogpPage/1>

¹⁵ Information provided to the IRM during the pre-publication review of this report by the Ministry of Public Administration and Local Self-Government, 24 April 2023.

¹⁶ Action plan for the implementation of the Open Government Partnership initiative in the Republic of Serbia for 2018-2020, <https://ekonsultacije.gov.rs/ogpPage/1>

¹⁷ Ministry of Public Administration and Local Self-Governance, <https://mduls.gov.rs/en/registers-and-databases/local-self-governments-in-serbia/?script=lat>

¹⁸ Open Government Partnership, Finland, Register of government decision-making, <https://www.opengovpartnership.org/members/finland/commitments/FI0032/>.

¹⁹ Open Government Partnership, Estonia, Expert group on open government, <https://www.opengovpartnership.org/members/estonia/commitments/EE0059/>.

²⁰ Minutes of all meetings with persons present, <https://ekonsultacije.gov.rs/ogpPage/1>

²¹ Minutes from the second meeting of the special inter-ministerial working group for the development of the fourth action plan for the period from 2020 to 2022 and the implementation of the participation of the Republic of Serbia initiatives partnership for open administration, <https://ekonsultacije.gov.rs/ogpPage/1>

Section II: Implementation and Early Results

The following section looks at the two commitments or clusters that the IRM identified as having the strongest results from implementation. To assess early results, the IRM referred to commitments or clusters identified as promising in the Action Plan Review as a starting point. After verification of completion evidence, the IRM also took into account commitments or clusters that were not determined as promising but that, as implemented, yielded significant results.

Commitment cluster 2 and 3: Improved public participation in the creation of public policy (General Secretariat of the Government; Public Policy Secretariat; Office of Information Technologies and eGovernment; Ministry of Public Administration and Local Self-Government; and GIZ project "Support of the Public Administration Reform in Serbia")

Context and Objectives:

Under this cluster, the General Secretariat aimed to create a central e-participation portal ("eConsultations") for administrative bodies to improve public participation throughout the policy cycle.²² Commitment 2 involved collecting data from eConsultations on public debates and consultations in drafting regulations and policy documents for the Report on the Government's work for 2021. Commitment 3 envisaged creating and piloting eConsultations, as well as organizing trainings for citizens on how to use eConsultations.

Did It Open Government? Marginal

Of the envisioned activities, half were substantially or fully completed.²³ In connection with Commitment 3, the Government passed the "Decision on the establishment of the eConsultation Portal" (Official Gazette of RS, No. 62/21).²⁴ The Public Policy Secretariat (PPS) launched and piloted eConsultations in December 2021.²⁵ The General Secretariat, PPS and the Office for Information Technologies and e-Government sent a joint letter to all ministries and special organizations reminding them of the obligation to use eConsultations in accordance with the aforementioned decision.²⁶ Regarding Commitment 2, which aimed to monitor the effects of eConsultations, the General Secretariat did not include data from eConsultations in the 2021 Annual Report because eConsultation was established only in December 2021.²⁷ The implementation of other activities remained limited, including amendments to the instructions for the creation of the annual report, data collection on consultations and processing, and publishing the report with data from eConsultations. Despite the intention of the General Secretariat to add an annex to the report where all data stemming from eConsultations across all ministries would be available, some information on public participation was spread over the 2,000-page Report on the Government's Annual Work Plan instead.²⁸

By December 2022, only a limited number of citizens had registered on eConsultations and actively participate in decision-making processes since it was launched in December 2021.²⁹ Moreover, interviewed civil society stakeholders noted that, in practice, civil servants are still not fully trained to use eConsultations.³⁰ The lack of training on eConsultations for civil servants is reflected in the fact that documents not intended for public consultations are often published on eConsultations.³¹

This cluster was a step toward greater government openness, but its impact on citizen participation so far remains marginal. After a year of operation, eConsultations has not attracted many citizens and CSOs to participate in policy-making processes.³² The General Secretariat has not published official data on the impact of eConsultations on public policy-making, and statistics on public consultations. Moreover, the challenges foreseen in the IRM Action Plan Review turned out to be stumbling blocks, notably insufficient human resources and trained administrative staff in state bodies, as well as a lack of awareness among citizens to participate in online consultations. Nonetheless, in its 2022 Report on Serbia, the European Commission noted that the scope of public consultations in Serbia has improved overall.³³

Looking Ahead:

Although eConsultations has been operational for only one year, key deficiencies are already noted. By addressing these deficiencies in the coming years, eConsultations could yield better public participation. Specifically, the IRM recommends 1) promoting eConsultations among citizens to increase quantity and quality of their participation; 2) ensuring that each public institution is allocated enough human resources to use eConsultations effectively; and 3) carrying out additional training for administrative staff within state bodies to use eConsultations in accordance with the legal framework.

