

Mapping of Open Government Partnership in South East Europe

Serbia

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I. EXECUTIVE SUMMARY

Challenges

Open Government Partnership (OGP) standards are still quite new in Serbia having in mind an intention to join the Partnership was expressed only in March 2012. General elections followed this decision and the idea of Open Government Partnership failed to receive significant attention both from the Government and within the wider public. Therefore, the notion of Open Government Partnership and what it refers to is still quite unknown. As a result, due to the relative under-promotion of OGP, there is a general lack of one general OGP stronghold in Serbia which would act as a vector for OGP promotion and exert pressure for drafting an OGP Action Plan.

For the reasons mentioned above, there is a general lack of specific OGP experience, despite specific Ministry departments, agencies, independent institutions and/or civil society organizations pressuring for certain reform steps which could be seen as a move towards standardization according to the OGP. The lack of a greater CSO front promoting and pressuring for OGP poses as a great challenge for civil society organizations to push for meaningful and comprehensive Government reform.

Furthermore, there are few access points for civil society organizations regarding Government bodies and institutions. Although some developments have been made the most cooperative access point for CSOs are still the independent government institutions, such as the Commissioner for Information of Public Importance and Personal Data Protection and the Ombudsman. These institutions, including the Independent Audit Institutions and the Anti-Corruption Agency have been the most vocal in promoting the aspects of OGP which are under their jurisdiction. However, challenges remain as even independent institutions are often themselves sidelined and ignored by Government bodies, thus affecting the overall opportunities of civil society in advocating for OGP.

Therefore, having in mind the lack of support from Government, key to the success of implementing OGP is the support and understanding of citizens. It is necessary that the public administration becomes focused on citizens, improve services for citizens, and accelerates and improves its quality. Although steps have been taken to increase transparency, easier access to public information and the establishment of services to protect citizens (Commissioner for Information of Public Importance and Personal Data Protection and Ombudsman), the notion of informing citizens of such reforms has not been given adequate attention. Promotion of the aims of such initiatives and success of previous reforms would raise the level of understanding among the citizens and ensure their support for projects under OGP as these have an immediate impact on the quality of life of citizens.

Most Relevant Actions

One of the most relevant actions refers to the activities taken by independent institutions, that is, the Commissioner for Information of Public Importance and Personal Data Protection, the Ombudsman, the Anti-Corruption Agency and the Independent Audit Institutions. Although lacking adequate working conditions and enforcement mechanisms, as well as facing a level of objection from Government bodies, these independent institutions have managed to place enough pressure through the media and public advocacy, proposing draft laws and regulations and highlighting the deficiencies of the system. In this way, for example, the Commissioner and Ombudsman have managed to pressure for small reform steps which can in fact be classified as advocacy for OGP standards, such as amendment of laws regulating the Security Intelligence Agency and the Military Security and Military Intelligence Agency, as well as advocating for and proposing draft regulation of citizen electronic communication and whistleblower protection.

The Chamber of Commerce and Industry of Serbia has played a role of a mediator institution, facilitating greater public-private cooperation, with examples such as the establishment of the Association of Private Security and the formation of the Commission for Public-Private Security Sector Cooperation, which is open to civil society organizations as well.

The establishment of the Government Office for Cooperation with Civil Society is seen as a significant step towards greater Government-CSO cooperation, as the Government increasingly offers funding for programs which can be classified as Open Government standards, especially with the inclusion of Serbia in the “Europe for Citizens” program, enabling greater public participation in projects intended for improving conditions for the public. Positive developments have also been made regarding consumer protection.

There is also growing consensus on the need to regulate budget allocations, check the appropriateness of these and set up adequate mechanisms for the control of public procurement. A new Public Procurement Law has been adopted and a Public Procurement Portal set up with the aim of making the process more transparent and ensuring greater accountability through the use of technology.

Finally, government websites are now increasingly standardized and contain downloadable data in machine readable form (mainly .pdf and .doc). In terms of establishing e-Government, however, the main challenges are predominantly still technical in nature. The introduction of e-Government is part of public administration reform and implies that reform cannot be limited by what the administration is able to do. Adequate coordination in terms of e-Government is one of the key challenges. The mere coordination should be in accordance with the existing system of state administration that will, on one hand to provide better services for citizens and businesses, and on the other hand better use of technical resources.

Overall, Serbia has potential as it seen as having a good legal framework according to the Global Integrity Report, which gave it 88 marks out of 100.

Significant Omissions

However, regarding actual implementation of adopted laws, the Global Integrity Report gave Serbia a mark of 58 out of 100. Many laws in force in Serbia are unconstitutional, which is an ongoing problem as actors acting within the given legal framework may still act unconstitutionally. Furthermore, despite the adoption of new laws which are increasingly in accordance with OGP standards, there is still a lack of necessary bylaws and regulations, as well as institutions for implementation of these laws.

There is a general lack of coordination between the competence ministries and agencies as well as a problem of overlapping jurisdictions which influence the independence of certain institutions.

In the process of lawmaking public hearings and debates are rare, with even MPs complaining of a short timeframe in which they are given access to draft laws which are to be voted on. As a result, a great number of laws are adopted on an urgent basis leaving little or no room for public participation in the decision making process, affecting transparency and accountability as well.

There is a problem of transparency in budgeting, procurement and privatization, as well as transparency in the appointment of top management structures in public companies. There is no final budget receipt published. Budget plans and budget reports of public companies as well as information on public procurement are also seldom published. There is a lack of external control mechanisms, whilst internal control mechanisms seem rather ineffective, with the perception of corruption among the public being at 39 according to the Corruption Perception Index (0 is highly corrupt and 100 is very clean), due to the lack of transparency and accountability mechanisms.

Finally, independent institutions such as the Commissioner for Information of Public Importance and Personal Data Protection, the Ombudsman, the Anti-Corruption Agency or the Independent Audit Institution lack adequate investigative, enforcement and sanction mechanisms which affects their capacity to ensure transparency and accountability of Government bodies and the respect of rights of citizens. This is even more of an issue having in mind the general lack of interest of the Government to cooperate with these institutions, thus narrowing the scope for independent oversight as well.

II. APPROACH TO OPEN GOVERNMENT

On March 29, 2012, Serbia joined the OGP. The letter of intent signed only a couple of days earlier states that the Republic of Serbia will immediately begin drafting a national action plan for open government, in consultation with all relevant stakeholders¹.

*On April 25, after this mapping study was completed, the Serbian Government adopted an OGP Action Plan. The plan is designed as an annual strategy, putting forward the actions to be completed or continued during and throughout the year 2013. In its eight steps it focuses on three main areas, including fiscal transparency, the involvement of citizens and businesses and other OGP criteria. A translation of the adopted Action Plan is presented in Annex III.

According to critics, Serbia's Action Plan presents a good mix of direct steps, but the main challenge for its implementation may come from an outdated Constitution adopted in 2006, which now sees the majority of new laws being adopted as unconstitutional. This means that laws adopted in line with OGP principles may be challenged as regards to their constitutionality and, potentially, be discarded as unconstitutional. In this sense, also having in mind that the action plan was adopted without previous announcements that this might take place, or any significant media reporting once it did happen, civil society has to be very quick in forming a coalition to be able to influence and participate alongside the Government on developing the 2014 Action Plan as well as support the Government in aligning the state's legal system along OGP standards while paying attention to the way in which legal frameworks cross-cut in order to ensure continuity and integrity of the overall legal system.

¹ Open Government Partnership, Country Commitments: Serbia <http://www.opengovpartnership.org/countries/serbia>

ACTIONS AND INTERVENTIONS

Legally and institutionally a lot has been done for setting the initial standards for Open Government Partnership. However, there is a lack of implementation of adopted laws, there is a lack of relevant bylaws to complete the legal framework and the relevant institutions needed for their enforcement are not formed in a timely, effective and efficient manner. What follows is a summary table of OGP elements present in Serbia in specific fields and possible areas and ways of intervention, designed based on this mapping study and the findings presented in the following chapters.

	What is important for Open Government	Where intervention is possible	How openness can be improved
Public services	<p>Adoption of laws and regulations on urgent basis (leaving no space for public hearings or debate)</p> <p>Lack of electronic communication regulation</p> <p>Licensing transparency</p> <p>Establishment of e-services underway</p>	<p>Cooperation with Government Office for Cooperation with Civil Society</p> <p>CSOs as watchdogs for merit based public services</p>	<p>Strengthening the role of associations</p> <p>Support the Office for Regulatory Reform and Regulatory Impact Assessment in establishing governmental portal for public debate</p>
Public integrity	<p>Bylaws and regulations to complement adopted laws</p> <p>Capacity of independent institutions</p> <p>Investigative authority of independent institutions</p> <p>Oversight and enforcement powers of independent institutions</p>	<p>Improve the control and monitoring authority of the Anti-Corruption Agency</p> <p>Pressure for the adoption of necessary bylaws and regulations</p> <p>Support legislative proposals drafted by independent institutions (e.g. 14 Recommendations, whistleblower protection)</p>	<p>Implementing adopted laws (e.g. Law on Free Access to Information)</p> <p>Increased public participation through public debates (e.g. public debate on the new Law on Public Information and the Media)</p>

	What is important for Open Government	Where intervention is possible	How openness can be improved
Public resource management	<p>Lack of final accounts of annual budgets</p> <p>Lack of budget data</p> <p>Lack of information concerning the conditions of aid and loans obtained and contracts signed</p>	<p>Monitoring of Government spending, budget plans and budget reports</p> <p>Pressure for reform regarding allocation of budget resources and reporting mechanisms</p>	<p>Further development of the Intersectional Development Assistance Coordination Network's portal and the Public Procurement Portal</p> <p>Improved reporting mechanisms</p>
Security sector	<p>Lack of information regarding security sector personnel and equipment</p> <p>Lack of Parliamentary and Judicial oversight</p> <p>Vague internal control mechanisms</p> <p>Overlapping jurisdictions</p> <p>Non-transparent public procurement</p>	<p>Independent institutions and CSOs acting as watchdogs</p> <p>Widening of the "Safer Cities" project to include other actors</p> <p>Pressure for previous democratic practices regarding Parliamentary Committees to be restored</p> <p>Cooperation with the Association of Private Security at the Serbian Chamber of Commerce and Industry</p> <p>Cooperation through the Commission for Public-Private Security Sector Cooperation</p>	<p>Public procurement to be placed under the new public procurement legal framework, without confidential labels</p> <p>Strengthening of Parliamentary and Judicial control</p> <p>Greater cooperation with independent institutions and CSOs acting as external control mechanisms/watchdogs</p> <p>Clearer command responsibility and hierarchy, abolishment of overlapping functions</p> <p>Restoration of previous democratic practice regarding Parliamentary Committees</p>

	What is important for Open Government	Where intervention is possible	How openness can be improved
Corporate accountability	<p>Lack of transparency in top management appointment</p> <p>Lack of transparency of privatization tenders and contracts</p> <p>Lack of implementation of and reporting on corporate social responsibility</p> <p>Unorganized consumer protection mechanisms</p> <p>Lack of implementation of and reporting on environmental impact</p> <p>Lack of public participation</p>	<p>Pressure on the Privatization Agency to make publicly available all privatization tender and contract information</p> <p>Support for implementing the Government Strategy for the Development and Promotion of Corporate Social Responsibility 2010-2015</p> <p>Support for further development of consumer protection mechanisms and the established basis of private-public partnership in consumer protection</p>	<p>Appointment of top management in public companies should be made public</p> <p>Privatization Agency should make publicly available all privatization tender and contract information</p> <p>Use of opportunities provided by the establishment of the basis of private-public partnership in consumer protection</p> <p>Implementation of legal provisions providing for public debates on new laws, bylaws and regulations concerning corporate accountability</p>

*A factor that should not be neglected are the employees in the civil service and public administration and their commitment to reform. Frequent changes in the system, too many reforms, increased workload, inadequate system of salaries and remuneration and poor working conditions lead to state officials not being sufficiently motivated to participate in the reform process, and may even obstruct it.

For this reason steps such as the adoption of the 2011 „*Strategy for professional training of civil servants in the Republic of Serbia for the period 2011-2013*“ were taken. The Strategy provides for changes in the legal and institutional framework in this period, which will begin the process of establishing a modern and sustainable professional **development of civil servants**. The document provides for the **establishment of a Central National Institution** which would perform the tasks of implementing the general professional training of civil servants, while the Ministry in charge of public administration affairs would be in charge of tasks related to the preparation, identification and supervision of the implementation of training programs for civil servants, as well as managing the process of realization of this important strategy.

LEGAL AND ADMINISTRATIVE INSTITUTIONS

Legislatively Serbia is well placed for adopting OGP standards. However, despite obtaining high marks for its legal framework by several international benchmark methods, Serbia has a lack of bylaws and regulations which are to compliment adopted laws, therefore leaving space for individual interpretation and either forcing inaction or enabling corruption. The same remark is valid for the establishment of needed institutions.

Judiciary reform is being carried out with numerous setbacks and inconsistencies. Legislated procedures last longer than necessary and people are detained without trials for prolonged periods of time. The reform process has been unfolding in a secretive manner and has been a consistent grey area highlighted by EU Annual Progress Reports on Serbia.

Independent institutions have been established without the mechanisms needed for the adequate fulfillment of their role. Hence, institutions such as the Commissioner for Information of Public Importance and Personal Data Protection, the Ombudsman, the Anti-Corruption Agency or the State Audit Institution, lack investigative, enforcement and sanction mechanisms which reduces their capacity to place further pressure on the Government and state bodies and institutions to continue with reform aiming to establish full OGP standards. These independent institutions have played quite an active watchdog role in their respective fields, which has also been highlighted by EU Annual Progress Reports on Serbia.

According to the Review of Implementation of Public Administration Reform Strategy for the period 2009-2012, although much has been done in terms of professionalization and depolitization, further efforts in improving public administration at all levels are needed. The anticipated systemic transfer of jurisdiction over training of civil servants into the hands of the Ministry of Human and Minority Rights, Public Administration and Local Self-Government poses as only a limited step in terms of improving the system of human resource management.

The Review also highlights the need for control mechanisms of public administration to include all those measures related to the prevention and suppression of corruption in the administration. Given that dealing with corruption is one of the requirements for Serbia's accession into the EU, and one of four areas of OGP, the Review recommends that the next Public Administration Reform Strategy pay special to the area of the fight against corruption.

Regarding participation and inclusion, there is still a lack of space for CSOs to engage in higher politics in terms of decision making, budget planning, etc. Civil society organizations have, however, managed to establish strong working relations with independent institutions, cooperating in terms of monitoring or drawing up draft legislation and in this way managed to get their voices heard. Prospects for greater inclusion and participation options have opened with the establishment of the Government Office for Cooperation with Civil Society.

INCORPORATION OF MULTI-ETHNIC CONSIDERATIONS INTO ACTION PLANS

The notion of multi-ethnic considerations and questions of integration, did not gain much attention, except for the initiative to develop strategies to engage all members of the public, including especially underserved population – “invisible”, illiterate, disabled, minorities, etc.² which was mentioned in the National Action Plan published in mid-April 2012 when an intention to join the initiative was signed.

Social ties between ethnic groups are weak, and the existing system of parallel closed and ethno-cultural minority policies makes them even more porous. The Law on National Councils of National Minorities as a model gave a strong foothold specifying the normative authority of minority governments in the field of cultural autonomy, allowing the transfer of the founding and management rights to these institutions in the fields of information, culture and education, and finally, establishing a formal link between the political parties of national minorities and minority self-Government.

Formal institutional recognition of identity in Serbia is conditioned on the basis of meeting the requirements contained in the designation of the concept of national minorities in the sense of Article 2 of the Law on the Protection of the Rights and Freedoms of National Minorities and the formation of a minority government, through which cultural autonomy is achieved. The election of national councils of national minorities minority governments conducted in 2010 indicate that there are nineteen national minorities who meet the above mentioned requirements which leads to a conclusion that the institutional recognition of minority group identity was achieved. However, when taking a closer look at civic political culture and civil society, which is the logical outcome of integrative multiculturalism circumstances are not so favorable. The Serbian Constitution still reads that Serbia is a "state of the Serbian people and all citizens who live in it".

Participation of national minorities in Serbian political life is based on the position of their political parties in the political system of the country. The Law on Political Parties ("Official Gazette of RS", no. 36/2009) implies that it is the parties that in addition to the general requirements provided for the registration and operation of political parties, meet special conditions relating to "represent and advocate the interests of one ethnic minority and the protection and promotion of the rights of the national minorities in accordance with the constitution, laws and international standards". The political parties of national minorities in this sense always represent the interests of a specific minority and are thus always opposing each other. Cooperation between them is possible on the basis of a coalition agreement, and not on focusing on policies that stimulate their connections and gathering around interests that are common to most members of national minorities in Serbia.³

Therefore Serbia does have **National Councils of National Minorities**, regulated by the Law on National Minorities (RS Official Gazette, no.72/2009). In accordance, National Councils, among others, have the right to establish institutions, associations, foundations, companies in the area of culture, education, information and official use of language and scripts, and other areas of importance for the preservations of the national minority identity; propose minority representatives

² Open Government Partnership, Country Commitments: Serbia <http://www.opengovpartnership.org/countries/serbia>

³ Goran Bašič, Political organisation of national minorities in Serbia <http://izbornareforma.rs/wordpress/wp-content/uploads/zbornik/Goran%20Basic%20-%20Politicko%20organizovanje%20nacionalnih%20manjina%20u%20Srbiji.pdf>

in the Council relating to Local Self-Government units; initiate the adoption and monitor the implementation of laws and regulations in the areas of culture, education, information and official use of language and scripts; participate in the preparation of regulations and propose amendments to regulations governing constitutional rights of national minorities in the field of culture, education, information and official use of language and scripts; propose specific rules and interim measures in areas in which the rights to self-government is achieved with the aim of achieving equality; initiate proceedings before the Constitutional Court, the Ombudsman and other competent authorities if suspecting breach of constitutional and legal rights of persons belonging to national minorities; decide on other matters entrusted to it by law and autonomous province or local self-government act.

For example, the situation of the Roma minority has improved since the formation of a **Roma National Council**. According to the National Council President, Vitomir Mihajlović, Roma are much more recognizable now, at least in the part in which the majority of people, countries and international organizations are familiarized with the problems that the Council constantly points out to".

The Center for Civil Society Development (CRCD), an NGO from Zrenjanin highlighted that some **national minority councils** are **under distinct control of political parties**, which proves the systemic problems of existing methods of protection of minority rights. CRCD claims that the Democratic Party controls the national council of Croats and Slovaks, that the League of Social Democrats of Vojvodina controls Romanian National Council, and that the Socialist Party of Serbia controls the National Council of the Vlach minority.⁴

The presidents of six minority parties addressed the Prime Minister in 2011 proposing the National Council to be "an organic part of the representative system," that is to be the representative body that will legitimately formulate and defend the basic interests of a national minority in relation to the preservation of national identity. To ensure the selection of legitimate national council representatives, a lists minority voters can be prepared, in the form of an authentic statement of the general electoral roll issued by the competent national authority which will, with the participation of representatives of national minorities, regularly update this document. The electoral roll of a national minority would be a basis for the selection of not only the members of the National Council, but for the election of representatives of the minority "in the allocation of guaranteed seats" in Parliament.⁵

There are, however, problem between members of minority groups as well, and this **lack of unity** poses as a further problem for their integration and active participation in daily political life. For example, there have been continuous problems in the process of forming **the National Council of the Bosniak minority**. After National Council elections were held in 2010, one side claimed it had officially formed a representative body, but **the state refused to acknowledge it**, due to disputes over the voting process. This delayed the National Council elections for a period of nearly one year. Belgrade and Ankara had to intervene eventually to mitigate the differences between members of the Islamic community and facilitate pacification of relations.

⁴ Beta, 20.7.2011. Nacionalni saveti manjina pod uticajem partija
<http://www.beta.rs/default.asp?tip=article&kategorija=vestiizzemlje&ida=2542180&id=&ime=>

⁵ Blic online, 9.11.2011. Partije manjina traže izmenu Zakona o nacionalnim savetima
<http://www.blic.rs/Vesti/Politika/288475/Partije-manjina-traze-izmenu-Zakona-o-nacionalnim-savetima>

Other problems see, the **Montenegrin national minority** still **lacking its own National Council**. This is due to the fact that the Ministry for Human and Minority Rights failed to address the initiative for the Council formation, dated June 23, 2009, until the present, although there are 38 527 declared Montenegrins living on Serbia's territory (according to the 2012 census).

STAKEHOLDER ANALYSIS

*According to the adopted Action Plan, the following Ministries and government bodies are in charge of its implementation: Ministry of Foreign and Domestic Trade and Telecommunications – 3 measures; Ministry of Justice and Public Administration – 3 measures; Office for Cooperation with Civil Society – 1 measure; and the Department for Human Resource Management – 1 measure.

The **Department for Human Resource Management** has a role of providing continuous support to the public administration reform in accordance with the principles of professionalization, depoliticization, rationalisation and modernisation laid down by the Public Administration Reform Strategy, as well as to ensure the application and further development of established standards and procedures in the processes that make up Human Potential Management. The Service does not make decisions about public administration staff - it creates conditions for the development of a professional public administration capable of responding to the challenges it meets. As such, the Department has no real power, if there is no political will to use the mechanisms it provides.

The **Ministry of Foreign and Domestic Trade and Telecommunications** was first to sign the OGP Declaration expressing Serbia's intention to join the initiative as the Ministry of Culture, Media and Information Society in March 2012. The greatest positive impact this decision had is that one year after signing the intent to join, Serbia adopted an OGP Action Plan. However, since then the jurisdiction over OGP allocated to the Directorate for Digital Agenda which is a small department within the Ministry of Trade and Telecommunication. Therefore, the lead Ministry in charge of OGP has a minor role to play in the reality of the Serbian political system, receiving little media attention and having practically no pressure and enforcement mechanisms to exercise over other state bodies. Furthermore, there are speculations that the OGP initiative is soon to be removed from the Ministry's jurisdiction.

The **Office for Cooperation with Civil Society**, founded in 2011, has a primary role of including civil society organisations as active actors in the political life in Serbia. It is focused on providing support to CSOs in the process of defining and implementing legislative procedures altogether with public policies, thereby contributing to a positive pressure on the governmental institutions. At the same time the Office works to establish clear criteria for transparent budgetary funding of CSOs on the national and local level. However, in order to make such action possible, the Office for Cooperation with Civil Society first of all needs Government support for and understanding of the importance of civil society as a great resource of human and social capital, whose active participation in public life and advocacy of democratic value is aimed to create a better society for all, which is, at the moment, still significantly weak. This leaves the Office for Cooperation with Civil Society as a relatively weak institution, which is yet to grow into a significant political actor.

The **Ministry of Justice and Public Administration** is the strongest political actor envisioned to take part in implementing the OGP Action Plan adopted by the Government. The Ministry is headed by the largest political party in Parliament, the Serbian Progressive party, which is often seen as quite conservative and whose commitment to transparency and openness is therefore questionable. However, one of its main positive impacts is the fact that the Ministry initiated public administration reform and developed OGP standards from the signed declarations independently in the meantime, through the Public Administration Reform Strategy.

In general, the greatest support advocating the implementation of OGP standards in Serbia in practice so far came from **independent institutions** of the Government, notably the **Commissioner for Information of Public Importance and Personal Data Protection** and the **Ombudsman**, followed by the **Anti-Corruption Agency** and the **Independent Audit Institution**. These institutions mainly operate transparently and maintain their independence from Government in order to be objective, although they lack proper enforcement mechanisms to exert greater pressure.

New **organizations within the Serbian Chamber of Commerce and Industry** have been increasingly raising their voice calling upon the Government to introduce legislation and regulation which would allow specific sectors to become more transparent, accountable and open to the public. These however are very issue-specific, but the Center for Euro-Atlantic Studies has established good relations with, for example, the **Association of Private Security** at the Serbian Chamber of Commerce and Industry, which advocates for regulation of the private security sector, and is willing to cooperate with both, state institutions, as well as private enterprise and civil society organizations.

Finally, **civil society organizations** pose as the greatest potential partners in OGP advocacy and monitoring. Depending on their area of interest non-governmental organizations have quite successfully advocated and monitored for reform which can be classified as a steps towards Open Government Partnership standards, despite the lack of support or the general lack of interest from official state institutions for such NGO action. To mention just a few, **YUCOM – Lawyer’s Committee for Human Rights** monitored together with the **Belgrade Center for Human Rights** the effects and implementation of recommendations and decisions reached by the Ombudsman, advocating for specific reform steps which would change and improve the current situation. The **Center for Research, Transparency and Accountability (CRTA)** and the **Educational Center Leskovac** conducted together a public opinion poll on the participation and involvement of citizens in the democratic processes of Serbia. The **Belgrade Center for Security Policy** monitored the levels of corruption in the police, in cooperation with the Anti-Corruption Agency. The **Center for Development of the Non-Profit Sector** monitored budget allocations to CSOs and came out with specific recommendations for improving the current practice rendered as non-transparent. Other NGOs act in narrower fields, focusing on specific issues, such as tackling corruption in the healthcare system, but this does not exclude them as potential partners in OGP advocacy and monitoring.

