

Enhancing anti-corruption in Serbia: identifying missing pieces and bridging coordination gaps

Authors:

Jovan Nicić

Ana Arsenijević Momčilović

October 2020

Contents

EXECUTIVE SUMMARY	3
INTRODUCTION	4
1. EXISTING ENGAGEMENT CAPACITIES TO FACE CORRUPTION CHALLENGES IN SERBIA	5
1.1. The Anti-Corruption Institutional Framework in Serbia in 2020	5
1.2. Civil Society and Anti-Corruption	15
1.3. Overview of Anti-Corruption Initiatives in the period 2015-2020	19
1.3.1. Strategic anti-corruption initiatives	19
1.3.2. Normative anti-corruption initiatives	23
1.3.3. Initiatives focused on implementation and monitoring the implementation of anti-corruption mechanisms in practice	26
1.4. Stakeholders Views on the Main Mechanisms for Fighting Against Corruption	30
1.4.1. Research findings by groups of respondents	30
1.5. Overview of the Cooperation among Main Stakeholders in the Field of Anti-Corruption	33
2. Nature of Corruption in Serbia	35
2.1. Responses of interviewees	35
2.2. Analysis	36
2.3. Conclusion	38
2.4. Proposals for Systematic Change	39
3. DONORS' COORDINATION/COLLABORATION AT THE STRATEGIC AND OPERATIONAL LEVEL	41
3.1 Overview of donors' activities in the field of anti-corruption in Serbia	41
3.2 Overview of donors'/projects' coordination/collaboration and its effectiveness in the field of anti-corruption	49
3.3 Anti-corruption as topic in political dialogue	55
3.4 Conclusion	55
4. CONCLUSIONS AND RECOMMENDATIONS	55

EXECUTIVE SUMMARY

Despite the significant financial investments during the last two decades, development of robust strategic and normative anti-corruption framework, and numerous anti-corruption initiatives, corruption remains an issue of concern in Serbia. When asked in the polls, the citizens of Serbia rank corruption high on their list of life problems and demand certainty that the institutions will effectively respond against malpractice, corruption, and abuse of power.

Although the anti-corruption institutional framework is mostly adequate, it was recognized that there is a need for permanent work on strengthening of institutional and human resources capacities and guarantees of independence of anti-corruption institutions. Furthermore, strengthening capacities and more active approach of all public institutions to the implementation and monitoring the implementation of anti-corruption mechanisms are important for the improvement in the field.

Mutual problem of stakeholders from public institutions and Civil Society Organizations (CSOs) is related to the lack of staff with specific, specialized knowledge on different fields related to the anti-corruption.

According to some stakeholders, the reforms took place only when the dynamics allowed it; where the main supporting factors were, for instance, political will, availability of funds, and the pressure of the international factor. In that sense, some of respondents pointed out that representatives of civil and business sector, as well as general public are not adequately and substantially involved in the process of the development of the anti-corruption measures. In addition to that, from the perspective of anti-corruption CSOs, one of the biggest challenges is related to difficulties in obtaining data that are important for their work.

Besides clear political support of ministers in charge for sectors defined as of particular risk on corruption, and further strengthening of the cooperation amongst all relevant stakeholders in the field, establishing a more effective system for prevention of corruption in all public institutions based on comparative experiences was recognized as an important measure for further progress in the area of fight against corruption. When it comes to the of repression of corruption, it was stressed that precise statistics on the number of cases that have not been examined do not exist. Furthermore, in most cases when investigative journalists, independent bodies, or CSOs pointed to possible corruption, competent institutions were passive and did not initiate proceedings.

The coordination between the public institutions and donors/project implementing bodies, and donors themselves is often ad hoc, fragmented and informal. This hinders dissemination of information and affects collaboration. In order to benefit from the synergy of multiple anti-corruption initiatives and activities, it is necessary to seek for more effective coordination and cooperation within a wider pool of shareholders.

INTRODUCTION

The research on current and recent anti-corruption initiatives in Serbia, as well as on donors' coordination framework at the strategic and operational level was conducted in the period May-October 2020.

Main aim and objectives of research: The aim of the research was to find new entry points and to better manage coordination among development-aid programs. Furthermore, the research has two basic objectives. The **first objective** is to provide an assessment of lessons learned and existing engagement capacities to face corruption challenges. Understanding successes and failures, difficulties, strategic approaches, means, contexts and logics of intervention, engagement with stakeholders was the key parameter to consider. The **second objective** is to provide an assessment of donors' coordination framework at the strategic and operational level. Collected data is meant to be used to streamline donor anti-corruption activities and to improve coordination among donors. Accordingly, the quality of dialogue, organizational capacities by donors, and coordination efficiency were key parameters to consider.

Main outcomes of this research will be: 1) recommendations from the assessment; and 2) presentation of these recommendations during a workshop to participants and to be used by all anti-corruption stakeholders in Serbia.

Methods: Primary methods for research were individual semi-structured interviews with representatives of anti-corruption stakeholders in Serbia and desk analysis of legislative framework, policies, documents, official and alternative reports, analyses, surveys, scientific literature, and journal articles related to the efforts in this field.

During May and June 2020, interviews were conducted with representatives of 25 relevant public institutions, civil society organizations, media, and development partners (See Annex 1). Interviews were conducted on the basis of previously prepared questionnaires (See Annex 3) and aimed at: a) mapping out the Anti-Corruption Network, including influence of its members and coordination among them, and b) providing possible efficiency boosters to anti-corruption activities and their mainstreaming. Having in mind the outbreak of pandemic caused by the COVID 19, all interviews were conducted by the use of remote communication platforms for conference calls - preferable for interviewees. The responses and attitudes of the interlocutors on the above issues have been analysed and presented in the text of the Report.

Furthermore, for the purpose of an in-depth assessment of the anti-corruption initiatives in Serbia and activities of development partners, an analysis was done of strategic and normative anti-corruption framework, as well as of documents provided by development partners (i.e. annual reports, project reports, analysis, reviews, summaries, etc.) that speak about their ongoing anti-corruption initiatives. Finally, specifically for this purpose, U4 Helpdesk prepared the document *Overview of corruption and anti-corruption in Serbia: changes in the last 10 years*.¹

Structure of the report: The report contains four main components: a) Existing Engagement Capacities to Face Corruption Challenges in Serbia; b) Nature of Corruption in Serbia; c) Donors' Coordination

¹ https://knowledgehub.transparency.org/assets/uploads/helpdesk/Overview-of-corruption-and-anti-corruption-in-Serbia_2020_PR.pdf

Framework at the Strategic and Operational Level; and d) Conclusion and Recommendations. In the first section, the report deals with the capacities of main stakeholders in this field, and the main mechanisms for fighting corruption in Serbia. The second section is dedicated to the nature of corruption and proposals for systematic change. The third section contains an overview of donors'/projects' coordination and collaboration in the field of anti-corruption. Finally, the fourth section contains the most important research findings on: a) existing engagement capacities of institutions, CSOs and donors to face corruption challenges; and b) donors' coordination framework at the strategic and operational level, as well as recommendations to all relevant subjects on new entry points and improvement of coordination management among development-aid programs.

1. EXISTING ENGAGEMENT CAPACITIES TO FACE CORRUPTION CHALLENGES IN SERBIA

1.1. The Anti-Corruption Institutional Framework in Serbia in 2020

Main Findings:

- **Representatives of stakeholders agree that there is a need for permanent work on strengthening of institutional and human resources capacities and guarantees of independence of anti-corruption institutions.**
- **Representatives of stakeholders agree that the anti-corruption institutional framework is mostly adequate, but that there is a need for strengthening capacities and more active approach of all public institutions in the field of development and implementation of anti-corruption mechanisms.**

The Anti-Corruption Institutional Framework in Serbia is established and based on strategic documents and legislation which will be presented below. Having in mind that there are preventive and repressive anti-corruption mechanisms, the anti-corruption institutional framework could be divided on: a) institutional framework in the field of the prevention of corruption, and b) institutional framework in the field of repression of corruption.

A) *Institutional Framework in the Field of the Prevention of Corruption*

The key official document in the process of European integration related to the anti-corruption – the Revised Action Plan for Chapter 23 – determines that the most important bodies representing institutional framework in the field of prevention of corruption are: Anti-Corruption Agency, Anti-Corruption Council, Commissioner for Information of Public Importance and Personal Data Protection, and State Audit Institution.² These institutions have different roles in tackling corruption in Serbia, which will be described below together with the overview of their capacities and challenges in their work.

² Republic of Serbia - Negotiation Group for Chapter 23, Revised Action Plan for Chapter 23, July 2020, p.126, available at <https://www.mpravde.gov.rs/tekst/30402/revidirani-akcioni-plan-za-poglavlje-23-i-strategija-razvoja-pravosudja-za-period-2020-2025-22072020.php>

In addition to these institutions, for the field of the prevention corruption are also important: a) the Ministry of Justice, which is competent for the preparation of regulations in the field of fight against corruption, and aligning international cooperation in the field of fight against corruption³; b) the Protector of Citizens, independent state authority, which reports to the National Assembly for its operation, and which is competent to control, by checking the allegations of complaints or acting at own initiative, whether state administration bodies, Republic Public Attorney, bodies or organizations exercising public authority, treat the citizens of Serbia in accordance with law and other regulations or in compliance with the principles of good administration⁴; c) ministries of sectors defined as of particular risk on corruption, i.e. the Ministry of Health⁵, and the Ministry of Education, Science and Technological Development⁶, which are involved in some of the on-going anti-corruption initiatives; and d) the National Assembly, which is competent, among others, for the adoption of anti-corruption laws and laws in the areas defined as of particular risk on corruption, consideration of the reports of independent bodies and adoption of conclusions with recommendations for improving the situation in the area of fight against corruption, as well as for the organization of public hearings as an important segment in this area.⁷

Anti-Corruption Agency

Based on the Law on the Anti-Corruption Agency (2008), which started to have effect on January 1, 2010, the Anti-Corruption Agency was established.

Role: The Anti-Corruption Agency is an independent state authority, which reports to the National Assembly for its operation. The Agency has numerous competencies that are of particular importance for the prevention of corruption. Namely, the Agency scrutinizes the assets and income of public officials; resolves conflict of interest of public officials; oversees financing of political activities; prepares the guidelines for the development and implementation of the integrity plans, and monitors the implementation of the integrity plans of public institutions; acts upon complaints by legal entities and individuals, provides training and issues certificates of completed training for lobbyists, keeps the Register of Lobbyists, as well as supervises the implementation of anti-corruption strategic documents.⁸ Having in mind all mentioned competences, the Agency is perceived as an institution that should have the key role in the prevention of corruption efforts in Serbia.

The Law on Prevention of Corruption (2019) specified the position of the Anti-Corruption Agency and extended its competences. Among others, this Law introduced several new features related to the conditions and procedure for election of the Agency's Director and members of the Board; control of bank accounts⁹; anonymous complaints¹⁰, and opinions on draft laws in areas that are particularly at risk of

³ For more details, see <https://www.mpravde.gov.rs/>

⁴ For more details, see <https://ombudsman.rs/>

⁵ For more details, see <https://www.zdravlje.gov.rs/>

⁶ For more details, see <http://www.mpn.gov.rs/>

⁷ For more details, see <http://www.parlament.gov.rs/national-assembly.467.html>

⁸ For more details, see <http://www.acas.rs/?lang=en>

⁹ The Agency may at any time have an insight into the bank accounts of public officials, who, after assuming duty, must report their income and property, as well as the property of their spouses, children, parents, brothers and sisters. The Agency does not need consent to review the bank accounts of officials (this consent is needed for affiliated persons in case of existence of a reasonable doubt).

¹⁰ The Law introduces the possibility of the Agency to act upon anonymous complaints.

corruption and laws regulating issues covered by ratified international treaties in the field of corruption prevention¹¹.

Capacities and Challenges: In order to empower the Agency to implement the Law on the Prevention of Corruption as from September 2020, as well as other relevant laws (e.g. Law on Lobbying, and Law on Financing of Political Activities) efficiently and effectively, in 2019 and 2020 the Agency received support from the competent institutions, in the form of the necessary approvals for the employment of new employees, and increased budget funds.¹² More precisely, new Rulebook on internal organization and systematization of jobs (2019) opens the possibility for 163 employees in the Agency in comparison with previous Rulebook, which envisaged possibility for 139 employees.¹³ As of June 2020, the Agency had 87 permanent positions filled (53.37% of total occupancy of jobs), which is higher in comparison with 2018, when 80 permanent positions were filled.¹⁴ Having in mind its numerous competencies, this data shows that there is a need for systematic and continuous support to the strengthening of the Agency's institutional and human resources capacities, as well as guarantees of its independence. In that sense, in its 2019 Annual Report, the Agency provided recommendations related to the strengthening of its existing engagement capacities. More precisely, the Agency recommended to competent authorities: a) providing funds and appropriate IT equipment, as a basis for improving efficiency and effectiveness in its work, and b) providing appropriate infrastructure conditions, in accordance with its increased staffing capacity.¹⁵ Furthermore, in its 2019-2023 Strategic Plan, the Agency determined that primary tasks in the forthcoming period will be enhanced organizational capacities and improved personal and organizational responsibility.¹⁶

In terms of the Agency's organizational capacities, the competent authorities did not ensure one of the basic preconditions for the implementation of the Law on Prevention of Corruption. Namely, the members of the Board of the Agency¹⁷ have not been elected, in order for the Board to start its work in a timely and uninterrupted manner, on the day of the beginning of the application of this law. The Law prescribes that the members of the Board of the Agency will be elected by 1 September 2020, and will assume office on that day.¹⁸ According to the Law, members of the Board shall be elected by the National Assembly, following a public competition announced by the Ministry of Justice, and conducted

¹¹ The ministries will have to obtain the opinion of the Agency on drafts of these laws.

¹² Anti-Corruption Agency, 2019 Annual Report, March 2020, p 6, available at <http://www.acas.rs/wp-content/uploads/2020/03/ACASizvestaj2019WEB.pdf>, and interview with the representatives of the Anti-Corruption Agency.

¹³ Anti-Corruption Agency, 2019 Annual Report, March 2020, p 11, available at <http://www.acas.rs/wp-content/uploads/2020/03/ACASizvestaj2019WEB.pdf>

¹⁴ European Commission, Serbia 2020 Report, October 2020, p 27, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf

¹⁵ Anti-Corruption Agency, 2019 Annual Report, March 2020, p 40, available at <http://www.acas.rs/wp-content/uploads/2020/03/ACASizvestaj2019WEB.pdf>

¹⁶ Anti-Corruption Agency, 2019 Annual Report, March 2020, p 11, available at <http://www.acas.rs/wp-content/uploads/2020/03/ACASizvestaj2019WEB.pdf>

¹⁷ The Board of the Agency represents one of its main bodies. The Board decides on appeals against decisions made by the Director in accordance with this Law except for decisions on the rights and obligations of employees of the Agency, takes principled positions concerning the application of this Law, supervises the work of the Director and monitors his financial status.

¹⁸ Article 112 of the Law on Prevention of Corruption.

by the Judicial Academy.¹⁹ However, by the end of September 2020, the election procedure did not started. In a situation where the Board of the Agency is not operational, one of the main consequences is that there is no possibility to impose measures against public officials for any of the violations of the Law, having in mind that public officials do not have opportunity to file an appeal.²⁰

Another problem identified in the previous period was related to the inadequate consideration of the Agency's annual reports and reports on the implementation of the National Strategy for the Fight against Corruption in the Republic of Serbia for the period 2013-2018 in the National Assembly.²¹ More precisely, the National Assembly should consider in the plenum the reports of the Anti-Corruption Agency, and after the discussion, adopt a conclusion with recommendations for improving the situation in this area. By a conclusion, the National Assembly may oblige the Government to implement the recommendations of the Anti-Corruption Agency and to report on it regularly. If we take into account that in the period 2015-2018 the National Assembly did not consider the reports of the Anti-Corruption Agency, as well as reports of other independent state bodies, in the plenum, it is clear that the Anti-Corruption Agency was not able to exercise its monitoring and oversight role effectively. Only in 2019, the National Assembly considered and debated in the plenum the report of the Anti-Corruption Agency for 2018 and adopted conclusion with recommendations.

Based on challenges in its work, in the latest 2019 Annual Report, the Agency also formulated recommendations related to the: a) necessary normative interventions in the field of financing political activities, i.e. prescribing appropriate sanctions for all acts prohibited by the Law on Financing of Political Activities for which neither misdemeanour nor criminal liability is provided; b) acting of public institutions upon recommendations for dismissal of public officials - appeal to the authorities, primarily local self-government units, to act upon the initiatives of the Agency for dismissal of public officials; and c) strengthening of capacities of all public institutions in terms of the implementation of preventive anti-corruption mechanisms - to provide organizational and personnel preconditions in all public institutions, to develop and implement an integrity plan in the next cycle, following the Law on Prevention of Corruption, as well as guidelines and handbook developed by the Agency; and to consider the possibility of enacting a law that will prescribe the obligation of competent institutions (at all levels of government) to appoint ethics and integrity officers, following the Guidelines and recommendations for the introduction of ethics and integrity officers in public administration of the Republic of Serbia, derived from the Action Plan for the Public Administration Reform Strategy for the period 2018–2020.²²

¹⁹ Articles 22 and 23 of the Law on Prevention of Corruption.

²⁰ For more details see: <https://transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/11659-primena-kojanije-pocela>

²¹ According to the Rules of Procedure of the National Assembly, the competent committees are obliged to consider reports of independent state bodies, including the Anti-Corruption Agency, within 30 days from the day of submission and to submit reports to the National Assembly with proposed conclusions or recommendations. After that, at the next sitting, the National Assembly should consider in the plenum the report of the independent body, together with the report of the competent committee, and after the discussion adopt a conclusion with recommendations for improving the situation in the given area.

²² Anti-Corruption Agency, 2019 Annual Report, March 2020, p 39 and 40, available at <http://www.acas.rs/wp-content/uploads/2020/03/ACASizvestaj2019WEB.pdf>. According to the European Commission Serbia 2020 Report, in 2019, the Agency: a) issued 63 opinions related to requests on conflicts of interest (in comparison with 77 in 2018); b) initiated 159 procedures on grounds related to accumulation of functions without its prior approval (in

Anti-Corruption Council

The Anti-Corruption Council was established by the Decision of the Government of the Republic of Serbia in October 2001.

Role: The Council acts as an expert, advisory body of the Government. Its mission is to see all aspects of anti-corruption activities, to propose measures to be taken in order to fight corruption effectively, to monitor their implementation, and to make proposals for bringing regulations, programs and other acts and measures in this area.²³

Capacities and Challenges: Although it is envisaged that the Anti-Corruption Council should be consisted of 13 members, it is not working in full capacity for years. In 2017, the Government elected two new members, without considering the earlier proposals of the Council, and since then the Council has only 7 out of 13 members.²⁴ As an advisory body of executive power, the Anti-Corruption Council used to regularly prepare and submit reports and initiatives to the Government. Since January 2018 by the end of September 2020, the Council prepared and submitted to the Government 10 reports (e.g. on enforcement agents, on the lack of transparency as regards signature of contracts by the Government, on the rule of law, as well as on public procurement).²⁵ However, in practice there is a lack of systematic discussion and reaction from the Government on these reports.²⁶ For example, in the period 2013-2018, representatives of the Council have been invited by the Government only once with the purpose to discuss one of the reports.²⁷ Furthermore, the required amendments to the Government's Rules of Procedure for systematic

comparison with 151 in 2018), and 151 procedures for other situations related to conflict of interest (in comparison with 166 in 2018); c) submitted 76 requests for misdemeanor proceedings related to a failure of public officials to promptly submit asset declarations (in comparison with 45 in 2018); d) filed 25 criminal complaints (in comparison with 16 in 2018) due to reasonable suspicion that public officials had not reported assets or had given false information about assets intending to conceal the facts; e) submitted 96 requests for misdemeanor proceedings for violations of the Law on Financing of Political Activities (in comparison with 90 in 2018); and f) published 59 decisions on political entities losing the right to use public funds for their regular work (in comparison with 33 in 2018).