Commitment 6: Establish a single public register of administrative procedures and a single platform with all information on procedures / services – ePAPER (Public Policy Secretariat)

Context and Objectives:

Under this commitment, the Public Policy Secretariat (PPS) aimed to establish a single public register of administrative procedures and other business requirements, along with a portal with all necessary information on administrative procedures (“ePaper”). The goals of this commitment included simplifying and (if necessary) abolishing administrative procedures. The government recognized this commitment as a priority in several policy documents, including the program for simplification of administrative procedures and regulations “ePaper” for 2019-2021, the eGovernment development program for 2020-2022, and the Public Administration Reform Strategy in the Republic of Serbia for 2021-2030.

Serbia continued this commitment from the past two action plans (2016-2018³⁴ and 2018-2020³⁵). During the 2016-2018 action plan, the PPS inventoried state-level administrative procedures and launched an online portal to collect inputs from citizens and businesses on administrative simplification, resulting in three procedures abolished. The 2018-2020 action plan resulted in an additional four procedures abolished, 133 simplified, and 27 moved online. However, by the end of that action plan, the register was not created because the relevant law was not adopted.

Did It Open Government? Major

The commitment saw substantial implementation. The PPS facilitated the adoption of the law for establishing the register,³⁶ and the additional bylaws were adopted in July 2022.³⁷ The PPS has, as of March 2023, listed over 3240 administrative procedures for digitalization on the registry, with the majority available on the ePaper portal (either completely or partly), and some of them being simplified.³⁸ According to the PPS, ePaper contains more than 2588 government-to-business (G2B) and government-citizen (G2C) services within the competency of

101 public institutions. All information can be searched by four filters: key work, institution, field of activity or business episodes.³⁹ Work on listing administrative procedures for digitizing and simplification is ongoing, but there has been substantial progress. In addition, the collection of initiatives by citizens and businesses for change, improvement, and abolishment of procedures, is ongoing. The PPS is collecting initiatives through its website and through the register. So far, only one initiative has been submitted.⁴⁰

This commitment has opened government in a major way, as citizens and businesses can now do many administrative procedures online, and some partially online. As a result of this commitment, 21 procedures have already been abolished, 393 simplified, 64 services of public administration have been digitalized.⁴¹ This represents a significant increase compared to the achievements from the previous action plan. An example of an abolished procedure is the M4 application form to register employees, which employers previously submitted to the Pension and Disability Insurance Fund annually. After the termination of this procedure, the Fund registration automatically registers employees by gathering data ex officio from tax declarations. The same is true for the so-called MUN form, which was used to register employees outside of typical employment relationships (e.g., temporary work contracts) monthly. The abolition of these two procedures saved EUR 27 million for businesses.⁴²

All administrative procedures are now listed in one register, which has made it considerably easier to find information compared to the state of play after the previous action plan. Currently, over 2588 government-to-business (G2B) and government-to-citizen (G2C) services are available on the register from 101 public institutions.⁴³ The register offers businesses and citizens a one-stop shop for administrative procedures from different agencies, commissions, directorates, ministries, public enterprises, state and provincial bodies, and joint-stock companies where the state has a share in ownership.⁴⁴ Users can search procedures by categories, key words, activity, and "business episodes."⁴⁵ There has been significant progress in inventorying procedures of relevance for citizens. From early 2023, citizens can also access information on administrative procedures through ePaper.⁴⁶ The register is a game changer as no similar solution for citizens to navigate the administrative procedures of state bodies online existed before in Serbia. CSOs have noted the success of this commitment as well, confirming its effect on opening the government.⁴⁷ This commitment won second place in Europe in the OGP Global Impact Award as the reform with highest influence on citizens and businesses.⁴⁸

Looking Ahead:

Although this commitment continued work from previous action plans, it was expanded to establish a single public register of administrative procedures and a single platform. It has made administrative procedures for citizens and businesses more transparent, user friendly and easily accessible, and there is substantial potential for long-term outcomes. The PPS will likely continue this initiative in the upcoming fifth action plan with the aim to expand ePaper to local self-government units and compiling the inventory of administrative requests.⁴⁹ The PPS could first expand ePaper to a few pilot local self-government units before encouraging its uptake by more units.

²² During the implementation of this commitment, the eParticipation platform was renamed eConsultation. The two terms are used interchangeably in the report.