**Remark: For the purposes of this project, the PASOS project team members will intervene only on those areas, where they might achieve the greatest progress and their impact will be the highest.*

III. CHALLENGES TO OPEN GOVERNMENT PARTNERSHIP

PUBLIC SERVICES

Transparency

The **Business Registers Agency**⁶ keeps registers on all registered companies, entrepreneurs, financial statements and solvency⁷, financial leasing⁸, pledges⁹, public media, associations, foreign associations, tourism, bankruptcy estates¹⁰, regional development measures and incentives¹¹, Chamber of Commerce, endowments and foundations, representative offices of foreign endowments and foundations, sports associations and injunctions¹². When the register is searched and data on a specific company obtained, it contains information on the company's registration and identification number, date of registration, address and data relevant for legal transactions (e.g. bank account number), information on the company legal representatives, co-founders and invested cash capital, annual financial reports, reports on liquidation or bankruptcy as well as other relevant documents.

As part of the Business Registers Agency, the **Regional Development Measures and Incentives Register**¹³, among other, contains information on regional development incentives are allocated for the implementation of projects in the field of regional development of national, regional and local interest to the Republic of Serbia. These are projects for the construction or reconstruction of utility, economic, environmental, energy, social and other infrastructure, building and strengthening institutions, human resources, development of companies and entrepreneurs, stimulation of scientific and research work, in other words projects contributing to overall social, economic and regional development. By integrating information on investments in the development of local

⁶ Serbian Business Registers Agency <http://www.apr.gov.rs/eng/Home.aspx>

⁷ Solvency register offers a catalogue of data from original financial statements of enterprises and cooperatives, banks, other financial organizations, insurance companies, stock exchanges and broker-dealer companies, financial lessors, voluntary pension funds management companies, investment funds management companies, close ended/private investment funds, other legal entities and entrepreneurs

⁸ The Financial leasing register is a unique, centralized, electronic database containing data on Financial Leasing Agreements, changes and amendments of these data, entries on disputes in the matter of financial leasing and the termination of Financial Leasing Agreements.

⁹ The Pledges register is a single electronic database containing data on pledges, amendments to and changes of data pertaining to the registered pledges, data on the commencement of settlement proceedings, entries on any disputes (on filing a lawsuit for the strike off of the pledge from the Register of Pledges, as well as proceedings concerning the subject matter of the pledge or the relationship of the parties in this legal transaction).

¹⁰ The Bankruptcy estates register is a single, centralized, electronic database on bankruptcy estates.

¹¹ The Regional development measures and incentives register is a unique, centralized electronic database of the taken measures and implemented incentives that are of significance for regional development. The Register contains information on the type of documents for providing incentives for regional development, intended purpose of incentives, financial characteristics of incentives, incentive providers and beneficiaries, territorial allocation of incentives, sources of funding, as well as other data of significance for assigning new investments to certain regions for the achievement of goals set by national and regional development programs.

¹² The Injunctions register is a unique, centralized, electronic database in which all registered data are kept in accordance with the Law on Enforcement and Security (Official Gazette No 31/11). It is a public register that contains data on provisional remedies adopted before or during a court procedure, or after its termination, forbidding the alienation or encumbrance of movable assets, real estate or real estate titles, under the terms and conditions prescribed by law. The register also records all amendments to the provisional remedies imposed.

¹³ Serbian Business Registers Agency, The Regional Development Measures and Incentives Register <http://www.apr.gov.rs/eng/Registers/RegionalDevelopmentMeasuresandIncentives/AboutRegister.aspx>

communities, both from government and donor funds, through compiling numerous data on concrete investments or program allocation thereof, with the support of the IT system and a comprehensive software program, the Register provides the basis for the implementation of a policy of balanced regional development.

Data on investments for 2009, 2010, 2011 and 2012, as well as for current investments, enable a more comprehensive monitoring of investments and comparative analyses thereof, for the purpose of further planning and investments in the development of certain regions, with the ultimate goal of reducing regional disparities and improving regional competitiveness.

Tables containing the type of **information publicly available on the official websites** of Ministries and independent institutions are **enclosed** in Annex I and Annex II, respectively.

Accountability

Although not prescribed by the Action Plan for implementing the Public Administration Reform Strategy, the adoption of the **Law on Public Property** (RS Official Gazette, no.72/11) in September 2011, posed as a significant incentive for further decentralization, creating preconditions for implementing a model of devolution (transfer) from central government to the local level.

The **Law on Public Enterprise and Activities of General Interest** (RS Official Gazette, no.119/2012) prescribes that public enterprise, offering public services, is established by the state, local self-government units or an autonomous province assembly¹⁴. The law encompasses activities, or public services, such as production, transmission and distribution of electricity; production and processing of coal; research, production, processing, transportation and distribution of oil and natural gas and liquid; transport of oil and oil products; railway, postal and air traffic telecommunications; issuance of the Official Gazette of the Republic of Serbia; information sharing; publication of textbooks; utilization, management, protection and promotion of public goods (water, roads, minerals, forests, navigable rivers, lake shores, spas, etc.) as well as communal services (utilities).

Use of technology

According to the Statistical Office of the Republic of Serbia, in 2012, 55,2 per cent of households owned a computer, with 47,5 per cent of them having Internet connection¹⁵.

Registers of all companies with specific details are available online and searchable by the company's identification number or business name on the **Business Registers Agency**¹⁶ website.

The Serbian Chamber of Commerce and Industry website also keeps an online **register of companies that have certified their management systems according to international standards** (ISO, HACCP, OHSAS, etc.)¹⁷, allowing these to be searched by field of work, region, type of certification, and certification body.

¹⁴ Article 4, Law on Public Enterprise and Activities of General Interest (RS Official Gazette, no.119/2012)

¹⁵ Statistical Office of the Republic of Serbia, Data <http://webzrzs.stat.gov.rs/WebSite/Public/PageView.aspx?pKey=2>

¹⁶ Serbian Business Registers Agency <http://www.apr.gov.rs/eng/Home.aspx>

¹⁷ Chamber of Commerce and Industry of Serbia, Register of Certified Companies <http://www.pks.rs/Aplikacije.aspx?aplikacija=sertifikati>

Merit based personal services

Transparency

Healthcare

The Republic Fund of Health Insurance adopts and publishes an **annual Plan of the Healthcare System of Compulsory Health Insurance in Serbia**¹⁸. The Fund also publishes a **list directorates and branches with contact details and name of the person in charge**¹⁹.

The Fund opened a **public call for applications** for the appointment of a new Republic Fund of Health Insurance Director²⁰.

The Republic Fund of Health Insurance publishes **annual financial reports**²¹, **public procurement plans**²² and a **list of suppliers** of medical-technical tools, registered at the Fund's branches²³ on its website. A review of **audits** carried out is also available²⁴.

Education

The Ministry of Education and Science's website holds a **register** of preschool, primary and secondary school, higher education and student hall institutions. The register is searchable by the type of the founder, type of school, county, borough, etc.

Information on work permits (licenses) for teachers and associate trainees²⁵ and publishing of textbooks²⁶ is also available.

The **Commission for Accreditation and Quality Assurance**²⁷, founded by the National Council for higher education, has the task to carry out accreditation and quality control of higher education and evaluation of study programs in Serbia. The Commission **publishes regulations on accreditation standards, reports on universities which have already obtained accreditation, as well as a list of required accreditation documentation**. The Commission also publishes strategies and action plans, with self-evaluation reports and reports on its own work.

¹⁸ Republic Fund of Health Insurance, Healthcare Plan <http://www.rfzo.rs/index.php/about-main/planovi>

¹⁹ Republic Fund of Health Insurance, Contact <http://www.rfzo.rs/index.php/kontakt-top-menu>

²⁰ Republic Fund of Health Insurance, Public call for applicants
<http://www.rfzo.rs/index.php/component/content/article/441-javni-konkurs-za-direktora>

²¹ Republic Fund of Health Insurance, Financial Reports <http://www.rfzo.rs/index.php/finansijski-izvestaji-main/fin-izvestaji>

²² Republic Fund of Health Insurance, Public Procurement Plans
<http://www.rfzo.rs/index.php/finansijski-izvestaji-main/-javne-nabavke>

²³ Republic Fund of Health Insurance, Suppliers <http://www.rfzo.rs/download/DOBAVLJACI.pdf>

²⁴ Republic Fund of Health Insurance, Review of audits <http://www.rfzo.rs/index.php/-sprovedene-kontrola>

²⁵ Ministry of Education, Science and Technological Development, Work Permits (licenses)
<http://www.mpn.gov.rs/prosveta/page.php?page=153>

²⁶ Ministry of Education, Science and Technological Development, Textbook Publishing Permits (licenses)
<http://www.mpn.gov.rs/prosveta/page.php?page=169>

²⁷ Commission for Accreditation and Quality Assurance <http://www.kapk.org/index.php?lang=sr>

However, despite the existence of a register of universities and institutes with accreditations, there is **lack information on how licenses and accreditations are obtained for private schools and universities**.

The Ministry of Education adopts and publishes **plans and strategies** of education in Serbia and publishes these online. The current education strategy is meant to be implemented until 2020²⁸. The Ministry also publishes online rulebooks on the National Curriculum, plans for primary schools, comprehensives and vocational colleges²⁹.

Public participation

Healthcare

The Republic Fund of Health Insurance adopted a decision of including **patient associations in all public procurement committees, commissions** approving drugs from List C, **committees** working on drafting Rulebooks on medical-technical aids, standards of dialysis materials, and committees for rare diseases³⁰.

The Fund's website enables **citizens to check** whether their employers paid the mandatory contributions for health insurance to the Fund³¹. In this way, they can ensure their employer has fulfilled its legal obligation towards them.

Civil society organizations play an important role in the provision of comparative information on healthcare. Specifically, the Citizen initiative Serbia on the Move, supported by USAID and the Institute for Sustainable Communities, developed the application "What is the Doctor Like"³². The basic idea of the project is to create a **free and direct channel of communication between doctors and their patients**. Each patient will, by logging onto the website, be able to evaluate their doctor's relationship with the patient and leave comments on the health service provided. In addition, each doctor will be able to create their own profile, edit it, look at the reviews they received, read and respond to their patients' comments. A special section of the website titled "I'm not on the take, I work for the salary"³³, is dedicated to the **fight against corruption**, enabling **citizens to report** cases of corruption to the competent authorities.

Education

The Ministry of Education and Science under the project "Delivery of Improved Local Services-DILS", in collaboration with CIP-Center for Interactive Pedagogy and the Fund for an Open Society, Serbia started "**The parents are asking**"³⁴ initiative. The main objective of the initiative is to improve the

²⁸ Ministry of Education, Science and Technological Development, Education Strategy of the Republic of Serbia until the year 2020 <http://www.mpn.gov.rs/prosveta/page.php?page=307>

²⁹ Ministry of Education, Science and Technological Development, Curriculum Rulebooks <http://www.mpn.gov.rs/sajt/page.php?page=204>

³⁰ Republic Fund of Health Insurance, Patient Association Participation in the work of the Fund <http://www.rfzo.rs/index.php/ekartica-info-menu/ekartica-info-menu/455>

³¹ Republic Fund of Health Insurance, Check of contribution payments <http://www.rfzo.rs/index.php/doprinosi-e-bussiness>

³² What is the Doctor Like? <http://www.kakavjedoktor.org/>

³³ Serbia on the Move, "I'm not on the take, I work for the salary" <http://www.srbijaupokretu.org/index.php/kampanje/12-kampanje/12-ne-primam-mito-radim-za-platu>

³⁴ Ministry of Education, Science and Technological Development, "The Parents are asking" initiative

conditions for development, education and the lives of children by creating conditions for better and more **active participation of parents in decisions** concerning children, as in the preschool, primary and secondary education institutions, and at the municipal level.

UNICEF, together with the relevant ministries and a team of experts began a comprehensive program "**School without violence - towards a safe and stimulating environment for children**"³⁵. The program provides children and adults a set of necessary knowledge and skills to stop bullying, to foster an atmosphere of tolerance and understanding in schools, for creative and constructive exit situations of violence (and rules-restitution for damages, peer teams in action, school Forum Theater, etc.). The program includes **teachers and children, and other school staff, parents and the wider local community**.

Accountability

Healthcare

Free healthcare is available for all citizens who are employed in domestic and foreign firms on the territory of Serbia, citizens who are sent for work abroad, civilians in the Armed Forces, employed parents who are away from work until their child is three years old, foreign citizens working on the territory of Serbia, persons receiving unemployment benefits, persons in occasional and/seasonal employment, persons receiving honoraria, company founders, athletes, priests and religious servants, farmers over 18 years of age, who are engaged in agricultural activity as their only or main occupation and pensioners.

For most categories, the state, or the employer is obliged to pay **mandatory healthcare contributions**. Children and students under 26 years of age are entitled to use their parents' health insurance.

The greatest **problem of accessibility** in terms of healthcare is the process of verifying healthcare cards. In order to do so, citizens must first obtain a healthcare card at a Republic Fund of Health Insurance branch, and then go to a GPs office where their file is registered in order to choose a doctor. Without confirmation that they do have a chosen doctor, citizens cannot have their healthcare cards verified, which is, again, done back at a Republic Fund of Health Insurance branch.

Another **problem concerning eligibility** for healthcare is the need for a place of permanent residence in order to register. This is especially a problem for the Roma, who often live in unregistered, illegal slums, and therefore do not have a place of permanent residence to register which effectively leaves them without health insurance.

Education

Education is **available to all Serbian citizens** regardless of their gender, race, nationality, religion, language, social and cultural background, economic status, physical and mental constitution, disability, political affiliation or other personal characteristics. Foreign and stateless persons have the right to education equal to that of Serbian citizens. Primary and secondary education is **free** for all and primary education of mandatory by law.

<http://www.mpn.gov.rs/sajt/page.php?page=300>

³⁵ Ministry of Education, Science and Technological Development, "School without violence - towards a safe and stimulating environment for children" <http://www.mpn.gov.rs/sajt/page.php?page=94>

The Ministry of Education and Science, together with the European Union started the project **“Improving preschool education in Serbia”**³⁶ aiming to contribute to **social inclusion and reduction of poverty by improving services in the field of preschool education and widening access** for all children, especially those from vulnerable groups. However, data shows that despite the proclaimed values, the **majority of children with disabilities is are not covered by any form of the education system**, the majority of children in schools with special needs are Roma, some children living in rural areas, whilst a significant number of Roma children never complete primary school, and only a small number of children living in Roma settlements is included in compulsory education, with an especially poor coverage of Roma girls.

A main **complaint to the process of accreditation** is that practically all universities and colleges are granted permission, despite a number of irregularities, with complaints mainly referring to the non-transparent work of the Commission for Accreditation and Quality Assurance and the work of its reviewers³⁷.

Use of technology

Healthcare

The Republic Fund of Health Insurance enabled employers to **complete registration, alter details or submit a notice of withdrawal from the mandatory health insurance for their employees online**³⁸.

Education

The Ministry of Education and Science developed an **online portal “Open School”**³⁹ enabling teachers and professors to exchange ideas and good practices, communicating with colleagues from the whole of Serbia but also from abroad, and share thoughts, experiences and suggestions with the education policy decision makers through a blog.

³⁶ Ministry of Education, Science and Technological Development, “Improving preschool education in Serbia” program (IMPRES) <http://www.mpn.gov.rs/sajt/page.php?page=320>

³⁷ Politika, 6.3.2013. University and college accreditation, for now, as usual <http://www.politika.rs/rubrike/Drustvo/Akreditacija-fakulteta-i-visokih-skola-za-sada-po-starom.lt.html>

³⁸ Republic Fund of Health Insurance, Electronic registration of employees for health insurance <http://www.rfzo.rs/index.php/e-prijava-e-bussiness>

³⁹ Ministry of Education, Science and Technological Development portal, Open School <http://otvorenaskola.mpn.gov.rs/sr/o-otvorenoj-skoli>

Infrastructure and Public Enterprise

Public enterprises are governed by the Serbian Government, while urban services are mainly **governed by cities and municipalities** in Serbia.

The Serbian Chamber of Commerce and Industry keeps a **register of companies that have certified their management systems according to international standards** (ISO, HACCP, OHSAS, etc.)⁴⁰, allowing these to be searched by field of work, region, type of certification, and certification body.

Public companies are **independently audited** annually and **publish these reports** on their websites in a **machine readable format** (commonly .pdf).

The **Act on the Establishment of a Public Company** must contain details on founding capital, right, obligations and responsibilities of the company in performing public services, property and other issue of importance for normal functioning of the company. In order for a contract allowing the company to commence work to be signed, the company must fulfill specific requirements in terms of technical equipment, personnel training, health and safety and the protection and improvement of the environment⁴¹. The Law contains decrees on property, responsibilities and obligations, bodies of the public company, founding rights, investment of capital, distribution of profit, improving operations and development, power of the founders, rights to strike, ensuring the protection, and fees for the use of goods, of public interest, etc.

The Serbian Chamber of Commerce and Industry publishes a **Guide for Establishing a Company**, which contains information on the basic principles; legal forms, establishment and functioning; special licenses; business startup and useful contacts⁴².

The Ministry of Energy, Development and Environmental Protection prescribes, in the **Energy Law** (RS Official Gazette, no.124/12), the specific **rules and regulations for obtaining licenses** for energy subjects, as well as responsibilities and obligations of license holders. According to the law, licenses are issued only if the subject is registered for providing energy services and has a permit, has all the equipment needed for carrying out activities in relation with other laws and regulations, fulfills the demands of professional cadre for the technical management and maintenance of energy objects, etc. The law also sets out **rules for building energy objects**, such as the requirements for obtaining **energy permits** and responsibilities and obligations of permit holders.

Energy licenses are issued by the **Energy Agency of the Republic of Serbia**⁴³, which is also tasked with setting prices for energy services, deciding on procurement, agreeing to regulations relating to the work of energy subjects and dealing with complaints. The Agency is a **financially independent body** financed through the issuance of licenses and provision of other energy services and is subject to audit, although it is obliged to have its budget plan approved by the National Assembly.

⁴⁰ Chamber of Commerce and Industry Serbia, Register of Certified Companies
<http://www.pks.rs/Aplikacije.aspx?aplikacija=sertifikati>

⁴¹ Article 7, Law on Public Enterprise and Activities of General Interest (RS Official Gazette, no.119/2012)

⁴² Chamber of Commerce and Industry of Serbia, Guide on establishing a company
<http://www.pks.rs/SADRZAJ/Files/Vodic%20za%20osnivanje%20firme.pdf>

⁴³ Energy Agency of the Republic of Serbia <http://www.aers.rs/Index.asp?l=1>

The Ministry of Construction and Urban Planning published on its website **lists of building permits**⁴⁴ issued both by the Ministry of Construction and Urban Planning and the Ministry of Natural Resources, Mining and Spatial Planning. The Ministry also placed focus on **energy efficiency** and now **no new buildings are eligible for an occupancy permit without an energy passport**. In order to obtain the passport, the construction company must fulfill specific requirements, including having at least two engineers with an energy efficiency license employed.

Public administration

One general conclusion of the Report on Implementation of Public Administration Reform and e-Government is that there is a **lack of good practice regarding data collection** in Serbia. A large number of state institutions developed, over time, their own databases on citizens, for their own needs, with the same or similar structure, but with different data. Great efforts are needed in order to transfer the burden of identification and verification of life events (birth, marriage, death, divorce, etc.) from the citizens to the state authorities, for the purpose of exercising legal rights. Through this process, the state authorities would make a significant and necessary move towards establishing a service for citizens.

Despite the existence of a document regulating the appearance of **government institution websites**, these **differ largely**, not only **in appearance** but also **in the nature and amount of data** they have publicly available – there is a lack of standardization.

Transparency

The **Official Gazette of the Republic of Serbia** publishes all adopted laws, bylaws, regulations, etc. Access to its records is **available online**, however, access to most of the databases is only allowed to **registered members**.

As regards to public enterprise however there is an obvious lack of transparency, as there is no official channel informing citizens of the Government's decision relating to these. For example, the issue of the national airlines – JAT – is characterized by occasional media statement by either the Minister for Infrastructure or the Minister of Finance and the Economy about public tenders for finding a strategic partner to pull the company out of debt, only to be succeeded by statement about the Government discarding all of the company's debt, the burden of which is then carried by the tax payers.⁴⁵ This situation is especially alarming having in mind that in February 2012 JAT's debt has been estimated at EUR 170 million, with EUR 55 million owed to state banks which have gone bankrupt, EUR 70 million worth of loans with state guarantees and the remaining amount owed to national suppliers. The company has over the years been restructured several times, disintegrated into smaller units, and changed its management board after every election period. Appointment to top functions is therefore highly politicized and there is no official strategic plan for the company published.

⁴⁴ Ministry of Construction and Urban Planning, Building permits
<http://www.mgu.gov.rs/dokumenta-lokacijske-dozvole.php>

⁴⁵ Politika, 31.10.2012. Who are the debts of Jat left to
<http://www.politika.rs/rubrike/Ekonomija/Kome-ostaju-dugovi-Jata.lt.html>

This is a general occurrence in the majority of public enterprise and infrastructure services. Despite high debts and disappointing results, the Government maintains its pattern of transferring public enterprise debts to the state, seeing, for example, the case of the „Roads of Serbia“ („Putevi Srbije“), whose public debts is estimated to EUR 11 million. This is extremely problematic as the state’s public debts is already very high, estimated at around 58 per cent of gross domestic product.

At the same time, however, a large number of public enterprises avoid paying value added tax. "Roads of Serbia" has revenues of EUR 130 million only from tolls, earns a few billion from excise taxes on petroleum products while at the same time receiving direct state support, and still evades VAT payments for which they owe an EUR 200 million.

Public participation

The **Office for Regulatory Reform and Regulatory Impact Assessment**⁴⁶ exists since 2003 but has not had a significant role. It is meant to carry out tasks such as implementing Regulatory Reform and Regulatory Impact Assessment proposed by ministries and special organizations, including: providing preliminary opinion at the request of the proponent of the need for regulations implementing impact assessment, regulatory impact analysis of the intended public hearing and the full contents of the accompanying impact assessment; helping regulation proponents to establish mechanisms to monitor and analyze the effects of regulations during their use; collecting and processing initiatives of companies, other legal entities and citizens to change inefficient regulations at the national level; filling the initiative to relevant proponent to amend the inefficient regulations; involvement in training organizing for civil servants who work in jobs that are related to regulatory impact analysis; monitoring and analysis of institutional capacity for implementation of Regulatory Reform, establishing and maintaining a web site for full access to information about the work of the Office and enabling the active participation of citizens and businesses in regulatory reform as well as promotional activities for the implementation of regulatory reform on the state and local level, and other tasks determined by law and act of the Government. The official Office website is still under construction with a **platform for public debates in preparation**⁴⁷.

The **Office for Cooperation with Civil Society**⁴⁸ was established in 2011 by the Government. After years of advocacy by civil society, the Office has been established as an institutional mechanism to **support the development of a dialogue between the Serbian Government and CSOs**. According to its mandate, the Office provides support to CSOs in the process of the defining and implementing legislative procedures altogether with public policies, thereby contributing to a positive pressure on the governmental institutions. At the same time the Office works to establish clear criteria for transparent budgetary funding of CSOs on the national and local level.

⁴⁶ Office for Regulatory Reform and Regulatory Impact Assessment <http://www.ria.gov.rs/lat>

⁴⁷ Office for Regulatory Reform and Regulatory Impact Assessment, Public debates <http://www.ria.gov.rs/lat/javne-rasprave>

⁴⁸ Office for Cooperation with Civil Society of the Government of Republic of Serbia <http://civilnodrustvo.gov.rs/>

According to the **Law on Public Administration**⁴⁹, ministries and special organizations are obliged to, in preparation of laws that substantially change the legal regime in one area, or which regulates issues of particular public interest, hold a **public hearing**. The Law contains no further provisions regarding public hearings, as these are regulated by the **Government Rulebook**⁵⁰. However, the Rulebook states that holding public hearings is not necessarily required and that in this case the material is available publicly when the competent committee renders a decision to propose the adoption of the proposed act to the Government at the latest. Meanwhile, MPs are often heard complaining they are not given nearly enough time needed for adequate preparation for a debate on a proposed act in Parliament, leaving **laws and regulations** to be **adopted on an urgent basis**, leaving no time for debate, within Parliament or the public.