²³ The Council fulfills mentioned tasks by, among others: submitting its opinions on draft anti-corruption laws to the Government; monitoring the implementation of anti-corruption laws and other laws with the focus on anti-corruption issues; submitting proposals to the Government for amendments to the laws and for strengthening the institutional framework in the fight against corruption; and preparation of reports on it for the Government with proposals for solving the identified problems. For more details, see <http://www.antikorupcija-savet.gov.rs/page/home/>

²⁴ Council members could be distinguished among domestic and foreign scholars and experts, whose knowledge and reputation can contribute to the work of the Council. Technical and administrative assistance to the Council is provided by General Secretariat of The Serbian Government. For more details see: European Commission, Serbia 2020 Report, October 2020, p 28, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf, and interview with the Vice President of the Anti-Corruption Council in December 2019, available at: <https://europeanwesternbalkans.com/2019/12/18/ewb-interview-milicevic-fight-against-corruption-is-not-sufficiently-supported-by-the-public/>

²⁵ All reports are available at <http://www.antikorupcija-savet.gov.rs/sr-Cyrl-CS/izvestaji/cid1028/index/>

²⁶ See Coalition prEUgovor, PrEUgovor Alarm Report On the Progress of Serbia in Chapters 23 and 24, May 2020, p 66, available at preugovor.org/Alarm-Reports/1596/Coalition-prEUgovor-Report-on-Progress-of-Serbia.shtml

²⁷ D. Kos, Anti-Corruption Council of the Government of the Republic of Serbia in the Light of Best Practices in the European Union – Analysis, "Prevention and Fight against Corruption" Project, March 2018, p 10, available at <https://www.mpravde.gov.rs/files/Savet%20za%20borbu%20protiv%20korupcije%20Vlade%20Republike%20Srbije%20u%20svetlu%20najbolji....docx>.

consideration of the Anti-Corruption Council's reports and recommendations has been seriously delayed.²⁸

One of the main problems at the organizational level is the insufficient number of Council members. The Government has avoided electing of new members for years, although Council members have submitted their proposals. Then, in 2017, the Government appointed two new members, without considering the earlier proposals of the Council. The interviewee from the Council thinks that this is a sort of pressure on this body.

Another important problem is related to the enabling environment. The Council does not have appropriate cooperation with other government institutions. Besides the fact that there is no consideration of its reports by the Government, the Council regularly struggles with the lack of responsiveness of institutions related to obtaining the data for its work, and the passivity of public prosecutors' offices related to the examination of its findings.

In 2020, the Deputy Prime Minister submitted response to the Council's requests for information on the operations of certain companies and the Government. Representatives of the Council believe that such response is a latent announcement of their closure. Here is a part of the response: "Based on all the above, the Deputy Prime Minister and the Ministry will initiate the Government procedure to review the work of the Council in the past few years, the results of work, manner, criteria and quality of reports, as well as the way of preparing recommendations, in order to reform this body and bring people who will help the Government to be more successful and efficient."²⁹

Commissioner for Information of Public Importance and Personal Data Protection

The Commissioner for Information of Public Importance and Personal Data Protection is an independent state authority, which reports to the National Assembly for its operation.

Role: Public access to information of public importance and transparency in the work of public institutions are widely recognized as tools important for prevention of corruption. According to the Law on Free Access to Information of Public Importance, the Commissioner is competent, among others to: monitor the implementation of this Law by the public authorities and report to the public and National Assembly thereof; initiate the preparation or amendments of regulations for the implementation and promotion of the right to access information of public importance; consider complaints against the decisions of public authorities that violate the rights regulated by this Law; inform the public of the content of this Law and the rights regulated by this Law; and publish instruction according to which is published the Information Booklet on work of the government body.³⁰

Capacities and Challenges: In July 2019, seven months after the mandate of previous Commissioner expired, the new Commissioner for Information of Public Importance and Personal Data Protection was

²⁸See European Commission, Serbia 2020 Report, October 2020, p 28, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf, and Coalition prEUgovor, PrEUgovor Alarm Report On the Progress of Serbia in Chapters 23 and 24, May 2020, p 66, available at preugovor.org/Alarm-Reports/1596/Coalition-prEUgovor-Report-on-Progress-of-Serbia.shtml

²⁹ <http://www.antikorupcija-savet.gov.rs/saopstenja/cid1011-3301/saopstenje-za-javnost-povodom-dopisa-potpredsednice-vlade-zorane-mihajlovic-upucenog-savetu>

³⁰ For more details, see <https://www.poverenik.rs/sr/>

appointed by the National Assembly. On the other hand, two Deputy Commissioners for Information of Public Importance and Personal Data Protection are still not appointed.

In 2017, capacities of the Commissioner for Information of Public Importance and Personal Data Protection were strengthened. Namely, the Rulebook on internal organization and classification of jobs in Commissioner's Office was amended in 2017, by which the Commissioner's Office has systematized jobs for 94 employees. However, current number of full-time employees in Commissioner's Office is 74.³¹

Although a legal framework guarantees a wide range of public access to information of public importance, the implementation of these rules still represents a challenge.³² According to the Commissioner, the key obstacles that have burdened the exercise of the right to free access to information in previous period are: the impossibility of administrative execution of the Commissioner's decisions, inadequate accountability of government bodies, and difficult implementation of the Commissioner's powers.³³ For example, a comprehensive and evidence-based assessment of access to information is not possible, as the majority of public authorities do not comply with the obligation to provide data to the Commissioner regarding citizens' requests for information. In 2019, the Commissioner established that 4 321 or 83% (in comparison with 3 444 or 87% in 2018) of citizens' complaint were well-founded, meaning that the authorities should have provided the information requested by citizens according to the Law. In 1 786 or 41% (in comparison with 1 889 or 55% in 2018) of these cases, the authorities reported that they acted upon the Commissioner's request to provide the information to the complainants even before a decision was made on the appeal, which would indicate that there was no reason not to disclose the requested information in the first place.³⁴ Second, the practice in last years identified a need to improve the access to information in respect to the duty of the Government to ensure implementation of all the Commissioner's decisions that are not complied with. In the 2019 Annual Report, the Commissioner stressed that the Government did not ensure compliance with its decisions in 294 cases since 2010. Just in 2019, this happened 52 times.³⁵

These obstacles should be removed primarily by appropriate amendments to the Law on Free Access to Information, as well as by the principled actions of the competent authorities aimed at exercising the right to free access to information, in accordance with the regulations. However, the last version of the Draft Amendments to the Law on Free Access to Information of Public Importance was published in November

³¹ Republic of Serbia - Negotiation Group for Chapter 23, Revised Action Plan for Chapter 23, July 2020, p.129, available at <https://www.mpravde.gov.rs/tekst/30402/revidirani-akcioni-plan-za-poglavlje-23-i-strategija-razvoja-pravosudja-za-period-2020-2025-22072020.php>

³² Applicants had the most difficulty in obtaining information on the spending of budget funds, public procurement and other spending of public funds, records of public property and the like.

³³ The Commissioner for Information of Public Importance and Personal Data Protection, Report on Implementation of the Law on Free Access to Information of Public Importance and the Law on Personal Data Protection in 2019, March 2020, p 6, available at <https://www.poverenik.rs/en/commissioners-report.html>

³⁴ European Commission, Serbia 2020 Report, October 2020, p 27, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf,

³⁵ The Commissioner for Information of Public Importance and Personal Data Protection, Report on Implementation of the Law on Free Access to Information of Public Importance and the Law on Personal Data Protection in 2019, March 2020, p 14, available at <https://www.poverenik.rs/en/commissioners-report.html>

2019 by the Ministry of Public Administration and Local Self-Government, and there were no announcements that it might be proposed by the Government in the near future.³⁶

State Audit Institution

The State Audit Institution represents an independent state body and the highest authority for auditing of public beneficiaries in the Republic of Serbia. It was established in 2005, by the Law on the State Audit Institution. The Institution is accountable to the National Assembly of the Republic of Serbia for the conduct of activities stemming from its competence.

Role: The role of the State Audit Institution, among others, is to make the audit plans and perform audit of public beneficiaries.³⁷ For the first time since its establishment, the annual activity report of the State Audit Institution was not only discussed in the relevant parliamentary committee, but also in the plenary in June 2019. Consequently, the National Assembly adopted a conclusion recommending the Government to act within its powers to ensure the implementation of State Audit Institution recommendations. However, there is room for stronger parliamentary oversight through use of public hearings³⁸.

Capacities and challenges: So far, the ex-post control of financial statements by the State Audit Institution has brought to public many discrepancies between the financial statements and actual management of public funds in the audited entities, as well as any incompliance with legislation; quantified losses/gains in public budget; and raised red flags in sectors and practices that are under the risk of corruption³⁹. The State Audit Institution has continued to increase both the coverage and quality of audits. It has invested significant efforts into building an expertise in performance auditing, which examines economy, efficiency and effectiveness of public expenditures. Such type of audits has a unique value for analysing true effects of the public policies on the citizens.^{40 41 42} Performance auditing promotes accountability by assisting those with governance and oversight responsibilities to improve performance. It does this by examining whether decisions by the legislature or the executive are efficiently and effectively prepared and implemented, and whether taxpayers or citizens have received value for money⁴³. Performance auditing seeks to provide new information, analysis or insights and, where appropriate, recommendations for improvement – that Serbia loses one third of produced drinking water due to the losses in water supply

³⁶ Drafted amendments including provisions aimed at improving the enforcement of decisions laid down by the Commissioner for Information of Public Importance. They also included provisions limiting access to information of public interest related to equity-based companies with shares owned by the state. For more details see Coalition prEUgovor, PrEUgovor Alarm Report On the Progress of Serbia in Chapters 23 and 24, May 2020, p 68, available at preugovor.org/Alarm-Reports/1596/Coalition-prEUgovor-Report-on-Progress-of-Serbia.shtml

³⁷ For more details, see <https://www.dri.rs/about-us/sai-role--vision--mission.185.html>

³⁸ https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf

³⁹ For instance, the SAI found irregularities in 9.6% of inspected procuring entities in 2019, marking a significant decrease from 12.1% in 2018, and a notable increase from 7.4% in 2017 (Ibid).

⁴⁰ <https://www.transparentnost.org.rs/index.php/en/110-english/naslovna/10287-opening-audit-information>

⁴¹ https://www.dri.rs/upload/documents/dokumenti_vezani_za_vesti/FINAL%20Da%20li%20ste%20znali%2019-2%20sa%20tranzicijom.pdf

⁴² [Annual Report of the State Audit Institution for 2018](#) (in Serbian, available on SAI official website)

⁴³ <https://www.issai.org/wp-content/uploads/2019/08/ISSAI-300-Performance-Audit-Principles.pdf>

infrastructure; or that the government does not have a comprehensive registry of the immovable assets that state manages on national, provincial and local level^{44 45}.

B) *Institutional Framework in the Field of the Repression of Corruption*

The institutional repressive apparatus consists of the police (detection of corruption offenses), public prosecutors (prosecution of corruption), and courts (sanctioning corruption).

Role: Institutional framework in the field of the repression of corruption should establish efficient and proactive action in detecting and prosecuting corruption and organized crime. The key prerequisites for effective acting involve independent, competent institutions, adequate staffing, effective horizontal and vertical cooperation established and exchange of information between the police, public prosecutors, courts and other state bodies and institutions.

The Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime, Terrorism and Corruption, which entered into force in March 2018, provides for specialized authorities with the purpose of investigating and prosecuting corruption cases. It decentralizes the prosecutor's offices in charge of corruption offences, which are located in Belgrade, Kraljevo, Novi Sad, and Niš. Financial forensic expertise is also located in the specialized prosecution offices. Special departments for suppression of corruption have been formed in the higher courts in those four cities. On the other hand, the Prosecutor's Office for Organized Crime remains the main investigative and prosecutorial body dealing with high-level corruption cases.⁴⁶ Finally, the Law provides scope for using task forces to investigate complex corruption cases.

As of 31 December 2019, five task forces were formed, one in each Special Department, except in Niš, where three task forces were formed.⁴⁷

Capacities and Challenges: In the police, within the Criminal Police Directorate, the Anti-Corruption Department was formed, which consists of nine sections: The Department of Coordination and Planning and the Anti-Corruption sections in eight cities.⁴⁸ The special departments for combating corruption in the Higher Public Prosecutors' Offices in Kraljevo, Niš, Novi Sad and Belgrade have a total of 45 deputy public prosecutors (44 in 2018). There are nine new workplaces for deputy prosecutors in the special department in Belgrade, and five in the other three special departments. On the other hand, the Prosecutor's Office for Organized Crime is understaffed with only 21 prosecutors in charge of leading both the pre-investigation and investigation phase in the most complex crimes countrywide. This is also the case for the section of the Higher Court in Belgrade dealing with the corruption.⁴⁹

⁴⁴ <https://www.dri.rs/mediji/U-Srbiji-se-godisnje-gubi-vise-od-trecine-proizvodene-vode-za-pice.n-475.107.html>

⁴⁵ <https://www.dri.rs/mediji/Republika-Srbija-jos-nema-preciznu-evidenciju-o-nepokretnostima-kojima-raspolaze.n-471.107.html>

⁴⁶ For more details, see http://www.tok.it.rs/html_tok/pocetna_eng.htm

⁴⁷ Republic of Serbia - Negotiation Group for Chapter 23, Revised Action Plan for Chapter 23, July 2020, p.136, available at <https://www.mpravde.gov.rs/tekst/30402/revidirani-akcioni-plan-za-poglavlje-23-i-strategija-razvoja-pravosudja-za-period-2020-2025-22072020.php>

⁴⁸ Belgrade, Novi Sad, Nis, Kraljevo, Subotica, Zajecar, Jagodina and Uzice.

⁴⁹ See European Commission, Serbia 2020 Report, October 2020, p 28 and 41, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf

The institutional changes brought by the Law from 2018 produced some results in terms of finalized corruption cases in the special departments of the higher prosecutors' offices and courts. In 2019, criminal complaints were filed against 3 577 individuals. Indictments were filed against 583 individuals. The courts convicted 399 individuals at first instance based on indictments by special departments for combating corruption in the Higher Public Prosecutors' Offices (in comparison with 332 in 2018), out of which there were court-accepted plea agreements for 304 defendants (in comparison with 294 in 2018). In relation to high level corruption, based on indictments of the Prosecutor's Office for Organized Crime, the courts rendered first instance judgements against 30 individuals in 2019 (compared with 41 in 2018, and 50 in 2017). Of these, 10 were based on plea agreements (compared with 13 in 2018). Confiscation of assets was imposed in only three of these cases (compared with two in 2018). Finally, in 2019, the Prosecutor's Office for Organized Crime indicted 20 individuals (in comparison to 21 in 2018).⁵⁰

Although the introduction of the special departments for combating corruption in the Higher Prosecutors' Offices and Higher Courts is starting to yield results and the number of convictions is increasing, an impact on high-level corruption cases is not yet tangible and there is a need to show a convincing track record of confiscating assets in corruption cases⁵¹

Self-assessment of the representatives of public institutions on their capacities

Representatives of public institutions which represents anti-corruption institutional framework stressed that finances are not a major problem with their capacities, and that budgets mostly follows their needs. However, the respondents from the Agency pointed out that there is a need to provide funds and IT equipment, as a basis for improving efficiency and effectiveness in its work, as well as appropriate infrastructure conditions, following its increased staffing capacity.

The respondents from independent public institutions also stated in couple of cases that disruptions in the work are possible due to the way the system of their financing was set up. Namely, all public institutions are financed through the budget that the Ministry of Finance prepares. On the other hand, independent state bodies find themselves in a situation where they need to supervise that ministry. Some of the respondents believe that this situation can lead to inappropriate influences.

On the other hand, all public institutions share the problem with human resources and capacities on individual level. In general, there is a lack of staff with specific, specialized knowledge on different fields related to anti-corruption. In the public sector, it happens that employees with certain specific knowledge leave when they gain enough experience to get positions that are more favourable. The reasons for leaving are mostly better working conditions and greater opportunities for progress. The expertise is lacking especially in the field of financial forensics.

Opinions of other stakeholders on existing anti-corruption institutional capacities

It is common opinion among stakeholders that the Agency should have a key and coordination role in the field of prevention of corruption. However, stakeholders agree that the implementation of preventive anti-corruption mechanisms could not depend only on the activities and work of the central anti-corruption body, and that one of the preconditions for effective implementation of anti-corruption

⁵⁰ Ibid.

⁵¹ European Commission, Non-paper on the state of play regarding chapters 23 and 24 for Serbia, June 2020, p 1, available at https://www.mei.gov.rs/upload/documents/eu_dokumenta/Non_paper_Ch_23_24_June_2020.pdf

measures is to ensure an adequate level of inter-institutional coordination in this area and to mobilize all relevant stakeholders from the public sector – not only the central anti-corruption body. Furthermore, the representatives of development partners pointed out that main challenges in the Agency's status and performance are related to ensuring that there are increased: a) independence, b) credibility, and c) priority-setting in its' work.⁵²

In previous period, CSOs which actively monitor the implementation of anti-corruption measures in Serbia mostly criticised Agency's activities and/or lack of activities on resolving conflict of interest of high-ranking public officials and overseeing of financing of political activities. For example, Coalition prEUgovor found that the Agency had biased reaction on non-existing conflict of interest of one minister, although it was clear that key elements and evidence that had raised such a suspicion in the public had been ignored. Additionally, according to them, the Agency failed to react proactively when information concerning potentially problematic issues related to the campaign financing rules appeared in public. Having that in mind, they stressed that the Agency can hardly be considered as an independent oversight mechanism for these statutory powers.⁵³

Representatives of CSOs and development partners share opinion that the Anti-Corruption Council should have important role as Government's advisory body in the field of prevention of corruption. According to the CSOs, the Decision of the Government that regulates the work of the Anti-Corruption Council should be amended in order to create conditions for resolving identified problems, i.e. failure of the Government to appoint new members of this body and to discuss the Council's reports.⁵⁴ Finally, representatives of CSOs stressed that in order to ensure effectiveness of its work, other authorities should establish a more constructive relationship with the Council.

According to interviewed representatives of public institutions, development partners, and CSOs, the Commissioner has central role in the exercise of the right to free access to information.

1.2. Civil Society and Anti-Corruption

Main findings:

- **Unstable financing affects the quality of CSOs work.**
- **CSOs have difficulties in obtaining information from public institutions.**
- **In the last few years, CSOs have faced the problem of reduced possibility to substantially participate and influence the development of anti-corruption measures and decisions of the authorities.**

⁵² This is also stressed in the latest EC Progress Report. See European Commission, Serbia 2020 Report, October 2020, p 27, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf

⁵³ For more details, see Coalition prEUgovor, PrEUgovor Alarm Report On the Progress of Serbia in Chapters 23 and 24, May 2020, p 11, 21, 25, 64, available at preugovor.org/Alarm-Reports/1596/Coalition-prEUgovor-Report-on-Progress-of-Serbia.shtml

⁵⁴ Coalition prEUgovor, PrEUgovor Alarm Report On the Progress of Serbia in Chapters 23 and 24, May 2020, p 61, available at preugovor.org/Alarm-Reports/1596/Coalition-prEUgovor-Report-on-Progress-of-Serbia.shtml

There are more than 500 active CSOs in Serbia that have goals and activities related to anti-corruption issues⁵⁵. Some of them are mostly focused on local initiatives, while other use experts' knowledge to support the public sector in reforms. CSOs are engaged as watchdogs, in advocacy campaigns, on research projects, and work with citizens.

Although the number of active anti-corruption CSOs may seem too big for Serbia, that does not necessarily mean that all of them work in full capacity. Additionally, there is a question of how they operate. According to the recent assessment, the number of registered CSOs in Serbia is constantly growing year by year⁵⁶. There is a strong trend of funding governmental CSOs (so called GONGOs – Government-organized non-governmental organizations) and associations influenced and/or controlled by the ruling political party (so called PONGOs – Party-organized non-governmental organizations). These organizations mostly support the authorities and their initiatives, use state funding for CSOs, and appoint their representatives to the consultative bodies, commissions, and working groups, thus contributing to the false image of public participation⁵⁷. On the other hand, it is hard to get a full picture of the funding of anti-corruption CSOs, having in mind that there is no specific research in that field. A recent assessment of the capacities of all CSOs in Serbia shows that the main methods of financing are project-based, following by volunteer work and membership fees. When it comes to the diversification of funds, the assessment shows that the share of government funding increased, while pro-liberal/pro-EU organizations remain mostly focused on donor funds⁵⁸. In general, most CSOs (89%) have projects that do not last very long, i.e. one year or less⁵⁹.

This data also supports the statements of the CSOs representatives during the interviews. Namely, interviewed representatives of CSOs stressed that their organizations depend only on project financing, which can affect the way they perform their job and mission. Some of them directly said that this way of funding does not give them a space for in-depth analysis. “The project financing system does not create enough space for in-depth analyses and creates the impression of unstable financing”. One representative of CSOs emphasized: “We do not have a sustainable system of funding. So, we will switch to the new strategy where we will try to develop crowdfunding. We hope that in that way we will secure almost half of the funds”.

The other problem is related to the human capacities of anti-corruption CSOs. Unstable financing leads to a situation where human resources are used also in the search for funding and donors. Most of our interviewers stressed out that they have a lack of staff with specific knowledge in different areas of anti-corruption. “In terms of human capacity, we have a shortage of investigative journalists. It is hard to find this profile who has that kind of specific knowledge”, said one of the interviewers. Yet, other representatives of the civil sector highlighted that working in CSO isn't popular among young people, and that can be dangerous and not stable in terms of work conditions. Consequently, the work in the civil sector has become less attractive for young people as their career choice.