²³ Serbia End-of-Term Self-Assessment Draft Report 2020-2022, <https://ekonsultacije.gov.rs/ogpPage/1>

²⁴ Information provided to the IRM during the pre-publication review of this report by the Public Policy Secretariat and General Secretariat of the Government, 24 April 2023.

²⁵ Annual self-assessment report on the implementation of the action plan for the implementation of the initiative partnership for open administration in the Republic of Serbia for the period 2020-2022, <https://ekonsultacije.gov.rs/ogpPage/1>

²⁶ Information provided to the IRM during the pre-publication review of this report by the Public Policy Secretariat and General Secretariat of the Government, 24 April 2023.

²⁷ Serbia End-of-Term Self-Assessment Draft Report 2020-2022, <https://ekonsultacije.gov.rs/ogpPage/1>

²⁸ Report on the Work of the Government in 2021, https://www.srbija.gov.rs/extfile/sr/660091/izvestaj-o-radu-vlade-za-2021_lat.pdf

²⁹ 183 citizens registered at the eConsultations portal according to Public Policy Secretariat from the OGP Info Day held on 20 December 2022.

³⁰ Partners Serbia representatives, interview by the IRM, 10 November 2022; Civic Initiatives representatives, interview by the IRM, 25 November 2022; Belgrade Open School representatives, interview by the IRM, 28 November 2022.

³¹ For instance, open calls by institutions which have nothing in common with consultations on draft laws, or regulations, <https://ekonsultacije.gov.rs/topicOfDiscussionPage/121/1>

³² The data obtained at the interview conducted with the representatives from Republic Secretariat for Public Policies.

³³ European Commission, Serbia Report 2022, https://neighbourhood-enlargement.ec.europa.eu/serbia-report-2022_en

³⁴ Open Government Partnership, Serbia, <https://www.opengovpartnership.org/members/serbia/commitments/RS0027/>

³⁵ Open Government Partnership, Serbia, ePaper,

<https://www.opengovpartnership.org/members/serbia/commitments/RS0036/>

³⁶ Law on the Register of Administrative Procedures, Official Gazette of the Republic of Serbia, (44/2021-9),

<http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2021/44/6/reg>

³⁷ Regulation on management, functioning and determination of data entered in the Register of Administrative Procedures, Official Gazette of the Republic of Serbia, (84/2022-3), <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/uredba/2022/84/1/reg>

³⁸ Public Policy Secretariat of the Republic of Serbia representatives, interview by the IRM, 13 October 2022.

³⁹ Information provided to the IRM by the PPS during the pre-publication review of this report, 24 April 2023. See <https://rap.euprava.gov.rs/privreda/home>

⁴⁰ Serbia End-of-Term Self-Assessment Draft Report 2020-2022, <https://ekonsultacije.gov.rs/ogpPage/1>. According to the PPS, in 2022, 12 pieces of inefficient legislation were submitted for amendment via these channels and processed by the PPS and competent public authorities (information provided to the IRM by the PPS during the pre-publication review of this report, 24 April 2023).

⁴¹ Data shared by the representative of the Public Policy Secretariat, correspondence with the IRM, 30 January 2023. According to the PPS, the data will be publicly available in early May 2023 on its website.

⁴² Data shared by the representative of the Public Policy Secretariat, correspondence with the IRM, 30 January 2023.

⁴³ See also <https://rap.euprava.gov.rs/privreda/home>

⁴⁴ See also <https://rap.euprava.gov.rs/privreda/home>

⁴⁵ A business episode represents a complete business cycle for business entities, such as starting a business, and it includes all the steps and procedures that a business entity should take to be able to perform a certain activity.

⁴⁶ Serbia End-of-Term Self-Assessment Draft Report 2020-2022, <https://ekonsultacije.gov.rs/ogpPage/1>

⁴⁷ Argument representatives, interview by the IRM, 15 November 2022. Representatives of AEPA, contacted regarding this matter on 27 March 2023, agreed with the IRM's assessment.

⁴⁸ Open Government Partnership, Open Government Awards 2021, <https://www.opengovpartnership.org/open-government-awards/>

⁴⁹ Serbia End-of-Term Self-Assessment Draft Report 2020-2022, <https://ekonsultacije.gov.rs/ogpPage/1>

Section III. Participation and Co-Creation

Serbia's fourth action plan saw balanced representation of state and non-state actors, women, and local-level stakeholders in the OGP working group. The involvement of new CSOs in the inter-ministerial working group should be continued in future cycles. Serbia's next action plan could also benefit from participation of high-level officials in ministries and more detailed responses from the government on why their proposals are rejected during the co-creation process.