A joint initiative of CSOs carries out a project titled “**Open Parliament**”⁵¹ whose main objective is to increase the transparency of the Parliament, inform the public about the Parliament’s work and establish regular communication between citizens and their elected representatives, based on the International Declaration on Parliament openness in whose development the project members also took part.

The **Register of National Internet Domain Names of Serbia (RNIDS)**⁵² is a **private nonprofit foundation** established to **manage country-code top-level Internet domains (ccTLD)** in Serbia. In order to serve the interests of all Serbian citizens, while adhering to the principles of quality, efficiency, independence and transparency, RNIDS is governed through the multi-stakeholder model with all interested parties (other than Government entities) from Serbia may become co-founders of RNIDS and participate in the decision making process, including the election of the Board; all policy decisions are open to public comments, and prevalent public opinion is incorporated into the policy; all strategic and major operational issues are referred to the Board by the ad-hock Working Groups, whose members always include interested co-founders, outside experts or members of the public; and all Board decisions, Working Groups reports, financial data, procurement, and hiring of personnel are published on the RNIDS Web site and are open to comments. RNIDS **manages the register for the country code top-level Internet domain of the Republic of Serbia**, .RS, in accordance with the decision of ICANN dated 11. 09. 2007. ICANN also accepted RNIDS’s proposal that .CPB become the Cyrillic domain of Serbia and assigned this label to our country as the second country code top-level Internet domain.

⁴⁹ RS Official Gazette, no.95/2010

⁵⁰ Government of the Republic of Serbia, Government Rulebook
http://www.srbija.gov.rs/vesti/dokumenti_sekcija.php?id=2432

⁵¹ Open Parliament <http://otvoreniparlament.rs/o-nama/>

⁵² Register of National Internet Domain Names of Serbia <http://www.rnids.rs/en/about-us>

Accountability

The **Law on Civil Servants** (RS Official Gazette 104/2009) provides for **equal employment rights** to all positions, with attention to gender and person with disabilities representation mirroring the population structure. In terms of **promotion**, the Law specifies that it depends on the professional competence and performance of the civil servant and the needs of the state authority. Furthermore, the civil servant has a right and duty to professionally advance him/herself according to the needs of the state authority. The Law encompasses a **classification of posts** existing in public administration with a brief description of each post; common provisions and employment conditions; evaluation and promotion of civil servants; professional education and training; responsibilities and rights of civil servants.

Accordingly, the **Law on Civil Servant and Employee Salaries** (RS Official Gazette, no.99/2010) regulates the salaries, allowances and other emoluments of civil servants and public employees, stating the exact pay grade for individual positions, the way of advancement into higher pay grades.

The **Law on Public Administration**⁵³ contains provision relating to **internal control** regarding supervision of work of the bodies within the administration as well as special organizations. It specifies the **principles for public administration regulation**, including ministries and public administration bodies under the jurisdiction of ministries as well as special organization; administrative districts and the internal organization of public administration.

A **Draft Law on Administrative Procedure** has been determined in February 2012. The aim of the law is **securing proportionality in meeting and securing the private and public interest in administration, increasing transparency and improving efficiency and effectiveness** of administrative procedures, harmonization of procedures and administration of Serbia with the European standards of administrative practice. The Law is to become effective 18 months following its adoption and this period will be used for adequate training of civil servants, informing citizens and setting up of an institutional framework for successful implementation of this legislation.

In 2011 the „Strategy for professional training of civil servants in the Republic of Serbia for the period 2011-2013“ was adopted. The Strategy provides for changes in the legal and institutional framework in this period, which will begin the process of establishing a modern and sustainable professional **development of civil servants**. The document provides for the **establishment of a Central National Institution** which would perform the tasks of implementing the general professional training of civil servants, while the Ministry in charge of public administration affairs would be in charge of tasks related to the preparation, identification and supervision of the implementation of training programs for civil servants, as well as managing the process of realization of this important strategy.

⁵³ RS Official Gazette, no.95/2010

Use of technology

The **Directorate for Digital Agenda**⁵⁴ was founded on July 26, 2012, under the Ministry of Foreign and Internal Trade and Telecommunications. Within the Directorate, there is a Sector for **Sustainable development of the digital agenda**, and within that sector there is a Group for monitoring project activities and promotion of information-communication technologies. Even though the “*open government*” concept is not outright mentioned, among the **objectives** of the Group the “*promotion of information-communication technologies for the sake of advancing the public accountability of the state institutions*” is mentioned. Current projects include **improving Web presentations and Internet use in public administration on central and local level; an e-Government Internet Portal development and implementation; and Proposal of Portal standards for Public Bodies, Local Government and Public Agencies**. State institutions do have and maintain official websites and the dataset is: **.gov.rs**. The Directorate also published criteria for evaluating websites of public administration⁵⁵.

In addition to the basic 12+8 services, three of which have not been completed yet, the Portal⁵⁶ encompasses 350 services provided by 139 public bodies. Regarding the implemented and functional parts of the Portal, with a **discussion forum**, information on state authorities, and within the tasks concerning the services of local government units, over 50 local government services have been completed, such as **scheduling appointments** for submitting the documentation needed for ID cards and passports online, **requesting other documents** such as birth and nationality certificates, etc. The notion of **electronic payments** through the e-Government Portal is defined on a technical level, but a **legislation** to regulate this field is **still missing**. The website enables easier citizen access to information regarding various aspects of life (family, health, education, finance, human rights, etc.). The website is available in Serbia, English, Hungarian, Russian, Slovenian, Croatian and Romanian.

Implementation of a **central electronic system** for processing and archiving data and keeping a second copy of the registers is currently under way. A cadaster of immovable property has been composed and significant progress has been made in establishing a national geospatial data infrastructure.

The **Republic Agency for Electronic Communications**⁵⁷ is an **independent** organization exercising public powers in order to effectively **implement policies regulating the electronic communications** sector, encourage competition among communication networks and services, improving their capacity and quality, contributing to the development of electronic communications and protecting the interest of users of electronic communications.

⁵⁴ Directorate for Digital Agenda, Competences <http://www.digitalnaagenda.gov.rs/?current=42>

⁵⁵ Directorate for Digital Agenda, The criteria for evaluating websites of public administration <http://www.digitalnaagenda.gov.rs/?current=232>

⁵⁶ e-Government Portal <http://www.euprava.gov.rs/en?alphabet=cyr>

⁵⁷ Republic Agency for Electronic Communications http://www.ratel.rs/naslovna_stranica.166.html

Summary Table

OGP MONITORING: PUBLIC SERVICES	
Threats	Opportunities
<p>Technical difficulties in obtaining health insurance regarding eligibility</p> <p>Lack of criteria for obtaining university and college accreditation</p> <p>Lack of information regarding licenses for companies providing public/communal services</p> <p>Laws and regulations adopted on an urgent basis in Parliament, leaving little or no time for analysis and MP debate, not to mention public hearings and/or debates</p> <p>Lack of regulation for electronic communication</p>	<p>Strengthening of the role of patient associations</p> <p>More transparent and engaging process of curriculum planning</p> <p>Widening the use of education portals such as 'Open School' to include students</p> <p>Allowing CSOs a greater watchdog role</p> <p>RS Official Gazette freely available to everyone to demonstrate greater government transparency</p> <p>Utilization of the Office for Regulatory Reform and Regulatory Impact Assessment capacity for public debates</p> <p>Continued support and development of capacity of the Office for Cooperation with Civil Society</p> <p>Continued support and development of the Directorate for Digital Agenda for governmental database development and website standardization</p>

PUBLIC INTEGRITY

New regulations on financing of political activities improve the control and monitoring authority of the Anti-Corruption Agency and offer whistleblowers protection. Previously, whistleblowers were discouraged from reporting cases of corruption by the fear of recrimination and lack of government protections. Despite new laws, however, the country still suffers weak oversight institutions. The State Audit Institution lacks the capacity to pursue violations by itself, and weak government responsiveness limits the scope of the State Audit Institution's reports. As a result, conflicts of interest remain a serious problem in the work of public enterprises, such procurement bidding, public administration recruitment and mining and rail operations. Although civil society has taken a greater role in policymaking, cooperation is often based on personal connections. Engagement is still limited in legislative and budgeting processes.

Reports with conclusions and recommendations of independent institutions and regulatory bodies, which the National Assembly approves, remain without any effect or application. Data contained within these reports is underused for supervision of the executive branch which results in the same problems being found by the National Assembly and highlighted by the European Union in progress reports on Serbia, and still remaining unsolved, year after year, despite these being amongst the most significant generators of corruption.

According to statements of representatives of independent institutions and regulatory bodies at a recent conference, the Commissioner for Information of Public Importance and Personal Data Protection filed tens of thousands of reports on law violation during his term in office, out of which about 80 per cent is now outdated, around a hundred has been processed and only about 10 persons responsible faced legal consequences. Similarly, the Ombudsman issued 1 127 recommendations in five years, with only 241 of them fulfilled, without anyone facing the consequences for this⁵⁸.

During last year the Commissioner for Information issued 47 on fines, amounting to a total of 3.1 million Dinars. Out of this amount, public companies such as Archives of Serbia, Serbian Railways, Serbian Telecom and the Commercial Court in Belgrade, paid only 1.6 million Dinars into the budget of Serbia⁵⁹.

The **Global Integrity Report** ranked Serbia in 2011 as moderate, with a score of 73 out of 100. Its legal framework scored 88 but the actual implementation reached only 58 due to weak oversight institutions and limited civil society role in policymaking and engagement in legislative and budgeting processes⁶⁰.

⁵⁸ Danas, 20.3.2013. Politicians ignore independent institutions
http://www.danas.rs/danasrs/politika/politicari_ignorisu_nezavisne_institucije.56.html?news_id=257716

⁵⁹ Danas, 7.4.2013. Most complaints on the Ministry of Interior
http://www.danas.rs/danasrs/drustvo/najvise_zalbi_na_mup.55.html?news_id=258739

⁶⁰ Global Integrity Report, Serbia 2011 <http://www.globalintegrity.org/report/Serbia/2011>

Transparency

The **State Audit Institution** may keep some of its investigations secret, however, the **results** of such investigations are **publicly published** following the publishing of a final report. The Institution is to establish soon the practice of investigating the appropriateness of funding – whether public resources were adequately allocated and whether the proclaimed goals were achieved.

The **Fiscal Council of the Republic of Serbia** provides assessments, opinions and predictions based on adopted budgets, publishing these online via their official website⁶¹.

The Commissioner for Information of Public Importance and Personal Data Protection initiated a change of the **Rules of Procedure of the Government of Serbia** regarding rules for classified information, so as to make more information accessible to citizens.

The **Commissioner for Information of Public Importance and Personal Data Protection** has sent to the addresses of all the ministers in the Serbian Government a letter of warning about the obligations of the ministries towards the public under the Law on Free Access to Public Information. The Commissioner has emphasized the responsibilities relating to **proactive disclosure of information about the performance of public authorities in information booklets** on the official electronic presentations of the authorities.

The Commissioner for Information of Public Importance and Personal Data Protection has also launched the website „You have a rights to know“ (www.pravodaznas.rs and www.pravodaznam.rs) with the aim to **educate high-school population on free access to information of public importance**.

Following a series of public debates, **the Ministry of Culture and the Media published** on its website the **opinions of the Media Coalition, Media Association**, as well as opinions of members of the **working group**, regarding the new **Draft Law on Public Information and the Media**.

Public participation

The **The Law is Ours: e-Public Debates**⁶² initiative for implementing electronic public debates on law and legislation drafts, aiming to increase citizen participation has been implemented. The initiative was launched by the civil society, but was publicly supported by the Directorate for Digital Agenda, Anti-Corruption Agency, Commissioner for Information of Public Importance and Personal Data Protection, Office for Cooperation with Civil Society, and the Ombudsman. The debate on the aforementioned Initiative was held on 18 September 2012 in the Serbia Palace in New Belgrade (whereby some governmental institutions are located). The Head of the Office for Cooperation with Civil Society Ivana Ćirković and representatives of the Government took place in the discussion with CSO representatives. On the same occasion, a brochure has been published, with the articles:

- „Analysis of the public consultation process in the USA, Macedonia and Slovenia“, and
- „Recommendations for advancement of public consultation practices in Serbia“.

⁶¹ Fiscal Council of the Republic of Serbia <http://fiskalnisavet.rs/lat/>

⁶² The Law is Ours <http://zakonjenas.rs/>

The Office for Cooperation with Civil Society signed in November 2012 a Memorandum of Understanding between the European Union and the Republic of Serbia on the participation of Serbia in the **Europe for Citizens Program**⁶³. This program provides financial support to projects that promote the development of active European citizenship and strengthening the sense of European identity, details of which are also published on the Office's official website.

The work of the Office has been praised by the EU Commission in the 2012 Serbia Progress Report, published in October, on raising awareness both among the public and among state institutions of the importance of involving civil society and citizens in decision-making.

In 2011, **the Anti-Corruption Agency funded a study carried out by a non-governmental agency**, the Belgrade Center for Security Policy to carry out a mapping of corruption risks in the Serbian security sector⁶⁴.

The practice of **public debates** was used regarding the new **Draft Law on Public Information and the Media**, at the start of the year. The public debate was held in the form of round tables across Serbia, in Novi Sad, Novi Pazar, Niš and Belgrade⁶⁵.

Certain **media initiatives**, such as the B92 Fund, act as a public participation mechanism in fighting corruption and increasing public awareness for the need for greater Governmental public integrity. The **portal "You Are Right! Online"**⁶⁶ aims to **raise awareness** amongst citizens **on the system** they live in, their **rights and obligations** within it, as well as institutions of the system whose task is to ensure these rights and check whether citizen obligations are fulfilled. Among other, it informs citizens on the mechanisms of the state, healthcare, education, social protection, employment, entrepreneurship, communication and security.

Accountability

According to the **Law on Free Access to Information of Public Importance**, everyone has the right to be informed whether the public authority holds specific information of public interest and whether this information is otherwise available. Furthermore, everyone has the rights to access information of public importance by being granted access to a document containing this information, the right to a copy of this document, as well as the right to receive, upon request, a copy of the document via mail, fax, email or other forms of communication. The public authority is obliged to, without delay, and no later than 15 days upon receipt of the request, inform the person requesting access to information whether it holds this information and enable the person access to the document containing this information, sending a copy of the document in the meantime. The 15 day deadline also covers instances in which the public authority decides to deny the request for access to public information.

⁶³ Office for Cooperation with Civil Society of the Government of Republic of Serbia <http://civilnodrustvo.gov.rs/>

⁶⁴ Anti-Corruption Agency, Risk of Corruption in the Security Sector Map (2011) Belgrade Center for Security Policy project proposal and budget
http://www.acas.rs/images/stories/Predlog_projekta_-_BCBP.pdf
http://www.acas.rs/images/stories/Budzet_projekta_-_BCBP.pdf

⁶⁵ Ministry of Culture and Media, Public Debate on the Draft Law on Public Information and the Media
<http://www.kultura.gov.rs/javna-rasprava-o-nacrtu-zakona-o-javnom-informisanju-i-medijima>

⁶⁶ You Are Right! Online portal <http://upravusi.rs/ups-info/sta-je-u-pravu-si-online/>

The **Global Right to Information Rating** places Serbia among the **top 10 countries** based on free access to information, with a score of 135 out of 150⁶⁷.

The Anti-Corruption Agency is an **independent body** established by the Law on the Agency. It keeps track of financial and non-financial assets of political leaders, MPs and party functionaries, as well as the financing of political subjects, taking legal measures against those suspected of corruption. It also allows for registry searches on functionaries, reports on assets and income, gifts, public procurement procedures, campaign costs, donations and annual financial reports by name. A list of pending applications for legal proceedings is published on the Agency's website⁶⁸. However, the Anti-Corruption Agency **lacks resources** and **has no investigative authority**, which lessens its role and affects its functioning.

The Anti-Corruption Agency adopted a **Rulebook on the Registration of Assets, Annual Financial Report and Election Campaign Costs** (RS Official Gazette, no.43/11) of a Political Entity specifies what is to be reported and in which way, providing in detail a list of data that annual financial reports need to contain. However, this field lacks proper enforcement mechanisms, especially having in mind that the body in charge of collecting such information and reports and checking the validity of data is the independent Anti-Corruption Agency itself, which has no enforcement powers as it has no sanction or other powers to ensure implementation of its decisions, rulings and recommendations. According to the Law on Civil Servant⁶⁹, a civil servant is **obliged to immediately notify** the supervisor or manager if, in connection with the conduct of the job, he/she becomes aware **of an act of corruption** by public officials, civil servants and employees of the state agency where he/she works.

The **State Audit Institution** is, as an **independent state authority**, accountable to the National Assembly, founded in 2005, and member of INTOSAI (2008), EUROSAI (2009) and the Network of Supreme Audit Institutions of the EU Candidate and Potential Candidate Countries (2010), in charge of primarily auditing the Budget of the Republic of Serbia. SAI proposed a **Public Procurement Law**, implementation of which is to commence on April 1, 2013, which provides the State Audit Institution with broader competences relative to the previous one, stipulated by Articles 51, 107 and 115. One of the novelties is the procurement plan. Namely, ordering parties are now obliged to submit procurement plan to the State Audit Institution, in addition to the Public Procurement Agency. The new Public Procurement Law stipulates much closer cooperation between the State Audit Institution and Public Procurement Agency. The latest reports (for 2011) on budget reviews can be downloaded from the SAI website⁷⁰.

However, members of the State Audit Institution are often heard in the media complaining about a **lack of interest for cooperation of state bodies with the institution** and representatives of the State Audit are often not invited to take part in public hearings and other similar events. This is despite the fact that in 2012 there were over 470 recommendations adopted, with around 120 of them still being processed and about twenty or so refused. Furthermore, in terms of enforcement mechanisms, the

⁶⁷ Global Right to Information Rating, Serbia http://www.rti-rating.org/view_country.php?country_name=Serbia

⁶⁸ Anti-Corruption Agency, List of pending applications for legal proceedings http://www.acas.rs/images/stories/podneti_zahtevi_za_pokretanje_azurirano_sept_2021.pdf

⁶⁹ RS Official Gazette, no.104/2009

⁷⁰ State Audit Institution, Reports <http://www.dri.rs/lat/poslednji-revizorski-izvesta.html>

Institutions has at its disposal only the option of filing misdemeanor charges, filing criminal charges, informing the National Assembly and requesting removal of the responsible person from the position.

Transparency International's **Corruption Perception Index** for 2012 ranks Serbia 80th in the world based on its relation to other countries, placing it in the same group with countries such as China and Trinidad and Tobago. With 0 being highly corrupt and 100 being very clean, Serbia, based on the perceived level of public sector corruption scored 39⁷¹.

The Constitution of Serbian defines the **Ombudsman** as an **independent body** that protects the rights of citizens and oversees the work of public administration bodies responsible for legal protection of property rights and interests of the Republic of Serbia, as well as other agencies and organizations, companies and institutions entrusted with public authority. The second group of competences includes the Ombudsman's role in directly and actively participating in the construction of a complete and comprehensive legal system by proposing laws within his jurisdiction, initiating amendments of laws and regulations and bylaws, and initiate the adoption of new laws, regulations and bylaws. He is also called upon to provide opinions to the Government and Parliament on draft laws and regulations. The Ombudsman can publicly recommend the dismissal of a public official or initiate disciplinary action against a civil servant and, in case there are elements of criminal acts, file a claim for criminal, misdemeanor or other appropriate proceedings.

The **recommendations, views and opinions** of the Ombudsman are **not legally binding**. He is **not authorized to control the work of the National Assembly, the President, Government, Constitutional Court, courts and public prosecutors**. The administrative authorities, however, have a **legal obligation to cooperate with the Ombudsman** and allow him access to their premises making available all the data, regardless of the degree of confidentiality, when it is of interest to the investigation.

However, research published in early 2013, titled "Ombudsman – Recommendations in Practice"⁷², and carried out by two NGOs – YUCOM-Lawyer's Committee for Human Rights and the Belgrade Center for Human Rights –into the institution of the Ombudsman and the implementation of the institution's recommendations shows the following trends:

- Institutions commonly only implement the recommendation regarding the specified case, without necessarily revising and changing the established practice;
- Institutions more often implement recommendations relating to specific cases than those formulating future general practices;
- Institutions sometimes fail to implement court decisions based on the Ombudsman's investigation, one of the highest violations of the right to good governance;
- Institutions often lack official regulations regarding submission and processing of complaints on the work of state institutions and local government, which prolongs procedures which

⁷¹ Corruption Perception Index <http://cpi.transparency.org/cpi2012/results/>

⁷² Ombudsman – Recommendations in Practice (2013) Belgrade: YUCOM-Lawyer's Committee for Human Rights and the Belgrade Center for Human Rights
<http://ombudsman.yucom.org.rs/wp-content/uploads/2013/02/Za%C5%A1titnik-gra%C4%91ana-preporuke-u-praksi.pdf>

could have been dealt with within the institution itself, without the involvement of the Ombudsman;

- Institutions and organizations sometimes fail to notify the Ombudsman on the implementation of the given recommendations, or do so over the phone, without sending an official report;
- In particular, parts of recommendations which contain explicit statement about the poor and/or unprofessional work of the administration are negatively perceived, with institutions failing to accept the obligation of apologizing to citizens for acts of bad administration, as a result of the self-perception of employees in public administration institutions, and the perception of public administration itself, as an authority and not as a public service.

The Ombudsman often publicly states that independent institutions in Serbia are given attention only when foreign officials place this topic in the public eye, and that otherwise they are completely **sidelined**. In 2012 **the National Assembly has not even reviewed the Ombudsman's annual report**, although it is its legal duty. According to the institution's data, the percentage of implementations of the Ombudsman's recommendations is currently around 70%, whilst in West Europe this number amounts to around 82%. In 2012, around 530 urging notes has been written to state authorities calling upon them to fulfill that which is their legal obligation.

The **Commissioner for Information of Public Importance and Personal Data Protection** is in charge of monitoring the respect of obligations by the public authorities regulated by this Law and report to the public and National Assembly thereof; initiates the preparation or change of regulations for the implementation and promotion of the right to access information of public importance; proposes to public authorities measures to be taken to improve their work regulated by this Law; undertakes necessary measures to train employees of state bodies and to inform the employees of their obligations regarding the rights to access information of public importance with the aim of their effective implementation of this Law; considers complaints against the decisions of public authorities that violate the rights regulated by this Law and informs the public of the content of this Law and the rights regulated by this Law. The Commissioner may initiate the procedure for the evaluation of the constitutionality and legality of the law and other general documents.

Also, under the function of the Commissioner for Personal Data Protection, the person in charge supervises the enforcement of data protection; decides on appeals in cases set out in this Law; maintains the Central Register; supervises and allow transborder transfer of data from the Republic of Serbia; points out the identified cases of abuse in data collection; produces a list of countries and international organizations with adequate provisions on data protection; gives his/her opinion on the formation of new data files or introduction of new information technologies in data processing, in case of doubt whether a data set constitutes a data file within the meaning of this Law and in the procedure of enactment of instruments governing the methods of data filing and safeguards for particularly sensitive data; monitors the implementation of data safeguards and suggests improvements; gives proposals and recommendations for improving data protection; gives prior opinion on whether a certain processing method constitutes specific risk for a citizen's rights and freedoms; keeps up to date with the data protection arrangements in other countries; cooperates with authorities responsible for data protection supervision in other countries and determines the way in which data are to be handled if a data controller ceased to exist, unless provided otherwise.

The Commissioner forwards the **report** he/she **submits to the National Assembly** to the President of the Republic, the Government and the Ombudsman and makes it available to the general public through appropriate means.

Regarding enforcement mechanisms, for example, the Supreme Court of Cassation ruled that the Commissioner, **as an “administrative authority” has to implement the recommendations on his own**, despite the fact that the existing legal framework gives the Commissioner only the power to file recommendations, and specifically does not give the Commissioner the power or authority to actually implement these.

According to the **Law on Free Access to Information of Public Importance**, everyone has the right to be informed whether the public authority holds specific information of public interest and whether this information is otherwise available. Furthermore, everyone has the rights to access information of public importance by being granted access to a document containing this information, the right to a copy of this document, as well as the right to receive, upon request, a copy of the document via mail, fax, email or other forms of communication. The public authority is obliged to, without delay, and no later than 15 days upon receipt of the request, inform the person requesting access to information whether it holds this information and enable the person access to the document containing this information, sending a copy of the document in the meantime. The 15 day deadline also covers instances in which the public authority decides to deny the request for access to public information.

The Commissioner for Information of Public Importance and Personal Data Protection, Rodoljub Šabić, and Ombudsman, Saša Janković, continued pointing out to the need for changes to the **Law on Personal Data Protection**. Šabić highlighted that out of 63 Articles, 50 of them should be changes, therefore concluding that it is probably more efficient to draft a completely **new law**. Generally, there is a **lack of norms and bylaws** which should accompany the Law on Personal Data Protection, as well as the Law on Data Confidentiality.