In the last few years, it is obvious that space for the work of CSOs in Serbia is narrowing⁶⁰. From the perspective of anti-corruption CSOs, the first identified problem is related to difficulties in obtaining data

⁵⁵ According to the data from: <http://ocdoskop.rs/ci/organizacije.html>

⁵⁶ According to the data from: www.apr.rs

⁵⁷ <http://tacso.eu/wp-content/uploads/2020/09/Regional-CS-NA-Annex-4-SERBIA-brief-final.pdf>

⁵⁸ <http://tacso.eu/wp-content/uploads/2020/09/Regional-CS-NA-Annex-4-SERBIA-brief-final.pdf>

⁵⁹ https://act.org.rs/wp-content/uploads/2019/12/CSO-Sector-in-Serbia-2019_Summary_WEB.pdf

⁶⁰ http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/NGOs_in_Serbia.pdf

that are important for their work. For example, one of the CSOs described this problem in the following manner: “In many situations, Transparency Serbia was faced with the impossibility to get the data based on requests for access to information of public importance. This problem was especially visible in cases when data related to contracts on disposition of public property were requested.⁶¹ The problem related to the narrowing of space for the work of CSOs is recognized by the donor community as well.

Respondent’s quote (bilateral donor)

“In recent years, the most significant problem for the implementation of project activities is that institutions are closed for cooperation with CSOs. There are difficulties in the implementation of a large number of projects, because they are based on monitoring the implementation of laws and public policies; and organizations cannot obtain the requested information from institutions in a timely manner. In such cases, a complaint is submitted to the Commissioner, which leads to a waste of time and resources.”

The second group of problems is related to the reduced possibility to substantially participate and influence the development of anti-corruption measures and decisions of the authorities. Since the beginning of the negotiation process for joining the EU, some CSOs established joint initiatives in which activities are, among others, related to the anti-corruption issues. For example, National Convention on the EU (NKEU) represents a permanent body for thematically structured debate on Serbian accession into the European Union, between representatives of the governmental bodies, political parties, CSOs, experts, academia, trade unions, private sector and representatives of professional organizations⁶². The model of National Convention was taken from Slovakia, where it has been successfully implemented since 2001. The platform provides regular consultations, analytical work and recommendation and informing the public about it. In the context of EU Accession Negotiations, CSOs are particularly involved in Chapter 23 (rule of law and anti-corruption, fundamental human rights, freedom of the media), but also in Chapter 24, which is related to the security. The 2020 European Commission Progress Report for Serbia emphasizes that authorities in Serbia should use the expertise of NKEU more systematically, to benefit from the full potential of the Convention and its working groups⁶³.

⁶¹ Ibid. A typical example is related to contracts on managing of Smederevo ironworks plant. Besides the obligatory decision of the Commissioner, the Ministry of Economy refused to deliver a copy of this contract, even after its validity has expired, and the public was informed that the private partner did not fulfill its obligations.

⁶² For more details see: <http://eukonvent.org/>

⁶³ https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf

Most prominent CSOs⁶⁴ active in the field of anti-corruption	
Transparency Serbia⁶⁵	Monitors implementation of anti-corruption laws and policies and submits concrete proposals for improvement of anti-corruption policies.
Pištaljka⁶⁶	Has mission to investigate abuses in government, public and private enterprises and other institutions and to advocate for whistleblowers' rights and protection.
CRTA⁶⁷	Creates public policy proposals, advocates for the principles of responsible behaviour by the Government and state institutions and educates citizens on their political rights.
BIRODI⁶⁸	Promotes idea of integrity in various sectors and professions.
Active groups of CSO active in the field of anti-corruption	
Coalition prEUgovor⁶⁹	Oversees the implementation of policies in the field of judiciary, anti-corruption, and fundamental rights (Chapter 23) and Justice, freedom and security (Chapter 24) and propose measures to improve the reforms, using the process of EU integration to achieve substantial progress in the further democratization of Serbia.
Coalition for Oversight of Public Finances⁷⁰	Raises the level of citizen participation in proposing and creating public policies based on the public interest and the principles of transparency and fiscal responsibility, monitors the actions of competent institutions and prevents the misuse of public resources.
National Convention on the EU⁷¹	Permanent body for thematically structured debate on Serbian accession into the European Union, between representatives of the governmental bodies, political parties, NGOs, experts, syndicates, private sector and representatives of professional organizations.

⁶⁴Following criteria were used for determination of most prominent CSOs in the field of anti-corruption: a) CSO has proven track record in implementing projects in the field of anti-corruption and good governance; b) CSO has managerial capacity including permanent staff and financial management structure; c) CSO has a proven track record in the implementation of the projects which included cooperation with public institutions and other CSO's active in relevant areas.

⁶⁵ For more details see: <https://www.transparentnost.org.rs/index.php/sr/inicijative-i-analize-ts>

⁶⁶ For more details see: <https://pistaljka.rs/webpage/1>

⁶⁷ For more details see: <https://crt.rs/kampanje/>

⁶⁸ For more details see: <https://www.birodi.rs/odrzan-sastanak-koalicije-za-integritet/>

⁶⁹ For more details see: <http://preugovor.org/prEUgovor/1121/About-us.shtml>

⁷⁰ For more details see: <http://nadzor.org.rs/>

⁷¹ <http://eukonvent.org/eng/about-national-convention-on-the-eu/>

1.3. Overview of Anti-Corruption Initiatives in the period 2015-2020

Despite the significant financial investments and numerous anti-corruption initiatives during the last two decades, corruption remains an issue of concern in Serbia. According to the findings of international organizations, there is still no effective coordination mechanism in place to operationalize prevention policy goals and effectively address corruption. Furthermore, there is a need for improvement in the field of track record on investigations, indictments and final convictions in high-level corruption cases, including the seizure and confiscation of criminal assets.⁷² When asked in the polls, the citizens of Serbia rank corruption high on their list of life problems and demand the same as international organizations – certainty that the institutions will effectively respond against malpractice, corruption, and abuse of power.⁷³

Anti-corruption initiatives in Serbia could be divided on: a) strategic initiatives; b) normative initiatives; and c) initiatives focused on implementation and monitoring the implementation of anti-corruption mechanisms in practice (uncovering and prosecuting corruption cases, implementation of preventive anti-corruption tools, such as integrity plans, local anti-corruption plans, corruption proofing of regulations, education of public officials, and employees in public institutions, and numerous activities aimed to support the implementation and monitoring the implementation of both repressive and preventive anti-corruption mechanisms).

Below is the overview of all initiatives mentioned by stakeholders during the research.

1.3.1. Strategic anti-corruption initiatives

At the strategic level, until the end of 2018, the most important documents in the field of anti-corruption were (i) **National Anti-Corruption Strategy of the Republic of Serbia for the period 2013-2018**⁷⁴, and the **Revised Action Plan for its implementation (2016-2018)**⁷⁵, and (ii) the **Action Plan for Chapter 23 (2016)**⁷⁶. It is important to stress that the revision of the Action Plan for the implementation of National Anti-Corruption Strategy, adopted by the Government In June 2016, was prepared based on Anti-Corruption Agency Annual Reports, contributions submitted by the authorities responsible for the

⁷² For example, see European Commission, Serbia 2020 Report, October 2020, p 26, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf, and GRECO report from the fourth evaluation round, 2019, available at: <https://rm.coe.int/greco/c4-2019-5-fourth-evaluation-round-corruption-prevention-in-respe/168093bc55>

⁷³For example, https://www.protivkorupcije.rs/download/2018_Survey_Public_Perceptions_of_Corruption_EN.pdf, and https://www.odgovornavlast.rs/wp-content/uploads/2020/01/CeSID_-USAID_GAI_prezentacija_061219_EN.pdf

⁷⁴ National Assembly of the Republic of Serbia, National Strategy for the Fight against Corruption in the Republic of Serbia for the period from 2013 to 2018, 1 July 2013, available at http://www.acas.rs/wp-content/uploads/2010/06/Nacionalna_strategija_za_borbu_protiv_korupcije.pdf

⁷⁵ Government of the Republic of Serbia, Revised Action Plan for Implementation of National Strategy for the Fight against Corruption in the Republic of Serbia for the period from 2013 to 2018, 30 June 2016, available at <http://www.acas.rs/wp-content/uploads/2010/06/Revidirani-Akcioni-plan-za-sprovedjenje-Strategije-usvojen-30062016.pdf>

⁷⁶ Republic of Serbia - Negotiation Group for Chapter 23, Action Plan for Chapter 23, April 2016, available at <https://www.mpravde.gov.rs/tekst/26530/akcioni-plan-za-poglavlje-23.php>

implementation of the envisaged activities, perceived difficulties in the implementation and monitoring of the implementation, and the fact that the Action Plan for Chapter 23 envisages essentially the same obligations as the Action Plan for the implementation of the National Strategy. Having said that, all activities envisaged in the Action Plan for Chapter 23, which have also been prescribed in the Action Plan for the implementation of National Strategy, continued to be monitored through appropriate activities in the Action Plan for Chapter 23.

The National Anti-Corruption Strategy and Action Plan for its Implementation, as well as deadlines for the implementation of most activities from the Action Plan for Chapter 23 expired by 31 December 2018. As the result, until the adoption of the Revised Action Plan for Chapter 23 in July 2020, Serbia did not have any anti-corruption strategic document for 18 months. CSOs claim that this fact provides additional evidence of the low level of priority that the fight against corruption is given by the Government and National Assembly.⁷⁷

Implementation of the National Anti-Corruption Strategy of the Republic of Serbia for the period 2013-2018, and the Action Plan for its implementation, as well as the implementation of the Action Plan for Chapter 23 has been fraught with delays, and relevant authorities did not implement the number of planned activities. There were insufficient government mechanisms to monitor the implementation of those documents, and required information was not always available. However, according to the official data, the level of the Action Plan for Chapter 23 implementation is significantly better than the level of implementation of the National Anti-Corruption Strategy and the Revised Action Plan for its implementation.

The National Anti-Corruption Strategy for the period 2013 - 2018 contained 53 formulated objectives, for whose fulfilment the Revised Action Plan for the Implementation of the Strategy envisaged 113 measures and 250 activities. These documents envisaged an extensive field for the fight against corruption, including political activities, public finance, privatization and public-private partnerships, the judiciary, the police, planning and construction, the media, prevention of corruption as well as a range of concrete measures against corruption in health care, taxations, education, customs and local self-government. In accordance with the assessment of the Anti-Corruption Agency, which is competent for monitoring the implementation of anti-corruption strategic documents, out of the total 250 activities examined, 92 (37%) activities were implemented in compliance with the indicators, 149 (60%) activities were not implemented in compliance with their indicators; while for 9 (3%) the Agency was not able to assess their implementation. Large differences were noticed in the level of the implementation of measures and activities by areas of the Strategy. Namely, the highest realization of activities was assessed in the areas of the Spatial planning and construction (74%), and Corruption Prevention (50%), while the lowest realization was assessed in the areas of Health (14%), and Privatization and public-private partnership (0%).⁷⁸ Activities in the area of Privatization and Public-Private Partnership were mostly based on the adoption of amendments to relevant laws with the aim to eliminate the risks of corruption. Although none of these activities was implemented, that does not mean that certain improvements of the

⁷⁷ Coalition prEUgovor, PrEUgovor Alarm Report On the Progress of Serbia in Chapters 23 and 24, May 2020, p 59, available at preugovor.org/Alarm-Reports/1596/Coalition-prEUgovor-Report-on-Progress-of-Serbia.shtml

⁷⁸ Anti-Corruption Agency, Report on the Implementation of the National Strategy for the Fight against Corruption in the Republic of Serbia and the Revised Action Plan for its Implementation for 2018, March 2019, p 9, available at <http://www.acas.rs/wp-content/uploads/2019/04/ACAS-strategija-web.pdf>

normative framework and practice in this area did not occur during this period. However, these improvements were not implemented following the strategic documents. On the other hand, as a positive example, in the area of prevention of corruption, the Law on Protection of the Whistleblowers and extensive amendments to the laws with the aim to establish a system of employment and promotion in public authorities based on criteria and merit have been adopted.

According to the Anti-Corruption Agency, there were three main reasons for the low percentage of fulfilment of these strategic documents. **First reason was the lack of coordination in implementation.** Namely, the Coordination Body for the Implementation of the Action Plan, established in early August 2014, has held only two meetings in four and a half years of existence.⁷⁹ **Second reason was the lack of capacity of the responsible entities for the implementation of complex measures,** which required thorough planning, preparation and internal coordination in the implementation of activities. **Finally, the third reason was that these strategic documents were not real drivers of change in the fight against corruption. This means that reforms took place only when the dynamics allowed it; supporting factors were, for instance, political will, availability of funds, and the pressure of the international factor.**⁸⁰ Problems were also related to the field of effectiveness of the monitoring and supervising mechanisms of the implementation of these documents. In that sense, it is important to stress that the National Assembly did not organize a debate on the implementation of the National Anti-Corruption Strategy for the period 2013-2018, after in March 2019, the Anti-Corruption Agency produced the last report on this subject.

The Action Plan for Chapter 23, Subchapter Fight against Corruption, contained 23 recommendations from the Screening Report, for whose fulfilment 152 activities were formulated. According to the last Report of the Negotiation Group for Chapter 23, with implementation status on 31st December 2018, out of the total 152 activities examined, 89 (more than 58%) activities were fully implemented in compliance with the indicators. When observing the implementation of activities by parts of this Subchapter, 33% (four activities) related to the part Implementation of anti-corruption measures were fully implemented; 59% (63 activities) related to the Prevention of Corruption were fully implemented, and 65% (22 activities) related to the Repression of Corruption were fully implemented.

In July 2020, the Government adopted a Revised Action Plan for Chapter 23. During the process of the revision, in the period February – June 2020, the Ministry of Justice conducted the consultations with the Working Group of the National Convention on the European Union for Chapter 23. **In the press release from June 2020, the Working Group stressed that when it comes to comments on the Draft Revised Action Plan from civil society for the Subchapter Fight Against Corruption, the percentage of comments that were not accepted is almost 70%**⁸¹. According to CSOs, this fact provides additional evidence for the problem of reduced possibility to influence the decisions of the authorities, which was described in the section 1.2.

⁷⁹ Members of the Coordination Body were Prime Minister, Minister of Justice; Minister of Finance; and member of the Anti-Corruption Council.

⁸⁰ Anti-Corruption Agency, Report on the Implementation of the National Strategy for the Fight against Corruption in the Republic of Serbia and the Revised Action Plan for its Implementation for 2018, March 2019, p 10, available at <http://www.acas.rs/wp-content/uploads/2019/04/ACAS-strategija-web.pdf>

⁸¹ <https://en.yucom.org.rs/press-release-of-the-nceu-working-group-for-chapter-23-on-the-occasion-of-concluding-public-consultations-related-to-the-revision-of-the-action-plan-for-chapter-23/>

In 2018, the Gap analysis on the implementation of the National Anti-Corruption Strategy, its Action Plan for implementation and the Action Plan for Chapter 23 was conducted within the IPA Project „Prevention and Fight against Corruption“. The aim of this analysis was to identify obstacles to more successful implementation of strategic anti-corruption measures, deficiencies in the implementation of these measures, as well as measures to overcome deficiencies. Gap analysis, among other things, highlighted problems related to the coordination system which was set up on three levels - political, administrative and technical, and was insufficiently balanced at the stated levels. Furthermore, the Gap analysis described problems related to the monitoring mechanisms and recommended their strengthening.⁸²

The European Commission in its latest 2020 Progress Report highlighted that Serbia should adopt a new anti-corruption strategy underpinned by a credible and realistic action plan as well as an effective coordination mechanism.⁸³ The Revised Action Plan for Chapter 23 envisaged that the first step in that direction will be the adoption of the Operational plan for the Prevention of Corruption in areas of particular risk in 2021.⁸⁴ It should be stressed that when drafting a new strategic document for the fight against corruption at the national level, it will be of utmost importance to use the mentioned findings and recommendations formulated by the Agency in the annual reports on monitoring the implementation of the National Anti-Corruption Strategy and action plans for its implementation for 2013-2018, as well as the findings and recommendations from the Gap analysis on the implementation of the National Anti-Corruption Strategy, its Action Plan for implementation and the Action Plan for Chapter 23.

Besides the above mentioned strategies, for the field of anti-corruption in Serbia following strategic documents were/are also important: the Financial Investigations Strategy for the period 2015-2016⁸⁵; the Action Plan for the implementation of the Public Administration Reform Strategy for the period 2018-2020⁸⁶; OGP Action Plan (2018-2020)⁸⁷; the Strategy for Combating Money Laundering and Terrorism

⁸² Republic of Serbia - Negotiation Group for Chapter 23, Revised Action Plan for Chapter 23, July 2020, p.124, available at <https://www.mpravde.gov.rs/tekst/30402/revidirani-akcioni-plan-za-poglavlje-23-i-strategija-razvoja-pravosudja-za-period-2020-2025-22072020.php>

⁸³ European Commission, Serbia 2020 Report, October 2020, p 27, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf

⁸⁴ This document will represent overview of all anti-corruption policies since 2005, when the first National Anti-corruption Strategy was adopted, over second National Strategy 2013-2018, while taking into consideration experiences gained from implementation of the Action Plan for Chapter 23, Subchapter Fight Against Corruption. This Operational plan will represent the main basis for drafting the new ambitious national strategy. In other words, Operational plan will by-pass period between two major national strategies and AP 23 on one hand, and the third national strategy on the other. It should set a clear path in creating and developing anti-corruption policies. For more details, see, Republic of Serbia - Negotiation Group for Chapter 23, Revised Action Plan for Chapter 23, July 2020, p.124, available at <https://www.mpravde.gov.rs/tekst/30402/revidirani-akcioni-plan-za-poglavlje-23-i-strategija-razvoja-pravosudja-za-period-2020-2025-22072020.php>

⁸⁵ This Strategy was an integrative document for the largest number of anti-corruption repressive measures. Responsible authorities for the implementation of this Strategy were Ministry of Justice and Republic Prosecutor's Office. This document was treated as one of the pillars of the Action Plan for Chapter 23, subchapter fight against corruption.

⁸⁶ Available at <http://mduls.gov.rs/wp-content/uploads/AP-RJU-narativni-de--2018-2020.pdf>

⁸⁷ Available at <https://www.opengovpartnership.org/members/serbia/>

Financing for the period 2020-2024⁸⁸, and the Programme for the Development of Public Procurement in the Republic of Serbia for the period 2019-2023⁸⁹.

1.3.2. Normative anti-corruption initiatives

In the last five years, there have been improvements in the legislative framework both for prevention and repression of corruption. However, anti-corruption legislative reforms did not regularly follow previously adopted plans. For instance, the Government proposed and the National Assembly adopted the Law on Investigation of Property Origin and Special Tax, presented as a piece of anti-corruption legislation, although it was not a part of the Action Plan for Chapter 23 or previously the National Anti-Corruption Strategy. Additionally, according to CSOs active in the field of anti-corruption, the novelties in the legislative framework created some new reasons for concern, or corruption risks.⁹⁰

One of the key measures for prevention of corruption in the National Anti-Corruption Strategy and later Action Plan for Chapter 23 was the adoption of the new Law on Anti-Corruption Agency. In May 2019, the National Assembly adopted the Law on Prevention of Corruption. This Law does not contain all novelties which were anticipated in strategic documents. The Law regulates the organization, competence and activities of the Anti-Corruption Agency. Its' implementation began on September 1, 2020. As the legislator pointed out the main objective of the Law is the protection of the public interest, the reduction of corruption risks and strengthening of the integrity and accountability of public authorities and public officials. However, according to the findings of CSOs active in the field, it did not resolve some of the important problems previously identified in practice. Among other, problematic are solutions related to: preventing abuses of public office for political promotion („officials' campaign“), conditions and procedure for election of ACAs Director and members of the Board, and accumulation of functions.⁹¹ The Group of States against Corruption (GRECO)⁹² - has yet to assess this law as it has yet to issue its next compliance report on the implementation of recommendations on the prevention of corruption in respect of members of parliament, judges and prosecutors.⁹³

The **Law on Lobbying** was adopted in November 2018, and its implementation began in August 2019. The purpose of the Law is to provide transparency and protection of the public interest in the process of influencing public officials and institutions. The Law has potential for making interactions between representatives of public sector and lobbyists/other third parties who seek to influence the parliamentary process more transparent, as required by the recommendation of the GRECO. However, there is concern that this Law will not solve all key problems that exist in the field of non-transparent influences within the

⁸⁸ This document considers corruption as one of the sources of money laundering. It also deals with the capacities of specialized prosecutorial units in charge of both money laundering and corruption.