The Ministry of Public Administration and Local Self-Government (MPALSG) coordinates the inter-ministerial working group for OGP and is the main focal point between stakeholders. Civil society stakeholders and members of the working group confirmed that the coordination of the MPALSG continues to be effective and that there were no evident constraints in cooperation between the government and CSOs during the co-creation of the fourth action plan.⁵⁰ The MPALSG has dedicated staff for work on OGP and it proactively mediates in the working group and during implementation of commitments. The MPALSG also opened the working group discussions to include public institutions and CSOs outside the working group but who were interested in particular commitments. The MPALSG also organized a conference during Open Gov Week in May 2022, which was welcomed by members of the working group.

The inter-ministerial working group was composed of 43 members from state institutions and CSOs. Following an open call for applications,⁵¹ the MPALSG appointed nine CSOs with 18 members, including deputies.⁵² In the early stages of the co-creation process, the MPALSG lowered the criteria for CSOs' selection for the working group, while taking affirmative measures for CSOs coming from outside the capital. Women represented over 50 percent of state representatives in the working group (including members and deputy members).⁵³ On the other hand, government and civil society representatives from local self-government units were also represented in the working group for the first time, including from Belgrade, Niš, Novi Pazar, Prijepolje, Šabac, Sombor, Vlasotince, and Vračar.⁵⁴

In contrast to the previous action plan, any CSO that sent a proposal during the consultation period was invited to participate in the co-creation, even if they were not officially a member of the working group. For example, the MPALSG invited the Lawyers Association, Young Researchers of Serbia, and Association Team 42 to contribute to the meetings of the working group, despite not being formal members. This was a positive development that contributed to a culture of dialogue and awareness on OGP. Maintaining or expanding this approach could benefit the upcoming co-creation of the fifth action plan.

Despite these efforts toward greater participation, there remains room for improvement. Interviewed non-governmental stakeholders in the working group expressed to the IRM regret in the government lowering the ambition of proposed commitments and not taking up their ideas during implementation of the action plan. For example, in the case of Commitment 8 to amend the Law on Access to Information of Public Importance, many ideas from CSOs were not included in the draft amendments. In the case of Commitment 4, a member of the working group noted that the draft Law on Environmental Protection was produced without creating a working group with civil society participation.⁵⁵

In addition, senior officials, such as ministers and state secretaries, were insufficiently informed about their ministries’ role in the OGP process and in individual commitments. This resulted in a lower prioritization of OGP commitments within responsible institutions and often led to ‘ticking the box’ during implementation, rather than implementing commitments in a way that would change business as usual. To address this issue, the IRM recommends inviting senior officials from relevant ministries to participate in working group discussions during future co-creation processes. High-level political participation in the working group could raise the level of ambition of future action plans and improve their results during implementation. It could also increase the visibility of OGP within the public sector and improve trust between civil society and senior officials.

Compliance with the Minimum Requirements

The IRM assesses whether member countries met the minimum requirements under OGP’s Participation and Co-Creation Standards for the purposes of procedural review.⁵⁶ During co-creation, Serbia acted according to OGP process. The two minimum requirements listed below must achieve at least the level of ‘in progress’ for a country to have acted according to OGP process. During implementation, countries are required to maintain an OGP repository and provide the public with information on action plan implementation. The repository must be online, updated at least once during the action plan cycle, and contain evidence of development and implementation of the action plan. Based on these requirements, Serbia acted according to OGP process during the implementation period.

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Acted according to OGP process during the implementation period?	
<p>The government maintained an OGP repository that is online, updated at least once during the action plan cycle, and contains evidence of development and implementation of the action plan. The OGP repository includes an end-of-term self-assessment report (published in January 2023) for the fourth action plan with information and links to evidence on the progress of the commitments.⁵⁷ The minutes of the working group’s ninth meeting (17 May 2022) also includes evidence to account for the status of the action plan.⁵⁸</p>	Green
<p>The government provided the public with information on the action plan during the implementation period. During the implementation period, the working group met four times to discuss the progress of the commitments.</p>	Green

⁵⁰ Representatives from all nine CSOs and representatives from nine out of 12 state institutions were interviewed.

