CENTER FOR EURO-ATLANTIC STUDIES - CEAS
progress, determination, influence

OPEN GOVERNMENT PARTNERSHIP IN SERBIA

***

SUMMARY OF SCORECARD RESULTS ON GOVERNMENT TRANSPARENCY
IN SERBIA

OCTOBER 2015

advocacy for open government
civil society agenda-setting
and monitoring of country action plans

The Center for Euro-Atlantic Studies in Belgrade (CEAS), within the project "Advocacy for Open Government: Civil society agenda-setting and monitoring of country action plans", carried out a research on the availability of basic information o the work of state institutions and political parties u Serbia, which will be used for cross-analysis, comparing results of research carried out on the same parametres by partners in regions, namely from Albania, Bosnia and Herzegovina, Kosovo, Macedonia and Montenegro.

The research was carried out during the course of September and October 2015, and is based on analyzing the information available on the websites of state institutions and political parties who were ate the time of this research in the composition of the National Parliament of the Republic of Serbia. The aim of the research is to highlight the extent to which information on the basic functioning of these actors is accessible for citizens using the Internet as their main source of information, as well as the extent f ease of access and comprehensiveness of this information (if published).

Specifically, fields included within this research are the basics of fiscal transparency, access to information of public importance, parliamentary openness and oversight and activities directly related to implementation of the Open Government Partnership Initiative. Questions related to fiscal transparency are focused on publication of annual budgets and financial reports, public procurement plans for the ongoing year, lists of concluded contracts for public procurement as well as individual contracts. Questions related to access to information of public importance are focused on information publicly available within the Report on Implementation of the Law on Free Access to Information of Public Importance and Personal Data Protection of the Commissioner for Information of Public Importance and Personal Data Protection on the number of requests and complaints filed with the Commissioner's Office based on the right to information, as well as the number of cases the Commissioner's Office acted upon. The very existence of individual websites for each ministry, availability of biographies of ministers and high ministry officials, information reports on the work of each ministry and whether there is a specific person/department named for dealing with requests for access to information (Freedom of Information requests, FoI requests) is all also taken into account. In terms of parliamentary openness and oversight, questions relate to availability of information on the composition, members and scope of activities of Parliamentary Committees, detailed information on voting in Parliament, the current Parliamentary agenda, list of laws in procedure as well as the existence of an updated database of public sessions, documents related to parliamentary oversight and again, whether there is a specific person/department named for

dealing with requests for access to information. The final cluster of questions related to the very process of adopting the previous Action Plan for Implementing the Open Government Partnership Initiative for 2014 and 2015. Assessment of the ease of access to public information as well as the level of their comprehensiveness is ranked on a scale from -2 (worst) to 3 (best).

Fiscal transparency

The Government of the Republic of Serbia does not have a publicly vailable annual financial report on its official website, while only 4 out of 16 ministries in total published their annual budget for the ongoing year. When it comes to parliamentary political parties, 14 out of 21 have published an annual financial report.

Ministries that published their annual budget for the ongoing year are the Ministry of Foreign Affairs, Ministry of Economy, Ministry of Defence and Ministry of Health.

Only 6 out of 16 ministries published public procurement plans for the ongoing year. When it comes to public procurement, what is interesting is that only 3 ministries published a list of all concluded contracts, while 12 ministires published the contracts themselves. This makes the process of civilian oversight of ministries difficult, given the fact that by merely reviewing the content of ministry websites which do publish (some) data, it is still unclear whether, fo example, the individual contracts that are published are <u>all</u> contracts that are concluded, as there is not integral list to compare this against.

Ministries that published public procurement plans for the ongoing year are the Ministry of Public Administration and Local Self-Government, Ministry of Economy, Ministry of Interior, Ministry of Defence, Ministry of Education, Science and Technological Development and Ministry of Youth and Sport.

The Ministry of Agriculture and environmental Protection and the Ministry of Justice published reports on completed public procurement procedures, but not plans; while the Ministry of Mining and Energy generally publishes procurement plans, but the plan for the ongoing year is not available.

Only 25% of ministries published their annual budget for the ongoing year.

37.5% of ministries published a public procurement plan for the ongoing year.

A list of all public procurement contracts is published by only 18.75% of ministries.

Access to information of public importance

Serbia is ranked firt according to the global list on right to information put together by Access Infor Europe from Spain and the Center for Law and Democracy from Canada, based on the existing normative framework.[1]

However, the situation in practice does not mirror these findings. Based on the data available within the Report on Implementation of the Law on Free Access to Information of Public Importance and Personal Data Protection of the Commissioner for Information of Public Importance and Personal Data Protection for 2014, the Commissioner's Office received 5.799 requests for access to information, while state institutions acted upon the request of the Commissioner in full in 3.739 cases and did not act at all on 255 cases.

When it comes to the websites of state institutions, each ministry has its individual presentation which in general contain information on the legal acts regulating their work, as well as ministry high officials. Only the Ministry of Construction, Transport and Infrastructure published a report on its work for the previous year. The person/department in charge of dealing with FoI reuqests is specific only in the case of 6 ministry websites.

All ministries have a website containing asic information on the legal framework regulating their work, activities and officials.

Only one ministry published a report on its work for the previous year.

37.5% of ministries has a person designated for dealing with FoI-related matters.

Parliamentary openness and oversight

When it comes to parliamentary openness, information on the composition, members and activities of parliamentary committees are published on the website of this institution, it is accessible and detailed, while each MP has an individual, brief profile. The current agenda as well as a list of laws in procedure, regularly updated, are also available. The agenda, however, is not detailed meaning that upon searching for laws in procedure, information on draft laws can be found, but without information when it is expected to reach the parliamentary agenda if it is not in the near future.