⁸⁹ The program does not properly identify risks from corruption and does not consider implementation of anti-corruption mechanisms in this area.

⁹⁰ See Coalition prEUgovor, PrEUgovor Alarm Report On the Progress of Serbia in Chapters 23 and 24, May 2020, p 58, available at preugovor.org/Alarm-Reports/1596/Coalition-prEUgovor-Report-on-Progress-of-Serbia.shtml

⁹¹ For example, Transparency Serbia, Law on Prevention of Corruption does not resolve important issues, May 2019, available at <https://transparentnost.org.rs/index.php/en/ts-and-media/press-issues/10550-law-on-preventing-corruption-does-not-resolve-important-issues>

⁹² The Council of Europe's body which task is to monitor states' compliance with the organization's anti-corruption standards

⁹³ See European Commission, Serbia 2020 Report, October 2020, p 27, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf,

decision-making process, and that the range of the useful solutions contained therein will be limited. First, this Law only applies to attempts to influence the content of general legal acts, not individual decisions. Second, the Law does not include any prohibitions or obligations related to the impact directly affected by interested persons. The third weakness refers to the domain of transparency - there is a duty to report to the Anti-Corruption Agency: by lobbyists and by lobbied public officials and civil servants, but the Law does not prescribe the obligation to publish such reports, or to provide data on the conducted lobbying in the explanation of drafts laws and draft acts. Finally, there is no obligation to report 'unofficial' lobbying.⁹⁴

The **Law on Financing of Political Activities** was amended in December 2019. Amendments to the Law were made with the aim of enhancing accountability of political parties that are participants in the elections, both in terms of use and dispose of public resources, and obligations of the Anti-Corruption Agency in terms of sanctioning political entities that do not comply with the provisions of the law in the election campaign. On the other hand, CSOs stressed that these amendments did not improve the provisions of the Law governing the distribution of budget funds to campaign participants, increase the transparency of campaign funding, or rectify numerous other problems which had been identified in several strategic documents and expert reviews since 2013.⁹⁵ Additionally, The 2020 European Commission Progress Report for Serbia stated that this Law needs to be further amended to fully comply with all OSCE/ODIHR recommendations.⁹⁶

The implementation of the **Law on the Protection of Whistleblowers** began in June 2015. This Law is considered as one of the most advanced whistleblowing regulations globally, and provides mechanisms for reporting irregularities related to the work of public institutions, and companies. More precisely, this law regulates whistleblowing, the whistleblowing procedure, the rights of whistleblowers, the obligations of the public institutions, legal entities and individuals in connection with whistleblowing, as well as other issues of importance for whistleblowing and the protection of whistleblowers. One of the identified problems is that there is no systematic oversight of the implementation of the Law, which can answer if these rules had impact on increasing the number of reported cases of corruption. Namely, oversight of the implementation of the Law, apart from court cases on protection of whistleblowers, and cases of internal whistleblowing in ministries, has not been ensured. Furthermore, the last report on implementation of this Law was published by the Ministry of Justice in October 2018, and covered the period July 2017-June 2018.⁹⁷ In that sense, the content of the Ministry of Justice's annual report should be defined to include all aspects of the implementation of the Law on Whistleblowers – e.g. adoption of internal acts, dealing with whistleblowers' information, protection provided by courts, and effects on the fight against corruption (whether or not the number of reported cases has increased). Finally, it is considered that whistleblower reports should be investigated in accordance with the law.

⁹⁴ See Transparency Serbia, Lobbying in Parliament, August 2018, <https://transparentnost.org.rs/index.php/en/ts-and-media/press-issues/10246-lobbying-in-parliament>

⁹⁵ See Coalition prEUgovor, PrEUgovor Alarm Report On the Progress of Serbia in Chapters 23 and 24, May 2020, p 21, available at preugovor.org/Alarm-Reports/1596/Coalition-prEUgovor-Report-on-Progress-of-Serbia.shtml

⁹⁶ See European Commission, Serbia 2020 Report, October 2020, p 29, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf,

⁹⁷ See <https://www.mpravde.gov.rs/tekst/17209/finalni-izvestaj-o-godinu-dana-primene-zakona-o-zastiti-uzbunjivaca.php>

Case study on development of legislation for protection of whistleblowers

The Law on the Protection of Whistleblowers is a good example how the need for bullet proof protection for whistleblowers was born out of genuine need in real life. It is also a good example of how wide coordination and collaboration efforts between the donors, project implementers and state institutions resulted in the implementation of the best practice (in terms of protection of whistleblowers) in the adopted piece of legislation.

- Before adoption of the Law, in the first cases of whistleblowing, the whistleblowers' destiny depended solely on the public authority of the oversight body - Anti-Corruption Agency, civil society, and a public pressure they create⁹⁸.
- In 2011, in order to protect whistleblowers, the Anti-Corruption Agency adopted the "Rulebook on the protection of persons who report suspicions of corruption".
- In reality, the Anti-Corruption Agency could only provide weak protection to the whistleblowers. The Rulebook was a bylaw and its scope could not be as far-reaching as a law that would regulate this area⁹⁹.
- During the bilateral screening of Chapter 23 in the negotiations between Serbia and the EU, the European Commission made a remark that Serbia needs to adopt the Law on the Protection of Whistleblowers in order to resolve this issue¹⁰⁰. Before that, the adoption of the Law on the Protection of Whistleblowers became one of the measures envisaged by the Action Plan for the National Anti-Corruption Strategy for 2013-2018.
- Ministry of Justice formed a broad working group for the development of the Law on the Protection of Whistleblowers and received international expert support provided by the USAID and COE. The working group included a representative of a CSO specialized in advocating for whistleblowers' protections, and whistleblowers themselves.
- In addition to that, USAID and JA organized trainings for 1,200 judges on the implementation of Law (since the Law prescribed for judges in whistleblowing cases to take a specialized training)¹⁰¹.
- To raise public awareness about whistleblowers' right to free speech, USAID funded the Ministry of Justice's "Whistleblowers Are Stronger Now" outreach campaign¹⁰².

The **new Law on Public Procurement** was adopted in December 2019, and its implementation began in July 2020. This Law was adopted in order to increase transparency and efficiency in public procurement and to strengthen control procedures in public procurement, with aim to further harmonize Public Procurement rules with the EU acquis. However, according to CSOs, although the Law largely follows EU directives in the field, it is problematic that the number of procurements that will be excluded from the application of the Law will significantly increase, in particular due to doubling the threshold for public

⁹⁸ Goran Milosevic is considered to be the first whistleblower in Serbia, who in 2006 discovered the affair of the so-called "road mafia" – the theft of tolls on the toll ramp, by issuing fake cards and with the help of special software, due to which the state was damaged by 6.5 million euros. Although the affair had an epilogue in court, Milosevic was harassed continuously and his work contract was terminated. He received protection only thanks to the public pressure, Commissioner for Information of Public Importance and civil society. The affair received an epilogue in court, when 41 people were sentenced to a total of 116 years in prison, but, due to his conscience, Milosevic was harassed in various ways for years. After the verdict, Milosevic said that the convicted people were the lowest link in the chain and that the organizers got out. Three years after the dismissal, in November 2008, thanks to public pressure and the Commissioner for Information of Public Importance, Milosevic is being returned to work but only with temporary work contract. In the fall of 2010 on the initiative of the CSO "Pistoljka" /en. Whistle/, Ministry Infrastructure provided a permanent job to Goran Milosevic. <https://pistoljka.rs/public/images/zastita-uzbunjivaca.pdf>

⁹⁹ Due to the very nature of regulations, the Rulebook contains certain restrictions that could not be overcome due to the hierarchical structure of regulations provided by the Constitution of the Republic of Serbia. Eventually, in October 2014, the Constitutional Court declared the Rulebook unconstitutional.

<http://www.ustavni.sud.rs/page/view/sr-Latn-CS/80-102061/saopstenje-sa-29-sednice-ustavnog-suda-odrzane-23-oktobra-2014-godine-kojom-je-predsedavala-vesna-ilic-prelic-predsednica-ustavnog-suda>

¹⁰⁰ <http://www.europa.rs/upload/2014/Screening-report-chapter-23-serbia.pdf>

¹⁰¹ <https://www.usaid.gov/results-data/success-stories/blowing-whistle-corruption>

¹⁰² Ibid.

procurements, but also as a result of introduction of new grounds for exception. On the other hand, the number and scope of anticorruption measures is now significantly reduced in comparison with the previous law, which was adopted in 2012.¹⁰³

In November 2016, **amendments to the Criminal Code** were adopted. These amendments include revision of Criminal Code heads related to crimes against the economy and crimes against official duty.¹⁰⁴

The **Law on the Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime, Terrorism and Corruption** entered into force in March 2018. As already described, this law considers specialized authorities to investigate and prosecute corruption cases.¹⁰⁵

The **Law on Investigation of Property Origin and Special Tax** was adopted by the National Assembly in February 2020. The legislator pointed out that this Law will provide the state with an effective mechanism for determining, at any time, whether property of an individual is legal or results from corruption or abuse. Also, this Law provides for a mechanism for collecting the tax on illegally acquired assets. On the other hand, according to the CSOs active in the field, while earlier drafts enabled Tax Administration to impose tax on property that was obtained after 1 January 2007 regardless of the fact that the general statute of limitations for establishing tax duty was five years, the adopted Law contains no deadline whatsoever. Additionally, other weaknesses of this Law include lack of transparency when it comes to the criteria for control, direct political appointment of the person who will manage the work of the Tax Administration Unit, unlimited powers in information collecting, and very high tax rate.¹⁰⁶ According to the CSOs, even if application is not biased, results of its implementation could primarily be expected in the area of unregistered business activity (“grey economy”) and various forms of tax evasion, not in the field of fighting corruption, where other legal mechanisms have existed for decades.¹⁰⁷

1.3.3. Initiatives focused on implementation and monitoring the implementation of anti-corruption mechanisms in practice

As described, the fight against corruption in Serbia still faces problems related to the development, implementation, coordination, and monitoring of the implementation of strategic anti-corruption measures. New legislation introduced some improvements, but it did not tackle all previously identified problems, by relevant international organizations, and CSOs.¹⁰⁸ On the other hand, in the last five years there were numerous activities of stakeholders aimed to support the implementation and monitoring the implementation of both preventive and repressive anti-corruption mechanisms. However, all these

¹⁰³ See Coalition prEUgovor, PrEUgovor Alarm Report On the Progress of Serbia in Chapters 23 and 24, May 2020, p 69 and 70, available at preugovor.org/Alarm-Reports/1596/Coalition-prEUgovor-Report-on-Progress-of-Serbia.shtml

¹⁰⁴ See Republic of Serbia - Negotiation Group for Chapter 23, Revised Action Plan for Chapter 23, July 2020, p.118, available at <https://www.mpravde.gov.rs/tekst/30402/revidirani-akcioni-plan-za-poglavlje-23-i-strategija-razvoja-pravosudja-za-period-2020-2025-22072020.php>

¹⁰⁵ *Ibid.*

¹⁰⁶ See N. Nenadić, Law on the Examination of the Origin of Property and Special Tax from the Anti-Corruption Point of View. prEUgovor coalition, Belgrade, 2019, <http://preugovor.org/Policy-Papers/1546/Law-on-the-Examination-of-the-Origin-of-Property.shtml>

¹⁰⁷ <https://pescanik.net/zakon-o-ispitivanju-porekla-imovine-sta-ce-biti-usvojeno/>

¹⁰⁸ See Coalition prEUgovor, PrEUgovor Alarm Report On the Progress of Serbia in Chapters 23 and 24, May 2020, p 58, available at preugovor.org/Alarm-Reports/1596/Coalition-prEUgovor-Report-on-Progress-of-Serbia.shtml

activities did bring only limited improvement in the field. Furthermore, interviewed stakeholders agree that the business sector, which should be important partner in these efforts, is not adequately and substantially involved in the process of the development and implementation of the anti-corruption initiatives. Having in mind all mentioned, the implementation and effectiveness of anti-corruption measures to prevent and prosecute corruption continue to be a challenge.

Although numerous activities were implemented with the aim to support the implementation of the preventive anti-corruption mechanisms both at the central and local level, according to the European Commission, the situation in the sectors particularly vulnerable to corruption remains largely unchanged in last years. These include public procurement, infrastructure projects, healthcare, education, construction and spatial planning, and public companies.¹⁰⁹ Also, there were no tangible improvements in relation to anti-corruption efforts at the local level, and the impact of the local anti-corruption plans is yet to be assessed¹¹⁰.

Case study – Implementation of Integrity plans

The problem of implementation, monitoring the implementation, and lack of impact assessment of preventive anti-corruption mechanisms could be described on the example of Integrity Plan. Namely, the Integrity Plan is a preventive mechanism for strengthening the integrity of public institutions, which is based on the self-assessment of the institution's exposure to risks of corruption and other irregularities and contains measures and activities that serve to neutralize or place sources of such risks under control. The Integrity Plan is a cyclical process that lasts for three years and public institutions have legal obligation to implement this mechanism.¹¹¹ Although in both cycles majority of public institutions fulfilled the obligation of adopting the integrity plans, experiences of the Anti-Corruption Agency, which is competent to monitor the process of implementing measures of single public institutions from these plans indicate certain common characteristics. First, at the general level, the integrity plan remains a formal obligation for the representatives of the institutions: the model integrity plans are viewed and recognized as a formal order, i.e. as a regulation that must be adopted as is. The proposed measures from the integrity plan model are incorporated as is, regardless of whether they are adapted to the given environment or marked as inadequate without a deeper analysis of the context to which they refer. The statistics are in line with this trend and indicate that the integrity plan remains a formal document and very little attention is paid to its

¹⁰⁹ European Commission, Serbia 2020 Report, October 2020, p 29, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf

¹¹⁰ The Action Plan for Chapter 23 calls for the adoption and implementation of local anti-corruption plans (LAP) by cities and municipalities based on model developed by the Anti-Corruption Agency. LAP Model is consisted of 17 fields that are especially vulnerable on corruption in the system of local self-government (Relations between LSGs and public services, SOEs and other organizations founded by LSGs and partially or completely funded and controlled by LSGs; Managing donations received by LSGs, etc.). Monitoring of LAP implementation plays a key role in its application. It is thus vital that the body in charge of monitoring LAP implementation be independent of the LSG, i.e. its authorities, executives and officers. In that regard, the LSG should organize and ensure that the process of appointing members to this body is carried out in a manner which will ensure that further along the way this body can function independently; it should also create necessary conditions for the work of this body. By the end of 2019, 102 LSGs (70%) adopted plans, mostly in accordance with the model prepared by the Agency. On the other hand, only 28 LSGs have established a body to be in charge of monitoring the implementation of the LAP, of which only eight were formed in accordance with the Agency's Model.

¹¹¹ The first cycle of development and implementation of the Integrity Plan in Serbia lasted from 2012 to 2015, while the second cycle started in December 2016 and lasted until October 2019.

content and meaning. Implementation monitoring has also identified certain external factors that significantly affect the functionality of integrity plans, which could jointly be characterized as environmental instability - uncertainty of the regulatory framework (frequent changes of regulations) and lack of resources are most often present.¹¹² Additional problem with the implementation of integrity plans is related to weaknesses of existing monitoring mechanisms. The quality and effectiveness of internal monitoring mechanisms depend primarily on whether the persons in charge of monitoring the implementation of measures and activities from these documents in single institutions have sufficient knowledge of the subject areas and processes and to what extent they are autonomous in exercising these powers. It is necessary to consider the soundness of the solution according to which the internal monitoring of the implementation of the Integrity Plan is performed by the only person employed in an institution designated by the manager without precisely prescribed criteria. If, for example, the person does not have the necessary knowledge or does a variety of other tasks, there is a risk that s/he will not sufficiently and adequately apply themselves to monitoring the implementation of the Integrity Plan.¹¹³ Finally, the concept of external monitoring of the implementation of an Integrity Plan by the Agency cannot ensure the comprehensiveness of this function. In practice, as representatives of the Agency stressed, a detailed control of the implementation of measures from all developed Integrity Plans in the second cycle would mean that the Agency would be checking the implementation and extent of implementation of about 4,000,000 risk management measures in institutions from 14 different systems, which is a significant logistical problem, bearing in mind the capacity of this independent body. In that sense, a control was performed on sample of institutions from different systems.¹¹⁴ Having in mind all mentioned, it can be concluded that the efficiency of this preventive anti-corruption mechanism is not dependent only on existence of the legal obligation, but also on securing organizational and personnel preconditions in all public institutions for its implementation and monitoring the implementation, as well as on way of managing institutions and understanding benefits that this mechanism can bring.¹¹⁵ Besides that, the impact assessment methodology is needed with clearly identified indicators that will enable process quality measurement and impact assessment of integrity plans implementation. Comparative experiences show that for ensuring the efficiency in the process of the development and implementation of the impact assessment methodology for preventive anti-corruption mechanisms, it is of utmost importance to secure

¹¹² Anti-Corruption Agency, 2019 Annual Report, March 2020, p 21 and 22, available at <http://www.acas.rs/wp-content/uploads/2020/03/ACASizvestaj2019WEB.pdf>

¹¹³ http://www.acas.rs/wp-content/uploads/2020/01/2019-12-25-ANALIZA_Nacionalni-pravni-okvir-i-komparativna-analiza_oficiri-za-etiku.pdf

¹¹⁴ In 2019, the Agency monitored the process of implementing measures from the integrity plans by the methodology whose goal was to ensure the comparability of the collected data with those provided in the phase of control of quality and objectivity of the adopted plans. Appropriate questionnaires were developed for conducting interviews with employees and managers in institutions. The sample of institutions is comparable to the sample on which quality and objectivity control was performed, and the regional distribution of public authorities was taken into account. In 2019, the Agency conducted interviews with representatives of 24 institutions from the system of justice, healthcare, education, state administration and local self-government and social policy, from the territory of nine local self-governments.

¹¹⁵ For more information on the effects and range of integrity plans see: <https://www.transparentnost.org.rs/index.php/sr/aktivnosti-2/konferencije/9657-planovi-integriteta-izmedju-korupcijskog-rizika-i-antikorupcijske-prakse>

*a synergy and engagement of anti-corruption institutions, academia, and experienced experts from different fields.*¹¹⁶

In the field of repression, the novelties in normative and institutional framework produced some results in terms of convictions for corruption cases in the special departments for suppression of corruption in the Higher Prosecutors' offices and special court departments which were described in section 1.1. In the last three years, numerous activities based on donors' support and focused on strengthening the capacities of relevant institutions to combat corruption were implemented. These activities included, among others, a series of multidisciplinary and specialized training to the police, public prosecutor's offices, courts and other reporting entities and supervisory authorities for the efficient detection, investigation, prosecution and adjudication of corruption and economic crime-related offences; preparation of procedural guidelines on innovative ways for investigation, prosecution and adjudication of corruption cases and financial crimes for investigators, public prosecutors and judges; assistance to specialized anti-corruption units in courts and public prosecutor's offices in the development of procedures and methodology for data collection, record-keeping and statistical reporting on corruption cases, as well as developing electronic register to provide timely information on the status of corruption cases. However, suppression of high-level corruption still remains a weak point in this area, although there are recent examples where proceedings against some public officials, including directors of public enterprises were initiated.

Implementation of international recommendations – GRECO

In response to the procedure launched by GRECO, in 2018, the Government established the Coordination Body for steering activities in the implementation of GRECO recommendations. According to the report published in April 2019, Serbia still has to address most of the GRECO recommendations from the fourth round of evaluation. While some progress has been made concerning the recommendations on lobbying and, to a certain extent, the provisions of the new Law on Prevention of Corruption and the powers of the Anti-Corruption Agency, Serbia still did not adopt the Code of Conduct for members of Parliament and ensure clear guidance for the avoidance and resolution of conflicts of interest. Additionally, it is questionable to which degree the proposed changes to the Constitution will guarantee full implementation of recommendations related to the composition of judicial councils. The report of the Serbian Government, which was due on 31 December 2019, is not yet publicly available nor has it been discussed by the GRECO plenary.

¹¹⁶ For more details, see, Anti-Corruption and Civil Rights Commission of the Republic of Korea, Handbook for the Corruption Impact Assessment, June 2017, available at <https://www.undp.org/content/dam/uspc/docs/Handbook%20for%20the%20Corruption%20Impact%20Assessment.pdf>.

1.4. Stakeholders Views on the Main Mechanisms for Fighting Against Corruption

Main findings

- **CSOs find the free access to information of public importance and other regulations which prescribe obligations of public institutions to publish data on their work as one of the most important mechanisms for prevention of corruption.**
- **Representatives of the donor community agree that although Serbia has a robust anti-corruption strategic and normative framework, the progress in the fight against corruption in practice is not evident.**

Main mechanisms for fighting against corruption could be divided on preventive (such as integrity plans, local anti-corruption plans, corruption proofing of regulations, education of public officials, and employees in public institutions), and repressive (uncovering and prosecuting corruption cases).