A **Draft Law on Referendum and Citizen Initiative** has been completed and has been submitted for adoption. Opinions of competent Ministries are currently being obtained.

The Commissioner for Information of Public Importance and Personal Data Protection and the Ombudsman submitted a document containing **14 Recommendations for the Law on Personal Data Protection**⁷³. After presenting the results achieved so far in supervising the Law on Personal Data Protection in practice of telephone operators in Serbia and the measures that they have undertaken in order to protect the Constitutional guarantees of the citizens' rights, including starting adequate procedures in front of the Constitutional Court, the Commissioner and the Ombudsman evaluated that the **situation regarding privacy protection in practice significantly and largely deviates from the standards determined by the Constitution** of the Republic of Serbia and by relevant international documents.

An **EU Twinning Light project "Improvement of Personal Data Protection"** has been carried out, and was officially closed in December 2012, with the Commissioner for Information of Public Importance

⁷³ 14 Recommendations by Šabić and Janković for the Law on Personal Data Protection

http://ceas-serbia.org/root/images/14_Recommendations_by_%C5%A0abi%C4%87_and_Jankovi%C4%87_for_the_Law_on_Personal_Data_Protection.pdf

and Personal Data Protection of the Republic of Serbia, the EU Delegation to the Republic of Serbia and the Information Commissioner of the Republic of Slovenia attending. The aim of the project, funded by the European Union with 250.000€ and implemented by the Information Commissioner of the Republic of Slovenia, was to contribute to the personal data protection in the Republic of Serbia in line with the EU standards. The project focused on several priority fields, among others on the sector of electronic communications, the sector of internal affairs and the sector of health, which were identified as the topical sectors in the up-to-date state of play in data protection.

A **Manual on data protection for controllers of personal data**⁷⁴ has also been presented. The manual, prepared in the context of the EU Twinning light project "Improvement of Personal Data Protection", tries to answer data controllers' most frequently asked questions and represents a starting point for helping them to understand and respect the rights granted to individuals under the Law on Personal Data Protection of the Republic of Serbia.

The **Whistleblower Protection Law**⁷⁵ is still in the drafting phase according to the official website of the Commissioner for Information. The project which aims to result with a concrete legislation regarding the protection of whistleblowers has been set to be completed in March 2013. The Anti-Corruption Agency published a **Rulebook on the Protection of Persons who Report Suspicion of Corruption**, but, as explained above, the Agency has no enforcement mechanisms which does not qualify this Rulebook to be considered as official legislation regulating whistleblower protection.

There is also the **problem of technically implementing the Law on Public Procurement** as the authorities do not register financial and non-financial assets, reduce revenues and increase salaries and expenses. The President of the State Audit Institution has pointed out to the fact that Ministries are introducing internal control but that it does not exist in public companies, municipalities, cities and agencies⁷⁶.

For example, on May 29, 2013, the Directorate for Public Procurement published that the first month of implementation of the new Public Procurement Law witnessed significant unpreparedness of pharmacies to adapt, which led to a lack of vital medicine, forcing the Government to approve procurement on urgent procedure worth 2.2 million dinars. This was characterised as a forced move and an attempt of blackmail by pharmacies. It is estimated that in the past 10 years Serbia lost at least 5 billion Euros due to corruption in public procurement.⁷⁷ This is problematic as firstly, procurement on urgent procedure lacks oversight and is extremely prone to corruption. Secondly, and perhaps even more importantly, the effects that this is having on every day life of citizens is

⁷⁴ Commissioner for Information of Public Importance and Personal Data Protection, Obligations of Data Controllers <http://www.poverenik.rs/en/obligations-of-data-controllers.html>

⁷⁵ Commissioner for Information of Public Importance and Personal Data Protection, Whistleblower Protection <http://www.poverenik.rs/en/activities/1404-zastita-uzbunjivaca.html>
<http://www.poverenik.org.rs/en/o-nama/projects/current-projects/1391-poverenik-sprovodi-projekt-qzatita-uzbunjivaaq.html>

⁷⁶ Danas, 20.3.2013. Politicians ignore public institutions http://www.danas.rs/danasrs/politika/politicari_ignorisu_nezavisne_institucije.56.html?news_id=257716

⁷⁷ Blic online, 29.5.2013. Predrag Jovanović: Corruption in public procurement costing the budget 600 million <http://www.blic.rs/Vesti/Politika/385030/Predrag-Jovanovic-Korupcija-u-javnim-nabavkama-kosta-budzet-600-miliona>

extremely worrying as there is a shortage of essential medicine for asthmatics, diabetics, HIV patients, etc.⁷⁸

The new **Draft Law on Public Information and the Media**⁷⁹ provides for the withdrawal of the state from the media and the privatization of state owned media houses, with the stated aim of freeing the media of political, economic, and financial pressures and blackmail.

There has been a **slight increase in investigative media**, portals and shows, with the establishment of sources such as the anti-corruption portal “Pištaljka”⁸⁰, the Center for Investigative Journalism (CINS)⁸¹, and the B92 “Insider”⁸² show. However, as a recent CEAS report concluded, this is **far from enough**, as the media fails to exert enough pressure on the Government to continue with reforms and establish transparent and accountable mechanisms of governance, ensuring democratic consolidation and the establishment of a firm human rights regime⁸³.

Serbia is ranked **63rd out of 179 countries** regarding **press freedom**, according to the **Reporters Without Borders 2013 World Press Freedom Index**⁸⁴. This is a jump of 17 places compared to the previous year.

Use of technology

The Anti-Corruption Agency enables users of its website access to **electronic forms** for asset and income disclosure, notifications for bodies in which the official works, creating a catalogue of gifts, preparing and submitting a financial report and reporting on election campaign costs⁸⁵.

⁷⁸ Blic online, 15.4.2013. Belgrade Pharmacy: Shortage of drugs for atshmetics
<http://www.blic.rs/Vesti/Beograd/377743/Apoteka-Beograd-Nedostaju-lekovi-za-astmaticare>

B92, 14.5.2013. No insulin in state pharmacies?
http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=05&dd=14&nav_category=12&nav_id=713935

Blic online, 20.5.2013. Nearly 1,000 persons with HIV left without drugs
<http://www.blic.rs/Vesti/Drustvo/383496/Skoro-1000-osoba-sa-HIVom-ostalo-bez-lekova>

⁷⁹ Ministry of Culture and Media, Public Debate on the Draft Law on Public Information and the Media
<http://www.kultura.gov.rs/javna-rasprava-o-nacrtu-zakona-o-javnom-informisanju-i-medijima>

⁸⁰ Pištaljka, <http://pistaljka.rs/webpage/3>

⁸¹ The Center for Investigative Journalism <http://www.cins.org.rs/>

⁸² B92, Insider <http://www.b92.net/insajder/>

⁸³ CEAS, Security Sector as the First Voice of Serbia <http://ceas-serbia.org/root/prilozi/lzvestaj-sektor-bezbednosti-Srbije.pdf>

⁸⁴ Reporters Without Borders, 2013 World Press Freedom Index http://en.rsf.org/press-freedom-index-2013_1054.html

⁸⁵ Anti-Corruption Agency, Forms and Registers http://www.acas.rs/sr_cir/obraci/327.html

Criminal justice

Judiciary reform has been unfolding in Serbia in the recent years. The organization and jurisdiction of courts has been changed and radically reduced. For example, Courts of First Instance (formerly municipal, presently basic) have been significantly reduced in number, from 138 to 34 basic courts. Former municipal courts have been granted the status of court units. High courts have somewhat taken the role of former municipal courts. One new court has been formed, with jurisdiction across the whole of Serbia – the Administrative Court, with three divisions. Magistrate Courts, formerly under the jurisdiction of the executive powers have been placed under the jurisdiction of the judiciary, according to the EU Convention for the Protection of Human Rights and Basic Freedoms.

Transparency

In the judiciary reform process, a **general election of judges**, which was actually a general election and reelection of judges took place, as only those persons with the status of judges acquired prior to the adoption of the 2006 Constitution were allowed to apply, even though these persons were elected on a permanent judge mandate. The process was **marked by secrecy, violations of the principle of interviewing and lack of individualized justifications**, as the High Judicial Council is exclusively charged with appointing tenured judges, drawing the greatest attention in accusations concerning violations of the principle of rule of law and questioning the possibility of success of other reform processes.

The High Judicial Council publishes **data on salaries**⁸⁶ of employees in the High Court, Appeals Court, as well as general salaries of judges.

The State Prosecutor's Council has published a **Draft Ethical Codex**⁸⁷ and a **Draft Rulebook on the Criteria for Evaluation of Public Prosecutors and Deputy Public Prosecutors**⁸⁸.

Citizen participation

The **Association of Public Prosecutors and Deputy Public Prosecutors of Serbia**⁸⁹ is a professional non-governmental organization that aims to promote and protect the position and reputation of public prosecutors and the achievement of legal certainty, autonomy and independence of the public prosecutor's office. The **Working Group of the Association of Public Prosecutors and Deputy Public Prosecutors** prepared a **draft** of the Law on Public Prosecution and Law on the State Prosecutorial Council. The association is also involved in developing **by-laws** such as the Rules of Procedure of the State Prosecutors Council Regulation on internal organization and job classification in the Administrative Office of the State Council of Prosecutors and Handbook of public prosecutors.

⁸⁶ High Judicial Council, Reports on performance <http://www.vss.sud.rs/lzvestaji-o-rad-u-VSS.htm>

⁸⁷ State Prosecutor's Council, Ethical Codex <http://www.dvt.it.rs/doc/DVT%20Eticki%20kodeks%20-%20nacrt%20mart%202012.pdf>

⁸⁸ State Prosecutor's Council, Draft Rulebook on the Criteria for Evaluation of Public Prosecutors and Deputy Public Prosecutors <http://www.dvt.it.rs/doc/Nacrt%20Pravilnika.pdf>

⁸⁹ Association of Public Prosecutors and Deputy Public Prosecutors of Serbia <http://www.uts.org.rs/>

The **Magistrate Courts Judges Association**⁹⁰ is an **independent** body which ensures and guarantees the autonomy, reputation and dignity of the profession through the **organization of seminars, conferences, lectures and round tables**.

Accountability

The reform process was completed, or was at least conceived to be completed, through process laws – the **Code on Civil Procedure** and the **Code on Criminal Procedure**, both significantly affecting the right of parties to a fair trial and the actual solution of conflict situations, at the same time increasing the opportunities for the process to be completed administratively, often without resolving the incident, thus **undermining the right of citizens to access to justice**⁹¹.

Systematization of the judiciary system has been carried out without consideration of the usual parameters such as population density, the number of court proceedings and their structure, as well as data on their work for the last 10 years, in the specific parts of Serbia.

The **High Judicial Council**⁹² operates as an **independent** body which ensures and guarantees the **independence of courts and judges**, deciding on the appointment of judges, legal remedies and disciplinary measures and issues of immunity, submitting reports to the National Assembly.

The **State Prosecutor's Council**⁹³ is an **independent** body which ensures and guarantees the **independence of public prosecutors and deputy public prosecutors**, deciding on their appointment and dismissal, recommends the scope and structure of the budget necessary for the operation of the public prosecution, adopts the Ethical Codex, and proposes training programs.

One issue still causing concern is the fact that **prolonged detention without charge** is widespread in Serbia⁹⁴.

**Remark: Other aspects of Criminal Justice, related to the security sector have been collated under the title „Security Sector“.*

⁹⁰ Magistrate Courts Judges Association <http://www.usudprek.org.rs/>

⁹¹ Vesna Rakić-Vodinelić, Ana Knežević Bojović and Mario Reljanović (2012) Judiciary Reform in Serbia 2008-2012, Law Faculty of the Union University in Belgrade, pp.112-114
<http://pescanik.net/wp-content/PDF/Reforma%20pravosudja%20u%20Srbiji.%20prelom.pdf>

⁹² High Judicial Council <http://www.vss.sud.rs/index.htm>

⁹³ State Prosecutor's Council <http://www.dvt.it.rs/>

⁹⁴ Almanac on Security Sector Oversight 2012 (2012) Belgrade: Belgrade Center for Security Policy and DCAF, p.191

Summary Table

OGP ADVOCACY: PUBLIC INTEGRITY	
Threats	Opportunities
Weak oversight institutions and their limited capacity	
Weak response from Government to the work of independent institutions	Improved control and monitoring authority of the Anti-Corruption Agency
Lack of interest in cooperation with independent institutions	Good legal framework with draft laws in place for continued reform
No investigative authority for the Anti-Corruption Agency	Efficient independent institutions
Lack of norms and bylaws as well as institutions for implementing adopted laws	Increased public participation
Lack of transparency in judiciary reform	Increase in the number of programs focused on citizen life (e.g. the “Europe for Citizens” program)
Pressure on judiciary threatening its independence and objectivity	
Lack of judicial support for independent institutions	

PUBLIC RESOURCE MANAGEMENT

Transparency

The Business Registers Agency publishes annual **macroeconomic announcements**⁹⁵ based on the results achieved by business entities and entrepreneurs, as well as economic entities in the Republic of Serbia, drafted on the basis of the processed aggregate annual and consolidated financial statements, which the legal entities and entrepreneurs submitted in accordance with the applicable accounting regulations and revision.

The Statistical Office of the Republic of Serbia publishes **statistical yearbooks** with **national receipts** for the past year and **calendars** for the forthcoming year⁹⁶.

The **Public Debt Administration**⁹⁷, established as part of the Ministry of Finance focused on ensuring liquidity of the state and supporting governmental bodies, public enterprises and other state institutions in financing projects having the public importance. The Public Debt Administration performs tasks related to: borrowing on the financial market aimed at covering budget deficit of the Republic of Serbia and financing projects having the public importance, through the issuance of government securities and contracting loan agreements, issuing guarantees in favor of public enterprises, governmental agencies and local self-government units, public debt proceeds management, execution of public debt service, recording and reporting, preparing public debt management strategy, as well as other obligations in accordance with the Law. It also published **information on the level of public debt**⁹⁸.

Information regarding the allocation and coordination of **aid obtained from the EU**, as well as details on **international assistance** is published online at the **Intersectional Development Assistance Coordination Network's portal**⁹⁹, established by the Decree amending the Decree on establishing European Integration Office from June 2010 (RS Official Gazette, no. 42/10). However, the Ministries and Agencies on the receiving end of development assistance do not necessarily publish reports on how this aid was put to use. However, there is a **lack of information on the conditions of other financial aid and loans obtained and development contracts** reached, especially regarding aid coming from Russia, and more recently, Middle East countries.

The State Audit Institution publishes **reports on audited financial statements of financial budget accounts** and regularities of operations for cities and municipalities in Serbia, supporting them therefore, as an independent institution, in maintaining a certain extent of accountability.

Serbia does **not publish a final account of its annual budget**, which means that there is no way of monitoring and evaluating the effectiveness and use of public resources.

⁹⁵ Anti-Corruption Agency, Macroeconomic announcements
www.apr.gov.rs/Регистри/Финансијскиизвештајиибонитет/Макроекономскасаопштења.aspx

⁹⁶ Statistical Office of the Republic of Serbia, National receipts
<http://webzrzs.stat.gov.rs/WebSite/Public/PageView.aspx?pKey=63>

⁹⁷ Public Debt <http://www.javnidug.gov.rs/>

⁹⁸ Public Debt, Stock and Structure
<http://www.javnidug.gov.rs/eng/default.asp?P=46&Menuitem=4>
<http://www.javnidug.gov.rs/upload/Stanje%20i%20struktura%202/Web%20site%20debt%20report%20-%20ENG.pdf>

⁹⁹ Intersectoral Development Assistance Coordination Network <http://www.evropa.gov.rs/Evropa/PublicSite/index.aspx>

According to the **Open Budget Survey**, Serbia's budget transparency is at **39 per cent**, compared to the highest ranked New Zealand which ranks at 93¹⁰⁰. This places Serbia in the same groups with Malaysia, Sierra Leone and Morocco based on budget transparency. In the detailed report, Serbia obtained mainly D marks; meaning data on the budget is either incomplete or it is not presented at all¹⁰¹.

The Public Procurement Office official website is still being developed and citizens will be able to download the **Strategy of Public Procurement** in Serbia from it, as well as the **Action Plan** of the development strategy for public procurement, a **Public Procurement Planner**, program for electronic records of public procurement, bulletin on the work of the Public Procurement Office, and Guide for bidders in public procurement, as well gain access to legal consultation.

Public participation

The Center for Development of the Non-Profit Sector carried out a research into **Budget line 481** of the Republic of Serbia, intended for sport associations, religious communities, political parties and "other NGOs"¹⁰². The research took into account funds allocated to NGOs from local government budgets as well as widening the research with information on who was financed and in which amount, for what project, whether procedures were followed and what results were obtained. According to their experiences, in requesting information on the implementation of resources from Budget line 481 for 2009, 2010 and 2011, despite requesting data in electronic format, most local governments delivered data in print format even though these were clearly printouts of electronic, excel tables¹⁰³. Given that financing of sports association, religious communities, political parties and "other NGOs" is put together in draft budgets approved by the Parliament, collectively presented as Budget line 481, it is unclear how much is allocated for each group. The only way to find this out is to wait for the publication of the end of year budget receipt, containing budget execution information, by which time it is too late for reasoned debate and discussion on planned budget funding for NGO grants. The Center's research shows that the greatest amount of resources goes to sports associations, religious communities and political parties¹⁰⁴, and commonly without formal calls for proposals, but upon requests, with no standardizer revision mechanisms.

¹⁰⁰ Open Budget Survey, Open Budget Index <http://survey.internationalbudget.org/#rankings>

¹⁰¹ Open Budget Survey, Open Budget Index Country Datasheet: Serbia (RS) <http://survey.internationalbudget.org/#profile/RS>

¹⁰² Center for Development of the Non-Profit Sector, Project: Budget Line 481 <http://www.crnps.org.rs/linija-481>

¹⁰³ Center for Development of the Non-Profit Sector, Budget news <http://www.crnps.org.rs/category/budzetske-vesti>

¹⁰⁴ Center for Development of the Non-Profit Sector, Project: Budget Line 481 <http://www.crnps.org.rs/linija-481>

Accountability

The Public Procurement Office¹⁰⁵ (PPO) has been set up as an **independent governmental agency** with the mission to help the establishment of sound procurement procedures and practices ensuring that public funds are spent in an efficient and transparent way, thus complementing government's overall drive in containing corruption.

The **Budget Law¹⁰⁶** regulates the incomes and revenues, expenses and expenditures of Serbia, its implementation, the extent of borrowing to finance the deficit and specific projects and the provision of guarantees, public debt management, the use of grants, project loans, the use of proceeds for the sale of goods and services of budget users and their rights and responsibilities. Despite the amounts of financial resources being publicly available, with specification what they are intended for, there is **a lack of reporting on the manner in which these resources were spent.**

The new **Law on Public Procurement¹⁰⁷** encompasses rules on the civil procurement supervisor, the form and content of procurement plans and reports, record keeping and reporting, form and content of requests for opinion on merits of the use of negotiated procedure. The jurisdiction of the Direction of Public Procurement is allegedly widened, to include checking of public procurement plans and monitoring whether there were deviations between the planned and realized¹⁰⁸. Also, an administration will be formed to centralize procurement at the state level in order to tackle the issue of corruption. However, the new law leaves space for a number of local self-governments to centralize procurement for themselves, and in this way tackle the notion of small local government procurement. With the project being implemented in cooperation with the European Bank for Research and Development (EBRD), the establishment of an electronic platform for public procurement encompassing e-auctions is envisioned as well¹⁰⁹.

Use of technology

The **Public Procurement Portal¹¹⁰** is functioning, and the new **Law on Public Procurement¹¹¹** established an obligation for all state bodies to publish their major purchases on this Portal, whose role still needs to be strengthened with additional features. The Portal enables users to post and search public calls and other content in public procurement procedures which are to be initiated in accordance with the new law.

¹⁰⁵ Public Procurement Office <http://www.ujn.gov.rs/sr.html>

¹⁰⁶ Ministry of Finance and Economy, Budget Law <http://www.mfp.gov.rs/pages/article.php?id=8654>

¹⁰⁷ Law on Public Procurement <http://www.parlament.gov.rs/upload/archive/files/cir/pdf/zakoni/2012/4113-12.pdf>

¹⁰⁸ B92, 1.4.2013. Law on Public Procurement in force http://www.b92.rs/info/vesti/index.php?yyyy=2013&mm=04&dd=01&nav_category=11&nav_id=700658

¹⁰⁹ Kurir, 28.2.2013. Law on Public Procurement in force from April 1 <http://www.kurir-info.rs/zakon-o-javnim-nabavkama-startuje-1-aprila-clanak-672957>

¹¹⁰ Public Procurement Portal <http://portal.ujn.gov.rs/>

¹¹¹ Law on Public Procurement <http://www.parlament.gov.rs/upload/archive/files/cir/pdf/zakoni/2012/4113-12.pdf>

Summary Table

OGP MONITORING: PUBLIC RESOURCE MANAGEMENT	
Threats	Opportunities
Lack of information on aid and loans obtained and development contracts signed	Online portal publishing information on EU aid and international assistance
No final account of annual budget published, disabling monitoring	Establishment of the Public Procurement Office and the Public Procurement Portal
Budget data incomplete or missing	Consensus on the need for greater regulation regarding resources obtained from the Government's budget lines
Lack of bylaws and regulations to complement adopted laws	

SECURITY SECTOR

Transparency

The **Ministry of Interior** publishes **information only on its top personnel** – the Minister, State Secretaries and Deputy Ministers. There are brief descriptions on the Cabinet, related to the special Bureaus. In terms of **special units**, there is **no standardized type or amount of information** provided. Information on the Gendarmerie contains only a vague overview of the unit's authority and a brief history of the unit¹¹². Information on the Anti-Terrorist Unit (PTJ) includes the unit's historical overview, data on selection of members, specialist courses and training, marks and uniform and engagement¹¹³. Information on the Special Anti-Terrorist Unit (SAJ) encompasses a much broader list of data including information on the tasks, history and organization, selection of members, special training, international cooperation, tournaments and clubs of the unit¹¹⁴. Finally, the Helicopter Unit publishes information on the unit's history, organization, field of work and contact details¹¹⁵. The Ministry's website also contains information on the Negotiation Team publishing data on the unit's functions, organization and selection of members, training, international cooperation and engagement¹¹⁶.

Although the Ministry of Interior publishes a **Report on Performance**¹¹⁷, this report contains no information on performance statistics and/or statistical crime rates based on which this performance could be judged. This information can be found on the Statistical Office's website where, under the "Administration of Justice" title, **reports can be generated** based on various criteria – minors and adults; male and female; registered, reported and convicted adults, etc¹¹⁸.

The **Ministry of Defense** publishes rather **vague information** on the State Secretaries and Deputy Ministers, followed by equally vague information on the Ministry's sectors and units within these sectors. Information on **special units** is provided in **slightly more detail** on the official website of the Serbian Armed Forces, encompassing the Guard¹¹⁹, Central Logistics Base¹²⁰, Signal Brigade¹²¹ and the Institute for Preventive Medical Care¹²².

¹¹² Ministry of Interior, Gendarmerie http://www.mup.gov.rs/cms_cir/direkcija.nsf/zandarmerija.h

¹¹³ Ministry of Interior, Anti-Terrorist Unit http://www.mup.gov.rs/cms_cir/direkcija.nsf/ptj.h

¹¹⁴ Ministry of Interior, Special Anti-Terrorist Unit http://www.mup.gov.rs/cms_cir/direkcija.nsf/saj-nadleznost.h

¹¹⁵ Ministry of Interior, Helicopter Unit http://www.mup.gov.rs/cms_cir/direkcija.nsf/helikopterska.h

¹¹⁶ Ministry of Interior, Negotiation Team http://www.mup.gov.rs/cms_cir/direkcija.nsf/pregovaracki-tim-nadleznost.h

¹¹⁷ Ministry of Interior, Report on Performance <http://www.mup.gov.rs/cms/resursi.nsf/InformatorMUP-cirilica.pdf>

¹¹⁸ Statistical Office of the Republic of Serbia, Database <http://webzr.stat.gov.rs/WebSite/Public/ReportView.aspx>

¹¹⁹ Serbian Armed Forces, Guard <http://www.vs.rs/index.php?content=7e3b9568-f716-102b-bdc2-a0672172d7df>

¹²⁰ Serbian Armed Forces, Central Logistic Base <http://www.vs.rs/index.php?content=b3ec10f4-f717-102b-bdc2-a0672172d7df>

¹²¹ Serbian Armed Forces, Signal Brigade <http://www.vs.rs/index.php?content=b6670314-f718-102b-bdc2-a0672172d7df>

¹²² Serbian Armed Forces, Preventive Medical Care <http://www.vs.rs/index.php?content=75a297e0-274b-11e2-a05a-00163e135009>

The Military Security Agency (VBA) publishes a brief chronological CV of the agency's Director¹²³, without any wider information on the agency's staff, centers, operations, etc. The Military Intelligence Agency (VOA) publishes a brief chronological CV of the agency's Director and Deputy Director, without any wider information on the agency's staff, centers, operations, etc¹²⁴.