---

[1] Global Right to Information Rating Map. RTI rating. http://www.rti-rating.org/.

Information on the oversight role of the Parliament is also published, but is broken into several sections at the institutions website which makes it more difficual to find, MP questions upon carrying out their oversigh role are published in detail, but, for example, reports from public hearings are only partially available. Similarly, the Parliament publishes conclusions from Committee sessions, but not full reports on oversight carried out by parliamentary committees. The Rulebook on the composition and systematization of positions in the Parliament, available the the institution's website, determines persons responsible for matters related to FoI, stating that two persons from each depadtment/committee are to carry out this duty.

Implementation of the Open Government Parthership Initiative

The Republic of Serbia adopted the Action Plan for Implementation of the Open Government Partnership Initiative for 2014 and 2015 in December 2014, with a delay of eight months. Technically, the civilsociety took part in drafting the recommendations for the proposed measures for the Action Plan, and the prescribed procedure for inviting all stakeholders to take part in this process was formally adhered to. However, one shortcomming that can be argued is the fact that the ministry in charge – the Ministry of Public Administration and Local Self-Government failed to publish a list of all recommendations and suggestions received, nor were explanations on why certain measures have been rejected er provided.

In Serbia, there is still no media campaign promoting the principles and standards of the Open Government Partnership Initiative.

Results of this research will be included in a comparative study on the level of government transparency in Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia. Cross-referencing detailed results will provide a basis for developing scorecards that will rank the mentioned countries on the basis of government openness according to the stated parametres.

General summary of results

Activity	Overall score
Publication of annual budgets by ministries	0.25
Publication of public procurement plan by ministries	0,3
Publication of list of public procurement contracts by ministries	0,18
Publication of individual public procurement contracts by ministires	0,75
Publication of annual financial reports by political parties	0,66
Existence of website by ministries	1
Publication of short biographies of officials by ministries	1
Information report on the work of ministires for the previous year	0,06
Specification of person in charge of FoI reuqests	0,37
Ease of access to published content	0.38
Comprehensiveness of published content	0.35

<u>Ministry rankings</u>

Ministry of Economy

 Availability of content: 7 (Overall score 0.7)

 Ease of access: 13 (Overall score 0.54)

 Comprehensiveness: 13 (Overall score 0.54)

 Total: 1.78

Ministry of Public Administration and Local Self-Government

 Availability of content: 6 (Overall score 0.6)

 Ease of access: 12 (Overall score 0.5)

 Comprehensiveness: 11 (Overall score 0.45)

 Total: 1.55

Ministry of Defense

 Availability of content: 6 (Overall score 0.6)

 Ease of access: 11 (Overall score 0.45)

 Comprehensiveness: 12 (Overall score 0.5)

 Total: 1.42

Ministry of Construction, Transport and Infrastructure

Availability of content: 5 (Overall score 0.5)

Ease of access: 10 (Overall score 0.4)

Comprehensiveness: 12 (Overall score 0.5)

Total: 1.4

Ministry of Education, Science and Technological Development

Availability of content: 5 (Overall score 0.5)

Ease of access: 11 (Overall score 0.45)

Comprehensiveness: 9 (Overall score 0.37)

Total: 1.32

Ministry of Youth and Sports

Availability of content: 5 (Overall score 0.5)

Ease of access: 11 (Overall score 0.45)

Comprehensiveness: 9 (Overall score 0.37)

Total: 1.32

Ministry of Interior

    Availability of content: 5 (Overall score 0.5)

    Ease of access: 10 (Overall score 0.4)

    Comprehensiveness: 9 (Overall score 0.37)

    Total: 1.27

Ministry of Mining and Energy

    Availability of content: 5 (Overall score 0.5)

    Ease of access: 10 (Overall score 0.4)

    Comprehensiveness: 8 (Overall score 0.3)

    Total: 1.2

Ministry of Agriculture and Environmental Protection

    Availability of content: 5 (Overall score 0.5)

    Ease of access: 9 (Overall score 0.37)

    Comprehensiveness: 7 (Overall score 0.29)

    Total: 1.16

Ministry of Culture and the Media

Availability of content: 5 (Overall score 0.5)

Ease of access: 9 (Overall score 0.37)

Comprehensiveness: 7 (Overall score 0.29)

Total: 1.16

Ministry of Health

Availability of content: 5 (Overall score 0.5)

Ease of access: 8 (Overall score 0.3)

Comprehensiveness: 7 (Overall score 0.29)

Total: 1.09

Ministry of Foreign Affairs

Availability of content: 4 (Overall score 0.4)

Ease of access: 8 (Overall score 0.3)

Comprehensiveness: 8 (Overall score 0.3)

Total: 1

Ministry of Trade, Tourism and Telecommunications

Availability of content: 4 (Overall score 0.4)

Ease of access: 8 (Overall score 0.3)

Comprehensiveness: 7 (Overall score 0.29)

Total: 0.99

Ministry of Justice

Availability of content: 4 (Overall score 0.4)

Ease of access: 7 (Overall score 0.29)

Comprehensiveness: 7 (Overall score 0.29)

Total: 0.98

Ministry of Labor, Employment, Veteran and Social Affairs

Availability of content: 4 (Overall score 0.4)

Ease of access: 8 (Overall score 0.3)

Comprehensiveness: 5 (Overall score 0.2)

Total: 0.9

Ministry of Finance

Availability of content: 4 (Overall score 0.4)

Ease of access: 4 (Overall score 0.16)

Comprehensiveness: 4 (Overall score 0.16)

Total: 0.72

PROJECT PARTNERS: