



**OTVORENI PARLAMENT**

# TOWARDS OPEN PARLIAMENT

**1. HOW DOES  
PARLIAMENT CONTROL  
EXECUTIVE POWER?**

**2. WOMEN IN PARLIAMENT**  
A QUOTA OR REAL IMPACT?

**3. OPEN GOVERNMENT IN SERBIA**  
INITIAL OVERVIEW ACCORDING TO THE  
OPEN GOVERNMENT PARTNERSHIP

Belgrade, August 2014.





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## ABOUT OPEN PARLIAMENT

Open Parliament is a joint initiative of four civil society organizations launched in June 2012 to increase the transparency of the Serbian National Assembly and include the public in monitoring the work of MPs.

The initiative includes the Center for Research, Transparency and Accountability (CRTA), SeConS - Development Initiative Group, Lawyers' Committee for Human Rights (YUCOM), and National Coalition for Decentralization (NKD). Each organization contributes to the functioning of this initiative within its area of expertise.

The Open Parliament initiative is focused on collecting, analyzing and publishing of all relevant information on the Parliament's work and MPs' activities on the website [otvoreniparlament.rs](http://otvoreniparlament.rs). In the past two years, the website has become an important source of information not only for the research and analyses conducted by the Open Parliament initiative, but also for the media, civil society, academic community, as well as for the citizens. The site provides parliamentary transcripts from all plenary sessions from 1997 to the present, adopted laws, voting records, MPs' biographies, and video stories and researches on various aspects of the work of National Assembly and MPs that should serve as a basis for improvement of parliamentary procedures.

These activities represent efforts to educate the public on the important characteristics of the Parliament's work, to timely inform on developments in the Assembly and encourage the public's involvement in various initiatives and decision-making process.

The Open Parliament initiative's work is built on the values contained in the [Declaration on Parliamentary Openness](#).

# INTRODUCTION

This publication is the result of the research activities of the "Open Parliament"<sup>1</sup> initiative conducted in 2013 and 2014. National Assembly of the Republic of Serbia is the most important representative body where both male and female MPs represent the interests of citizens and make laws that affect the quality of life for all citizens. Seeking an answer to the question of the extent to which male and female MPs fulfill their function of a citizens' representative, the Open Parliament initiative conducted a number of studies whose results are contained in this publication.

The research was focused on the oversight role of the Serbian National Assembly, as one of the main functions of Parliament. This important and often disregarded role of the National Assembly is accompanied with the Parliament's structure gender analysis and the impact of female MPs on decision-making process and the supreme legislative body's work. Believing that transparency and openness of institutions is the first step towards building people's trust in decision-makers, the "Open Parliament" initiative prepared a preliminary assessment of openness of other institutions based on the criteria of "Open Government Partnership"<sup>2</sup>.

The oversight role of the National Assembly is established as a priority one given its importance in strengthening the Parliament in relation to Government. Findings of the research "How does Parliament control the executive power?" showed that a quarter of MPs believe that strong executive power is the biggest obstacle to achieving Parliament's oversight role. The National Assembly should also strengthen its role and the MP's position in order to carry out its monitoring function better.

The "Women in Parliament - a quota or real impact" research showed that female MPs submit amendments to bills and take part in discussions about laws more frequently than male MPs. However, women find it much more challenging to enter certain parliamentary circles, to move up through the ranks of political party hierarchies, they need to prove themselves even more, invest more effort and find it harder to gain the trust of their colleagues.

The degree of openness of state institutions based on the content of the official website presentations of a particular institution is presented in the "Open Government in Serbia - initial overview according to the Open Government Partnership framework". By analyzing the content of websites it was found how institutions had progressed in information disclosure and thus the basis was created for a deeper analysis of the openness of state administration.

These studies, as well as all other activities within the "Open Parliament" initiative, represent an attempt in informing citizens, representatives of civil society and media organizations, researchers and other interested parties on the work of Parliament and emphasizing the importance of openness and transparency of institutions. During the entire period of data collection the researchers had the greatest help from the employees in the Serbian National Assembly professional service, as well as female and male MPs of the ninth convocation of the Serbian parliament that participated in the research.