⁵¹ A report on conducted consultations in the development of the action plan for the implementation of the initiative Open Government Partnership in the Republic of Serbia for the period 2020-2022, <https://ekonsultacije.gov.rs/ogpPage/1>

⁵² Decision on appointing CSOs to the working group, <https://mduls.gov.rs/wp-content/uploads/Odluka-o-predlogu-organizacija-AP-OGP-2020-2022.pdf>

⁵³ A report on conducted consultations in the development of the action plan for the implementation of the initiative Open Government Partnership in the Republic of Serbia for the period 2020-2022, <https://ekonsultacije.gov.rs/ogpPage/1>

⁵⁴ The following CSOs were appointed to the working group: 1) Belgrade Open School (Belgrade), 2) BIRN Serbia, Belgrade, 3) Media and Reform Centre, Niš, 4) Monitor, Novi Pazar, 5) Nacional Coalition for Decentralization, Niš, 6) Partners for Democratic Change in Serbia, Belgrade, 7) Association “Civic Initiatives”, Belgrade, 8) Foundation Centre for Democracy, Belgrade, 9) Centre for Research in Politics “Argument”, Prijepolje.

⁵⁵ National Coalition for Decentralization representatives, interview by the IRM, 23 November 2022.

⁵⁶ Please note that future IRM assessment will focus on compliance with the updated OGP Co-Creation and Participation Standards that came into effect on 1 January 2022, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>

⁵⁷ Serbia’s OGP repository, <https://ekonsultacije.gov.rs/ogpPage/1>

⁵⁸ Available for download at: <https://ekonsultacije.gov.rs/ogpPage/1>

Section IV. Methodology and IRM Indicators

This report supports members' accountability and learning through assessment of (i) the level of completion for commitments' implementation, (ii) early results for commitments with a high level of completion identified as promising or that yielded significant results through implementation, and (iii) participation and co-creation practices throughout the action plan cycle. The IRM commenced the research process after the first year of implementation of the action plan with the development of a research plan, preliminary desk research, and verification of evidence provided in the country's OGP repository.⁵⁹

In 2022, OGP launched a consultation process to co-create a new strategy for 2023–2028.⁶⁰ The IRM will revisit its products, process, and indicators once the strategy co-creation is complete. Until then, Results Reports continue to assess the same indicators as previous IRM reports:

Completion

The IRM assesses the level of completion for each commitment in the action plan, including commitments clustered in the Action Plan Review.⁶¹ The level of completion for all commitments is assessed as one of the following:

- *No evidence available*
- *Not started*
- *Limited*
- *Substantial*
- *Complete*

Did It Open Government?

The IRM assesses changes to government practices that are relevant to OGP values, as defined in the OGP Articles of Governance, under the "Did it open government?" indicator.⁶² To assess evidence of early results, the IRM refers to commitments or clusters identified as promising in the Action Plan Review as a starting point. The IRM also takes into account commitments or clusters with a high level of completion that may not have been determined as "promising" but that, as implemented, yielded significant results. For commitments that are clustered, the assessment of "Did it open government?" is conducted at the cluster level, rather than the individual commitment level. Commitments or clusters without sufficient evidence of early results at the time of assessment are designated as "no early results to report yet." For commitments or clusters with evidence of early results, the IRM assesses "Did it open government?" as one of the following:

- *Marginal*: Some change, but minor in terms of its effect on level of openness
- *Major*: A step forward for government openness in the relevant policy area but remains limited in scope or scale
- *Outstanding*: A reform that has transformed "business as usual" in the relevant policy area by opening government

This report was prepared by the IRM in collaboration with European Policy Centre (CEP) Belgrade and was reviewed by Ernesto Velasco Sanchez, IRM external expert. The IRM

methodology, quality of IRM products, and review process is overseen by the IRM's International Experts Panel (IEP). The current IEP membership includes:

- Snjezana Bokulic
- Cesar Cruz-Rubio
- Mary Francoli
- Maha Jweid
- Rocio Moreno Lopez

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual⁶³ and in Serbia's Action Plan Review 2020-2022. For more information, refer to the "IRM Overview" section of the OGP website.⁶⁴ A glossary on IRM and OGP terms is available on the OGP website.⁶⁵

⁵⁹ Serbia. OGP Repository. Date accessed: <https://ekonsultacije.gov.rs/ogpPage/1>.

⁶⁰ See OGP, "Creating OGP's Future Together: Strategic Planning 2023–2028," <https://www.opengovpartnership.org/creating-ogps-future-together/>

⁶¹ The IRM clusters commitments that share a common policy objective during the Action Plan Review process. In these instances, the IRM assesses "potential for results" and "Did it open government?" at the cluster level. The level of completion is assessed at the commitment level. For more information on how the IRM clusters commitments, see Section IV on Methodology and IRM Indicators of the Action Plan Review.

