

2020.

Cases: 252

TS drafted and submitted to the Supervisory Board for Monitoring the Pre-Election Activities for the 2020 Parliamentary Elections the Initiative for public invitation to the media in the Republic of Serbia that when reporting on the pre-election activities of political party officials and candidates for deputies use terms that are precise and unambiguous separate their public from political function.

Unfortunately, our initiatives did not had success.

https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Nadzorni_odbor_-_inicijativa_za_poziv_medijima.pdf

TS drafted and submitted to the National Assembly the initiative to publish and regularly update the most important information on the work of the Supervisory Board on its website, e.g. information on scheduled and held meetings of the Supervisory Board (agenda, minutes) or information on the manner of handling the Supervisory Board with received petitions related to issues within the competence of this body.

This initiative was very successful because the National Assembly acted in everything according to its recommendations.

https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Zahtev_i_inicijativa_Narodnoj_skup%C5%A1tini_-_Nadzorni_odbor.pdf

TS drafted and submitted to the Ministry of Interior Initiative to make a comprehensive overview of the registered public gatherings, data on their organizers, place and time of holding, program and goal of the gathering, route, place of beginning and end of the public gathering, and then publish it on its official website, as well as to update it regularly afterwards.

Unfortunately, our initiatives did not yet produce results.

https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/TS_Inicijativa_MUP-u_objavlivanje_podataka_o_javnim_dogadjajima.pdf

TS drafted and submitted to all parliamentary groups in the National Assembly Initiative to request at the first session during the state of emergency from the representatives of the Government of Serbia, who attended the session of the Assembly, the publication of information on procurements conducted without application of the Law on Public Procurement "in order to provide basic living conditions in cases of natural disasters ... people or the environment ", since the declaration of a state of emergency, as well as to publish and regularly update data on received financial and non-financial assistance from international organizations, foreign countries, economic entities, legal and natural persons for which they have records, with removed personal data of donors which asked to remain anonymous.

Unfortunately, our initiatives did not yet produce results.

https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/inicijativa_-_javnost_podataka_o_nabavkama_i_prikljpljenim_donacijama.pdf

TS drafted and submitted to the Ministry of Finance Initiative to make a comprehensive review of the received donations collected by state bodies and public institutions in situations of natural disasters and to publish it on its website and then to update it regularly.

Unfortunately, our initiatives did not yet produce results.

https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/dopis_mfin_donacije.pdf

During this project period, TS drafted and submitted dozens of FOIA requests related to the information about various aspects of COVID – 19 pandemic and related activities of various public bodies (i.e. from the Government - decision on determining the confidentiality of data on number of respirators Serbia has, from the Ministry of Health, Clinical Centre in Belgrade, Republic Health Insurance Fund – reports on public procurements conducted in the period January – March 2020, the Ministry of Foreign Affairs - An act regulating the obligation for the Cabinet of the President of Serbia to give consent for the organization of flights organized by the Government of Serbia by which citizens of the Republic of Serbia return from abroad to Serbia during the period of a state of emergency, the Ministry of Health – information on whether a certain number of sanitary inspectors are temporarily employed due to the increased volume of work due to emergency measures due to the COVID-19 pandemic, etc.).

All initiatives and FOIA request related to the COVID – 19 pandemics and received answers are available at the special page of TS web-site:

<https://transparentnost.org.rs/index.php/sr/projekti/11237-covid-19>

Based on information obtained from citizens who contacted the ALAC, TS drafted and submitted to all parliamentary groups in National Assembly initiative for improving the work of the National Assembly by publishing the reports of independent bodies on the official website of the Serbian Parliament, considering and adopting conclusions and tasks.

https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Dopis_predsedniku_i_genseku_Skup%C5%A1tine_Srbije_-_inicijativa.pdf

This initiative was very successful because the National Assembly acted in everything according to its recommendations. The National Assembly reacted promptly and acted in accordance with our initiative.

<http://www.parlament.gov.rs/akti/izvestaji/-u-sazivu-od-3-juna-2016.4246.html>

Based on information obtained from citizens who contacted the ALAC, TS drafted and submitted to all parliamentary groups in National Assembly initiative for a better fulfillment of international obligations of the Republic of Serbia based on membership in the Group of Countries for the Fight against Corruption (GRECO). The initiative is aimed at increasing the transparency of the work of the National Assembly, applying the provisions of the Rules of Procedure of the National Assembly and the Law on Lobbying to ensure the publishing of amendments to draft laws and other acts on the website of the National Assembly.