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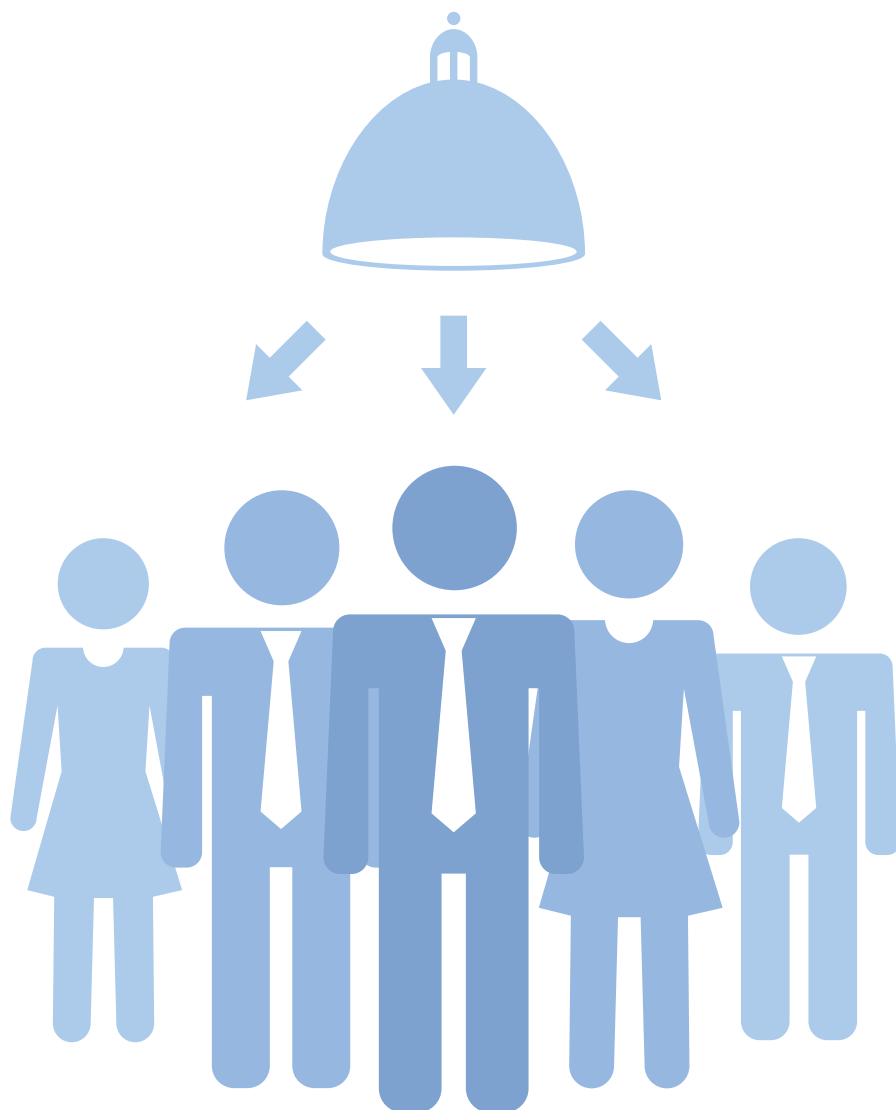
<sup>1</sup> Open Parliament is a coalition of four civil society organizations created under the joint cause - to increase the transparency of the Serbian National Assembly. The coalition comprises: Center for Research, Transparency and Accountability, (CRTA), SeConS Development Initiative Group, Lawyers' Committee for Human Rights (YUCOM), National Coalition for Decentralization (NKD)

<sup>2</sup> Open Government Partnership is an international initiative that defines the standards for establishing and improving the transparency and accountability of governments in 19 key areas

# HOW DOES PARLIAMENT CONTROL THE EXECUTIVE POWER?

OVERSIGHT ROLE OF THE NATIONAL ASSEMBLY  
OF THE REPUBLIC OF SERBIA

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# INTRODUCTION

The aim of the «How does Parliament control the executive power» study was to define the MP's attitudes and practices regarding oversight function of the Serbian National Assembly, and the mechanisms for its improvement.