As might be expected, all stakeholders agree that both preventive and repressive anti-corruption mechanisms are important in the fight against corruption, and that all mentioned anti-corruption strategic documents and laws should represent the basis for the implementation of these mechanisms. However, some of respondents from CSOs and Donor Community pointed out that in practice strategic documents were not real drivers of change in the fight against corruption. For example, although the adoption of the new Law on Anti-Corruption Agency was envisaged by strategic documents, the Law on Prevention of Corruption was adopted after prescribed deadlines in these documents, in 2019, and did not address all issues mentioned in these documents.

There are four more main points on which almost all stakeholders agree to be important regarding the implementation of anti-corruption mechanisms: a) clear political support; b) proactive approach of all public institutions to the implementation of both preventive and repressive anti-corruption mechanisms; c) establishing a more effective system for prevention of corruption in all public institutions, and d) further strengthening of the cooperation of all relevant institutions in the field of anti-corruption.

In this part, the main stakeholders in the field were asked on their perception of main mechanisms (public policies, regulations, etc.) for fighting against corruption in Serbia and their understanding of the theory of change and expected outcomes in this regard.

1.4.1. Research findings by groups of respondents

The research aimed to collect different perspectives on the theory of change and expected outcomes, by conducting semi-structured interviews with the targeted institutions and organizations. Having that in mind, we asked the stakeholders to describe their theory of change by pointing to the main mechanisms for fighting against corruption.

Public institutions

For a majority of respondents, progress in the fight against corruption requires fulfilment of the following preconditions: a) clear political support from ministers in charge of sectors defined as of particular risk on corruption; and b) further strengthening of the cooperation amongst all relevant institutions in the field of anti-corruption. In addition to that, according to the Anti-Corruption Agency,

there is a need for establishing a more effective system for prevention of corruption in all public institutions, based on comparative experiences, which would include precise systematization of obligations of all public institutions in that respect, and the implementation of mechanisms such as integrity plans, management of conflict of interest of employees in public sector, internal whistleblowing, Code of Conduct, and education on Ethics and Integrity.

Several comparative studies prepared by relevant international organizations pointed out that preconditions for improvement in the implementation of preventive anti-corruption mechanisms include ensuring adequate inter-institutional coordination in this area, mobilization of all relevant stakeholders from the public sector – not only the central anti-corruption body, and promotion of the active public reporting about results of anti-corruption measures. In that respect, the Anti-Corruption Agency in its last annual reports appealed to the authorities, primarily local self-government units, to act upon its recommendations for dismissal of public officials; and recommends strengthening of capacities of all public institutions in terms of the implementation of preventive anti-corruption mechanisms.

Strategic documents and laws, such as the Law on Prevention of Corruption, the Law on Protection of Whistleblowers, and the Law on Organization and Competence of State Authorities in Suppression of Organized Crime, Terrorism and Corruption, were recognized by respondents as especially important for the development of these mechanisms in the last five years. On the other hand, representative of the Anti-Corruption Council noticed that strategic documents did not pay attention to all areas of particular risk on corruption. Furthermore, the representative of the Anti-Corruption Council identified as important problems a lack of systematic planning, as well as lack of efficiency in implementation of defined anti-corruption measures.

From the perspective of the Ministry of Justice, at the strategic level, the adoption of sectoral strategies for areas defined as areas of particular risk on corruption would be needed in the forthcoming period. In this way, the measures and activities from the Revised Action Plan for Chapter 23 would be supplemented. Before the preparation of these documents, a detailed analysis should be prepared on what is essentially fulfilled from the measures and activities that were foreseen in the previous anti-corruption strategic documents.

Finally, from the perspective of judicial institutions, there is also a need for further improvement of the normative framework with the aim to secure more effective implementation. For example, one of respondents said: “Law on Seizure and Confiscation of The Proceeds from Crime needs to be improved, so that the procedure become more simplified. Right now, a lot of work and evidence is needed to confiscate someone's property.”

Civil society

According to the interviewees from CSOs, the theory of change would be based on different - proactive approach of public institutions to the implementation of both preventive and repressive anti-corruption mechanisms. For instance, public institutions should provide and publish all requested data on their work in accordance with rules on free access to information of public importance, while all reported corruption cases should be examined and if needed prosecuted by the judiciary. Representatives of CSOs pointed out that precise statistics on the number of cases that have not been examined do not exist. One of the recent researches conducted by the Transparency Serbia showed that in most cases when

journalists, independent bodies, or CSOs pointed to possible corruption, competent institutions were passive and did not initiate procedures¹¹⁷

Representatives of CSOs agree that all mentioned anti-corruption strategic documents and laws should represent basis for the implementation of both preventive and repressive mechanisms in fight against corruption in Serbia. However, majority of interviewees from CSOs stressed that the goals of strategic anti-corruption documents are not sufficiently clear and ambitious, having in mind that there is a lot of “technical measures and activities”, as well as lack of qualitative indicators. Furthermore, they highlighted that there is a lack of clear political support to the implementation of anti-corruption mechanisms. As a result, adopted strategic documents and anti-corruption laws did not bring necessary changes in society.

CSOs find the free access to information of public importance and other regulations which prescribe obligations of public institutions to publish data on their work as one of the most important mechanisms for prevention of corruption. “Every law or other regulation which prescribes the openness of institutions is important. They can help citizens to understand what institutions really do”, said one of respondents. Additionally, effective implementation of whistleblowing and protection of whistleblowers is important both for the prevention and repression of corruption. Although the novelties in normative and institutional framework produced some results in the field of repression, representatives of CSOs stressed that suppression of high-level corruption remains a weak point.

Donor community

Progress in the field of repression of corruption requires that police, public prosecutors’ offices and courts are independent in their work. In the field of prevention of corruption, obligations of all public institutions should be systematized, and a more effective system for the prevention in all public institutions should be established. The Anti-Corruption Agency should have the key coordination role in that process. The results of the mentioned reforms should be efficient prosecuting of corruption cases, stronger institutions, and transparent public administration.

Representatives of donor community agree that although Serbia has a robust anti-corruption strategic and normative framework, the progress in the fight against corruption in practice is not evident. As an example, some of interviewees, mentioned that almost all GRECO recommendations from the fourth round of evaluation have not been implemented.

The main impression of some interviewees from donor community is that the least has been done on issues that are treated as politically sensitive and where the public has the highest expectations. More precisely, in terms of repression, there is a problem with the lack of high-profile cases. On the other hand, in the field of prevention of corruption, a problem is the issue of assessing the impact of the implementation of preventive measures. It was stressed that the basic preconditions for effective implementation of preventive anti-corruption measures in public administration are the commitment of the heads of public institutions to these efforts, and promotion of these measures in public institutions.

¹¹⁷ http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Ka_efikasnijem_procesuiranju_finalni_TS.pdf

1.5. Overview of the Cooperation among Main Stakeholders in the Field of Anti-Corruption

Main findings

- The level of cooperation between public institutions and CSOs is not adequate.
- There is a lack of activist CSOs.

The central message emerging from the ongoing anti-corruption efforts is that there is a need to develop and improve main stakeholders' infrastructure through the strengthening of their capacities and cooperation. Respondents provided their opinions regarding the quality of intersectoral and sectoral cooperation by answering who they rely on most in their work and achieving their goals. Individual responses of interviewees that come from "subsamples" (public institutions and CSOs) are described below. Following the answers, a revised sociogram (showing only most preferred subjects for cooperation by groups of respondents) is presented.

Public institutions perspective

Intersectoral cooperation – Most of the interviewed representatives of public institutions believe that their cooperation with certain CSOs is adequate. This cooperation includes preparation of the draft anti-corruption regulations and strategic documents, joint conducting of certain trainings, projects, etc. Transparency Serbia and Pištaljka are recognized as the most important civil society organizations in this area.

Sectoral cooperation – As self-assessed by the interviewees, cooperation between independent/oversight bodies is adequate, but it can be improved. Generally speaking, there is a need for greater exchange of information and experiences. Independent bodies believe that their problems in cooperation with other public institutions occur due to insufficient capacity of those institutions; and due to large demands stemming from the competencies of certain independent bodies. "People are not motivated to work with us since they perceive that as an additional job that is not defined in their job description", noted one of respondents from independent public institution. Some respondents believe that cooperation could be improved by establishing a reliable system for dissemination of information. Additionally, an electronic platform is needed to provide better access to data. Finally, it was observed that there are problems related to cross-referencing, as well as to ensure data-flows.

CSOs perspective

Intersectoral cooperation – Perception of cooperation is measured by the responsiveness of the public institutions to the proposals and questions of CSOs. Most of CSOs find that intersectoral cooperation with public institutions is changing through the time, depending on the individuals who work in the institutions.¹¹⁸ In other words, most of CSOs are of the opinion that intersectoral cooperation is not properly entrenched at the institutional level. Some public institutions made efforts to establish adequate starting points for regular and efficient cooperation with CSOs. For example, the Anti-Corruption Agency established several mechanisms: a) Guidelines for cooperation with CSOs¹¹⁹; b) Coordination meetings

¹¹⁸ For example, depending on individual persons who are in charge of providing information of public importance, work as a PR person, in charge of cooperation with civil society, or is a director, etc.

¹¹⁹ http://www.acas.rs/wp-content/uploads/2012/06/Smernice_-_OCD1.pdf

with CSOs¹²⁰; and c) Granting competition for CSOs.¹²¹ Some of these mechanisms were connected with the implementation of the National Anti-Corruption Strategy, which expired in 2018. From that time, according to interviewees, cooperation among the Anti-Corruption Agency and CSOs seems to be weakening. One of the consequences could be the situation that Anti-Corruption Agency had to repeat its granting competition for the CSOs in the last two years¹²².

Most of the interviewed CSOs see financing of the civil society through public budget funded grants as a process where a risk of undue influence occurs. Some of them even decided to stop applying for this kind of support. On the other hand, two organizations/independent media outlets emphasized that they did not apply for the public budget grants since those offered only a small amount of funds for the investigative journalism, but keeping the unrealistic expectations in terms of deliverables. There is lack of statistical data, or research, which could corroborate this. It could only be assumed that behind every decision to opt-out from such grant competitions is previous experience and luck of trust.

Based on the experience of CSOs, the most responsive institutions are the Commissioner for Information of Public Importance and Personal Data Protection, certain local self-governments, and the Ministry of Public Administration and Local Self-Government.

Sectoral cooperation – CSOs believe that their efforts would have a greater impact if the organizations are more connected and work jointly on the policy and advocacy initiatives of common interest. For example, research media organizations stressed that there is a lack of cooperation with other CSOs which would further use their findings in order to put pressure on public institutions to initiate the criminal proceedings and/or amend the public policies. In order to change this, it would be necessary to make a mutual agreement between CSOs, as well as an agreement with the donor community.

Representatives of CSOs are of the opinion that the civil sector needs to focus more on activism. However, they noticed several problems regarding this issue. First, there is a lack of organizations that are strictly activist organizations. “Generally, it seems like CSOs in Serbia like their “safe” position in making policy briefs and recommendations instead of building the cases based on investigating journalist stories”, said one civil society representative. Second, local organizations avoid engaging in the projects centred on activism. It has been noticed that smaller organizations, which work on the local level, avoid holding public officials accountable, mainly because they are mostly funded by the local self-government, and believe that in this way they could antagonize that local self-government. This suggests that organizations rather censor themselves in order to avoid any potential pressure(s).

¹²⁰ With the aim of establishing a system of permanent coordination of CSOs in the fight against corruption and increasing the active participation of CSOs in the fight against corruption, ACAS established a practice of regular coordination meetings with CSOs. These practice last from 2014 to 2017.

¹²¹ Competitions were organized once a year. Additionally, in the period 2014-2017 two competitions were organized for the allocation of financial resources to CSOs for alternative reporting projects on the implementation of the National Anti-Corruption Strategy in the Republic of Serbia and the Action Plan for its implementation, as well as one for alternative reporting projects on the implementation of the Action Plan for Chapter 23 (<http://www.acas.rs/podrska-projektima-ocd/?pismo=cir>). Findings and conclusions from alternative reports of selected CSOs were used by the Anti-Corruption Agency for preparation of the official annual reports on implementation of the National Anti-Corruption Strategy and the Action Plan. until 2018, when these strategic documents expired. At about the same time, the practice of organizing coordination meetings also stopped, and cooperation among the Anti-Corruption Agency and CSOs started to weaken.

¹²² <http://www.acas.rs/podrska-projektima-ocd/>

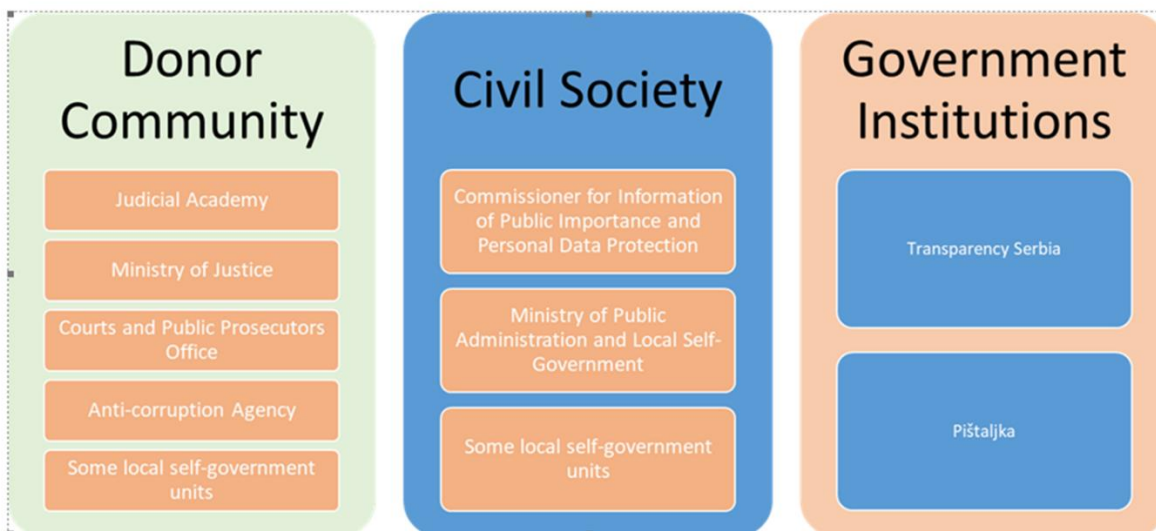


Figure 1 Revised sociogram / Preferred collaboration partners by groups of respondents

2. Nature of Corruption in Serbia

Main findings

- **The opinion of stakeholders is that corruption in Serbia is a social phenomenon.**
- **Stakeholders mostly do not recognize the role of personal responsibility as a factor that significantly determines the nature of corruption in Serbia.**
- **Representatives of the public sector do not see the connection between the political environment and the nature of corruption in Serbia.**

The nature of corruption could be defined as a term that implies how it occurs, what is its origin, and what is its main type. Having in mind that research was based on semi-structured personal interviews, the question related to this issue was the following: What is the nature of corruption in Serbia? To what extent is it politically rooted and used as a lever for maintaining power, and to what extent socially - as part of the social framework?

2.1. Responses of interviewees

First, in this part of the research, individual responses of interviewees that come from “subsamples” (i.e. public institutions, CSOs and donor community) will be described. Second, obtained answers and patterns in similar “themes” or concepts will be summarized in order to explain understanding of the nature of corruption in Serbia.

Public institutions perspective

Representatives of public institutions agree that the corruption is a social phenomenon. Moreover, by social phenomenon, respondents from public institutions mean and use following points of view: corruption is a part of tradition; it is a part of genetic code; it is related to customs and interpersonal relations in work surroundings. As one interviewee stated: “The corruption is a matter of cowardice - You

ask a colleague ‘Why you did that?’ and his/her answer is ‘That's what the boss said.’ On the other hand, it seems that respondents from public institutions do not see clearly a connection between corruption and politics, and/or do not feel comfortable to talk about it. For example, some of interviewees said that political corruption does not exist, or that the political factor does not influence significantly the nature of corruption in Serbia. Additionally, one of interlocutors pointed out that in Serbia, due to the consequences of the transition and institutional failures, corruption is present in parts of the system, but that the term political corruption is not appropriate, because it is too narrow. Most of the respondents answered briefly that political corruption was not detected in practice of their institutions. There were also respondents who went a step further and answered that: “there is no political corruption, that it is a purely social phenomenon and a matter of individual cases (incidents)”.

CSOs perspective

For CSOs, the corruption in Serbia is a social phenomenon in the first place, having in mind that it exists for a long time and that citizens are using it in everyday life. On the other hand, civil sector representatives do not agree on the origin of corruption. One group believes that corruption will exist no matter which political option is in power. Here is one explanation: “Generations are accustomed to corruption, which creates corrupt expectations. When such a situation exists in society, a change of government does not bring significant changes; instead the perception of corruption must change”. Other group believes that the corruption, as a social phenomenon, is tied to the geographic region and history; but the main problem lies in systemic nature of corruption, which is connected to the political corruption: “The social phenomenon of corruption is generally big in the Balkans. However, corruption as the social phenomenon is generally different from the systemic corruption. Namely, the systemic corruption in Serbia changes its nature over time and now it has characteristics of an organized crime connected to politicians.” Most of the interviewed representatives of CSOs believe that political will is the most important precondition in fighting corruption.

Donor community perspective

The donor community seems unique in assessment that corruption in Serbia is politically rooted, but also a part of the social phenomenon. The relevant EU and GRECO reports, strategic documents, CSOs reports, and surveys on the perception of corruption also speak about the existence of systemic problems.¹²³ Under the “social phenomenon”, the donor community usually implies that roots of corruption could be found in culture, tradition, education, etc. These roots create an atmosphere where corruption is normalized and justified. “The impression is that citizens are forced into corruption, in order to exercise their rights or receive appropriate services. Citizens have impression that they have no other way”. As mentioned before, the donor community does think that the political system has a big influence on the level of corruption in Serbia. “The biggest problem is political corruption, i.e. a system that is set up in such way that it is incapable of defending itself against political influences”. Therefore, this system feeds itself: “We think that political power would not be so great if there was no corruption”.

2.2. Analysis

¹²³For example, see GRECO report from the fourth evaluation round, 2019, available at: <https://rm.coe.int/greco/c4-2019-5-fourth-evaluation-round-corruption-prevention-in-respe/168093bc55>; and reports of the Coalition prEUgovor, available at: <http://www.preugovor.org/Alarm-Reports/1596/Coalition-prEUgovor-Report-on-Progress-of-Serbia.shtml>

Nature of corruption could be product of different mechanisms that drive corruption behaviour. Drivers could be found in the individual, as well as in the collective level.¹²⁴ Corrupt behaviour is not only the result of internal cost-benefit analysis, but rather a function of the underlying social and economic environment. For this reason, a multidisciplinary approach is required to understand the complex nature of corruption. For the purpose of analysing interviews data, the model of the interdisciplinary perspective of the nature of corruption was used.¹²⁵

This perspective explains corrupt nature through three main aspects/themes: 1) “internal world” (rational choice and behavioural factors); 2) “meso world” (sociological and criminological determinants); and 3) “external world” (economic, legal, political, historical, and geographical factors). Respondents’ answers are grouped in categories, so that they match to proposed aspects/themes. We first briefly describe each aspect, and then present the answers, grouped to correspond with proposed aspects/themes.

The internal world represents a micro perspective that highlights the individual’s intrinsic willingness to actively engage in acts of corruption. This aspect directly implies that personal responsibility plays an important role in shaping the nature of corruption. The meso world assumes that, beyond the intrinsic willingness, different components like typical values, rules, and norms within a given society have a strong impact on a personal decision, whether he/she will be involved in corruption activities. Meso world includes sociological and criminological determinations such as culture, traditions, educational level, social class, etc. Finally, the external world includes, among others, legal, political, historical, and geographical factors. In further discussion, this interdisciplinary model will be implemented to the answers of stakeholders in Serbia to illustrate which factor is most recognized.

“Internal world”

Most of interviewees do not recognize individual aspects as an active ingredient of the nature of corruption in Serbia. Most of them see some of the aspects that belong to meso and external world. There is a strong impression that when stakeholders talk about corruption, they talk about it as it is something far from their everyday life. This is an interesting observation, having in mind that at the same they claim that corruption is widespread, even “in our genes”. The personal detachment of interviewees can be a product of intention to keep the objective and decentralized point of view; but it can be avoidance and non-recognition of personal responsibility. The momentum of personal responsibility is only mentioned by one interviewee, who said that all citizens would have to change themselves, if they want to change the situation regarding corruption.