Unfortunately, our initiatives did not yet produce results.

https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Inicijativa_TS_za_pove%C4%87anje_transparentnosti_Skup%C5%A1tine_-_amandmani_i_lobiranje.pdf

Based on information obtained from citizens who contacted the ALAC, TS drafted and submitted to the Agency for the Prevention of Corruption initiative to introduce the practice of publishing data on its website, in the section dedicated to the Agency's work results related to the control of financing of political activities (i.e. decisions on the loss of the right to obtain funds from public sources to finance regular work).

Unfortunately, our initiatives did not yet produce results.

https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Inicijativa_za_objavljivanje_podataka.pdf

Based on information obtained from citizens who contacted the ALAC, TS drafted and submitted initiative for the National Assembly to postpone consideration and decision-making on reports of independent institutions until the Committee on Finance, Republic Budget and Control of Spending of Public Funds formulates conclusions that would include clear requirements in accordance with the recommendations and problems mentioned by the independent institutions in their reports.

During this calendar year we will see if our initiative will produce results.

https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/dopis_za_narodnu_skupstinu_razmatranje_zakljucaka_odbora.pdf

Based on information obtained from citizens who contacted the ALAC, TS drafted and submitted comments and suggestions for the improvement of the Proposal of the Public Administration Reform Strategy in the Republic of Serbia for the period from 2021 to 2030 in the part related to Public Financial Management.

Unfortunately, our initiative did not produce results.

https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/inicijativa_za_dopunu_Strategije_reforme_javne_uprave_javne_finansije.pdf

Based on information obtained from citizens who contacted the ALAC, TS drafted and submitted proposals for amendment of bylaws adopted for the implementation of the Law on Public Procurement

Unfortunately, our initiative did not produce results.

https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/TS_predlozi_za_dopunu_tri_podzakonska_akta_za_primenu_Zakona_o_javnim_nabavkama.pdf

mart – dec 2019

Number of Complaints/Initial Contacts and Cases 15 March – 31 December 2019

Country	Initial Contacts ¹	Cases ²
Serbia	Ca. 600	448
# grievances successfully resolved	200	

In **Serbia**, the Open Society Foundation Serbia together with the Faculty of Political Science in Belgrade organized six round tables on improving the electoral conditions and succeeded in bringing together leaders of the relevant political parties, CSOs engaged in elections and the **academia**. **Transparency Serbia** presented its findings and recommendations together with the Center for Research Transparency and Accountability (CRTA), the Center for Free Elections and Democracy (CESID). They discussed the topics of financing of political parties, access to media, electoral administration, voters' lists and protection of voters' rights.

Transparency Serbia drafted a set of proposals and recommendations:

- Access to and control of the media:
http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Transparentnost_Srbija_mediji_i_nadzor_-_prilog_za_dijalog_o_izborima.pdf
- Financing the election campaign:
http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/TS_glavni_problemi_u_vezi_sa_finansiranjem_izborne_kampanje.pdf
- Transparency of electoral administration:
http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Transparentnost_izborne_administracije_pojedini_problemi_i_mogu%C4%87a_re%C5%A1enja.pdf
- Protection of voters rights:
http://transparentnost.org.rs/images/dokumenti_uz_vesti/TS_prilog_za_okrugli_sto_zastita_birackog_prava_sept_2019.pdf

The Government working group accepted two proposals: firstly, the work on improving the election conditions must include changes in the law, not only the adoption of bylaws, trainings, instructions, etc. Secondly, a public hearing must be organized on the amendments to the regulations, in accordance with the Law on State Administration and the Rules of Procedure of the Government.

The proposals related to the Law on Financing Political Activities and the Law on the Anti-

1 # of clients advised by the ALAC in reporting period

2 # of newly registered cases in reporting period, excluding cases from previous years.

Corruption Agency (i.e. the Law on Prevention of Corruption) were rejected at final stage. However, the Ministry of Economy accepted minor changes to the Law on Public Enterprises, i.e. the possibility of using public resources during campaign is defined in a way that can be used under equal conditions, which should be published in advance.

2017-feb 2019

Number of Complaints/Initial Contacts and Cases 1 March 2017 - 28 February 2019

Country	Initial Contacts	Cases ³
Serbia	2,930	688

In Serbia, the ALAC recorded more than 200 cases of citizens who took official action, filed a complaint or took legal action. In almost every opened case, the client or ALAC team used free access to information which led to clients' formal action or complaints to the institutions.