The Ministry, **publishes information on the Armed Forces weapons**, divided into land forces¹²⁵, air forces¹²⁶ and river flotilla¹²⁷ forces armament. However, the list only contains **information on the type** of weapons in possession, **not their number**. The Ministry also publishes information on the **average salaries** of employees and members of the ministry of Defense and the Serbian Armed Forces¹²⁸, which is a rare occurrence in the Serbian Government's administration.

The Ministry of Defense publishes **annual reports and plans for public procurement**. It also published a **budget report** on the funds used to finance the Ministry of Defense in 2011 and 2012, at the same time identifying funding for the Ministry in 2013¹²⁹, divided into sectors.

The MoD publishes a **list of military equipment suppliers**¹³⁰, with links to the official websites of these companies.

CEAS sources in the Association of Private Security at the Serbian Chamber of Commerce and Industry informed us that there is an absolute lack of information regarding public procurement of CCTV networks increasingly set up across Serbian cities. According to the Deputy President of the Association's Board, there is no information on procurement calls for obtaining equipment for surveillance; neither is there any information published at a later stage regarding who was given a contract.

Public participation

The Association of Private Security at the Serbian Chamber of Commerce signed together with the Serbian Ministry of Interior a Memorandum on Cooperation, establishing a partnership between the public and private security sector in Serbia, based on European standards, as the Association of Private Security is a member of the Confederation of European Security Services (CoESS)¹³¹. A **Commission for Public-Private Security Sector Cooperation** has been formed and welcomes various organizations, including NGOs, to join, upon the receipt of an official request to join, as the Center for Euro-Atlantic Studies has done.

¹²³ Military Security Agency, Organizational Structure http://www.vba.mod.gov.rs/direktor_VBA.html#UW0fCbX-Hy0

¹²⁴ Military Intelligence Agency, Organization <http://www.voa.mod.gov.rs/srb/Organizacija/organizacija.html>

¹²⁵ Serbian Armed Forces, Land Forces <http://www.vs.rs/index.php?content=5701ab10-fc9c-102b-9fa8-28e40361dc2e>

¹²⁶ Serbian Amred Forces, Air Forces <http://www.vs.rs/index.php?content=3a4d82d2-fc9d-102b-9fa8-28e40361dc2e>

¹²⁷ Serbian Armed Forces, River Flotilla <http://www.vs.rs/index.php?content=0ef6cee5-fc9e-102b-9fa8-28e40361dc2e>

¹²⁸ Ministry of Defense, Average Salaries at the MoD http://www.mod.gov.rs/multimedia/file/staticki_sadrzaj/informator/2012/Prosecne_plate_MO.pdf

¹²⁹ Ministry of Defense, Budget Report http://www.mod.gov.rs/multimedia/file/staticki_sadrzaj/informator/2012/Pregled_odobrenih_utrosenih_sredstava.pdf

¹³⁰ Ministry of Defense, List of Suppliers http://www.mod.gov.rs/sadrzaj.php?id_sadrzaja=4906

¹³¹ Memorandum on Cooperation Between the Private and Public Security Sector <http://www.vibilia.rs/srpski/izvestaj/0508/Memorandum%20o%20saradnji.pdf>

The **project “Safer Cities”** aims to be extended to all cities and municipalities in Serbia. The project is already underway in 13 municipalities in south Serbia, carried out in collaboration with local self-government institutions and six UN agencies. The President of the Association of Private Security at the Serbian Chamber of Commerce and Chairman of the Commission for Public-Private Security Sector Cooperation announced the initiative for this project to be extended with the cooperation of the Standing Conference of Towns and Cities, the Ministry of Interior, the Association of Private Security at the Serbian Chamber of Commerce and other competent authorities¹³².

Accountability

Great **party wrangling** over actual **control over the police** was evident in the Ministry of the Interior during the former Government’s mandate as well, which led to a situation in which the recently re-elected Police Director Milorad Veljović, was then Acting Police Director as there was no consensus over his re-election or dismissal. The same party wrangling **instead of institutional strengthening** of police resulted with **Niš** and **Novi Sad**, both large Serbian cities, **not having a Chief of Police for three years**. Niš had its Chief of Police named only in March 2013. Crime levels in both cities increased during this period. There are serious indications that in Niš and Vranje, increased numbers of **unresolved serious incidents** directly **involve members of the police** as well¹³³.

The **Parliamentary Committee for Security and Defense** has been **split into two: the Parliamentary Committee for the Control of Security Services** and the **Parliamentary Committee for Defense and Internal Affairs**¹³⁴. Both **Committee heads**, however, come **from the ruling majority**, which discontinued a good democratic practice of that the President of the Parliamentary Committee for Control of Security Services comes from the opposition ranks. Also, the Law Regulating the Basis of Security Services (RS Official Gazette, no.116/07) regulates the work of the Committees, but contains **no provisions regarding internal control**.

The **Security Intelligence Agency (BIA)** has been reorganized, becoming, technically, an institution **independent** from the rest of the security system, accountable to the Serbian Government. According to the Commissioner for Information of Public Importance and Personal Data Protection, **BIA** is the one security system agency which completely **transformed its way of cooperating with other independent institutions**, as his report classified the Agency as absolutely ignoring the legal framework, whilst in the 2012 report, BIA is not even mentioned, as it successfully **acknowledged and implemented the opinions and recommendations** of the Commissioner and Ombudsman. In 2012, BIA adopted a **“double key” regarding wiretapping of telephone conversations** of citizens, based on recommendations of the Commissioner and Ombudsman.

Specific laws influencing the security system pose as inadequate and incomplete as, for example, the notion of **“state secret”** is **not clearly defined** by a bylaw or legal act, leaving space for **independent interpretation** of the term and what it encompasses, therefore **affecting transparency** prospects.

Overall, the **Law on Security Services is unconstitutional**, meaning that security services, even when acting lawfully, act constitutionally.

¹³² Chamber of Commerce and Industry of Serbia, Project - Safer Cities <http://www.pks.rs/Vesti.aspx?IDVestiDogadjaji=6464>

¹³³ CEAS, X Factor Serbia Report http://ceas-serbia.org/root/images/CEAS_REPORT_-_X_FACTOR_SERBIA.pdf

¹³⁴ National Assembly of the Republic of Serbia, Working Bodies <http://www.parlament.gov.rs/narodna-skupstina-/organizacija-i-strucna-sluzba/radna-tela-narodne-skupstine.918.html>

There is a general problem of **overlapping jurisdictions** which affects the work of both the Ministry of Interior and Ministry of Defense. Namely, the Minister of Interior is at the same time the Prime Minister of Serbia and in charge of the dialogue between Belgrade and Prishtina; whilst the Minister of Defense is at the same time the First Deputy Prime Minister in charge of defense, security and the fight against corruption and crime, and Coordinator of all Security Services. The fact that the Defense Minister, under whose area of jurisdiction are already two intelligence and security services, also coordinates the work of the Security Intelligence Agency (BIA) represents overlapping of areas of jurisdiction as well as **circumscribing the autonomy of the BIA**, thus **reducing the transparency and accountability of the security system**.

The Ministry of Interior reports to the National Assembly on the state of security in Serbia upon request. The Ministry of Defense submits quarterly reports to the Parliamentary Committee for Defense and Internal Affairs. The security services – BIA, VBA and VOA, report to the Parliamentary Committee for the Control of Security Services. All security services have prescribed **internal control mechanisms**:

- The Ministry of Interior has a Bureau for Complaints and interventions and an Internal Audit Service as internal control mechanisms;
- This role is carried out by the Internal Audit Sector in the Police Forces;
- The Internal and Budget Control and the Internal Audit services in the Security Intelligence Agency;
- The Defense Inspectorate and the Internal Audit Department in the Ministry of Defense;
- The General Inspector in VBA and VOA and the Internal Audit services in the military agencies (VBA and VOA);
- A Military Police Inspector in the Military Police.

The Military Security and Military Intelligence Agency's work is under the supervision and control of the National Assembly of the Republic of Serbia, President, Government, the National Security Council, Minister of Defense, courts and other government agencies¹³⁵. **Internal control mechanisms** are only defined as **tools for overseeing the legality** of work and implementation of authorizations of the Agency members, **without** giving any **further details**¹³⁶. According to law, internal control is indirectly subordinate to the Director of VBA/VOA, obliged to regularly report on the work and possible abuses and irregularities in their work. The Head of Internal Control is to notify the Inspector General and, where appropriate, the competent committee of the National Assembly, in case that the Director of VBA or VOA fails to rectify the illegality of irregularity determined by the internal control.

In early 2013 **amendments** were introduced to the **Law on the Military Security Agency and the Military Intelligence Agency**, following a Constitutional Court ruling that the Agencies are obliged to obtain a **court warrant** for surveillance and **wiretapping** of private conversations of citizens and covert data collection¹³⁷.

¹³⁵ Military Security Agency, Democratic and civilian oversight and control http://www.vba.mod.gov.rs/demokratski_civilni_nadzor_kontrola.html#.UWVBqZP-Hy0

¹³⁶ Military Security Agency, Internal Control http://www.vba.mod.gov.rs/unutrasnja_kontrola.html#.UWVDaZP-Hy0

¹³⁷ Law on Amendments to the Law on the Military Security Agency and the Military Intelligence Agency

However, **internal control mechanisms** have proved rather **ineffective**, especially in the cases of Leskovac and Topčider which saw young soldiers being murdered under unexplained circumstances and investigations of internal control mechanisms serving the purpose of covering up the truth, twisting the facts and destroying vital forensic evidence.

The Parliamentary Committee for Defence and Internal Affairs and the Committee for the Control of Secret Services track the **legality of budget spending**, whilst the Committee for Finance, State Budget and Control of Funds is in charge of checking the **appropriateness of budget spending**. Checks are, however, **dependent on the transparency of the procurement** process.

Regarding **procurement** in the security sector, the Ministry of Interior does **not publish procurement plans**. The Regulation on Mobile Goods of Special Purpose (RS Official Gazette, no.29/2005) legally binding the Ministry of Defence; the Regulation on the Goods of Special Purpose (RS Official Gazette, no.82/2008) legally binding the Ministry of Interior; and the Regulation Determining Goods of Special Purpose (RS Official Gazette, no.21/2009) legally binding the Security Intelligence Agency, have effectively **prevented the public from accessing data on the subject and terms of the contract signed as it defines subjects of procurement as confidential**¹³⁸.

Research carried out by Transparency International, published in a report titled „**Government Defece Anti-Corruption Index 2013**“, shows that the **Serbian Armed Forces are prone to corruption**, giving Serbia a D+ rating thus placing it in the same group with Ukraine, Bosnia and Herzegovina, Thailand, India, etc¹³⁹.

The **Law on Emergency Situations** (RS Official Gazette, no.92/2011) prescribed that state, autonomous province and local self-government bodies are responsible for securing the establishment of a single system of protection and rescue. The Law states that the primary responsibility in protection and rescue lies with local self-government units and that only in case their resources are not enough, resources from the entire territory of Serbia may be used, clearly stating the role of the Government, Ministry of Interior, Ministry of Defense and the Serbian Armed Forces, autonomous province and local self-government unit, companies and citizens. It also divides the responsibilities of funding the system of protection and rescue between the Government and autonomous provinces.

Following three failed attempts to endorse a law regulating private security services in Serbia, **Serbia** is still the only country in South East Europe which **does not have a legal framework regulating the private security sector**, which is presently estimated to employ between 25,000 and 60,000 people and to possess around 47,000 number of weapons, making an annual income of about 180 million Euros, of which only a fraction is subjected to the system of taxes¹⁴⁰. This statistic is even more shocking when it is considered that the Ministry of Interior officially employs 35,000 policemen, while the Army of Serbia employs 28,000 military persons.

<http://ceas-serbia.org/root/images/Zakon-o-izmenama-i-dopunama-Zakona-o-Vojnobezbednosnoj-i-Vojnoobavestajnoj-agenciji-20-2-2013.pdf>

¹³⁸ Almanac on Security Sector Oversight 2012 (2012) Belgrade: Belgrade Center for Security Policy and DCAF, pp.200-1

¹³⁹ Transparency International, Government Defense Anti-Corruption Index 2013
http://ceas-serbia.org/root/images/Government_Defense_Anti-Corruption_Index.pdf

¹⁴⁰ Blic online, 9.1.2012. 47 000 Pieces of Arms in the Private Security Sector
<http://www.blic.rs/Vesti/Hronika/300451/U-sektoru-privatnog-obezbedjenja-47000-komada-oruzja>

Again, according to CEAS sources in the Association of Private Security at the Serbian Chamber of Commerce, due to the lack of regulation, these **private contractors** are **accountable neither to the hiring person/organization nor their employees**. **Employees** are often on **hired based on Agreements on Training**, commonly working **without** a person who would pose as **the trainer**. Also, they are **not registered as employed** by the employer and are thus not **eligible for insurance and contributions**, which the employer is otherwise legally obliged to pay.

The **Law on Firearms and Ammunition** does **not recognize** the notion of “**service weapons**” at all, thus leaving firearms used by members of private security regulated according to the general provisions related to firearms and ammunition.

Use of technology

The Ministry of Interior enables citizens to use **e-services** for extending license registrations on vehicles authorized by a technical inspection obtain certificates on sending vehicles off for examination obtain certificates of residence, schedule an appointment for the issuance of electronic certificates (available only on the territory of Belgrade), schedule an appointment for applying for an identity card and passport and schedule an appointment for applying for vehicle registration¹⁴¹.

Summary Table

OGP MONITORING: SECURITY SECTOR	
Threats	Opportunities
Lack of information on military agency personnel	
Lack of information on arms and equipment numbers	Increased cooperation of some security sector actors with independent institutions
Lack of parliamentary and judicial oversight	Previous examples of good democratic security sector oversight practice
Institutional disorganization of the security sector, overlapping jurisdictions, lack of hierarchical control	“Safe Cities” project to be widened and extended
Vague internal control mechanisms	Establishment of private-public partnerships through the Serbian Chamber of Commerce and Industry
Lack of legal framework for private security sector	
Non-transparent public procurement	

¹⁴¹ Ministry of Interior, e-Services http://www.mup.gov.rs/cms_cir/dokumenta.nsf/e-Usluge.h

CORPORATE ACCOUNTABILITY

Transparency

The **Business Registers Agency**¹⁴² enables companies and other registered businesses to be searched by name and/or registration number, providing information on the location, director, turnover, and Boards of the business, including information on companies in liquidation. It keeps registers on all registered companies, entrepreneurs, financial statements and solvency, financial leasing, pledges, public media, associations, foreign associations, tourism, bankruptcy estates, regional development measures and incentives, Chamber of Commerce, endowments and foundations, representative offices of foreign endowments and foundations, sports associations and injunctions.

The public companies increasingly **recognize corporate social responsibility as a concept** and has sections devoted to the topic on their websites. However, other than brief overviews of some actions related to social corporate responsibility, there is a **general lack of reports on company actions** for the promotion of this field.

Public participation

The **Department for Consumer Protection**¹⁴³ within the Ministry of Foreign and Domestic Trade and Telecommunication opened a one month public debate on the Draft Consumer Protection Strategy for the period 2013-2018. Comments and suggestions were to be sent via email or communicated via phone.

In 2010 the **Center for Consumer Protection (Contact Center)**¹⁴⁴ was open, within the Department for Consumer Protection, with an initial role to directly provide information, advice and help to consumers via a toll-free number. The Center's work enabled the establishment of a private-public partnership as experts from the Center worked on solving consumer problems in cooperation with consumer protection organizations, as well as development of extra-judicial resolution of disputes in cooperation with the Center for Mediation.

The **Law on the Protection of the Environment** (RS Official Gazette, no.72/2009) prescribes public participation in reaching decisions regarding plans and projects related to the environment through public presentations and public debates.

There are call **centers** and **forums** for filing complaints, publishing "**white lists**" and "**black lists**" of sellers, but these great in numbers, **uncoordinated** and mainly **set up by CSOs** without strong link with, or influence upon, the Government.

¹⁴² Serbian Business Registers Agency <http://www.apr.gov.rs/eng/Home.aspx>

¹⁴³ Ministry of Foreign and Domestic Trade and Telecommunication, Consumer Protection Department <http://www.zastitapotrosaca.gov.rs/o-nama.php>

¹⁴⁴ Ministry of Foreign and Domestic Trade and Telecommunication, Consumer Protection Department <http://www.zastitapotrosaca.gov.rs/o-nama.php>

Accountability

In most cases, the **top management** of large public enterprises is **appointed by the Government** and is more often than not coming **from the ruling parties**, despite continued promises of depolitization. What is more, even the announced control of public companies will apparently only focus on company dealings and efficiency, without addressing the notion of personnel and staffing appointments¹⁴⁵.

The **Privatization Agency**¹⁴⁶ is a central operative institution of the concept of privatization in Serbia, responsible for the organization, implementation and control of the privatization process. The Agency publishes details on the public enterprises planned for privatization, including information on related parties, production and capacity, realization data, SWAT analysis, financial data, history of privatization attempts and contracts. However, **contracts are not always published** and therefore **the process of privatization is not necessarily transparent**.

The **Serbia Investment and Export Promotion Agency (SIEPA)**¹⁴⁷ is a government organization dedicated to effectively helping foreign investors and buyers, while raising Serbia's profile in the minds of international business decision-makers. The Agency keeps records of suppliers in Serbia¹⁴⁸, guides on doing business in Serbia¹⁴⁹ and investment incentives¹⁵⁰.

In 2009 the **Department for Consumer Protection**¹⁵¹ was established within the Ministry of Foreign and Domestic Trade and Telecommunication, responsible for establishing and implementing policies in the field of consumer protection. Despite the **Consumer Protection Law** (RS Official Gazette, no.73/2010), there is still a **lack of coordination especially in the field of information and data exchange** between audit bodies in cities and local self-government units, between audit bodies and competent ministries, as well as between audit bodies and customs administration. Information exchange is mainly carried out on an ad hoc basis via telephone, fax, email, etc. but the **established communication between the competent bodies is not satisfactory**.

Mechanisms for **extra-judicial dispute settlements** have **not been developed** to their full extent, despite the existing legal basis.

Article 126 of the Consumer Protection Law lists who is eligible to become a member of the **National Council for Consumer Protection**, but there are **no applicable provision regulating the way in which members** take office. It is also not clear how many members is to come from which expert group

¹⁴⁵ Danas, 14.9.2012. Control of Public Enterprise for Efficiency
http://www.danas.rs/danasrs/iz_sata_u_sat/mihajlovic_kontrola_javnih_preduzeca_zbog_efikasnosti.83.html?news_id=51275

¹⁴⁶ Privatization Agency <http://www.priv.rs/Agencija+za+privatizaciju/1/Naslovna.shtml>

¹⁴⁷ Serbia Investment and Export Promotion Agency <http://www.siepa.gov.rs/sr/>

¹⁴⁸ Serbia Investment and Export Promotion Agency, Supplier Database
http://siepa.gov.rs/sr/files/pdf2010/srp_bazadobavljacka.pdf

¹⁴⁹ Doing Business in Serbia (2013) Serbia Investment and Export Promotion Agency
http://siepa.gov.rs/sr/files/pdf2010/SIEPA_DBIS2013_Brochure.pdf

¹⁵⁰ Investment Incentives in Serbia (2013) Serbia Investment and Export Promotion Agency
http://siepa.gov.rs/sr/files/pdf2010/Investment_Incentives_in_Serbia_2013.pdf

¹⁵¹ Ministry of Foreign and Domestic Trade and Telecommunication, Consumer Protection Department
<http://www.zastitapotrosaca.gov.rs/o-nama.php>

leaving space for representatives of political elites to form a majority, therefore threatening the principle of primary protection of citizens as consumers.

In 2011 the **Center for Consumer Protection (Contact Center)** directly providing information, advice and help to consumers via a toll-free number was transformed into **Regional Counseling Centers** to systemically monitor developments in the field of consumer protection.

The Government endorsed a **Strategy for the Development and Promotion of Corporate Social Responsibility for the period 2010-2015** through the compliance with legal obligations, reduction or elimination of negative effects of business on society and risk management (e.g. human rights violations, pollution, etc.) and the increase of positive effects of the business and the creation of values through innovation, investment and partnership oriented towards social good and good for the environment (e.g. job creation, social and economic development and conflict resolution).

The **Law on the Protection of the Environment** (RS Official Gazette, no.72/2009) prescribes the rules and regulations for environmental protection relating to the actions of the state; autonomous provinces; cities and municipalities; companies, enterprises and other commercial and industrial activities using natural resources, polluting or threatening the environment; scientific and expert organization; as well as citizens, citizen groups and associations. The Law sets out the principles of integrity, prevention and precaution, maintenance of natural values, sustainable development, subsidiary responsibility, right to a healthy environment and access to legal remedies, by defining the ways of planning and using natural resources, monitoring, reporting and control of their use, recovery and mediation, use of space and public green areas. The law also prescribes the principles, obligations and standards of systems used by those covered by this law for the management of the environment based on the protection of soil and land, water, air, forests, the biosphere and biodiversity, flora and fauna and endangered species, as well as handling dangerous materials, waste, protection from noise and vibrations and radiation. The law sets an obligation for the Ministry of Energy and, autonomous provinces and local self-governments to carry out monitoring and control of its implementation and compliance.

The **Law on the Strategic Assessment of Environmental Impact** (RS Official Gazette, no.88/2010) prescribes the requirements, criteria and strategy in which an assessment of effect certain plans and programs may have on the environment in order to secure environmental protection and the advancement of sustainable development.

Public companies dealing with natural resources, such as the Electric Power Industry of Serbia, publish **strategies and annual reports on the protection of the environment**¹⁵².

¹⁵² Electric Power Industry of Serbia, Report on Environmental Protection for the year 2011
<http://www.eps.rs/SiteAssets/Lists/Sitemap/EditForm/%D0%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98%20%D0%BE%20%D0%B7%D0%B0%D1%88%D1%82%D0%B8%D1%82%D0%B8%20%D0%B6%D0%B8%D0%B2%D0%BE%D1%82%D0%BD%D0%B5%20%D1%81%D1%80%D0%B5%D0%B4%D0%B8%D0%BD%D0%B5%20%D1%83%20%D0%88%D0%9F%20%D0%95%D0%9F%D0%A1%20%D0%B7%D0%B0%202011.%20%D0%B3%D0%BE%D0%B4%D0%B8%D0%BD%D1%83.pdf>

Summary Table

OGP MONITORING: CORPORATE ACCOUNTABILITY	
Threats	Opportunities
<p>Lack of reports on corporate social accountability</p> <p>Top management structures in public companies appointed by Government (ruling majority)</p> <p>Announced audit of public companies only to deal with issue of efficiency, not personnel appointment</p> <p>Privatization and contracts not always published and transparent</p>	<p>Increased recognition of corporate social accountability as a concept</p> <p>Developments in consumer protection</p> <p>Basis for private-public partnerships in consumer protection</p> <p>New laws acknowledging the need for public debates</p> <p>Announced establishment of audit mechanisms for public companies</p> <p>Government Strategy for the Development and Promotion of Corporate Social Responsibility 2010-2015</p> <p>Environmental impact reports</p>

IV. SURVEY ON TRUST AND CONFIDENCE IN GOVERNMENT OPENNESS

The survey on trust in Government has been conducted throughout April and May 2013.

The polling questions are enclosed in Annex IV.