“Meso world”

Most of the answers related to the nature of corruption in Serbia can be identified as a meso aspect. Closely, almost all interviewees think that corruption is a social phenomenon. In clarifying this statement, they used this kind of explanation: “Corruption is a part of the culture. When you want to get things done, you rely on corruption practice”; “It is related to the educational system”; “Generations are accustomed to corruption, which creates corrupt expectations”; “You can see it in tradition, it is normalized.” Having in mind the presented answers, it can be concluded that respondents understand the social phenomenon of corruption as a product of various factors which include: culture, tradition, education, etc. The issue of connecting some aspects of tradition with corruptive practice could be found even in some previous

¹²⁴ TINA SØREIDE, DRIVERS OF CORRUPTION: A BRIEF REVIEW 29 (World Bank, 2014).

¹²⁵ Dimant, Eugen & Schulte, Thorben. (2016). The Nature of Corruption: An Interdisciplinary Perspective. German Law Journal. 17. 54-72. 10.1017/S2071832200019684.

research conducted in Serbia. For example, anthropological research shows that if bribe-givers solve their problems in that way (by using corruption) because they couldn't solve it in any other, then, according to the rules of the tradition (environment in which they live) they are not condemned¹²⁶. Recent research argues that tradition influences the origin, development, and formation of predispositions of the corrupt pattern of behaviour in Serbian society¹²⁷.

This data shows that some stakeholders and even some academic representatives in Serbia believe in connections between culture/tradition and corruption in Serbia. Belief in a well-known myth that corruption is merely a matter of culture can be problematic at least in two points: first, it is a ground for an excuse “We can do nothing, it is a matter of culture”; and second, it can be a starting point (along with another factor) for the process of normalization of corruption practice.¹²⁸

“External world”

Views of interviewees on “external world” factors that shape the nature of corruption in Serbia are different. Historical and geographical factors are mostly connected to economic factors. The transition period, various historical events, as well as geographical location have influenced the weakening of the economy, which, according to some respondents, can lead to corruption at all levels. On the other hand, legal and political elements are perceived differently by interviewed stakeholders. Most of the respondents did not recognize the legal factor as itself, but as its consequence – weak institutions.

Typically, weak institutions are responsible for inefficient implementation of regulations and the loss of citizens’ trust. CSOs and representatives of the donor community were direct in this observation, and they were ready to talk about this aspect, but representatives of public institutions did not. This, actually, does not mean that representatives of public institutions do not see these relations. It is rather that they do not talk about it. For example, most interviewees from public institutions think that systematic change will lead to reducing of the level of corruption, and could be achieved through stronger institutions. Although the institutions’ representatives do not recognize the influence of political factor in creating the nature of corruption in Serbia¹²⁹, the other two groups see it as the main ingredient of so-called “systemic corruption”. According to most interviewees from CSOs and the donor community, the combination of weak institutions and political factors led Serbia to systemic corruption that has been observed for a long time, and in the meantime changed its nature into organized crime.

2.3. Conclusion

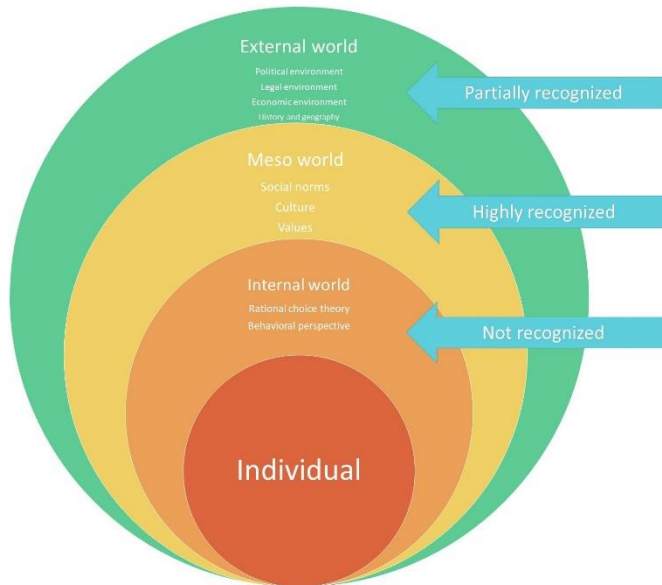
An interdisciplinary approach has given us more insight into the perception of corruption among the main stakeholders, who implement measures to reduce this phenomenon.

¹²⁶ Begović, Boris, Milatović, Boško (2001): “Korupcija u Srbiji”, Centar za liberalno-demokratske studije.

¹²⁷ http://www.fpn.bg.ac.rs/wp-content/uploads/2018/07/Milica_Jokovic_Disertacija_FPN.pdf?jezik=lat

¹²⁸ Tanzi, Vito, Corruption, Governmental Activities, and Markets (August 1994). IMF Working Paper No. 94/99

¹²⁹ Most of the respondents from the public sector avoid answering that question. When they answered, it was mostly related to the neglecting of this aspect. Namely, they stressed that political corruption does not exist and that political factor does not significantly influence the corruption in Serbia.



Data collected through this research shows that stakeholders do not have common understanding of the nature of corruption in Serbia. Stakeholders highlighted some aspects of the nature of corruption, and at the same time neglected others. The matter of the internal world is not recognized as a factor that significantly determines the nature of corruption in Serbia. This aspect directly implies the question of lack of awareness about the personal responsibility of all citizens in fighting corruption. The meso world aspect is highly recognized. On the other hand, aspects of the external world are

partially recognized and explained by stakeholders. There are discrepancies in attitudes regarding the impact of politics and institutions on the nature of corruption. These discrepancies can be explained from the various positions of the stakeholders, and their points of view. What literature taught us is that consideration of each level – micro, meso, and macro – is essential for understanding and fighting corruption. The donor community could focus part of their activities on strengthening the personal responsibility of all stakeholders in the process of implementing strategic documents and other anti-corruption measures. Additional research that will be more focused on the types of corruption and their repercussions on society could be significant for a clear understanding of the nature of corruption.

2.4. Proposals for Systematic Change

Main findings

- **There is no consensus among stakeholders that systemic corruption exists in Serbia.**
- Every stakeholder has its vision on means of systematic change in the field of anti-corruption:
 - Strengthened capacities of institutions;
 - Strengthened guarantees of independence of competent anti-corruption institutions;
 - Strengthened cooperation between public prosecutors' offices and the police;
 - Strengthened citizens' trust in public institutions.

In determining the nature of corruption in Serbia, we inevitably touched all of its aspects. What was a common conclusion, not always directly stated, is that there is the systemic corruption in Serbia. Systemic corruption is a situation when corruption is an integral part of a state's economic, social, and political system, and where most people have no alternatives to dealing with corrupt officials.¹³⁰ Sporadic corruption, in contrast, occurs irregularly and does not compromise the mechanisms of governance in the

¹³⁰ <https://www.u4.no/terms>

same crippling way.¹³¹ Some of interviewees offered broader understanding and refer that systemic corruption is an informal, pathological situation with parasitical attachment to politics and public administration. The system of corruption is active vis-à-vis anti-corruption efforts, protecting its members from exposure, prosecution, and punishment.

Most of the interviewees agree that there are enough anti-corruption institutions and that the proper normative framework for the fight against corruption exists. When it comes to the question “Why the problem of corruption is still so big?” the opinions differ. For most of the interviewees from the donor community and CSOs, the main reason is the lack of adequate political will to fight against corruption. As an illustration of this statement, our interviewees used the fact that there are no high-profile corruption cases before the courts. According to them, the problem is that the institutions are not doing their job adequately. Some of the respondents from CSOs were more direct: “The biggest mistake was the establishment of the special departments for combating corruption in four Higher Public Prosecutors’ Offices and courts. Those departments did not achieve significant results. Just low-level cases were finalized, which could be a result also without their existence. According to our information, cooperation between the police and public prosecutors is weak. Maybe the Romanian model, according to which competent public prosecutor’s office has its police, can be useful for Serbia.”

The path to systemic change would go from public institutions that will start to do their job adequately. After that, the corruption perception would be different, and citizens will believe in institutions. As one of the representatives of CSOs stressed:” For a systemic change, it is necessary to reduce the perception of corruption in society. That can happen, for example, if decisions of the Commissioner are regularly implemented, or if public prosecutors investigate all reported cases. This situation would mean that the institutions have come out of the vicious circle of political will”.

On the other hand, the representatives of the public sector believe that the most significant precondition for systemic change in the field of prevention of corruption is the strengthening of anti-corruption capacities of all institutions, and additional efforts to fight corruption at the local level. For example, each state body should have its prevention system, which would be coordinated and supported by one body (e.g. the Anti-Corruption Agency). In that sense, each institution must stick to its role in that system, which would inevitably lead to results.

For systemic change in the field of the repression of corruption, it is necessary to provide a better flow of information between the authorities, as well as to strengthen cooperation and the efficiency of that cooperation. According to the representatives of the judiciary, for proactivity in their work, guarantees of judicial independence must be secured. Finally, representatives of public institutions stated that it is clear that the fight against corruption is a process and that it is necessary to go through it step by step and not stop it.

Concrete suggestions are the following:

- Every public institution should have its system of prevention (integrity system), which will lead to the establishment of a culture of integrity.

¹³¹ *ibid.*

- Strengthening the position and role of authorized persons to conduct proceedings on whistleblowers reports in public institutions;
- Strengthening responsibility and transparency in institutions through educational activities and the establishment of checks and balances system.
- Strengthening guarantees for the independence of the judiciary.
- Introduction of the "Romanian model" – the formation of special units to fight corruption, which would consist of the so-called judicial police and judiciary itself¹³².

3. DONORS' COORDINATION/COLLABORATION AT THE STRATEGIC AND OPERATIONAL LEVEL

3.1 Overview of donors' activities in the field of anti-corruption in Serbia

This part of the report contains a short overview of the ongoing and planned anti-corruption projects and initiatives in Serbia. The selected projects and initiatives in the overview are directly related to the anti-corruption issues with the biggest impact on the sector. The overview is focused on the EU IPA Project "Prevention and Fight against Corruption", USAID-funded Government Accountability Initiative; the Netherland's Matra program; UK-funded projects; Swiss Agency for Development and Cooperation projects, and the World Bank, OSCE, and Council of Europe initiatives.

The research included additional group of donors and project implementers, whose views and activities are represented in other parts of this report.

¹³² <https://www.acauthorities.org/country/ro>

No.	Title and description of project	Timeline information	Deliverables	Relevance/Other remarks from interviews
Ongoing projects				
1.	<p>Title: IPA 2013 “Prevention and Fight against Corruption”.</p> <p>Description: The Project is implemented by PwC (3.2. million euros). It focuses on strengthening the national mechanisms for prevention and repression of corruption in accordance with the National Anti-Corruption Strategy (2013-18) and Action Plan, the Financial Investigation Strategy and the Action Plan for Chapter 23. The project has three components. First two components are focused on the prevention of corruption, working closely with the Anti-Corruption Agency, and Ministry of Justice (as main beneficiaries) in preparing / advancing the legislative and strategic AC framework. In addition, the activities covered the ministries responsible for health and education; tax and customs administrations; Judicial Academy; etc. The Project delivered the TNA for ethics and integrity across the wide range of sectors; practical trainings on use AC mechanisms on local and national level; TOTs for ethics and integrity; trainings on effective use of whistleblowing mechanisms; etc. The 3rd component is focused on strengthening capacities for repression of corruption by improving quality of investigation, prosecution and trial of corruption-related cases. Within the third component a series of multidisciplinary and specialized training is being provided to the competent institutions (the police, prosecutor 's offices, courts and other reporting entities and supervisory authorities) for the efficient detection, investigation, prosecution and adjudication of corruption and economic crime related offenses, as well as support to enhance inter/agency cooperation and coordination.</p>	2017-2020	<p>Support in prevention aspect of fight against corruption:</p> <ul style="list-style-type: none"> - GAP analysis identifying gaps between the provisions of the NACS and associated Action Plan as well as the Action Plan for Chapter 23 in the field of anti-corruption - GAP analysis on corruption risks in the fields of Health and Education sectors - Comprehensive analysis of the compatibility of AC legislation of the Republic of Serbia with EU Acquis - Analysis of the functioning of Anti-Corruption Council and practices of similar institutions within the EU - Reports on the implementation of the Law on Protection of Whistle-blowers and Analysis of the best EU practise on the protection of Whistle-blowers - Comparative analysis on "Introduction of ethics and integrity officers in public administration in Serbia", with recommendations - Methodology for Impact Assessment of AP for Chapter 23. <p>Support in repression aspect of fight against corruption:</p> <ul style="list-style-type: none"> - Trainings on "Financial Investigative Techniques" for judges, prosecutors, police investigators and members of the liaison institutions from all appellate jurisdictions. - Capacity and GAP analyses regarding functioning of the law enforcement agencies. 	<p>The project affects the capacities and performances of the main beneficiaries – Ministry of Justice, Republic Public Prosecutor’s Office, Anti-Corruption Agency– as well as other institutions (i.e. police, tax and customs administrations, Ministry of Education, Ministry of Health, Judicial Academy, etc.), by producing and assisting in developing numerous analyses, draft laws, and methodologies. The Project prepares annual survey on public perception of corruption, following the UNDP methodology. The 2020 survey might include the focus groups. Besides the sectoral GAP analyses, the Project will prepare a Methodology for Impact Assessment, including indicators for sectors under the risks and sectors identified within AP for Chapter 23. In addition, the Project will prepare starting points for Operational Plan for the Prevention of Corruption in areas of particular risk. Furthermore, it is worthwhile to follow-up activities regarding management of conflict of interest in public administration since the Ministry of Public Administration and local self-government, and High Civil Service Council seek to pilot these initiatives.</p>
2.	<p>Title: USAID “Government Accountability Initiative”</p> <p>Description: This Project is implemented by Checchi and Company Consulting (acquired by Dexis Consulting Group on February 1, 2020) - (\$8.5 million). It focuses on fostering government accountability and increasing connections among and between government bodies and</p>	2018-2022	<ul style="list-style-type: none"> - Annual Local Transparency Index prepared by Transparency Serbia during duration of the project. USAID is the beneficiary of this research. - CeSID and USAID prepared 2019 nationwide Survey of Citizens’ Perceptions of Efforts to 	<p>USAID signed Memoranda of Cooperation with seven local self-governments (LSGs) in November 2018 and with 6 LSGs in November 2019. The first group included the cities of Vranje, Sombor and Sabac and</p>

citizens. GAI supports accountability at all levels of government in Serbia through three parallel components: – (1) selected local self-governments, (2) independent oversight institutions (specifically State Audit Institution and Anti-Corruption Agency) and (3) specialized anti-corruption courts and public prosecutors.

GAI's expected results are increased public participation in local government decision-making and oversight; enhanced government performance and accountability through risk-based prevention and detection of corruption; and increased efficiency in adjudication of corruption cases by courts and prosecutors. It provides technical assistance to the State Audit Institution, Anti-Corruption Agency, and Commissioner for Information of Public Importance and Personal Data Protection to strengthen monitoring of government performance and public officials, and to increase awareness of the right of the public to access information to hold government accountable.

Combat Corruption, providing insight into the public's opinions on government institutions' performance in combating corruption, additional measures government needs to take to address it, and comparative analysis to views expressed in 2018.

Local self-government

Assisting local self-governments on improving transparency, communication and citizen participation through improvement of websites, communication strategies and data transparency and availability.

Through a nation-wide open call, GAI annually selects a set of local self-governments with whom to partner on citizen engagement in local budget planning and spending, public procurement, conflict of interest, adoption and implementation of Local Anti-Corruption Plans, government responsiveness in public service delivery, whistle-blower protection programs and increase transparency in government. Assistance should lead to adoption of sustainable local public policies, procedures and documents that should ensure improvement of good governance.

Courts and Public Prosecutors

- Anticorruption Practicum - procedural guide on innovative ways for investigation, prosecution and adjudication of corruption cases and financial crimes for investigators, public prosecutors and judges. To be followed by a series of trainings and design of an e-learning course with the Judicial Academy for legal professionals enrolled with initial and in-service training programs.

- Assistance to specialized anticorruption units in courts and public prosecutor's offices in the development of procedures and methodology

municipalities of Vrnjacka Banja, Raska, Sjenica and Dimitrovgrad. The second group included cities of Nis, Kragujevac, Novi Pazar and Sremska Mitrovica and municipalities of Zabalj and Stari grad. By the end of 2020, the third and the last group of LSGs for receiving technical assistance will be selected on the open call.

Because of trainings with SAI, there are nine performance audit reports produced during 2019.

Annual Survey of Citizens' Perceptions of Efforts to Combat Corruption is available for planning purposes and setting-up indicators for future activities.

for data collection, record keeping and statistical reporting on corruption cases.

- Developing electronic register to provide timely information on the status of corruption cases, detect bottlenecks in prosecution and adjudication cases and enable identification of strategies to increase efficiency of business processes in the counterpart institutions.

Anti-Corruption Agency

- Strategic plan for the period 2019–2023
- Methodology for monitoring and reporting on the implementation of the local anti-corruption plan

State Audit Institution

- Extensive introductory and advanced trainings on performance auditing and transfer of knowledge from the U.S. supreme audit institution to the Serbian SAI – its leadership, audit teams and Sector for Methodology.

Commissioner for Information of Public Importance and Personal Data Protection

- Support in promotion the importance of free access to information and personal data protection through variety of activities and events for raising awareness and for raising capacities of public entities to deal with these issues.

3. **Title:** Embassy of the Kingdom of Netherlands – MATRA program Ongoing
Description: The Netherlands does not have an Official Development Assistance (ODA) budget for Serbia, i.e. there are no major bilateral projects. The annual budget of the Matra program for Serbia is around 800,000 euros, and in addition there is a regional program (for Serbia and Montenegro) of 300,000 euros. The program covers topics in the field of Rule of Law, i.e. Chapters 23 and 24. With this in mind, corruption is only one of the potential topics. The program focuses on smaller, demand-driven CSO projects. However, within the MATRA program, there is

In recent years, the most significant problem for the implementation of project activities is that institutions are closing for cooperation with CSOs. A large number of projects are difficult to implement because they are based on monitoring the implementation of laws and public policies, and organizations cannot obtain the requested information from institutions in a timely manner. In such cases, a complaint is submitted to the

<p>also a section dedicated to the education of civil servants. Each year, 7-8 topics/trainings are singled out, one of which is the integrity of civil servants. Cooperation with CSOs is satisfactory.</p>	<p>Commissioner, which all leads to a waste of time and resources.</p>	
<p>4. Title: World Bank – Initiative for Transparency and Accountability Description: Main objective of the initiative is to help the establishment of an effective strategical mechanism for a multi-stakeholder engagement/participatory platform in the fields of transparency and accountability in Serbia through dialogue among public, civil society, and business sectors, as well as development partners. Based on a series of bilateral and multilateral meetings with representatives of the public, civil society, and business sectors, as well as of the donor community, the initiative helped to identify areas for intervention and a long-list of measures. The measures were identified based on following criteria: a) measures will not require/or will require minimal legal or regulatory changes; b) measures are not envisaged directly by current anti-corruption and public administration reform strategic documents; and c) relevant studies and reports have identified those topics as important for further improvement in the areas of Good Governance and Anti-Corruption. The Initiative is not focused on providing technical assistance or a similar type of support. In the case that the Initiative identifies topics and measures where this type of support is needed, it will use the involvement of development partners to examine how appropriate support could be leveraged.</p>	<p>January 2020 (ongoing)</p> <ul style="list-style-type: none"> - The proposed topics were grouped into three main thematic areas: <ol style="list-style-type: none"> 1. Fiscal Transparency, 2. Proactive Transparency and 3. Strengthening Accountability. - Two online thematic meetings on Proactive Transparency and Strengthening Accountability (June 2020) were organized with the participation of government institutions, civil society organizations, business associations, and development partners. - Participants agreed on measures that should be implemented within the Initiative and accepted to participate in the work of thematic working groups. The General Secretariat of the Government, the Public Policy Secretariat, and the Anti-Corruption Agency expressed their willingness to lead and coordinate further actions within thematic working groups for Proactive Transparency and Strengthening Accountability. 	<p>This initiative represents the process-oriented mechanism. Overall, the Initiative should help the country advance the good governance, transparency and accountability agenda – especially by increasing the chances of providing more traction to existing (and new) activities.</p>
<p>5. Title: OSCE Description: To further the adherence to the rule of law in Serbia, the OSCE Mission assists the authorities in their efforts to reform the judiciary and the prison system. It organizes training seminars for judges, prosecutors, defence lawyers and police officers on criminal justice matters, and helps anti-corruption institutions improve their public accountability mechanisms. The Mission also works with human rights institutions on anti-torture initiatives, and trains officials and civil society on how to</p>	<p>Ongoing</p> <p>Anti-Corruption Agency:</p> <ul style="list-style-type: none"> - Code of Conduct for Lobbyists. - Specialised trainings and TOT for the Agency staff on Lobbying. - Procedure for preparation of annual plan of controls of income and assets of public officials (in cooperation with USAID GAI). - Three-month internship program for young professionals from South West Serbia. 	

better prevent, detect, and prosecute financial crimes. It is relying on internal experts in their activities and cooperation with the Agency, law enforcement (prosecution and police); while they work with the judges to a lesser extent.