⁶² See OGP, *Open Government Partnership Articles of Governance*, published 17 June 2019, https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP_Articles-of-Governance_2019.pdf

⁶³ Independent Reporting Mechanism, *IRM Procedures Manual, V.3*, 16 September 2017, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

⁶⁴ Open Government Partnership, *IRM Overview*, <https://www.opengovpartnership.org/irm-guidance-overview/>

⁶⁵ Open Government Partnership, *OGP Glossary*, <https://www.opengovpartnership.org/glossary/>

Annex I. Commitment Data⁶⁶

Commitment 1: Integrating CSO participation and anti-discrimination processes in professional development

- | | |
|--|--|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest | <ul style="list-style-type: none"> • Completion: Complete • Did it open government? Marginal |
|--|--|

This commitment was fully completed.⁶⁷ The National Academy of Public Administration (NAPA) held 145 trainings during the action plan period, with almost 6,000 civil servants attending.⁶⁸ The trainings covered a variety of topics, including public services delivery, communication skills, management skills, the role of those in managing positions in the context of joining the EU, and financial management and control. Due to the COVID-19 pandemic, the NAPA conducted most of the trainings online and in three stages.⁶⁹ 25 percent of the attendees held management positions in public administration.⁷⁰ The impact on opening government is assessed as marginal. This is because while a high number of civil servants attended the trainings, the NAPA has not yet measured the effect of the trainings. However, the NAPA completed an evaluation of the trainings, with an average grade 3.7 out of 4.⁷¹

Commitment 2: Public participation in policy-making

- | | |
|--|---|
| <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 | <ul style="list-style-type: none"> • Completion: Substantial • Did it open government? Marginal |
|--|---|

This commitment is assessed in Section II above.

Commitment 3: eParticipation portal

- | | |
|--|--|
| <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 • Potential for results: Substantial | <ul style="list-style-type: none"> • Completion: Complete • Did it open government? Marginal |
|--|--|

This commitment is assessed in Section II above.

Commitment 4: Participatory Environmental Protection Law

- | | |
|--|--|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest | <ul style="list-style-type: none"> • Completion: Complete • Did it open government? No early results to report yet |
|--|--|

The Ministry of Environmental Protection prepared a draft law which contained provisions for public participation in managing protected areas. The National Assembly adopted the Law in 2021.⁷² Article 54 of the Law includes provisions for public participation, while Article 68a allows the managing authority of each protected area to establish a beneficiary council for protected areas (one council for each protected area). The councils include representatives of CSOs, similar to the mechanism present at the national level. Representatives of the Ministry of Environmental Protection were unavailable for interview to discuss the improvements that the Law potentially brought. The IRM finds there are no results to report from this commitment at this time because there is no publicly available information on whether any councils have been created so far. The lack of transparency and compliance with procedures for adopting this law was criticized by CSOs that followed the amendment process.⁷³

Commitment 5: Electronic voter registration

- | | |
|---|---|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? No • Potential for results: Modest | <ul style="list-style-type: none"> • Completion: Limited • Did it open government? No early results to report yet |
|---|---|

Out of four activities, one was fully completed. Specifically, the amendments to the Law on the Seal of Public Institutions were adopted, which introduced a digital seal for citizens to submit changes to voter registration.⁷⁴ The second activity - creating the digital seal for all public institutions and 174 local self-government units - was partially implemented, since only a small number created the digital seal.⁷⁵ This was voluminous work, as the digital seal must be created for each unit of local self-government separately and requires the assistance of other institutions, such as the Office for Information Technologies and eGovernment. The COVID-19 pandemic, inter-party dialogue, and a referendum on constitutional amendments, as well as local, parliamentary, and presidential elections, slowed the implementation of this activity.⁷⁶

The other two activities - the implementation of an electronic seal in the Unified Voters Register and connecting the eGovernment portal with the Unified Voter's List - did not start because the elections in 2022 (local, parliamentary, and presidential), as well as elections for minority councils, effectively prevented work on the voter list. According to the Ministry of Public Administration and Local Self-Government, the service is expected to be completed by the end of June 2023.⁷⁷ Citizens will be able to check their data in the voter list on the e-Government

Portal and submit a request to change or supplement them through the portal (rather than having to go in person to the municipal administration).

Commitment 6: Establish a single public register of administrative procedures and a single platform with all information on procedures / services – ePAPER

- | | |
|--|--|
| <ul style="list-style-type: none"> ● Verifiable: Yes ● Does it have an open government lens? Yes ● Potential for results: Modest | <ul style="list-style-type: none"> ● Completion: Substantial ● Did it open government? Major |
|--|--|

This commitment is assessed in Section II above.