Methodology

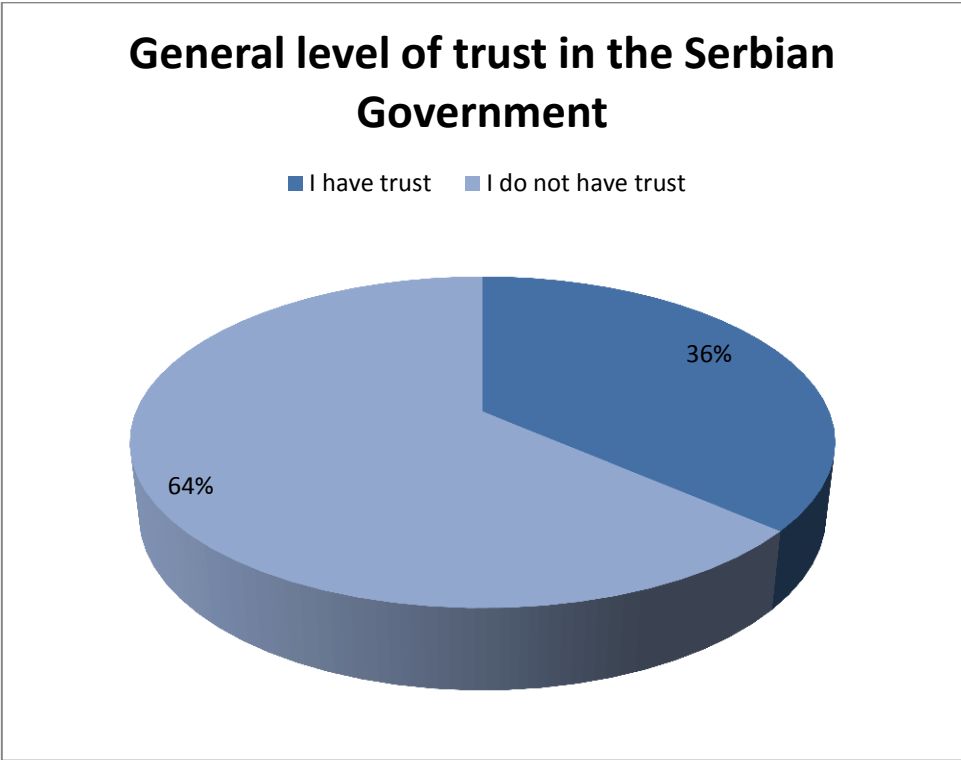
A total of 1074 persons were polled using face-to-face and telephone interviews in order to obtain a random representative stratified sample. The sample breakdown is enclosed in Annex V.

*Sample error:

- ± 1.45% for incidences of 5%
- ± 2.86% for incidences of 25%
- ± 3.31% for incidences of 50% (marginal error)

Results

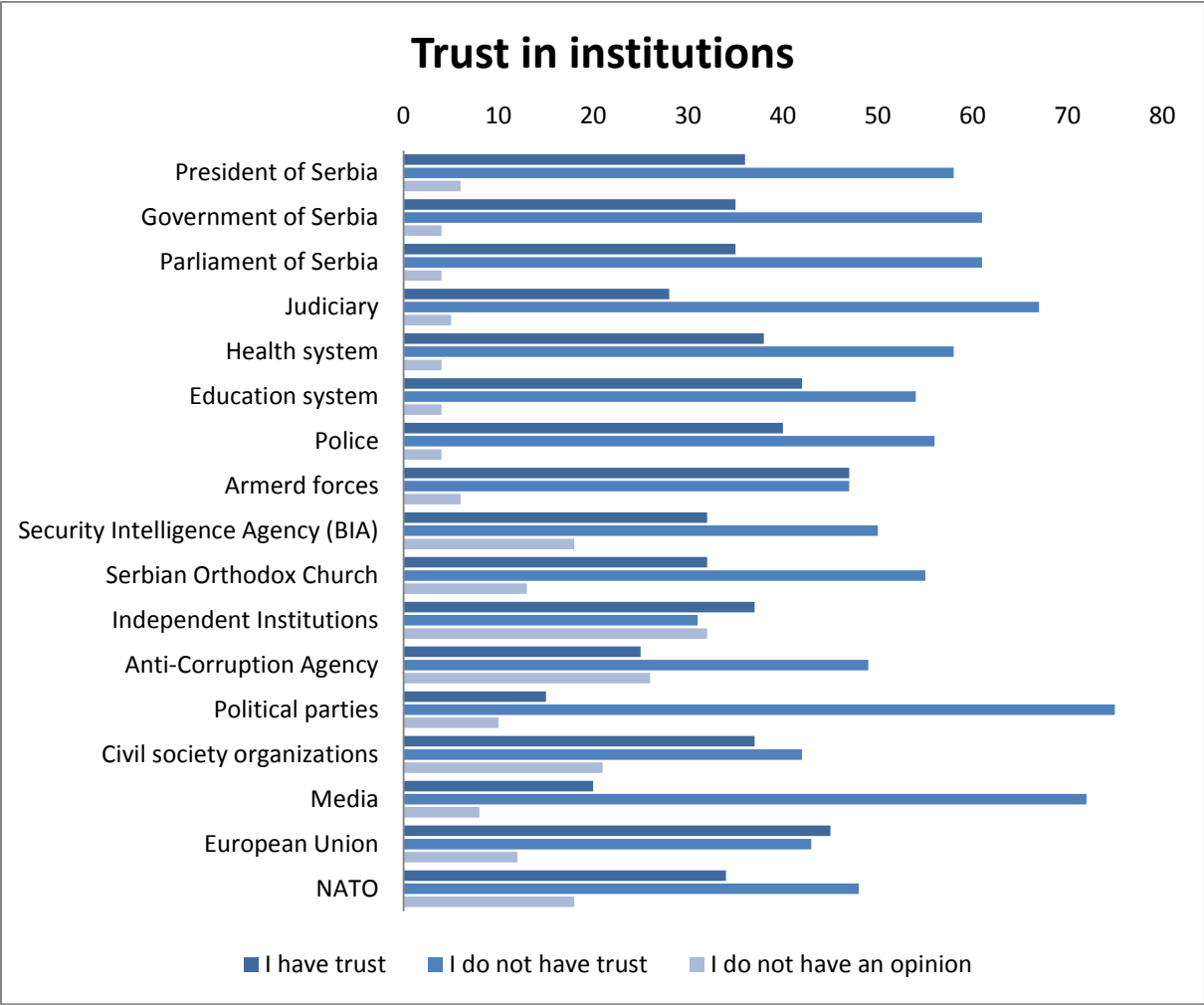
Question 1



Breakdown of results:

General level of trust in the Serbian Government	
I have great trust	3%
Generally I have trust	33%
Generally I do not have trust	48%
I do not have trust at all	16%

Question 2

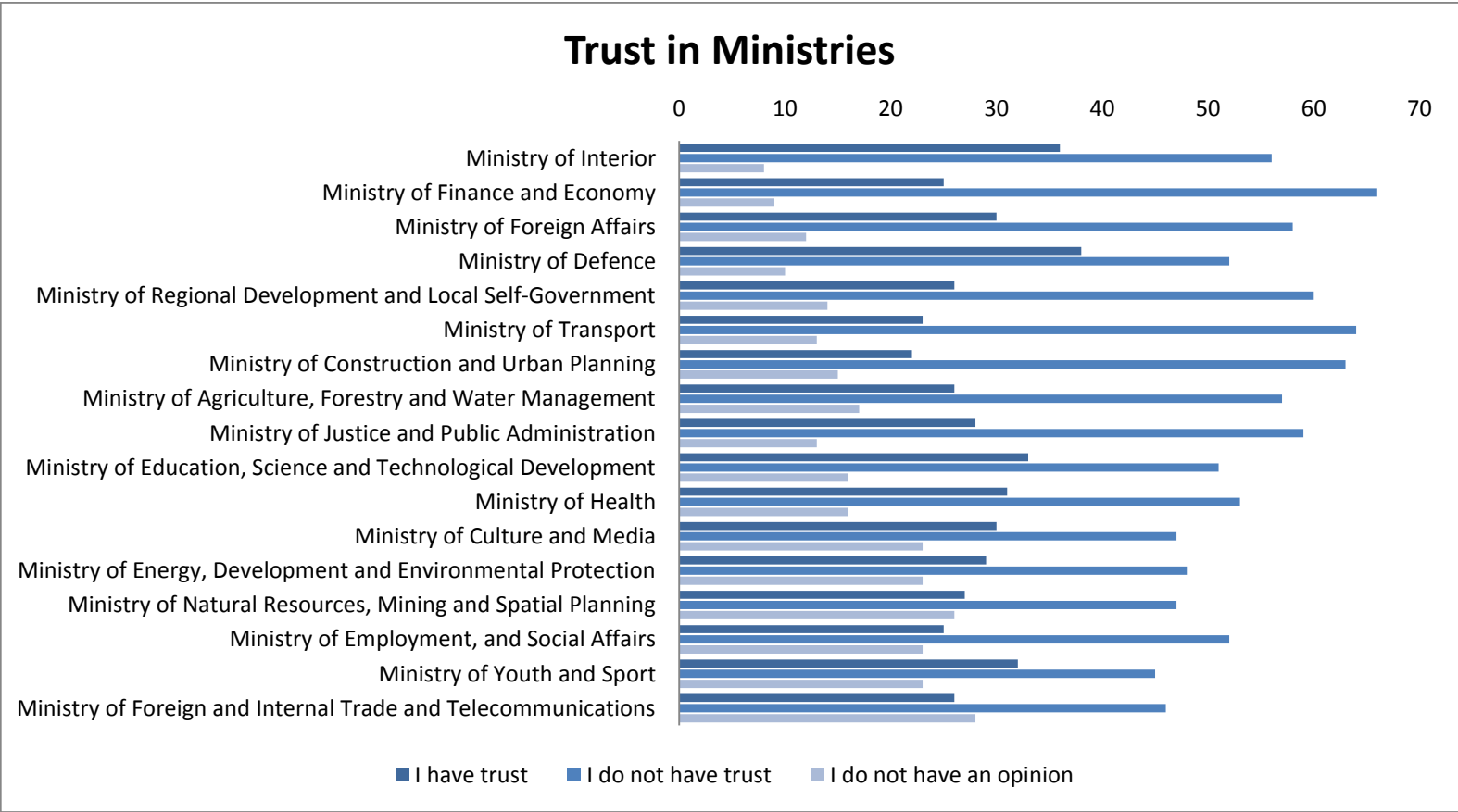


**Remark: For this and the following, similar questions, similar responses to the same questions have been collated. For example, regarding Question 2, the 'I have trust' parameter represents collated results of the responses 'I have great trust' and 'Generally I have trust'. A detailed breakdown of results follows for each graph where this principle has been used.*

Breakdown of results:

Trust in institutions	I have great trust	Generally I have trust	Generally I do not have trust	I do not have trust at all	I do not have an opinion
President of Serbia	6%	30%	30%	28%	6%
Government of Serbia	6%	30%	37%	23%	4%
Parliament of Serbia	4%	31%	41%	19%	5%
Judiciary	3%	25%	41%	26%	5%
Health system	5%	34%	37%	21%	3%
Education system	6%	36%	36%	17%	5%
Police	8%	32%	35%	21%	4%
Armed forces	11%	36%	28%	19%	6%
Security Intelligence Agency (BIA)	5%	27%	29%	21%	18%
Serbian Orthodox Church	11%	21%	20%	34%	14%
Independent institutions	4%	32%	22%	10%	32%
Anti-Corruption Agency	4%	21%	31%	18%	26%
Political parties	2%	12%	36%	40%	10%
Civil society organizations	4%	33%	24%	18%	21%
Media	2%	18%	39%	33%	8%
European Union	6%	38%	23%	19%	12%
NATO	6%	28%	24%	24%	18%

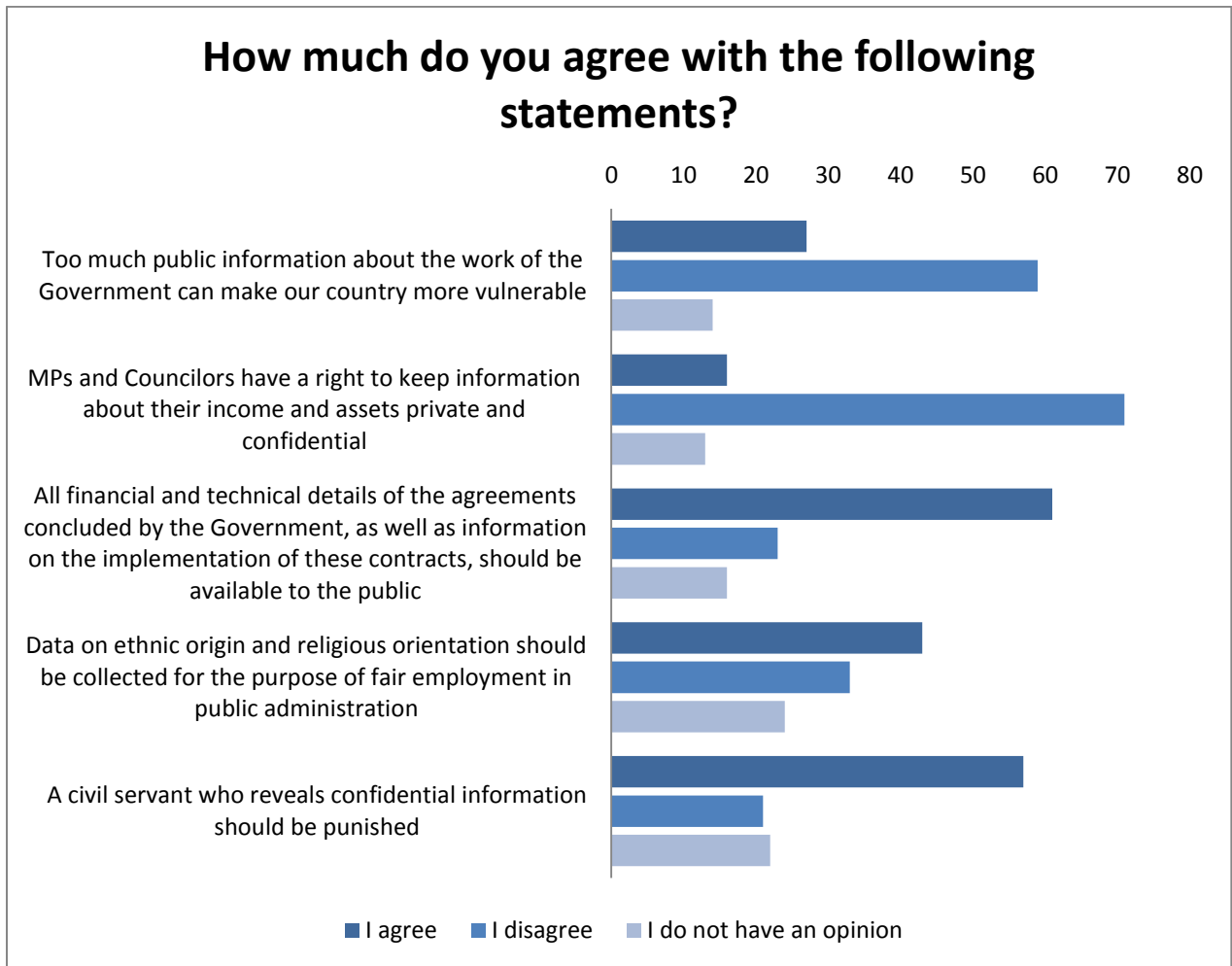
Question 3



Breakdown of results:

Trust in Ministries	I have great trust	Generally I have trust	Generally I do not have trust	I do not have trust at all	I do not have an opinion
Ministry of Internal Affairs	5%	30%	37%	19%	9%
Ministry of Finance and Economy	1%	22%	42%	24%	9%
Ministry of Foreign Affairs	2%	28%	40%	18%	12%
Ministry of Defence	7%	31%	32%	20%	10%
Ministry of Regional Development and Local Self-Government	2%	24%	36%	24%	14%
Ministry of Transport	2%	20%	30%	34%	14%
Ministry of Construction and Urban Planning	2%	19%	32%	31%	16%
Ministry of Agriculture, Forestry and Water Management	2%	24%	35%	22%	17%
Ministry of Justice and Public Administration	1%	26%	36%	23%	14%
Ministry of Education, Science and Technological Development	3%	30%	33%	18%	16%
Ministry of Health	2%	29%	33%	20%	16%
Ministry of Culture and Media	2%	27%	29%	19%	23%
Ministry of Energy, Development and Environmental Protection	2%	27%	31%	17%	23%
Ministry of Natural Resources, Mining and Spatial Planning	2%	24%	29%	19%	26%
Ministry of Employment, and Social Affairs	2%	23%	30%	22%	23%
Ministry of Youth and Sport	5%	27%	29%	16%	23%
Ministry of Foreign and Internal Trade and Telecommunications	2%	24%	29%	17%	28%

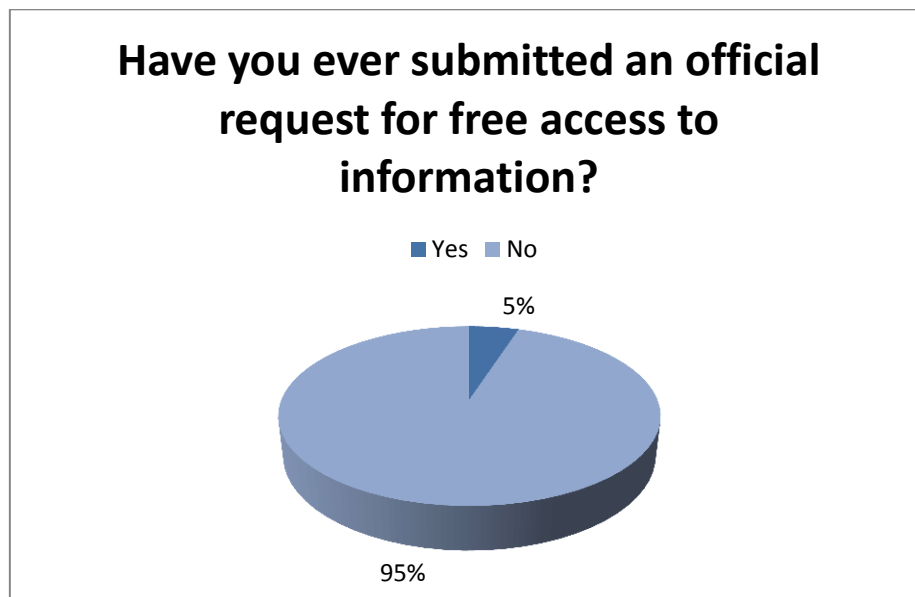
Question 4



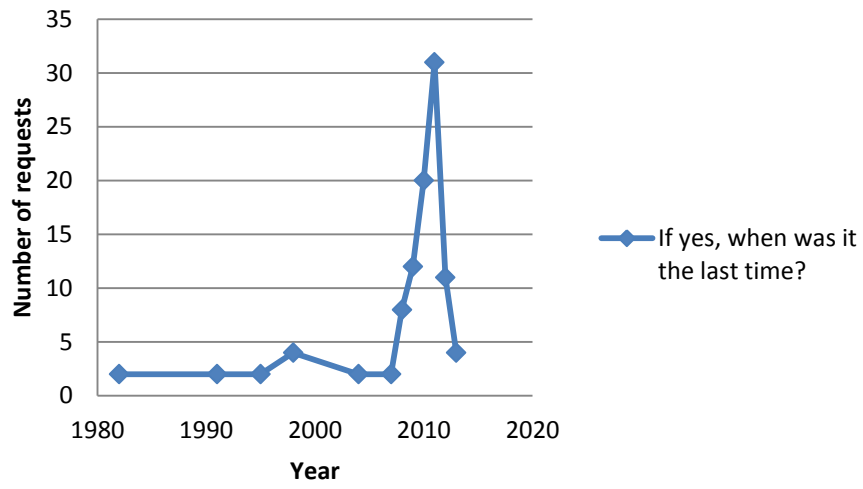
Breakdown of results:

How much do you agree with the following statements	I absolutely agree	I generally agree	I generally disagree	I absolutely disagree	I do not have an opinion
Too much public information about the work of the Government can make our country more vulnerable	6%	21%	44%	15%	14%
MPs and Councillors have a right to keep information about their income and assets private and confidential	3%	13%	47%	24%	13%
All financial and technical details of the agreements concluded by the Government, as well as information on the implementation of these contracts, should be available to the public	20%	41%	18%	5%	16%
Data on ethnic origin and religious orientation should be collected for the purpose of fair employment in public administration	10%	33%	19%	14%	24%
A civil servant who reveals confidential information should be punished	20%	37%	15%	6%	22%

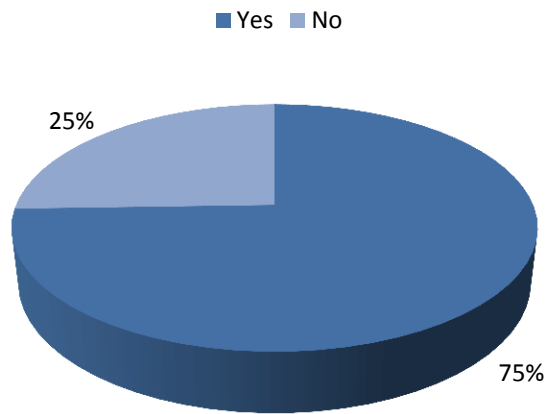
Question 5



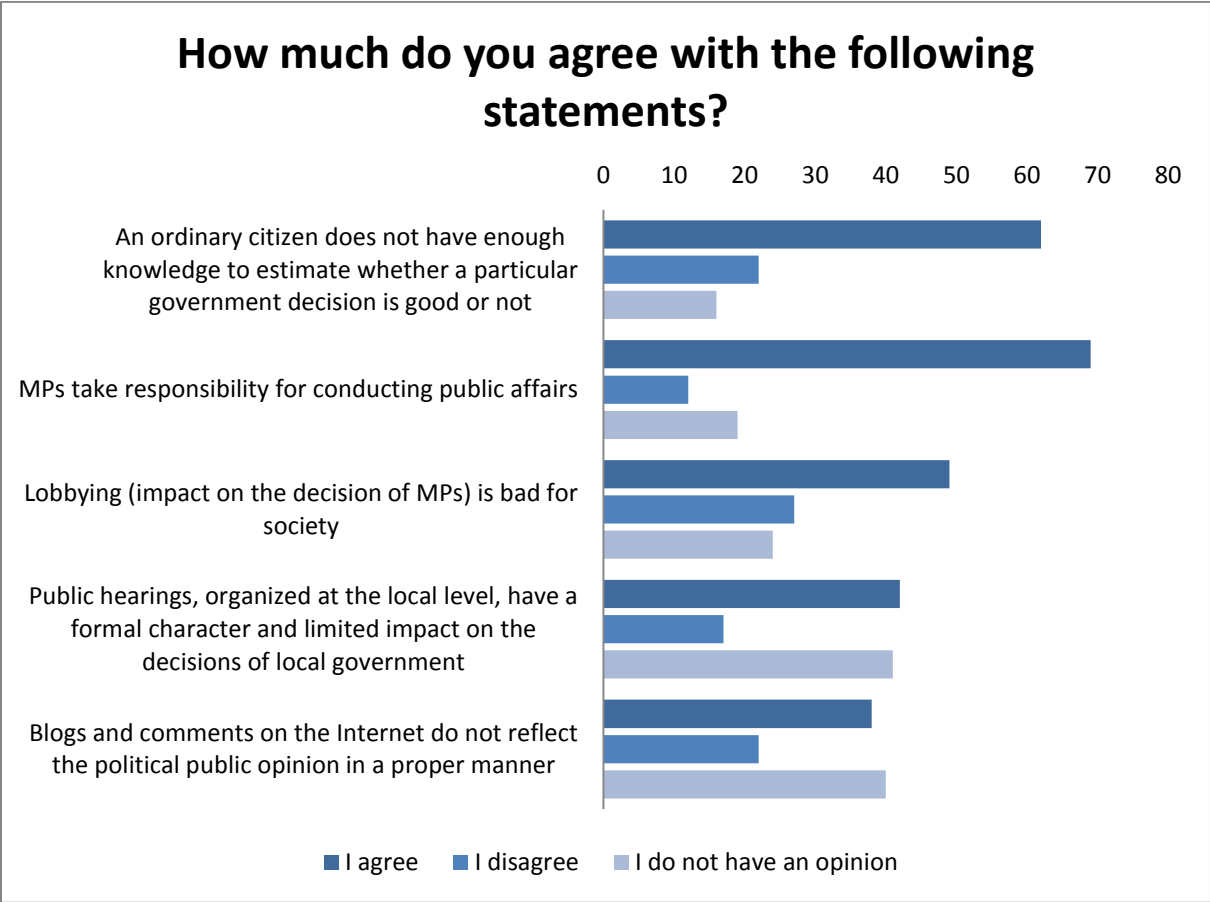
If yes, when was it the last time?



Did you receive a timely reply?