<p>6. Title: Council of Europe – Strengthening independence and accountability of the judiciary Description: At the project level (€750,000), the Council of Europe is implementing activities within the Horizontal Facility for the Western Balkans and Turkey 2019-2022. The project seeks to strengthen the capacity of relevant institutions, in particular the High Judicial Council and the State Prosecutorial Council, including their capacity to prevent corruption and undue influence, and to assist in the process of adopting appropriate acts on these issues. Specifically, it aims to build the capacities of judges, prosecutors, judicial and prosecutorial assistants to detect and counter risks of undue influence; and to reinforce internal mechanisms, rules and procedures within the High Judicial Council and the State Prosecutorial Council to guarantee judicial and prosecutorial independence. Main institutional beneficiaries are the High Judicial Council, the State Prosecutorial Council, the Judicial Academy and the Ministry of Justice. The Project expects to achieve establishment of a fair and merit-based system of performance evaluation and career advancement of judicial professionals; and to enhance co-operation and the information flow between the executive and the judiciary. The Council of Europe and the Horizontal Facility for the Western Balkans and Turkey (Horizontal Facility II) 2019-2022 program have sufficient human and financial resources for the fight against corruption in the judiciary, which can be mobilized quite easily. This applies in particular to issues identified as important in the EU's annual progress reports and the reports of Council of Europe bodies, such as GRECO. Institutions have a key role in shaping activities and deciding how these resources will be used. In other words, the program is characterized by flexibility, agreement with institutions and adaptation to their expressed needs. First, a needs assessment is done, and then an annual work plan is prepared and adopted by</p>	2019-2022	<ul style="list-style-type: none">- Expert advice/opinions, round tables, expert meetings/working groups, training session, peer-to-peer discussions organised in co-operation with beneficiaries;- Preparation of publications that will contribute to strengthening the independence and the accountability of the judiciary of the Republic of Serbia and to improving the public confidence in the judicial system.	The activities of the Council of Europe in Serbia in the field of the fight against corruption are mostly focused on the judiciary. In the previous period, the most common topic was the ethical and disciplinary responsibility of judges and prosecutors. The strategic documents point out as the most important measure the adoption of amendments to the Constitution concerning the strengthening of the independence and accountability of the judiciary. In addition to the mentioned documents, Serbia also has a new Judicial Development Strategy. Representatives of the High Judicial Council and the State Prosecutorial Council have repeatedly stressed that the existing normative framework does not allow them to establish new permanent working bodies, such as ethics committees, to combat undue influence on judges and prosecutors and other issues relevant to prevention of corruption.
---	-----------	--	---

the Program Steering Committee. In addition, there is always a possibility of modification.

7.	<p>Title: UK Embassy – regional and local programs soon to start</p> <p>Description: The British Embassy does not have a unit that implements programs, but hires subcontractors. There are two units (of four and three employees) for the two programs, which control implementation. In other words, the British Embassy has minimal human team capacity for projects. At the moment, there are no DIFID representatives in Serbia. The Embassy relies on the organizations it engages to implement and collaborate with beneficiaries. Financial capacities are also not large, nor it is precisely determined how much money is allocated for the fight against corruption. A regional program aimed at supporting the Rule of Law should start soon, but it is still unclear whether and to what extent the fight against corruption will be represented within it. The second program is intended for Serbia. Within it, there are some minor elements related to the fight against corruption, such as working with the SAI. The total budget for both programs is around one million euros.</p>	2020	<p>A program that is intended for Serbia will have only some minor elements related to the fight against corruption, such as working with the SAI. The Embassy's estimate of the environment is such that there is no sense in entering into some larger interventions, because it has already been done before. Namely, now it is mostly about minor changes, which require the full commitment of institutions for implementation. The Embassy is interested in projects that affect daily work of the institutions, in order to avoid still-borne documents and analyses that serve no good to anyone.</p>	
8.	<p>Title: Enhancing Good Governance on Local Level</p> <p>Description: Implemented by Standing Conference of Towns and Municipalities (SCTM), this four-year-long project is part of the Programme "Enhancing Good Governance and Social Inclusion for Municipal Development – SwissPRO" funded by Swiss Agency for Development and Cooperation (SCD) and implemented by the United Nations Office for Project Services (UNOPS).</p> <p>The project aims to provide continuous support to local self-governments to improve their capacities for developing, adopting and implementing good governance principles (efficiency and effectiveness, transparency, accountability, rule of law, participation and, equality and non-discrimination) in their everyday practice. Project activities are based on:</p>	2018-2022	<p>Municipality support packages in areas of: 1) improving the efficiency and effectiveness of local self-government work and standardization of local administrative procedures; 2) strengthening accountability and the rule of law, in particular by supporting the development and implementation of local action plans for the fight against corruption; 3) implementation of the principle of participatory decision-making at the local level, especially with regard to budget and gender budgeting.</p> <p>In 2019 and 20202, two cycles of municipal support packages in the area of strengthening accountability and the rule of law, in particular by supporting the development and implementation of local</p>	<p>This project and the USAID-funded Government Accountability Initiative are focused on the strengthening of the anti-corruption efforts at the local level. Experiences from the implementation of these projects show that there is a need for continuous donor and institutional support to the local self-governments for the improvement of their capacity for the development, implementation, and monitoring of implementation of preventive anti-corruption mechanisms such as Integrity Plan and Local Anti-Corruption Plan. This support should include, among others: the organization and implementation of training on the effects of the implementation of Integrity Plans and Local Anti-corruption Plan for</p>

a) general awareness rising and capacity building activities such as regional trainings, e-learning courses, peer-to-peer workshops, SCTM Knowledge and Information Hub on good governance at the local level, as well as national competition for the best practices in implementing the principles of good governance, that will be available to all local self-governments in Serbia.

b) direct support provided to 42 local self-governments through municipal support packages in areas related to good governance principles.

action plans for the fight against corruption were/are implemented in selected local self-governments.

In 2019, municipal support packages were implemented in seven selected seven local self-governments - Sombor, Loznica, Plandište, Zaječar, Medveđa, Žabalj and Boljevac. In 2020, these packages are implemented in five local-sef governments – Kosjerić, Lapovo, Merošina, Požega, and Užice.

These packages are based on the support to the selected local self-governments in the preparation and implementation process of the Local Anti-Corruption Plan. Packages include models of acts, trainings, guidelines, counselling support, ad hoc consultations, mentoring, and knowledge sharing related to eight thematic fields from the Model Local Anti-Corruption Plan.

The aim of support packages is to improve the level of quality of work of the local administration and provide better services to the business community and citizens.

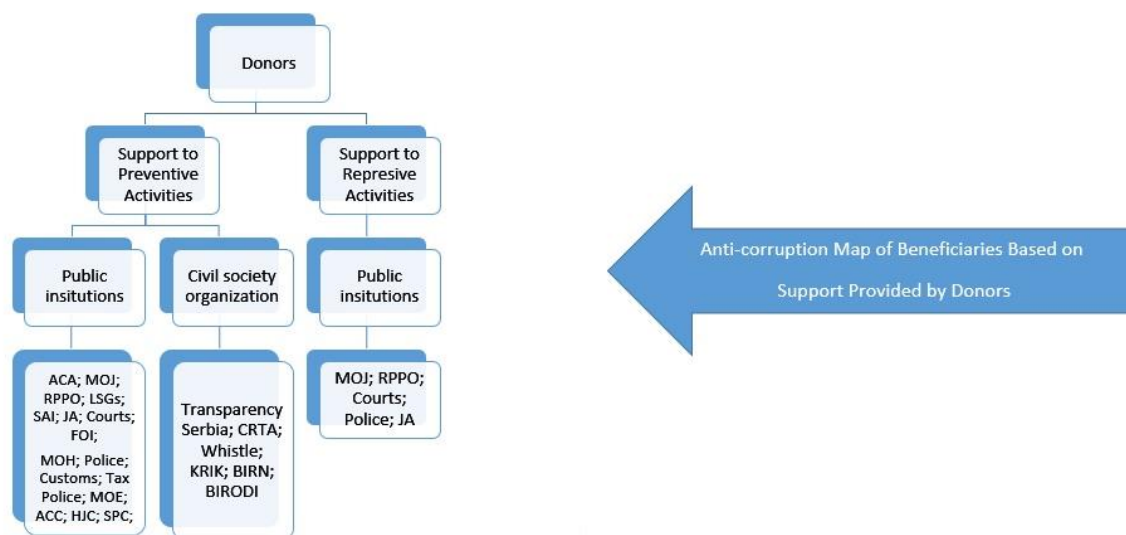
representatives of the local self-governments involved in the process of drafting, implementing and monitoring the application of these documents, especially those in management positions; implementation of support packages for all local self-governments with the necessary models of acts, examples of good practice and organization of training for all involved in the process of preparation, implementation and monitoring of the implementation of the Local Anti-Corruption Plan; running public competitions for allocating funds to civil society organizations for the implementation of projects aimed at helping all local self-governments in the processes of monitoring the implementation of the Local Anti-corruption Plan, or that aim to monitor the implementation of Integrity Plans at the local level; and development of mechanisms and tools for measuring the effects of the implementation of measures and activities from the Integrity Plan and the Local Anti-corruption Plan.

3.2 Overview of donors'/projects' coordination/collaboration and its effectiveness in the field of anti-corruption

Main findings

- **Coordination (and consequently, collaboration) between donors/project implementers remains ad hoc and insufficient, hindering dissemination of information, leaving gaps and causing possible overlap and duplication of activities.**
- **Coordination structure is weak and informal.**
- **Periodic donor coordination/collaboration is better when it comes to individual projects and joint initiatives, but mostly depend on the efforts of individuals who work there.**

Currently, there are multiple anti-corruption (and good governance) projects that are running in the Republic of Serbia. In many cases, their scope of work is similar and they target the same institutions. It feels like there might be too many actors in the field, with substantial amounts of money that come from their project budgets. Inevitably, this poses a risk of overlapping, duplication of project activities, or gaps in the expected outcomes. Furthermore, it is often the case that opportunities for the synergy effects are missed. It seems implausible to seek for collaboration between the initiatives without proper coordination. Therefore, the coordination comes as necessity and remedy for the abovementioned risks in both project design and implementation phases.



Project design phase

When it comes to project design phase (i.e. programming of international development assistance), the public institutions and beneficiaries would benefit from the closer coordination with donors while designing the Terms of Reference (ToR) for multi-million complex projects. By doing so, it would prevent

duplication of activities (and resources); and allow for more synergy in the activities. As stated by a representative of one donor, the coordination takes place only when implementation starts in the field. However, this is difficult to achieve due to the intricate and long process of designing projects' ToRs; and due to a complex landscape of actors that need to be involved on that level of coordination.

In the context of IPA II¹³³, programming is a process of planning, identifying and prioritizing needs within individual sectors in respect with the relevant national and development planning and strategic framework. In order to increase ownership, facilitate cooperation among donors, eliminate duplication of efforts and bring greater impact, IPA II is focusing on sector approach¹³⁴ – i.e. sector policy objectives and results relevant for accession. One of the main features of the sectoral approach is functional sector and donor coordination.

The Indicative Strategy Paper (the Strategy Paper)¹³⁵ sets out the priorities for EU financial assistance for the period 2014-2020 to support Serbia on its path to the EU accession. It translates the political priorities, set out in the enlargement policy framework, into key areas where financial assistance is most useful to meet the accession criteria.

This Strategy Paper (2014-2020) has been prepared in close partnership with Serbia, through several rounds of consultations with the Serbian European Integration Office (SEIO). Specific consultations were organized with the sector working groups composed of representatives of line ministries and other national stakeholders, a number of CSOs, EU Member States, other donors and international organizations in Belgrade in July 2013 and November 2013. International Financial Institutions (IFIs) and international organizations have also been consulted and a strategic dialogue with the European Parliament has been conducted. CSOs have been consulted more widely via SEIO, having in mind SEIO's national leadership in programming of IPA funds. SEIO has organized consultations with CSOs in cooperation with the Office for Cooperation with Civil Society, which is in charge of coordinating the processes with the wide range of CSOs, irrespective of their size, sector/area of work or geographic location. All the consulted stakeholders provided inputs in their respective fields of expertise. They will be further considered during programming of IPA assistance. The consultation process was also instrumental in terms of achieving better coordination of strategic priorities and complementarity of assistance among donors¹³⁶.

¹³³ The Instrument for Pre-accession Assistance (IPA II) is the main financial instrument to provide EU support to the beneficiaries in implementing reforms with a view to EU membership. The Republic of Serbia has so far concluded two Framework Agreements with the European Commission on the arrangements for implementation of Union financial assistance. The first was for the period 2007-2013, while the second (IPA II) has been prepared for the period 2014-2020 and is currently in use.

¹³⁴ The programming of IPA II assistance in Serbia is operated through nine sectors selected by the Serbian government. Sectors are: (1) Justice; (2) Home Affairs; (3) Public Administration Reform; (4) Competitiveness; (5) Energy; (6) Environment and Climate Change; (7) Transport; (8) Human Resource and Social Development; and (9) Agriculture and Rural Development.

¹³⁵ With a view to delivering on the priorities set for EU financial assistance for Serbia for the coming seven years, this Strategy Paper sets objectives, identifies the key actions and actors, describes the expected results, indicates how progress will be measured and monitored, and sets out indicative financial allocations. The priorities defined for financial assistance will serve as a basis for the (multi-) annual programming of IPA II funds in 2014 to 2020. <http://www.europa.rs/upload/2014/Indicative%20strategy%20paper%20for%20Serbia%202014-2020.pdf>

¹³⁶ Ibid.



The illustration presents a multi-step process described above, before an IPA project begin with implementation.

When it comes to inclusion of donors/project implementers in the design phase, as one interviewee from the international organization stated, one such initiative included their institution (an international organization) in preparation of the ToR for the new IPA 2017 for the judiciary. Although there is no formally structured mechanism for coordination and cooperation between the major actors in the Chapter 23-related initiatives, there has been slightly better picture when it comes to the EU-funded, or co-funded, activities. The Ministry for European Integration has formed the sectoral working groups, as a coordination mechanism (e.g. the Sector Working Group (SWG) for Justice, see more details below).

Project implementation phase

Once the implementation phase starts, the benefits from coordination become even more evident. The current state of play paints an unfavourable picture. Coordination is informal and not at satisfactory level. There is very little talk and no platform where the key information could be posted. Although there are examples of bilateral and multilateral meetings, they are far from regular. Coordination (and collaboration, consequently) depends, largely, on the people who lead specific donor organizations/work on the individual projects – i.e. on their willingness to share information. In practice, information is poorly shared, and this primarily refers to the "larger donors"¹³⁷. About ten years ago, as interviewees stated, the situation was significantly better on that issue since the UNDP had led donors' coordination meetings (see below more details). UNDP was guided by the number of its own activities in the area of anti-corruption, including their annual surveys on the public perception of corruption. As the number of their anti-corruption activities were dropping, the coordination group stopped with its meetings.

Coordination and collaboration between the project implementers and donors, who work on the same topics, is often born out of necessity. They join the efforts, experts and finances in order to better coordinate the scarce resources (on the projects' side) and/or scarce availability of participants from the target institutions that could take part in trainings/conferences/expert working groups. That proves to be a viable way to address both the needs of target institutions and implement projects' workplans. In

¹³⁷ By "larger donors" we mean European Union and United States, being by far the largest donor, investor and economic partners of Serbia. Their multifaceted projects and initiatives have so far affected the rule of law and increased good governance.

addition, it brings in an increased exposure and mixing of participants that rarely meet/sit together to listen to and learn from each other.

Best practice

Conference on Whistleblowing (September 2019) – The conference was a result of joint efforts of two projects (i.e. EU-funded project and USAID-funded project), which both work on the whistleblowing. While one project focuses on whistleblowing in the national level, the other works mainly on this issue with the local self-governments. Therefore, the projects were able to bring in the actors they had worked with; and present their relevant analyses and practice. Furthermore, the projects were able to combine financial resources and provide best mix of the EU and US experts on the topic, providing the participants with the most relevant and freshest view on the pressing issues. In addition, this collaboration enabled networking of different actors that usually do not meet (whistleblowers, prosecutors, judges, representatives of local self-governments, legal experts, CSOs, etc.).

As interviewees suggested, the positive impact of some project activities was only possible due to strong coordination of actors by the beneficiary institutions. For example, the large training efforts, with extensive training curricula that include multiple state institutions, and numerous expert-trainers can happen only in coordination with all involved actors and, again, by joining the resources. In the future, these initiatives require strong(er) coordination mechanism, usually stirred by the beneficiary institution and/or authorized institution(s) for best results.

Best practice

Joint trainings of AC professionals – Both the EU-funded project and US Department of Justice’s OPDAT focus on assisting the public prosecutors. Training of public prosecutors is under the supervision of the Judicial Academy, so any activity that aims at providing such training assistance needs to be negotiated with the Judicial Academy and the Republic Public Prosecutor’s Office, and approved by them. In this specific case, the beneficiaries and responsible state authorities (i.e. Ministry of Justice, Republic Public Prosecutor’s Office, and Judicial Academy) required, and led, coordination and collaboration between the projects. The projects teamed up significant resources to provide the best mix of expertise, develop training curricula and organize practical workshops for a diverse group of professionals/institutions¹³⁸. This approach secured a buy-in from the beneficiaries, their presence in trainings, and in-depth understanding of training needs.

Some of the interviewees shared an impression that common political and reform views among the donors positively affect coordination and cooperation. It is necessary to stress that the practice depends on the good will of the donors. Development of coordination requires that everyone clearly see the benefit in this mechanism.

¹³⁸ The Law on Organization and Jurisdiction of State Authorities in Combating Organized Crime, Terrorism and Corruption had introduced new concepts, which required focused trainings prior the new Law came into force (and later on, providing support). The workshops included representatives of the Judiciary, Anti-Corruption Agency, Police, Tax Police, Customs Administration, Public Procurement Administration, Prosecutors, Business Registry Agency, National Bank of Serbia, State Audit Institution, Republic Cadastral Registry and the Administration for the Prevention of Money Laundering. The participants studied and discussed the role of liaison officers; new methods in conducting criminal investigations; relationship between prosecutors, police and liaison officers; developing appropriate procedures and best practices and approaches to allow new specialized units to fight against corruption.

When speaking of coordination, it is necessary to talk about two possible (and distinct) levels coordination may take place:

- (i) between the state institutions/beneficiaries and donors/project implementers;
- (ii) between the donors and project implementers.

Coordination between state institutions and donors

The existing mechanisms seem to be inadequate to fully address multiple initiatives and actors in the area of prevention and fight against corruption. Based on the conducted interviews, we would like to draw attention to two actors that were singled-out. One is the Ministry for EU Integration, for its existing mechanisms. The other is the Anti-Corruption Agency for its possible role in the coordination efforts.

On its part, the Government has transferred a “coordination task” to the Ministry for EU Integration to a great extent. This coordination is not at an enviable level. The Ministry has formed the sectoral working groups, as a coordination mechanism.

For instance, the Sector Working Group (SWG) for Justice is responsible for the coordination of activities related to management of EU funds and other international assistance. The functioning, management, organization and composition of SWG is defined by the Rules of Procedure for Sector Working Groups for the Programming and Monitoring of the EU funds and international assistance.

In order to enable more inclusive and transparent dialogue, consultation and communication with all relevant stakeholders in regard to planning and programming of EU and other international assistance, the Ministry of European Integration established Sectorial Civil Society Organizations (SECOs) mechanism. SECO serves as consultation mechanism with the CSOs active in the field of particular sector. Members of SECO are participating at the SWG meetings and takes part in consultation processes for analysing sector priority goals, measures and operations for financing from EU funds and international assistance. SECO and SWG are part of the consultative process that leads to the elaboration of the IPA II Action Documents.

So far, these working groups based their work on the presentation of activities, without a substantive and meaningful discussion. The Government was not ready to talk openly about political issues. It would be beneficial if the Government would actually use this platform; and present what the main problems are in the field of the fight against corruption, so that international stakeholders can see interest in participating in the work. However, practice indicates that this will not happen.