Commitment 7: Combating violence against children

- | | |
|---|---|
| <ul style="list-style-type: none"> ● Verifiable: Yes ● Does it have an open government lens? Yes ● Potential for results: Substantial | <ul style="list-style-type: none"> ● Completion: Limited ● Did it open government? Marginal |
|---|---|

One of the five activities under this commitment was fully completed, while the others saw varying degrees of completion. In March 2021, the Office for Information Technologies and eGovernment launched the platform “I Protect You” with three key components: informational (texts for students, parents, and teachers), educational (educational materials for students, parents, and employees) and technical (reporting violence and statistical analysis). The first two components have been implemented with eight informative texts per month, 12 online educational videos (15 planned for 2023), and the 24/7 call center. However, the technical component for monitoring and reporting cases of violence involving children was not installed. The second activity was piloting the platform, which was completed, while the third and fourth activities were implemented through online education and materials for teachers, students, and citizens on the platform. The fifth activity - publishing statistical data on violence involving children – saw limited completion. As of the writing of this report, the platform only stores data on primary and secondary violence prevention, but online reporting on tertiary violence prevention⁷⁸ and connecting all responsible institutions have not yet been enabled.

This commitment’s impact on opening government was marginal because the key functionality – online reporting and monitoring of the violence involving children - was not installed. The Office for Information Technologies and eGovernment plans to implement this function in phase II, probably by the end of 2023. Based on the current trajectory, long-term prospects for this commitment look promising. While it is unclear if it will be carried forward to the next action plan, the Office for Information Technologies and eGovernment is already planning phase II for 2023, which would complete this activity and continue the educational component of the platform. The IRM recommends the Office for Information Technologies and eGovernment enable online reporting as soon as possible in order to systematically monitor violence involving children and publish statistical data.

Commitment 8: Amendment of the Law on Free Access to Information of Public Importance	
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest 	<ul style="list-style-type: none"> • Completion: Complete • Did it open government? Marginal
<p>The Ministry of Public Administration and Local Self-Government finalized the amendments to the Law on Free Access to Information of Public Interest in 2021. Parliament adopted the amendments in November 2021, and they took effect three months later.⁷⁹ The amendments included the provisions envisioned in the action plan, such as the introduction of the electronic fact sheets of public bodies.⁸⁰ Public bodies need to proactively publish electronic fact sheets, that contain information of public importance as stipulated by the Law, through a single online portal. During 2022, the Commissioner for Information of Public Importance and Personal Data Protection has, according to the Law, created the portal for electronic fact sheets. So far, more than 6,000 fact sheets have been published.⁸¹ Provincial and local bodies and public enterprises started publishing electronic fact sheets in 2022, followed by central administration in 2023. The electronic fact sheets will allow easier access to information of all public bodies, but they have led to only marginal early results in opening government at this time because the law has been recently adopted.</p>	
Commitment 9: Central web portal on environmental impact assessments	
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest 	<ul style="list-style-type: none"> • Completion: Limited • Did it open government? No early results to report yet
<p>The Ministry of Environmental Protection produced draft amendments to the Law on Environmental Impact Assessment and to the Law on Strategic Environmental Assessment.⁸² Public debates on these two drafts were conducted.⁸³ However, the government did not adopt the proposals or submit them for adoption in the National Assembly. It is unclear whether the new government, formed in October 2022, will adopt the existing proposals or if new proposals will be produced.</p>	
Commitment 10: Standardization 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 	<ul style="list-style-type: none"> • Completion: Limited • Did it open government? No early results to report yet

Among the five activities in this commitment, the Office for Information Technologies and eGovernment completed one - the analysis of the state of play regarding generating and using the data in local self-governments.⁸⁴ The remaining activities were not started.

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 | <ul style="list-style-type: none"> ● Completion: Limited ● Did it open government? No early results to report yet |
|---|---|

This commitment envisioned the creation of a single information platform for monitoring co-funded media content serving the public interest. One out of three activities were fully completed, while the others saw limited completion. Analysis of the regulatory framework, and comparative practices in using information platforms for monitoring the implementation of public tenders, with technical specifications for its preparation, was implemented. The adoption of the Law on Amendments to the Law on Public Information and Media is still pending and the amendments are being drafted, as of the writing of this report. Lastly, the envisaged information platform has not been developed. The ministry has not allocated funds for the platform, and it will be necessary to train local governments on using the platform. Because of its limited completion, this commitment has not yet yielded results in opening government.

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 | <ul style="list-style-type: none"> ● Completion: Limited ● Did it open government? No early results to report yet |
|---|---|

Like Commitment 11, Commitment 12 saw limited completion. The working group for producing the Draft Law on Amendments to the Law on Public Information and Media was created. However, the working group has not finalized its Draft Law. Consequently, the government did not adopt the Law Proposal on Amendments to the Law on Public Information and Media.