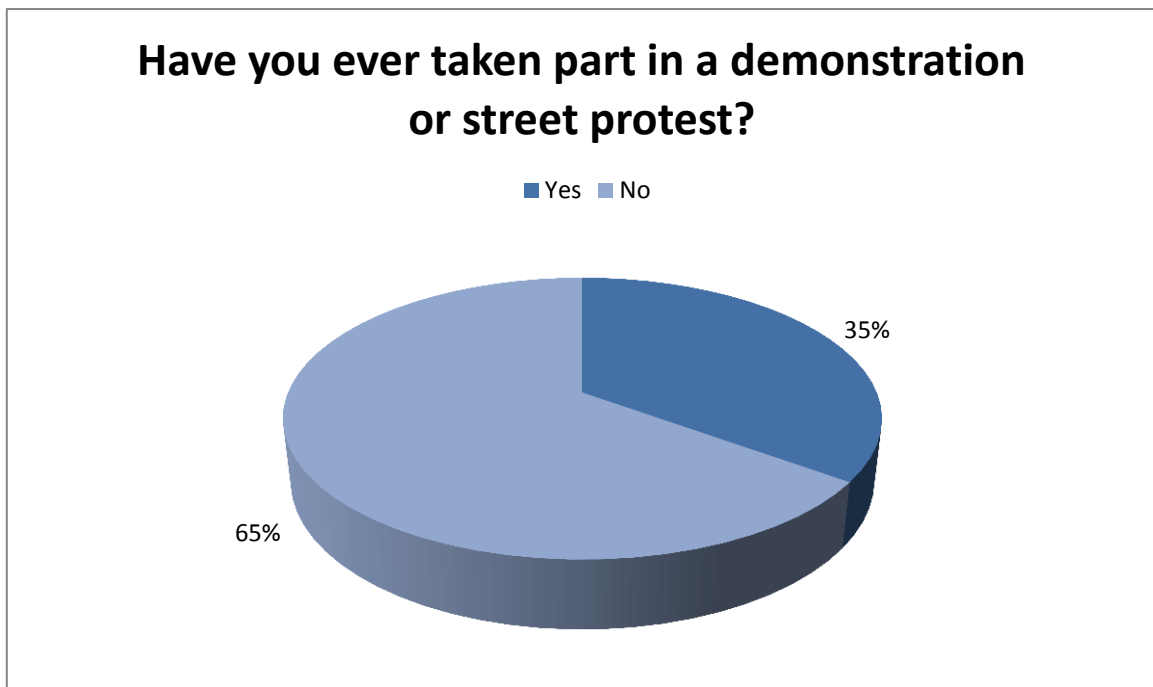
Question 6



Breakdown of results:

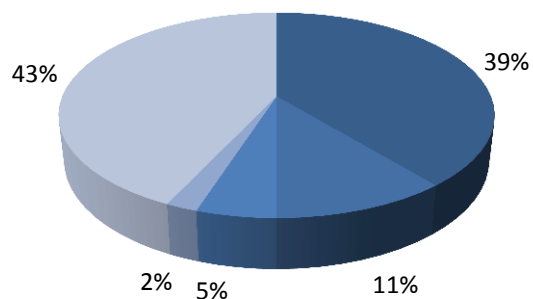
How much do you agree with the following statements?	I absolutely agree	I generally agree	I generally disagree	I absolutely disagree	I do not have an opinion
An ordinary citizen does not have enough knowledge to estimate whether a particular government decision is good or not	16%	46%	17%	5%	16%
MPs take responsibility for conducting public affairs	22%	47%	10%	2%	19%
Lobbying (impact on the decision of MPs) is bad for society	20%	29%	21%	6%	24%
Public hearings, organized at the local level, have a formal character and limited impact on the decisions of local government	10%	31%	14%	4%	41%
Blogs and comments on the Internet do not reflect the political public opinion in a proper manner	12%	27%	17%	4%	40%

Question 7

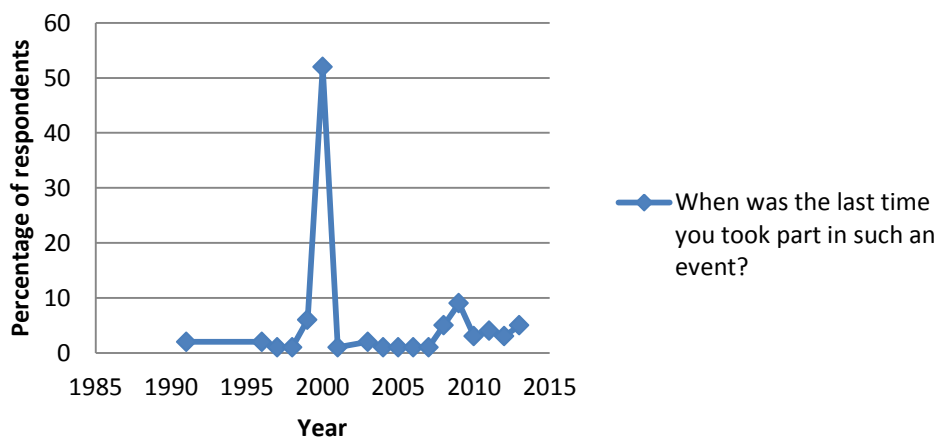


If yes, how many times have you taken part in such events?

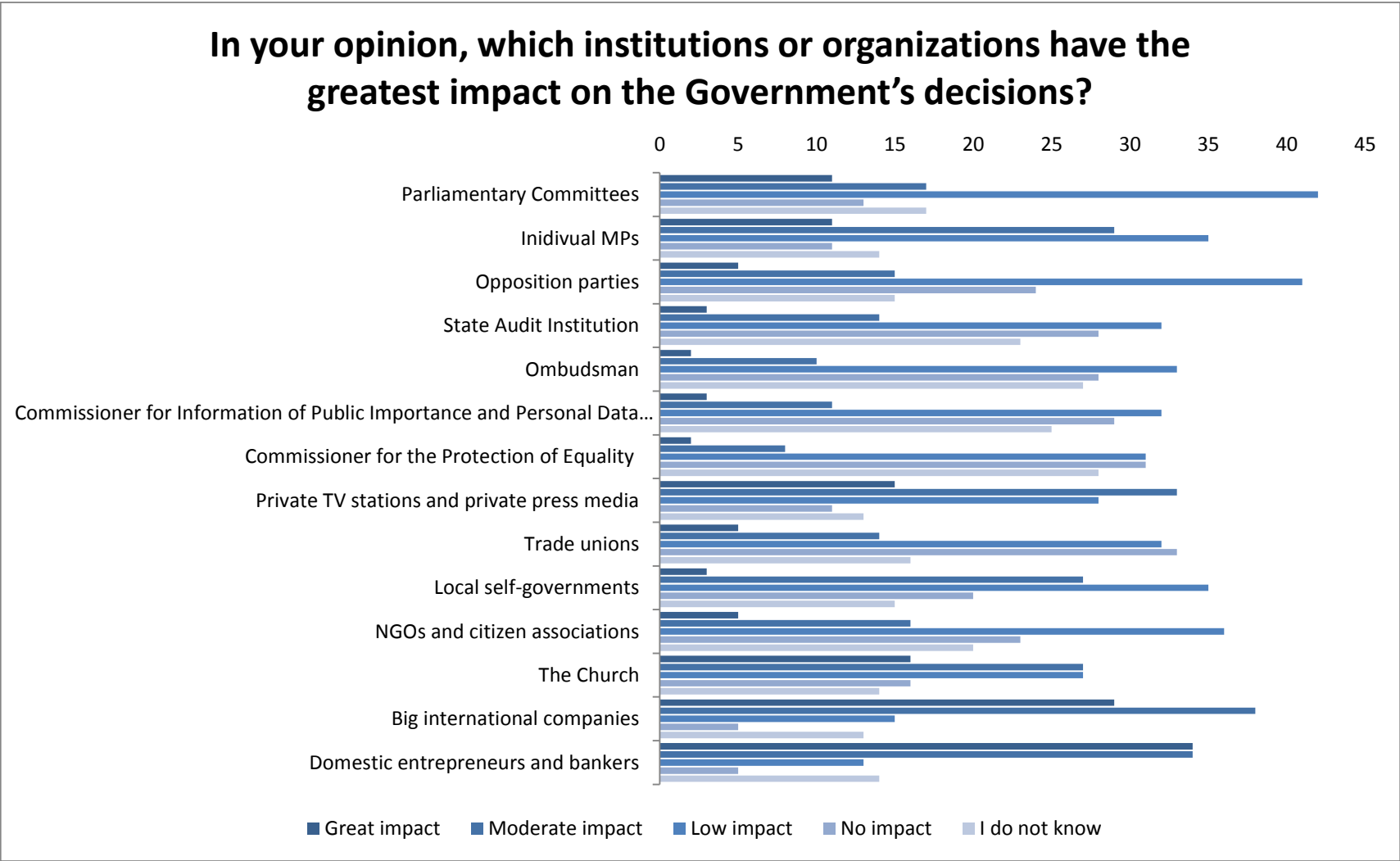
■ Once ■ Twice ■ Three times ■ Four times ■ Five times and more



When was the last time you took part in such an event?



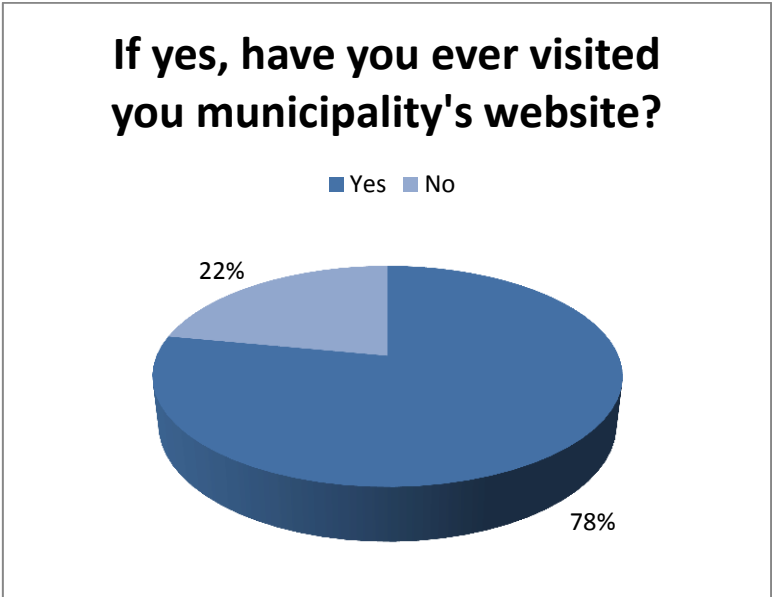
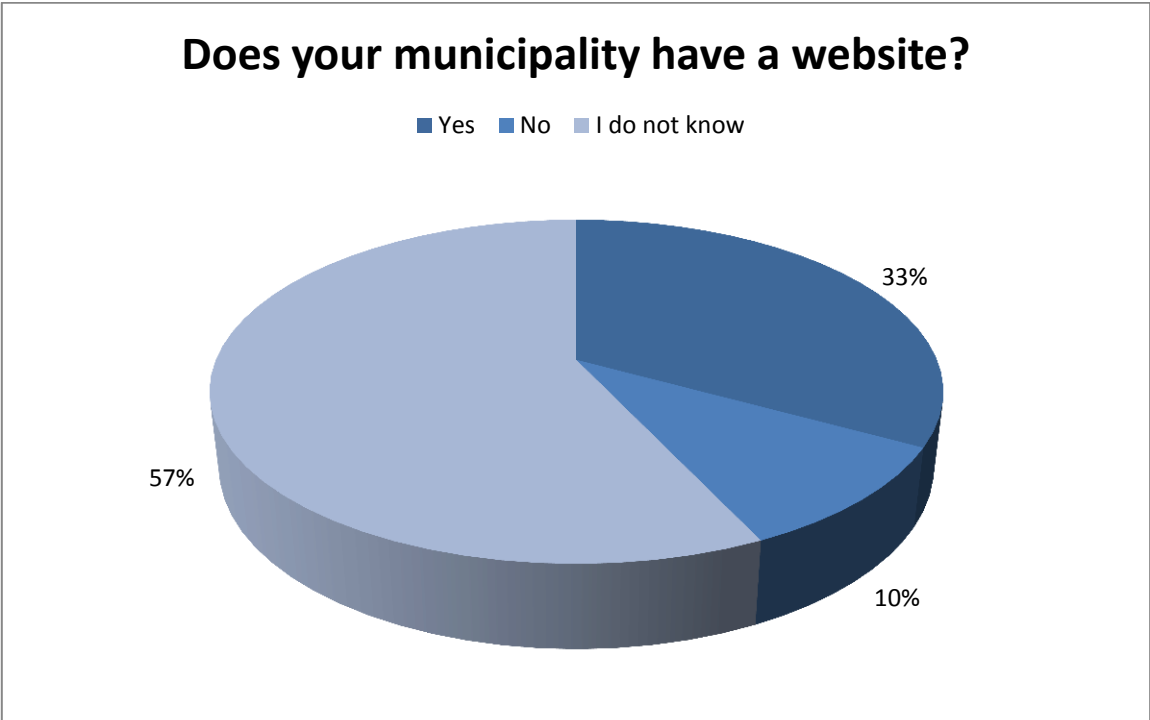
Question 8



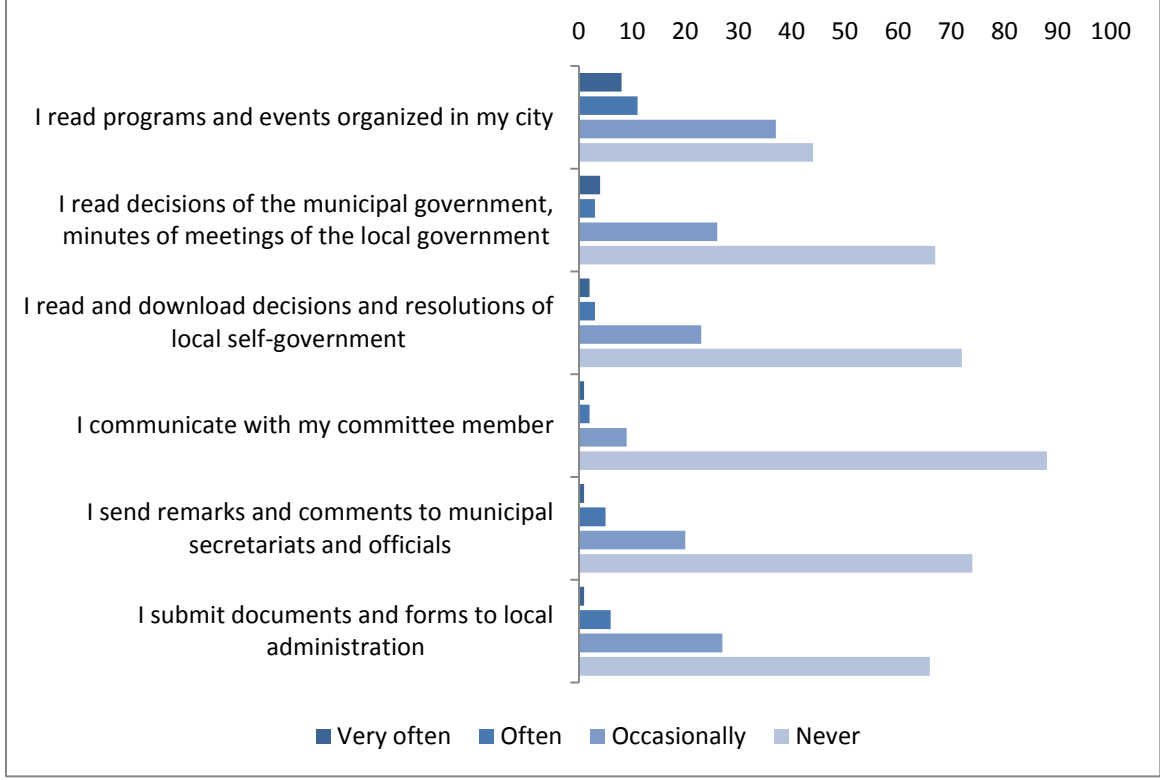
Breakdown of results:

In your opinion, which institutions or organizations have the greatest impact on the Government's decisions?	Great impact	Moderate impact	Low impact	No impact	I do not know
Parliamentary Committees	11%	17%	42%	13%	17%
Individual MPs	11%	29%	35%	11%	14%
Opposition parties	5%	15%	41%	24%	15%
State Audit Institution	3%	14%	32%	28%	23%
Ombudsman	2%	10%	33%	28%	27%
Commissioner for Information of Public Importance and Personal Data Protection	3%	11%	32%	29%	25%
Commissioner for the Protection of Equality	2%	8%	31%	31%	28%
Private TV stations and private press media	15%	33%	28%	11%	13%
Trade unions	5%	14%	32%	33%	16%
Local self-governments	3%	27%	35%	20%	15%
NGOs and citizen associations	5%	16%	36%	23%	20%
The Church	16%	27%	27%	16%	14%
Big international companies	29%	38%	15%	5%	13%
Domestic entrepreneurs and bankers	34%	34%	13%	5%	14%

Question 9



If you have, which information have you searched for, and how often?



Breakdown of results:

If you have, which information have you searched for, and how often?	Very often	Often	Occasionally	Never
I read programs and events organized in my city	8%	11%	37%	44%
I read decisions of the municipal government, minutes of meetings of the local government	4%	3%	26%	67%
I read and download decisions and resolutions of local self-government	2%	3%	23%	72%
I communicate with my committee member	1%	2%	9%	88%
I send remarks and comments to municipal secretariats and officials	1%	5%	20%	74%
I submit documents and forms to local administration	1%	6%	27%	66%

V. CONCLUSION

According to the survey on trust in Government, the results reveal that there is a general lack of it among citizens who are supposed to be the final end-users of Open Government Partnership tools (64% of respondents stated that they do not have trust in the Government).

In terms of state bodies, the Ministry of Foreign and Internal Trade and Telecommunications, under whose jurisdiction is the Directorate for Digital Agenda, until now in charge of the Open Government Partnership initiative in Serbia, seems to be relatively unknown to the general public as it obtained the highest percentage of 'I do not have an opinion' responses in terms of citizens' trust. This can arguably be attributed to its relatively inactive role in society which prevented citizens to form an opinion on the Ministry – positive or negative – and therefore prevented them from familiarizing themselves with the initiatives which it promotes – including OGP.

An even greater concern is that the ministry which is set to take over jurisdiction over the OGP initiative – the Ministry of Justice and Public Administration – has been assessed as untrustworthy by 59% of those polled. This may potentially lead to a situation in which any step that the Ministry takes towards promoting, adopting and implementing reforms towards OGP standards may be skeptically welcomed by the general public which would undermine the extent or potential of the reform.

Furthermore, there is a general feeling of apathy within the society, with citizens being either unaware of, or lacking interest in, participating in the political process. This will pose as a problem as the general idea of Open Government Partnership is exactly that – forming a partnership between all stakeholders encompassing the state bodies, enterprises, civil society organization and citizens. Instead

- 62% of respondents in Serbia believe that ordinary citizens do not have enough knowledge to estimate whether a Government decision is good or bad;
- Only 5% of respondents submitted an official request for free access to information;
- 57% of respondent does not even know whether their municipality has a website, and the majority of those who do access the website engage only in reading on programs and events organized in their city, thus not using other services provided through the use of technology.

Even with 65% of respondent taking part in a demonstration or street protest, the majority of them (52%) last took part in such events in 2000.

Finally, the fact that the majority of citizens believe that the greatest impact on the Government's decisions is exerted by domestic entrepreneurs and bankers, it is questionable whether citizens themselves would trust that the Government can master enough cohesion and strength to implement OGP reforms which would ultimately benefit them, and not other, more powerful stakeholders.

However, this is by no means to state that there are no mechanisms through which Open Government Partnership can be achieved in Serbia. There is potential for change as the Action Plan adopted on April 25, 2013, calls for greater engagements of the Government with CSOs. This may create a window of opportunity through which civil society organizations can place greater pressure for, and actually participate in, establishing OGP standards in Serbia.

In order to achieve this, CSOs need to employ their capacities, be responsive and act quickly. This can be achieved through sharing resources and establishing networks, as well as good working relations with government bodies, such as the Government Office for Cooperation with Civil Society, already highlighted as a potential access point. As this mapping study already emphasized, with multiple CSOs working in different respective field, pressuring for OGP standards, there is a need, and indeed potential, for establishing a front of civil society organizations which would push for reform and approach the Government with clear recommendations and strategies.

The most effective partners in pushing for Open Government Partnership, according to this mapping study, are found primarily in specific independent institutions, namely the Ombudsman and Commissioner for Information of Public Importance and Personal Data Protection, both of whom work in their respective fields pressuring for transparency, accountability and public participation, as well as legislation regulating the use of technology, and have good relations to numerous CSOs working in various fields. These institutions, although seen as having a low impact on Government decisions enjoy a relatively healthy percentage of citizen trust.

Secondly, slow but steady reform steps can be introduced and implemented through specific industry associations and commissions such as the Association of Private Security and the Commission for Public-Private Security Sector Cooperation formed within the Serbian Chamber of Commerce and Industry, which are open to civil society organizations as well.

Finally, the more active role taken upon by the Government Office for Cooperation with Civil Society is seen as beneficial for OGP reform as it is to play a vital role according to the newly adopted OGP Action Plan in engaging civil society in OGP reform, especially with the inclusion of Serbia in the “Europe for Citizens” program which will contribute further towards educating Serbian citizens on active citizenship thus potentially increasing their interest as well as role in Serbia’s political life.