The prevention and fight against corruption could, and should, be addressed through the SWG for Good Governance. However, the focus of this working group is a public sector reform. The SWGs, as a coordination mechanism, have never become fully operational, nor have they met the expectations in terms of content and constructive discussion. They could be useful only for the EUD and IPA programs, i.e. for their work with the institutions on project planning. These working groups are large and mainly focus on considering sectoral analyses. Their members are representatives of the institutions and donors. Meetings of the SWGs used to be more frequent, and now they are held sporadically, maybe once a year.

From the perspective of interviewed representatives of donor community, the Anti-Corruption Agency has a potential to take over the coordination role of projects in the field of prevention of corruption. In reality, the Agency is indeed a focal point and source of information, but mostly remains on bilateral level. As interviewees shared, they have individual and ad hoc contacts with the Agency, usually when annual activity planning activities require that. Only then, there is an exchange of information on planned and

agreed activities, thus avoiding duplication. For all those reasons, this type of coordination remains fragmented and insufficient.

Coordination between donors and project implementers

In practice, there is a lack of regular/periodic donor coordination and thematic meetings in the field of anti-corruption. Such meetings would benefit the donors and project implementers by providing them with the most current state of play in anti-corruption efforts of all actors. As EUD is the largest donor, some of the interviewees believe they should have the most important role in the coordination process.

Respondent's quote

“There is no good donor coordination. EU coordination takes place once a year. When such meetings take place, there is no discussion about what works and what does not. No honesty. There are initiatives about meetings, but it depends on the people on the projects; it is not a structured action. In addition, there is no conversation on how to control adequately how project money is spent”, as stated by a representative of one project implementer.

Naturally, the donors/projects leading a specific topic relevant to the anti-corruption have the best overview of the theme. The donors and embassies now coordinate with each other, but not involving project implementers. It happens that the donors claim that their projects will have extremely wide scope of work, but in the end, it happens that certain gaps remain.

Best practice

Friends of Rule of Law – This informal group brings together important international actors. The group provided a basic level of coordination and sharing of basic information on donor activities. In addition to EU and COE projects, it brings together the OSCE and bilateral partners – the Dutch Embassy, USAID, the German Embassy, etc. This group has been operating for more than three years through periodic informal meetings (three times a year) and email correspondence. The Dutch led this coordination channel for a while.

In reality, as some of the interviewed representatives of the project implementers said, this multitude of donors/implementers creates confusion for the beneficiaries/participants since they cannot simply tell what project is developing/organizing what activity. It happens, often, that beneficiaries/participants apply for the same activity/assistance with different donors/projects. As a remedy to this, the implementers of individual projects have started coordination in order to avoid this overlap. The existing informal cooperation, in individual cases, is result of those circumstances.

It is not always the case that donors include state institutions (i.e. beneficiaries / partners) in their own coordination initiatives. It is unknown to what extent the donors and project implementers are ready to include them. The interviewees have shared that participation of state institutions is often driven by the demand of the beneficiary-institutions themselves. While the individual projects and donors are driven by their workplans and agendas, they are somewhat oblivious of the regular duties and workload of the participating institutions and their staff. Some institutions feel overwhelmed with the available support and technical assistance, and demand for stricter coordination between the projects that work on the same topics. Those are the opportunities for synergies and more cost-efficient and cost-effective activities.

Best practice

UNDP-led anti-corruption donor group – This group included all active donors in the field, but also representatives of relevant institutions and functioned quite well. Not only that it had done the donor coordination, but it considered the current topics, theory of change, etc. The group ceased to function in 2013-2014. The interlocutors do not know why, but they point out that the possible reason is the introduction of formal coordination through sectoral working groups or the reduction of UNDP activities in this area.

3.3 Anti-corruption as topic in political dialogue

Apart from joining the EU, the impression is that the topic of the fight against corruption is not part of the political dialogue. With the caveat that there may be other initiatives, the impression is that everything is donor driven; and viewed through the prism of EU accession.

Based on the responses from the interviewees, the talks between the donors and Serbia's authorities remain mostly on the technical level. As expressed, the meetings at the ambassadorial level could be the actual venue where these topics are discussed.

3.4 Conclusion

In order to benefit from the synergy of multiple anti-corruption initiatives and activities, it is necessary to seek for coordination and cooperation within a wider pool of shareholders. By doing what they are preaching, the project implementers/donors would be able to promote the principles of transparency, planning and accountability more effectively to their beneficiaries.

Based on the interviews and research of best practices, it became clear that coordination between the public institutions and donors/project implementers and donors themselves is often ad hoc and fragmented. This hinders dissemination of information and affects collaboration. Mapping out of donors/project implementers in the area of anti-corruption seems to be a first step in the right direction. There is great potential in already existing mechanisms within the Ministry for EU Integration, if there is a will to use them effectively and allow for transparent dialogue about the existing issues. Also, the Anti-Corruption Agency could have a significant role in driving coordination in the area of prevention of corruption.

4. CONCLUSIONS AND RECOMMENDATIONS

Lessons learned on: a) existing engagement capacities of institutions, CSOs and donors to face corruption challenges; b) donors' coordination framework at the strategic and operational level

Despite the significant financial investments and numerous anti-corruption initiatives during the last two decades, corruption remains an issue of concern in Serbia. According to the findings of international organizations, there is still no effective coordination mechanism in place to operationalize prevention policy goals and effectively address corruption. Furthermore, it was recognized that improvement is

needed in the field of track record on investigations, indictments and final convictions in high-level corruption cases, including the seizure and confiscation of criminal assets.

The anti-corruption institutional framework is mostly adequate, but there is a need for permanent work on strengthening of institutional and human resources capacities and guarantees of independence of anti-corruption institutions. Furthermore, strengthening capacities and more active approach of all public institutions to the implementation of both preventive and repressive anti-corruption mechanisms are important for the improvement in the field.

Implementation of the strategic anti-corruption framework has been fraught with delays, and relevant authorities did not implement the number of planned activities. The problems in implementation of the strategic anti-corruption documents were related to the lack of coordination, and lack of capacity of the responsible entities for the implementation of complex measures. Also, there were problems related to the effectiveness of the monitoring and supervising mechanisms of the implementation of these documents. According to some stakeholders, the reforms took place only when the dynamics allowed for it; where the main supporting factors were, for instance, political will, availability of funds, and the pressure of the international factor.

Although new legislation introduced some improvements, it did not tackle all previously identified problems by relevant international organizations, and CSOs. On the other hand, numerous activities of stakeholders in previous period aimed at supporting the implementation of both preventive and repressive anti-corruption mechanisms, did bring only limited improvement in the field.

Besides clear political support of ministers in charge for sectors defined as of particular risk on corruption, and further strengthening of the cooperation amongst all relevant institutions in the field, establishing a more effective system for prevention of corruption in all public institutions based on comparative experiences was recognized as an important measure for further progress in the area of fight against corruption. Furthermore, it was stressed that the impact assessment methodology is needed with clearly identified indicators that will enable process quality measurement and impact assessment of preventive anti-corruption mechanisms.

When it comes to the repression of corruption, it was stressed that precise statistics on the number of cases that have not been examined do not exist. Furthermore, in most cases when investigative journalists, independent bodies, or CSOs pointed to possible corruption, competent institutions were passive and did not initiate procedures.

The civil society has faced the problem of reduced possibility to substantially participate and influence the development of strategic and normative anti-corruption measures and decisions of the authorities. Furthermore, the business sector, which should be important partner in anti-corruption efforts, is not adequately and substantially involved in the process of the development and implementation of the anti-corruption initiatives. During the last few years, it became obvious that the space for work of the CSOs in Serbia is narrowing. From the perspective of anti-corruption CSOs, one of the biggest challenges in their work is related to difficulties in obtaining data that are important for their work. The other problem is related to the human capacities of CSOs, i.e. lacking the staff with specific knowledge in different areas of anti-corruption. CSOs believe that their efforts would have a greater impact if the organizations are more connected and work jointly on the policy and advocacy initiatives of common interest.

Coordination between the public institutions and donors/project implementing bodies, and donors themselves, is often ad hoc, fragmented and informal. This hinders dissemination of information and affects collaboration. In order to benefit from the synergy of multiple anti-corruption initiatives and activities, it is necessary to seek for more effective coordination and cooperation within a wider pool of stakeholders. Otherwise, it feels like there might be too many actors in the field, with substantial amounts of money that come from their project budgets, leaving the gaps in the expected outcomes. Inevitably, this poses a risk of overlapping and duplication of project activities. There is a great potential in already existing mechanisms within the Ministry for EU Integration, if there is a will to use them effectively and allow for transparent dialogue about the existing issues. Also, the Anti-Corruption Agency could have a significant role in driving coordination in the area of prevention of corruption.

Recommendations on further development and implementation of anti-corruption measures based on lessons learned and existing engagement capacities to face corruption challenges:

- Government and National Assembly should provide all necessary support to the strengthening of institutional capacities and guarantees of independence of anti-corruption institutions through i.e. securing of adequate budget, appropriate infrastructure conditions, adequate constitutional and normative interventions, regular consideration of their reports and recommendations, and organization of public hearings on actual issues in the area of fight against corruption.
- High ranking officials, i.e. ministers in charge of sectors defined as of particular risk on corruption, should demonstrate clear political support to the process of development and the implementation of anti-corruption measures through promotion of these measures in public institutions and to the public.
- All future strategic and normative anti-corruption measures should be formulated through substantive participatory process and dialogue of stakeholders from public, civil and business sector.
- A new anti-corruption strategic framework should be developed underpinned by a credible and realistic action plans as well as effective coordination and monitoring mechanisms, based on lessons learned in this field.
- Based on comparative experiences, more effective system for prevention of corruption in all public institutions should be established. This would include: precise systematization of obligations of all public institutions in the field of prevention of corruption; strengthening of capacities of all public institutions in terms of the implementation and monitoring the implementation of preventive anti-corruption mechanisms; implementation of mechanisms such as integrity plans, management of conflict of interest, internal whistleblowing, Code of Conduct, and education on Ethics and Integrity, and adequate status and role of authorized persons in public institutions to conduct these tasks. Every public institution should have its system of prevention (integrity system), which will lead to the establishment of a culture of integrity.
- Based on comparative experiences, in cooperation of anti-corruption institutions, donor community, academia, and anti-corruption experts, the impact assessment methodology with clearly identified indicators that will enable process quality measurement and impact assessment of preventive anti-corruption mechanisms should be developed and implemented.
- Anti-Corruption institutions should entrench cooperation with CSOs through mechanisms such as Guidelines for cooperation with CSOs and coordination meetings with CSOs.

- The donor community could focus part of their activities on additional research on the types of corruption and their repercussions on society with the aim to determine a clear understanding of the nature of corruption in Serbia. Based on research findings, in cooperation of all stakeholders, awareness raising campaigns about anticorruption and public participation in preventing corruption should be initiated and supported.
- CSOs should improve their cooperation and work jointly on the policy and advocacy initiatives of common interest.
- CSOs active in the fight against corruption throughout the territory of Serbia should initiate and establish the cooperation with organizations active in their local communities. This cooperation should be based on the principles of developing the capacity of local CSOs to monitor the implementation of anti-corruption efforts at the local level.

Recommendations on new entry points and improvement of coordination management among development-aid programs:

- Create and regularly update a map of donors/project implementers that work on anti-corruption initiatives.
- Work in parallel on establishment and development of both formal and informal platforms for coordination.
- Organize regular thematic meetings on specific anti-corruption issues and/or initiatives (and to demonstrate benefits).
- These meetings should be initiated by donors leading a specific topic relevant to this area.
- Include beneficiary institutions in early-on stages of preparation of wider initiatives that include multiple project implementers and/or donors.
- Seek for opportunities to build-in coordination and cooperation mechanisms in the project design.
- Extend coordination and cooperation efforts to civil society organizations, professional business associations, and state bodies and institutions that are not direct project beneficiaries but may have interest in learning about the planned initiatives.
- Seek for opportunities to tackle corruption through joint initiatives with other project implementers/donors and wider pool of shareholders, in order to provide for best mix of expertise and assistance to the beneficiaries.
- Consider taking the lead and championing a “coordination task”, by following the UNDP-led model of coordination and becoming recognized for it among the donors and government.
- Consider advocating for establishment of the anti-corruption sectoral working group within the Ministry of European Integration and/or Agency for Prevention of Corruption, in order to institutionalize the effort.

ANNEX 1

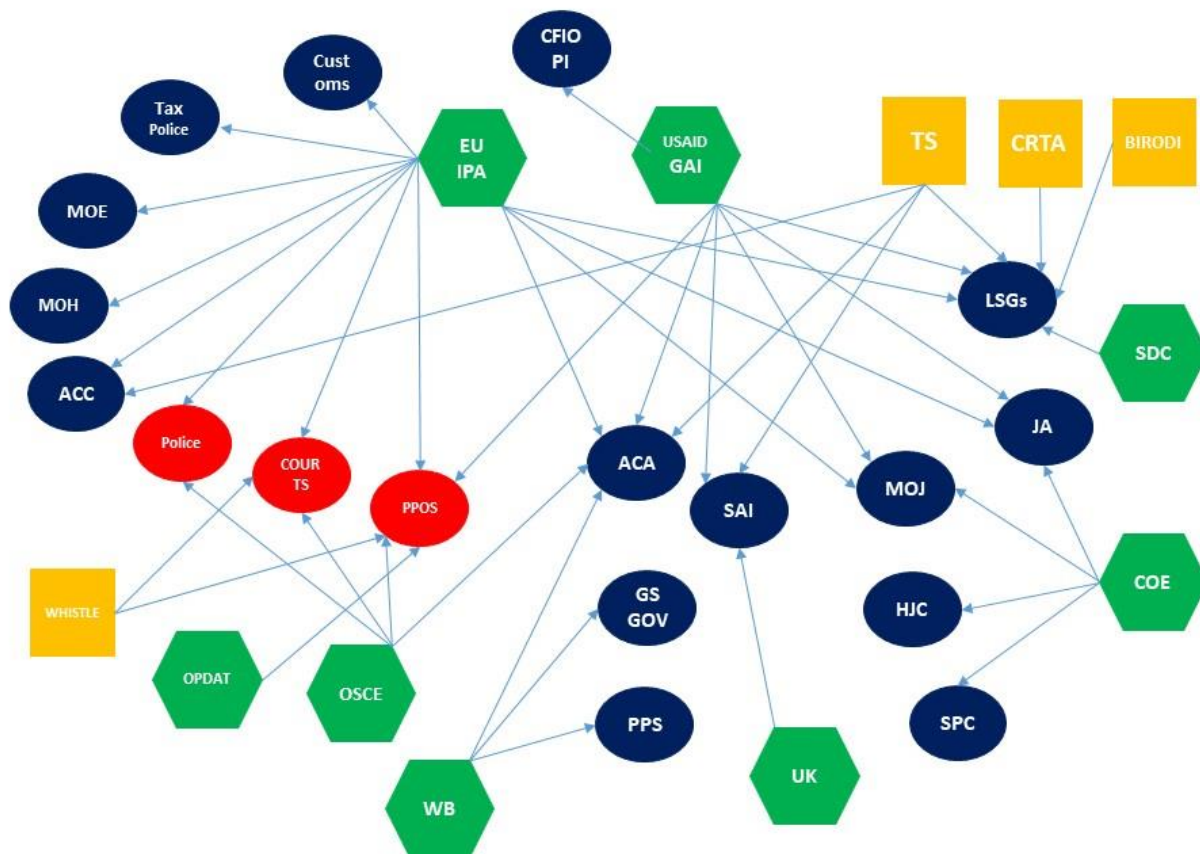
-List of public institutions, CSOs, media, and development partners that participated in the research –

Public Institutions	
1.	Anti-Corruption Agency (ACA)
2.	Anti-Corruption Council (ACC)
3.	Commissioner for Information of Public Importance and Personal Data Protection (CIIPDP)
4.	Higher Court in Belgrade (HCB)
5.	Higher Prosecutor's Office in Belgrade (HPOB)
6.	Ministry of Justice (MoJ)
7.	Protector of Citizens (PC)
8.	Republic Public Prosecutor's Office (RPPO)
Civil Society Organizations	
1.	Balkan Investigative Reporting Network (BIRN)
2.	Center for Research, Transparency and Accountability (CRTA)
3.	Crime and Corruption Reporting Network (KRIK)
4.	Transparency Serbia (TS)
5.	Whistle
Development Partners – Donor Community in Serbia	
1.	British Embassy
2.	Council of Europe
3.	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH
4.	Embassy of Germany
5.	Embassy of Sweden
6.	EU Delegation to Serbia
7.	EU project "Prevention and Fight against Corruption"
8.	Kingdom of the Netherlands' Fund for Regional Development - MATRA
9.	OSCE
10.	Swiss Agency for Development and Cooperation - Swiss Cooperation Office in Serbia
11.	USAID Government Accountability Initiative
12.	World Bank

ANNEX 2

This map is a visual representation of the most important anti-corruption actors (public institutions, civil society organizations and donors/projects) and the initiatives that are ongoing between them (e.g. technical assistance, grants, etc.). The actors and initiatives were identified through a series of interviews. The map makes a distinction between the public institutions based on their role in the preventive or repressive mechanisms in the fight against corruption in Serbia.

MAP OF ANTI-CORRUPTION ACTORS AND INITIATIVES



LEGEND

- State institution - prevention
- State institution - repression
- Civil society organization
- ⬡ Donor / project implementer
- AC initiative

ACA	Anti-Corruption Agency
ACC	Anti-Corruption Council
CFIOPI	Commissioner for Information of Public Importance
COE	Council of Europe
EU IPA	EU IPA Project "Prevention and Fight against Corruption"
GS GOV	General Secretariat of the Government
GIZ	German Corporation for International Cooperation
HJC	High Judicial Council
JA	Judicial Academy
LSG	Local Self-Government
MOE	Ministry of Education, Science and Technical Development
MOH	Ministry of Health
MOJ	Ministry of Justice
OPDAT	Office of Overseas Prosecutorial Development and Training
OSCE	Organization for Security and Co-operation in Europe
PPS	Public Policy Secretariat
RPPO	Republic Public Prosecutor's Office
SAI	State Audit Institution
SPC	State Prosecutorial Council
SDC	Swiss Agency for Development and Cooperation
TS	Transparency Serbia
UK	United Kingdom Embassy
USAID GAI	United States Agency for International Development's Government Accountability Initiative
WB	World Bank

ANNEX 3

-List of questions for individual interviews-

1) Analysing current AC initiatives

Knowledge requirements	Knowledge gaps
<ul style="list-style-type: none"> ➤ What are the main policy levers used by AC actors to tackle corruption in Serbia? (This includes targeted AC programs but also the mainstreaming of AC actions in projects with another focus area) 	<ul style="list-style-type: none"> - Please briefly describe your theory of change and expected outputs
<ul style="list-style-type: none"> ➤ What are the capacities and behaviour of the different actors, their relationships and influences? 	<ul style="list-style-type: none"> - On what budget and manpower does your programme relies on? - On whom or what do you rely most to achieve your goal? - What are the main difficulties/challenges you encounter during your activities?
<ul style="list-style-type: none"> ➤ What is the nature of corruption in Serbia? How far is it politically entrenched – i.e. part of the logic by which politicians maintain power? How far is it socially entrenched – i.e. part of social normative framework by which public goods are distributed? 	<ul style="list-style-type: none"> - What informal practices may interfere with your work or impact your project? - How do you mitigate risks?
<ul style="list-style-type: none"> ➤ What would systemic change in Serbia look like? What are the realistic outcomes for anti-corruption? 	<ul style="list-style-type: none"> What are the opportunities to contribute to systemic change (policies, legal frameworks, institutional changes, change in behaviour of the main stakeholders)? What AC strategies may be effective in Serbia in terms of influencing policy?

2) Assessing donors' coordination capacities at the strategic and operational level

Knowledge requirements	Knowledge gaps
<p>➤ How does coordination take place in practice and is it effective?</p>	What information do you share? For what purpose?
	Do you think you are sufficiently aware of what other donors are doing?
	To how many coordination meetings at the strategic and operational did your program participated in 2019?
	Is there any platform (social media, mailing list, twitter hashtag, etc.) to share/collect/keep information? If yes, do you participate?
	Do you have budget/capacities for coordination?
	What are the main difficulties/challenges for coordination among donors?
<p>➤ To what extent do donors collaborate on anti-corruption/governance projects?</p>	Do you reckon examples of successful/unsuccessful coordination for AC in Serbia? If yes, please describe.
	Is there any duplication, decoupling or discrimination between initiatives?
	What do you expect from coordination? What is you level of satisfaction towards coordination?
	Who leads on anti-corruption in Serbia? How?
	Do you support others' AC initiatives or do you share common activities? If yes, how? If no, why?
	How do you integrate coordination within your activities?
	Have donors exerted political pressure on Serbia actors – to what end and what success?

➤ To what extent is anti-corruption part of political dialogue between Serbia and the donors?

Beyond the EU Accession process, what other political pressure points are there?