Serbia	
# of clients advised by the ALAC	688
# grievances successfully resolved	182

On May 29, 2017 Transparency **Serbia** was nominated to be the civil supervisor in the public procurement procedure on "Citizen transport service in the suburban area of the City of Belgrade – Line 500", a contract of 8.7 million euro. The ALAC team (lawyers as well as volunteers) monitored the procurement process. The ALAC received reports from interested legal entities about irregularities and discrimination of technical data. The contracting authority rejected the complaint; the ALAC forwarded the case to the Republic Commission for Protection of Rights (RCPR). The RCPR took the decision to partially cancel the proceedings in the "line 500" procurement. This had a positive impact on the City of Belgrade's procurement practices. The City of Belgrade accepted all proposed changes to the process and generally changed the procurement procedure for public transportation services to avoid issues in the future.

The Public Procurement Office (PPO) in **Serbia** changed their manner of operating to support timely and efficient investigations on public procurement processes. The ALAC found that most investigations by the PPO on reported public procurement processes are largely unsuccessful due to delays and late responsiveness of the PPO. The ALAC team advocated that the PPO investigators focus on the most recent cases first instead of chronologically processing the backlog of reports they have received. As such, recent and active cases are now being prioritized while other cases (for example, where procurement procedures are already

³ # of newly registered cases in reporting period, excluding cases from previous years.

completed) will be registered and classified. The PPO reacted very positively to the ALAC's suggestions and input and started to remedy current, flawed procurement procedures with suspensions or recommendations. The ALAC team will continue to monitor the work of the PPO to see further progress in this direction.

Effective remedies and resolved grievances on procurement cases will lead to increased trust in institutions and increased trust that irregularities can be corrected in practice.

Following TI **Serbia's** suggestion, the Ministry of Labor, Employment, Veteran and Social Policy introduced a public procurement procedure to establish a free national SOS telephone service for women who experienced violence. In early 2018, TI Serbia indicated irregularities that were not in line with the Law on Public Procurement and Social Protections, so in October 2018, the Minister appointed a commission to investigate the legality of the proceedings and TI Serbia continues to push for a transparent and fair procedure to select the capable organisations to implement the SOS telephone service.

In another case in 2018, pupils suffered food poisoning in four elementary schools in Belgrade. The ALAC team followed up on some parents' complaints and analysed the procurement of food production and delivery services in these four schools. Based on these findings, the ALAC informed the Ministry of Education and the schools to which the Ministry immediately responded. The Ministry started an initiative to strengthen the control in schools and promised to seek better food production control and more periodical sampling during the procurement procedures and contract execution. In September 2018, the Ministry published a "rulebook", which establishes rules for organizing, implementing and monitoring the nutrition of pupils in elementary school and it established new inspection teams targeting quality of food and delivery services in schools and kindergartens.

Open data

Several **Serbian** public institutions have started to proactively publish data in an open format thereby increasing their accountability and transparency. The new open data standard is of vast importance, especially since there is no legal obligation to publish open data in Serbia. This development will further improve the access to data which is relevant for not only the ALAC to conduct investigations, but for other research organisations, investigative journalists and the general public.

Transparency in education

For the first time, the Ministry of Education, Science and Technological Development has published a list of selected and approved textbooks for educational institutions in **Serbia**.

Upon citizen's complaints, the ALAC in Serbia started to request that the Ministry compile and publish a complete list of all selected and approved textbooks for educational institutions as required by the law.

After over three years of advocacy work, the Ministry compiled a list and published the data and the Registry is connected with links from the main page of the Ministry (<http://www.mpn.gov.rs/udzbenici-2/izbor-udzbenika/>) Within the Register it is now possible to perform basic searches.

2015-2017

During 2015, 2016, and beginning of 2017, ALAC continued with providing direct support to the citizens by providing them information, legal advice and assistance, while at the same time worked on advocacy for structural reforms and initiatives to prevent further corruption in different areas. During the project period, ALAC was approached by over 4,500 citizens (initial contacts). Out of them, one fifth (844 cases) contained enough material for our experts, associates or volunteers to take further steps (assist citizens in collecting data for addressing doubts and protection of rights, identification of bodies that may be competent to resolve a case, assistance in contacting these bodies, providing legal advice, etc.). Most addresses, as well as the most outstanding cases, were recorded in the field of justice (17%), public administration (12%), and in relation to public procurement and health sector (10%). Following this sectors were education (8,5%), inspections (7%) and public enterprises (6%). Out of all cases, there were 308 cases successfully resolved.