Initial recommendations:

- Strengthening the role of CSOs in the process of OGP reform based on the OGP Action Plan provisions;
- Creating and expanding a network of CSOs working towards establishing OGP standards in order to create a CSO front which would push for reforms; Familiarizing citizens with the Open Government Partnership initiative;
- Utilizing the existing mechanisms: Ombudsman, Commissioner for Information of Public Importance and Personal Data Protection, Anti-Corruption Agency, Public Procurement Office, Independent Audit Institution, Government Office for Cooperation with Civil Society, industry associations and commissions;
- Building on achievements to date – use successes of small reform steps introduced as a basis for expanding the reform process – notion of functionalism;
- Utilizing EU support for CSOs in terms of introducing and pushing for OGP standards, such as through the “Europe for Citizens” program;
- Introducing OGP standards through the process of Serbia-EU standard approximation EU accession;

- Drafting a policy brief and/or comparative study which could be used for drafting the 2014 OGP Action Plan

VI. SOURCES, INDICATORS AND OTHER REFERENCES

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ANNEX I

Ministry	Plans/ strategies	Policies	Budget	Staff	Reports	Public participation option
<p style="text-align: center;">Internal Affairs</p>	<p>Development Strategy</p> <p>Communication Strategy</p> <p>Draft Strategy of Police in the Community</p>	<p>Laws</p> <p>Regulations</p> <p>Standards</p> <p>Agreements and</p> <p>Contracts</p> <p>Conventions</p>	<p>Some data on budgeting, related to allocated donations for ongoing projects</p> <p>Public procurement calls</p>	<p>Information on:</p> <p>the Minister</p> <p>State Secretaries</p> <p>Deputy Ministers</p> <p>Cabinet</p> <p>Secretariat</p>	<p>Financial report</p> <p>Report on results</p> <p>Public opinion poll</p> <p>Information on Licenses</p> <p>Report on performance</p>	

Ministry	Plans/ strategies	Policies	Budget	Staff	Reports	Public participation option
<p>Finance and Economy</p>	<p>Fiscal Strategy Development and Support for IT Strategy Procurement Plans</p>	<p>Laws Bylaws Proposals and Draft Laws</p>	<p>Budget Information on income and expenditure</p>	<p>Information on: the Minister State Secretaries Deputy Ministers Cabinet Administration Directors Special Advisers</p>	<p>Public Procurement report Overview of the number of employees and contracted individuals and data on the amount paid for their salaries, allowances and benefits in local administration those who the Law on Maximum Number of employees relates to Report on performance</p>	<p>Option for sending e-comments to the: Cabinet Secretariat Press Service Exchange Expectorate Administration for the prevention of Money Laundering Tax Administration Treasury Customs Tobacco Administration Administration for Games of Chance</p>

Ministry	Plans/ strategies	Policies	Budget	Staff	Reports	Public participation option
Foreign Affairs		Laws Regulations Internal Audit Code of Ethics		Information on: the Minister State Secretary Secretary General Deputy Ministers	Report on performance	
Defense	National Action Plan for the implementation of UNSC Resolution 1325 – Women, peace and security in the Republic of Serbia 2010-2015	Laws on: Defense Army use of Serbian Army and other defense forces in Multinational Operations outside of RS borders Military Security Agency and Military Intelligence Agency Military, Labor and Material Duty Civil Service	Public procurement calls	Information on: the Minister State Secretaries MoD Secretary Deputy Ministers Director of the Defense Inspectorate Director of the Military Security Agency Director of the Military Intelligence Agency	Annual Report on the implementation of UNSC Resolution 1325 – Women, peace and security Self-evaluation of building integrity for reducing risks for corruption Report on performance	

Ministry	Plans/ strategies	Policies	Budget	Staff	Reports	Public participation option
Regional Development and Local Self-Government	<i>Under development</i>	Laws Bylaws Regulations Rule books	Public procurement calls	Information on: the Minister Ministry Secretary State Secretaries Deputy Ministers Secretariat	Report on performance	Option for sending e-comments
Transport	Strategy for the development of rail, road, water, air and intermodal transport in Serbia in the period 2008-2015 Public procurement plans Draft proposals for public hearing programs	Laws Draft Laws Bilateral Agreements Conventions Regulations Rule book on internal organization and systematization of workplaces in the Ministry of Transport	Law on Budget of the Republic of Serbia (stating budget allocations for all state Ministries, Agencies and Offices, including the Ministry of Transport)	Information on: the Minister State Secretaries Ministry Secretary Deputy Ministers Cabinet Chief	Review of ongoing projects Public procurement reports Report on performance	Option for sending e-comments to the: Public relations office Roads and Road Safety Sector Road Transport Sector Rail and Intermodal Transportation Sector Air Transport Sector Water Transportation and Navigation Safety Sector European Integration and International Cooperation Sector

Ministry	Plans/ strategies	Policies	Budget	Staff	Reports	Public participation option
Construction and Urban Planning		Laws Bylaws Regulations Rule books Draft Regulations		Information on: the Minister State Secretaries Deputy Ministers Ministry Secretary	Report on the performance of communal activities Information on Licenses and Building Permits Report on performance	
Agriculture, forestry and water management	Program of measures	Laws Bylaws Regulations Directives Crisis plans Draft Laws	Directory for Agricultural Payments offers some data on budgeting, related to allocated donations for ongoing projects	Contact details of: Cabinet Chief State Secretaries Deputy Ministers	Reports on: The construction of multipurpose dams and reservoirs, water supply and water pollution control objects Information on international cooperation Information on Licenses Report on performance	

Ministry	Plans/ strategies	Policies	Budget	Staff	Reports	Public participation option
<p align="center">Justice and Public Administration</p>	<p>Plan of legislative activities</p> <p>Judiciary Reform Strategy</p> <p>Anti-Corruption Strategy</p> <p>Free Legal Aid Strategy</p> <p>Penal System Reform Strategy</p> <p>Strategy for Reducing the Accommodation Overload in Facilities for the Execution of Penal Sanctions</p>	<p>Laws</p> <p>Draft Laws</p> <p>EU Acquis regulations by field</p>		<p>Information on: the Minister</p> <p>State Secretary</p> <p>Deputy Ministers</p> <p>Ministry Secretary</p> <p>Director of the Administrative Inspectorate</p> <p>Director of the Directorate for Management of Seized Assets</p> <p>Director of the Directorate for Execution of Sanctions</p> <p>Directory of executors and deputy executors</p> <p>Registry of expert witnesses</p>	<p>Presentation on the progress of judicial reform</p> <p>Presentation on corruption</p> <p>Data on the number of employees and contracted individuals at the Ministry of Justice and Public Administration and the Directorate for Management of Seized Assets</p> <p>Report on performance</p>	<p>Information and contact details related to public hearings</p> <p>Draft request for access to information of public importance</p> <p>Draft complaint form</p> <p>Option for monitoring cases</p>

Ministry	Plans/ strategies	Policies	Budget	Staff	Reports	Public participation option
Education, Science and Technological Development	<p>Curricula for:</p> <ul style="list-style-type: none"> Primary schools Comprehensive secondary schools Secondary vocational and art schools Schools for disabled students 	<ul style="list-style-type: none"> Laws Bylaws Regulations Rule books Common contract for employees of student standard facilities 	<p>Some data on budgeting, related to allocated donations for ongoing projects</p>	<p>Information on: the Minister</p> <p>Contact details of: State Secretaries</p>	<p>Report on performance</p>	<p>Draft request for access to information of public importance</p> <p>Option for sending e-comments classified by topic</p>
Health	<ul style="list-style-type: none"> National Program and Strategy Draft Public procurement plan 	<ul style="list-style-type: none"> Laws Draft Laws Regulations Rule books Business codex 	<p>Budget</p>	<p>Information on: State Secretaries Deputy Ministers</p>	<p>Budget Report</p> <p>Report on performance</p>	<p>Option for sending e-comments to: the Minister PR Service</p>
Culture and Media		<ul style="list-style-type: none"> Laws Regulations Rule books 		<p>Information on: the Minister State Secretaries Deputy Ministers Ministry Secretary</p>	<p>Budget Reports</p> <p>Report on performance</p>	

Ministry	Plans/ strategies	Policies	Budget	Staff	Reports	Public participation option
<p>Energy, Development and Environmental Protection</p>	<p>Presentation of projects seen as priority</p>	<p>Laws Bylaws Draft laws Contracts</p>	<p>Some data on budgeting, related to allocated donations for ongoing projects</p>	<p>Information on: the Minister State Secretaries</p> <p>Rule book on internal organization and systematization of workplaces</p>	<p>Reports of the: Power Sector Oil and Gas Sector Energy Efficiency and Renewable Energy Sector Planning and Environmental Management Sector Environmental Protection Sector Supervision and Monitoring Sector International Cooperation and Project Management Sector</p> <p>Report on performance</p>	

Ministry	Plans/ strategies	Policies	Budget	Staff	Reports	Public participation option
Natural Resources, Mining and Spatial Planning	Public procurement plan	Laws Bylaws Draft Laws Handbooks		Information on: the Minister State Secretaries Deputy Ministers Ministry Secretary Special Advisers	Budget Report Quarterly Report on the Ministry's work Report on performance	Information on public hearings

Ministry	Plans/ strategies	Policies	Budget	Staff	Reports	Public participation option
<p align="center">Employment and Social Affairs</p>	<p>Employment Strategies</p> <p>Employment Plans</p> <p>Strategies on:</p> <p>Gender equality</p> <p>Refugees and internally displaced people</p> <p>Violence against women</p> <p>Ageing</p> <p>Mental Health</p> <p>Social protection</p> <p>Poverty reduction</p>	<p>Laws</p> <p>Bylaws</p> <p>Forms, notices and instructions</p> <p>Draft regulations</p> <p>Common contracts</p> <p>Rule books</p> <p>Agreements on Social Security</p> <p>Convention on the rights of persons with disabilities</p> <p>Internal Audit Charter</p>	<p>Some data on budgeting, related to allocated donations for ongoing projects</p>	<p>Information on:</p> <p>the Minister</p> <p>State Secretaries</p> <p>Deputy Ministers</p> <p>Directors of the Directorate and Inspectorate</p>	<p>Report of the Labor Inspectorate</p> <p>Reports on the Implementation of the Revised European Social Charter in Serbia</p> <p>Report on performance</p>	<p>e-Government portal offering either complete provision of services online, or access to the necessary forms for personal documents, certifications and register books</p> <p>Draft request for access to information of public importance</p> <p>Draft of a system of licensing of social protection service providers</p>

Ministry	Plans/ strategies	Policies	Budget	Staff	Reports	Public participation option
<p>Youth and Sport</p>	<p>Budget implementation plan</p> <p>Strategy for the Development of Sport in Serbia for the period 2009-2013</p> <p>National Strategy for Youth</p>	<p><i>Under development</i></p>		<p>Information on: the Minister</p> <p>Contact details of: Cabinet</p> <p>State Secretaries</p> <p>Sport Sector</p> <p>Youth Sector</p> <p>Project Management Sector</p> <p>Secretariat</p> <p>Internal Auditor</p> <p>Rule book on internal organization and systematization of workplaces</p>	<p>Budget Reports</p> <p>Reports on public procurement</p> <p>Report on performance</p>	<p>Option for sending e-comments classified by topic</p>

Ministry	Plans/ strategies	Policies	Budget	Staff	Reports	Public participation option
Foreign and Internal Trade and Telecommunications	<p>Strategy for developing e-Government in Serbia in the period 2009-2013</p> <p>Strategy for the development of an IT society</p> <p>Strategy of development of postal services</p> <p>Strategy of development of electronic communications in the period 2010-2020</p> <p>Strategy for transition from analog to digital radio and TV programs</p> <p>Strategy to increase the participation of domestic industry in the development of telecommunications</p>	<p>Laws</p> <p>Bylaws</p> <p>International legal acts</p>		<p>Information on: the Minister State Secretaries Deputy Ministers</p>	<p>Report on performance</p>	<p>e-services are available for:</p> <p>Complaints against the postal operator for individuals and legal entities</p> <p>Requests for verification of eligibility for commencement of activities of postal services for entrepreneurs and companies</p> <p>Also, forms can be downloaded for:</p> <p>Evidence of certification bodies</p> <p>Register of certification bodies issuing qualified electronic certificates</p> <p>Registration of issuers of time stamps</p>

ANNEX II

Independent institution	Plans/ strategies	Policies	Budget	Staff	Reports	Public participation option
<p>Commissioner for Information of Public Importance and Personal Data Protection</p>	<p>Financial Plan Staffing Plan Public Procurement Plan</p>	<p>Laws Bylaws Manuals Rule books Guides</p>	<p>Budget Performance data List of resources</p>	<p>Contact details on staff</p>	<p>Project Reports Monthly statistical Report in the field of access to information and protection of personal data Annual Report Public Procurement Report Report on performance</p>	<p>Draft request, complaint, proposal and notification forms</p>
<p>Ombudsman</p>		<p>Laws European Conventions International declarations and protocols Instructions Rule books Codex</p>		<p>Information on: the Ombudsman Ombudsman Deputies General Secretary Deputy Secretaries</p>	<p>Annual Report Special Reports Statistic on contacts with citizens and processing of complaints Report on performance</p>	<p>Draft complaint forms</p>

Independent institution	Plans/ strategies	Policies	Budget	Staff	Reports	Public participation option
Commissioner for Protection of Equality	Institution Development Strategy	Laws Regulation International documents European Court verdicts		Information on: the Commissioner Deputy Commissioners Experts	Report on performance	Draft request for access to information form
Anti-Corruption Agency	National Strategy for the Fight Against Corruption Action Plan for Implementation of the National Strategy Integrity Plan and directives for its implementation (to be completed by March 31, 2013)	Laws Regulations Guide for officials International Conventions Information for declaration of property and income for public officials		Information on: Director Deputy Director Agency Board members Expert Service members	Annual Report Report on the implementation of the National Strategy and Action Plan Budget Report Compliance Report Report on measures taken to facilitate implementation of GRECO recommendations Report on election campaign costs Report on performance	Draft forms and sample reports Electronic forms

Independent institution	Plans/ strategies	Policies	Budget	Staff	Reports	Public participation option
<p align="center">Republic Broadcasting Agency</p>	<p align="center">Statute Financial Plan</p>	<p>Laws Bylaws Rule books Commissioner's decisions on: Donations to CSOs Process of ensuring anonymity of data in the Commissioner's acts Establishment and work of an Expert Group of the Commissioner</p>		<p>Information on: President of the RBA Council Deputy President of the RBA Council Members of the Council Rule book on internal organization and systematization of workplaces</p>	<p>Financial Report Audit Report Report (on the institution's work) Monitoring Reports Report on performance</p>	<p>Option for submitting an application or complaint electronically</p>

ANNEX III

Serbia's Open Government Partnership Action Plan for the year 2013.

Activity	Deadline for realisation	Indicator	Responsible institutions	Partners
1. Fiscal Transparency				
Regular reporting of state authorities: national level institutions, autonomous province bodies, municipalities, cities and the city of Belgrade, on the appropriations and procedures of awarding grants to associations and other civil society organisations to the Office for Cooperation with Civil Society	III and IV quarter of 2013	Adopted conclusions on the Annual Summary Report on the use of funds provided and paid to associations and other civil society organisations as support for program activities from the budget of the Republic of Serbia	Office for Cooperation with Civil Society of the Republic of Serbia	
2. Involvement of citizens and businesses				
Regulations of the way in which public debates are conducted on the e-Government portal	IV quarter of 2013	Instruction on the conduct of public debates on the e-Government portal drafted	Ministry of Foreign and Domestic Trade and Telecommunications	
Training of public administrations employees on the basics and functions of the e-Government portal	Continued throughout 2013	Number of trainings held and number of public administration employees trained	Department for Human Resource Management	MTT, Office for Cooperation with Civil Society of the Republic of Serbia

Activity	Deadline for realisation	Indicator	Responsible institutions	Partners
Promotion of electronic public debates among citizens	Continued throughout 2013	Number of campaigns	Ministry of Foreign and Domestic Trade and Telecommunications	
Improvement of communication of bodies and parties in the Administrative Procedure Act (particularly rules on electronic communication)	III quarter of 2013	Draft Law on Administrative Procedure adopted	Ministry of Justice and Public Administration	
Establishment of a central system for collection of citizen experiences in using public administration, local government and public enterprise services, in order to improve the quality and effectiveness of service delivery	IV quarter of 2013	A special forum established on the e-Government portal where citizens are able to leave comments regarding the work of public administration	Ministry of Foreign and Domestic Trade and Telecommunications	Ministry of Justice and Public Administration
3. Other				
Establishment of mechanisms for the involvement of civil society organisations in monitoring Action Plan realisation	IV quarter of 2013	Number of activities related to the analysis of Action Plan implementation	Ministry of Justice and Public Administration	Public administration bodies, independent regulatory bodies, civil sector

Activity	Deadline for realisation	Indicator	Responsible institutions	Partners
Drafting an Action Plan for the improvement of public administration transparency for 2014 and establishment of a system for the involvement of civil society in proposing activities during drafting of the Action Plan	Continued throughout 2013	Mechanism for the involvement of civil society in proposing activities of the Action Plan established, Designed Action Plan for 2014, and the number of activities related to the involvement of civil society in the preparation of the Action Plan	Ministry of Justice and Public Administration	Public administration bodies, independent regulatory bodies, civil sector

ANNEX IV

Survey on Trust in Government: polling questions

I About you

1. Place of residence: _____
2. Gender:
 - a. Male
 - b. Female
3. Age: _____
4. Nationality:
 - a. Serbian
 - b. Hungarian
 - c. Bosniak
 - d. Roma
 - e. Montenegrin
 - f. Albanian
 - g. Slovakian
 - h. Vlach
 - i. Croats
 - j. Other: _____
5. Education:
 - a. Primary school or less
 - b. High school
 - c. College / University
6. Employment status
 - a. Employed
 - b. Unemployed
 - c. Pensioner
 - d. Student

If you are employed is this in the:

 - a. Public sector
 - b. Private sector
 - c. Self-employment

II Trust in Government

1. How would you evaluate your level of trust in the Serbian Government?
 - a. I have great trust
 - b. Generally I have trust
 - c. Generally I do not have trust
 - d. I do not have trust at all

2. Please evaluate your trust in the following institutions:

Institution	I have great trust	Generally I have trust	Generally I do not have trust	I do not have trust at all	I do not have an opinion
President of Serbia	a	b	c	d	e
Government of Serbian	a	b	c	d	e
Parliament of Serbia	a	b	c	d	e
Judiciary	a	b	c	d	e
Health system	a	b	c	d	e
Education system	a	b	c	d	e
Police	a	b	c	d	e
Armed forces	a	b	c	d	e
Security Intelligence Agency (BIA)	a	b	c	d	e
Serbian Orthodox Church	a	b	c	d	e
Independent institutions	a	b	c	d	e
Political parties	a	b	c	d	e
Civil society organizations	a	b	c	d	e
Media	a	b	c	d	e
European Union	a	b	c	d	e
NATO	a	b	c	d	e

3. Please evaluate your trust in the following ministries:

Ministry	I have great trust	Generally I have trust	Generally I do not have trust	I do not have trust at all	I do not have an opinion
Ministry of the Interior	a	b	c	d	e
Ministry of Finance and Economy	a	b	c	d	e
Ministry of Foreign Affairs	a	b	c	d	e
Ministry of Defense	a	b	c	d	e
Ministry of Regional Development and Local Self-Government	a	b	c	d	e
Ministry of Transport	a	b	c	d	e
Ministry of Construction and Urban Planning	a	b	c	d	e
Ministry of Agriculture, Forestry and Water Management	a	b	c	d	e
Ministry of Justice and Public Administration	a	b	c	d	e
Ministry of Education, Science and Technological Development	a	b	c	d	e
Ministry of Health	a	b	c	d	e
Ministry of Culture and Media	a	b	c	d	e
Ministry of Energy, Development and Environmental Protection	a	b	c	d	e
Ministry of Natural Resources, Mining and Spatial Planning	a	b	c	d	e
Ministry of Employment and Social Affairs	a	b	c	d	e
Ministry of Youth and Sport	a	b	c	d	e
Ministry of Foreign and Internal Trade and Telecommunications	a	b	c	d	e

4. To what extent do you agree with the following statements?

Statement	I have great trust	Generally I have trust	Generally I do not have trust	I do not have trust at all	I do not have an opinion
Too much public information about the work of the Government can make our country more vulnerable	a	b	c	d	e
MPs and councillors have a right to keep private and confidential information about their income and assets	a	b	c	d	e
All financial and technical details of the agreements concluded by the Government, as well as information on the implementation of these contracts, should be available to the public	a	b	c	d	e
Data on ethnic origin and religious orientation should be collected for the purpose of fair employment in public administration	a	b	c	d	e
A civil servant who reveals confidential information should be punished	a	b	c	d	e

5. Have you ever submitted an official request for free access to information?

- a. Yes
- b. No

If yes,

- (i) When was it the last time? _____
- (ii) Did you receive a response on time? Yes / No

6. To what extent do you agree with the following statements?

Statement	I have great trust	Generally I have trust	Generally I do not have trust	I do not have trust at all	I do not have an opinion
An ordinary citizen does not have enough knowledge to estimate whether a particular government decision is good or not	a	b	c	d	e
MPs take responsibility for conducting public affairs	a	b	c	d	e
Lobbying (impact on the decision of MPs) is bad for society	a	b	c	d	e
Public hearings, organized at the local level, have a formal character and limited impact on the decisions of local government	a	b	c	d	e
Blogs and comments on the internet do not reflect the political public opinion in a proper manner	a	b	c	d	e

7. Have you ever taken part in a demonstration or street protest?

- a. Yes
- b. No

If yes, how many times have you taken part in such events?

- a. Once
- b. Twice
- c. Three times
- d. Four times
- e. Five times and more

When was the last time you took part in such an event?

- | | |
|---------|---------|
| a. 1989 | m. 2001 |
| b. 1990 | n. 2002 |
| c. 1991 | o. 2003 |
| d. 1992 | p. 2004 |
| e. 1993 | q. 2005 |
| f. 1994 | r. 2006 |
| g. 1995 | s. 2007 |
| h. 1996 | t. 2008 |
| i. 1997 | u. 2009 |
| j. 1998 | v. 2010 |
| k. 1999 | w. 2011 |
| l. 2000 | x. 2012 |

8. In your opinion, which institutions or organizations have the greatest impact on the Government's decisions?

Institution/Organization	Great impact	Moderate impact	Low impact	No impact	I do not know
Parliamentary committees	a	b	c	d	e
Individual MPs	a	b	c	d	e
Opposition parties	a	b	c	d	e
State Audit Institutions	a	b	c	d	e
Ombudsman	a	b	c	d	e
Commissioner for Information of Public Importance and Personal Data Protection	a	b	c	d	e
Commissioner for the Protection of Equality	a	b	c	d	e
Private TV stations and private press media	a	b	c	d	e
Trade unions	a	b	c	d	e
Local self-governments	a	b	c	d	e
NGOs and citizen associations	a	b	c	d	e
The Church	a	b	c	d	e
Big international companies	a	b	c	d	e
Domestic entrepreneurs and bankers	a	b	c	d	e

9. Does your municipality have a website?

- a. Yes
- b. No
- c. I don't know

If yes, have you ever visited your municipality's website?

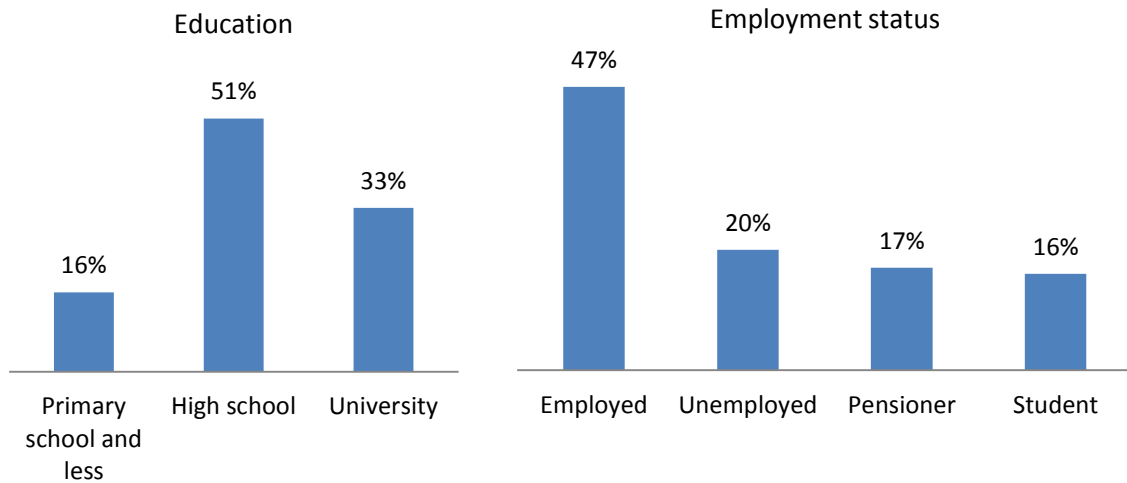
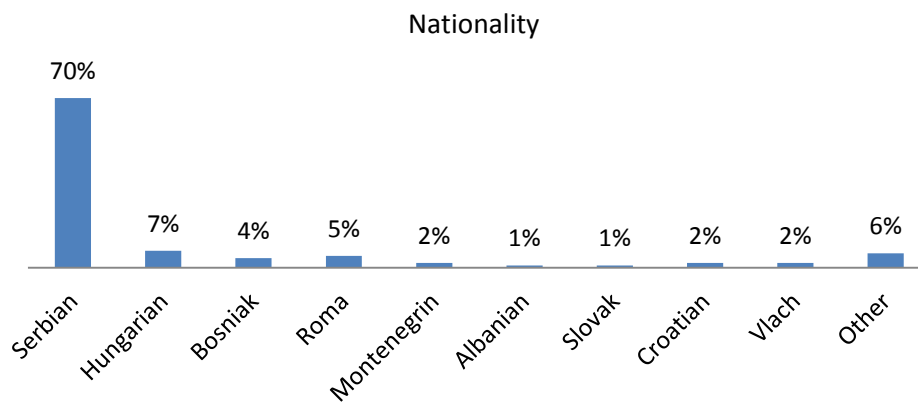
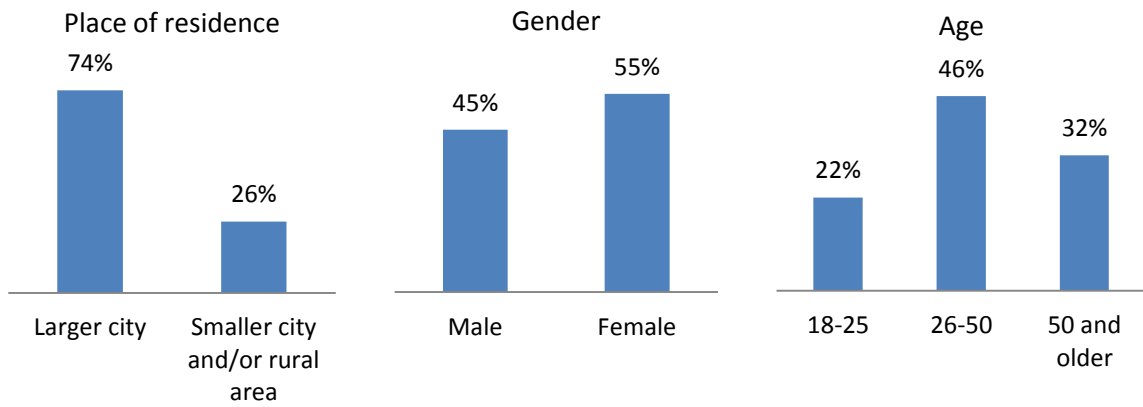
- a. Yes
- b. No

If you have, which information have you searched for, and how often?

Information	Very often	Often	Occasionally	Never
I read programs and events organized in my city	a	b	c	d
I read decisions of the municipal government, minutes of meetings of the local government	a	b	c	d
I read and download decisions and resolutions of local self-government	a	b	c	d
I communicate with my committee member	a	b	c	d
I send remarks and comments to municipal secretariats and officials	a	b	c	d
I submit documents and forms to local administration	a	b	c	d

ANNEX V

Polling sample breakdown



PROJECT PARTNERS



THIS PROJECT IS FUNDED BY THE EUROPEAN UNION