This cluster of commitments (11 and 12) could have strengthened public participation and media co-financing in the field of public information. An interviewed representative of the Ministry of Culture said that these commitments will probably be included in the next action

plan.⁸⁵ To ensure the completion of activities under this cluster, the IRM recommends securing technical support for creating the platform and obtaining political endorsement for approving the amendments.

⁶⁶ Editorial notes:

1. For commitments that are clustered: The assessment of potential for results and “Did it open government?” is conducted at the cluster level, rather than the individual commitment level.
2. Commitments’ short titles may have been edited for brevity. For the complete text of commitments, please see Serbia’s action plan: <https://www.opengovpartnership.org/documents/serbia-action-plan-2020-2022/>
3. For more information on the assessment of the commitments’ design, see Serbia’s Action Plan Review: <https://www.opengovpartnership.org/documents/serbia-action-plan-review-2020-2022/>

⁶⁷ Serbia End-of-Term Self-Assessment Draft Report 2020-2022, <https://ekonsultacije.gov.rs/ogpPage/1>

⁶⁸ National Academy for Public Administration - NAPA representatives, interview by the IRM, 16 November 2022.

⁶⁹ Manager Training Program in State Bodies for 2021, <http://bitly.ws/AbBD>

⁷⁰ National Academy for Public Administration - NAPA representatives, interview by the IRM, 16 November 2022.

⁷¹ Serbia End-of-Term Self-Assessment Draft Report 2020-2022, <https://ekonsultacije.gov.rs/ogpPage/1>. National Academy for Public Administration, Evaluation of Trainings for the Period January – December 2021, <https://www.napa.gov.rs/extfile/sr/3896/NAPA%20Evaluacija%202021%20.pdf>

⁷² Official Gazette of the Republic of Serbia, (71/2021-3), <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2009/36/9/reg>

⁷³ Mirko Popović, “Analiza procesa usvajanja Zakona u Republici Srbiji, Zakon o izmenama i dopunama Zakona o zaštiti prirode”, <https://otvoreni.parlament.rs/uploads/aktuelno/3.%20Analiza%20zakona%20o%20za%20za%20C5%A1titi%20prirode.pdf>

⁷⁴ Official Gazette of the Republic of Serbia, (101/2007-6, 49/2021-14), <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2007/101/6/reg>

⁷⁵ Ministry of Public Administration and Local Self-Governance representatives, interview by the IRM, 19 October 2022.

⁷⁶ Serbia End-of-Term Self-Assessment Report 2020-2022, <https://ekonsultacije.gov.rs/ogpPage/1>

⁷⁷ Information provided to the IRM during the pre-publication review of this report by the Ministry of Public Administration and Local Self-Government, 24 April 2023.

⁷⁸ Primary prevention aims to prevent the health event occurring, while secondary prevention aims to detect the issue early and prevent progression or reoccurrence of the event. Finally, tertiary prevention aims to prevent death and disability associated with the health event. See <https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-017-4502-6>

⁷⁹ Law on Amendments to the Law on Free Access to Information of Public Importance, Official Gazette of the Republic of Serbia, 105/21, https://www.paragraf.rs/propisi/zakon_o_slobodnom_pristupu_informacijama_od_javnog_znacaja.html

⁸⁰ Law on Amendments to the Law on Free Access to Information of Public Importance, Official Gazette of the Republic of Serbia, 105/21, https://www.paragraf.rs/propisi/zakon_o_slobodnom_pristupu_informacijama_od_javnog_znacaja.html

⁸¹ The portal “Informator” with electronic fact sheet, <https://informator.poverenik.rs/naslovna>

⁸² Draft Law on Environmental Impact Assessment, <https://www.ekologija.gov.rs/sites/default/files/inline-files/ZAKON%20O%20PROCENI%20-PRECISCENA%20VERZIJA%20-%20SPREMNA%20ZA%20JAVNU%20RASPRAVU%20-%202022.12.2021..pdf>

⁸³ The public debate was conducted in the period 24 December 2021 – 14 January 2022, <https://www.ekologija.gov.rs/lat/saopstenja/najave/javni-poziv-za-ucescu-u-javnoj-raspravi-o-nacrtu-zakona-o-strateskoj-proceni-uticaja-na-zivotnu-sredinu>

⁸⁴ Serbia End-of-Term Self-Assessment Draft Report 2020-2022, <https://ekonsultacije.gov.rs/ogpPage/1>

⁸⁵ Representatives from the Ministry of Culture interviewed on 28 October 2022 expressed the aspiration to include these commitments in the next action plan.