In the same period, Transparency Serbia launched 10 initiatives with the competent authorities in order to solve systemic problems that caused corruption to occur or that represent a suitable ground for corruption to occur.

Within the ALAC project, Transparency Serbia conducted research on the Whistle-blower Law implementation and produced analyses⁴ about quality of legal provisions and identify where they may be improved for the benefit of WB's and fights against corruption in general. The publication serves to additionally promote the ALAC and needed anti-corruption reforms in other regulation and practice as well.

Most of our advocacy activities came with results in 2016. Due to the parliamentary elections held in 2016 there was no legislative activity for almost seven months in this period, thus our advocacy activity had limited impact. In general there are some improvements:

1. Increased transparency in the area of public procurements - most of institutions (contracting authorities) follow the rules relating on transparency in public procurement procedures. We recognized improvement in publishing of tender documentation, reporting to Public Procurement Office, creating of internal documents and using of legal internal procedures in processes of low value procurements. Authorities are publishing their procurement plans on Public Procurement Portal and web pages of contracting authorities (due to legal obligation to publish specified documents). During the project period, Transparency Serbia drafted two initiatives related to improvement of public procurement legal framework and practice of implementation. First initiative was submitted to the Ministry of Finance, proposing changes in the Public Procurement Law which would oblige procurement authorities to publish concluded contracts and accompanied annexes and thus increases transparency in this area.
2. Improved implementation of the Public Procurement Law – Second initiative was submitted to the Commission for control of state aid related to the perennial practice of Public Enterprise “Putevi Srbije” to avoid implementation of the Public Procurement Law by giving job of road maintenance to private companies without public tenders. Several months after our initiative, director of PE announced public procurement for road maintenance and publicly promoted this as break with long standing practice of giving job without competition. Rate- 3

⁴<http://transparentnost.org.rs/images/publikacije/The%20Law%20on%20Protection%20of%20Whistleblowers%20%20what%20is%20the%20meaning%20of%20norms%20and%20where%20it%20can%20be%20improved.pdf>

3. Increased number of educated civil supervisors who are dealing with monitoring of procurement procedures (as the Public Procurement Law requires civil supervising for the procurement procedures over almost EUR 20 million). ALAC (based on high percentage of PP cases with element of corruption, especially high value cases) continued to provide support and legal advices to civil supervisors, so action resulted with increased number of civil supervisors and lot of findings in these monitoring reports. Rate- 3

Anti-corruption Agency improved control of conflict of interest rules implementation in the area of education, (specially related to control of directors of education institutions), based on TS initiative. Agency recognized sector of education as one of the riskiest areas and included it in their next annual control plan. It is very important that Agency recognized TS initiative and offered cooperation in resolving individual cases, mostly related to conflict of interest of officials (school directors)

2014-2017 EU support

During the project period, ALAC was approached by over 4,500 citizens. Out of all the initial addresses, one fifth of the cases contained enough material for our experts, associates or volunteers to take further steps (assist citizens in collecting data for addressing doubts and protection of rights, identification of bodies that may be competent to resolve a case, assistance in contacting these bodies). Most addresses, as well as the most outstanding cases, were recorded in the field of justice (17%), public administration (12%), and in relation to public procurement and health sector (10%). Following this sectors were education (8,5%), inspections (7%) and public enterprises (6%).

Based on what we hear from many citizens, Transparency Serbia launched 20 initiatives with the competent authorities in order to solve systemic problems that caused corruption to occur or that represent a suitable ground for corruption. The initiatives are diverse - sometimes these are proposals for amending procedures or acts of local institutions or companies, and sometimes a reminder of the duty to fulfill their existing commitments. In some cases, we suggest to authorities how to improve transparency, prevent corruption or suspicion of corruption. Significant number of initiatives is related to amendments to the laws, regulations and ordinances, as a result of discovering new "loop holes in the regulations."

The results achieved in the area of free access to information include greater importance given to the Informative Directories, by cities and municipalities. Combined efforts of our project and state institutions (Commissioner for Information of Public Importance) contributed better discipline, in particular when it comes to financial information), but still, there is no full compliance with the rules.

Cases for the period 2015-2020: more than 2200