Report on the Parliament's oversight role was created after an analysis **had been carried out by a combination of quantitative and qualitative research methods**. Quantitative research was conducted in October 2013 among 105 MPs who then participated in the ninth convocation of the National Assembly of the Republic of Serbia. In-depth interviews, as a qualitative method, were carried out in December 2013 also among then convened MPs. In total, 20 in-depth interviews were conducted. When selecting participants for qualitative portion of the research, it was important to include the representatives of all political parties as well as both female and male MPs.

In the wide field of activities and legal mechanisms, this report is devoted to analysis of the MP's attitudes and practices regarding the oversight function in general, and special attention is given to parliamentary questions, inquiry committees and public hearings.



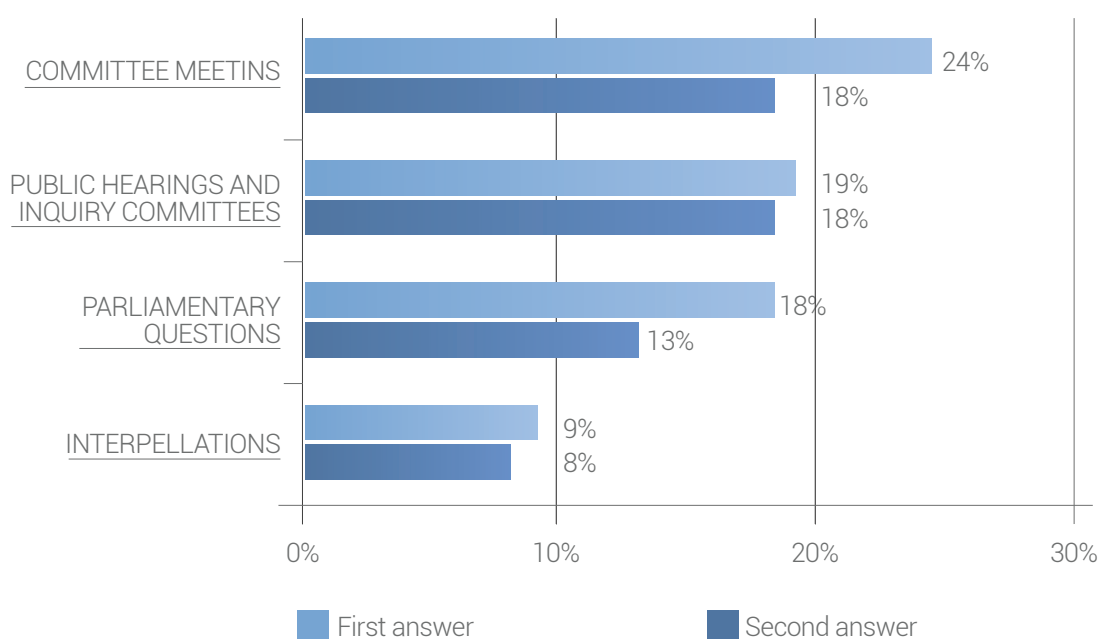
## PARLIAMENT'S OVERSIGHT FUNCTION

**In addition to its representative, electoral and legislative function, Parliament has an oversight function and various mechanisms available for its fulfilling.** Among them are the interpellations relating to the work of the Government or a Government member; Motion for no confidence vote in the Government or a Government member; Government reporting to the National Assembly on its work; Reviewing reports by state institutions, organizations and bodies; Parliamentary questions (in writing); Parliamentary questions relating to a topical subject (oral); Forming Inquiry Committees and Commissions; Ministries informing Committees on their work; Public hearings; Oversight of the budget execution and Supervision of the security sector. Some of these mechanisms are used very infrequently (e.g. interpellations), and some are part of the regular practice of the National Assembly of the Republic of Serbia (e.g. parliamentary questions).

MPs were asked to assess the efficiency of different mechanisms **in general, and then provide an example for the National Assembly of the Republic of Serbia.**

**MPs believe that the best mechanisms for the Parliament to exercise its oversight function in general are committee meetings, public hearings and inquiry committees, as well as parliamentary questions.** As an illustration, 24% of the surveyed MPs provide their first answer "committee meetings" as the most efficient mechanism for Parliament's oversight function, while for 8% of MPs there is no efficient mechanism.

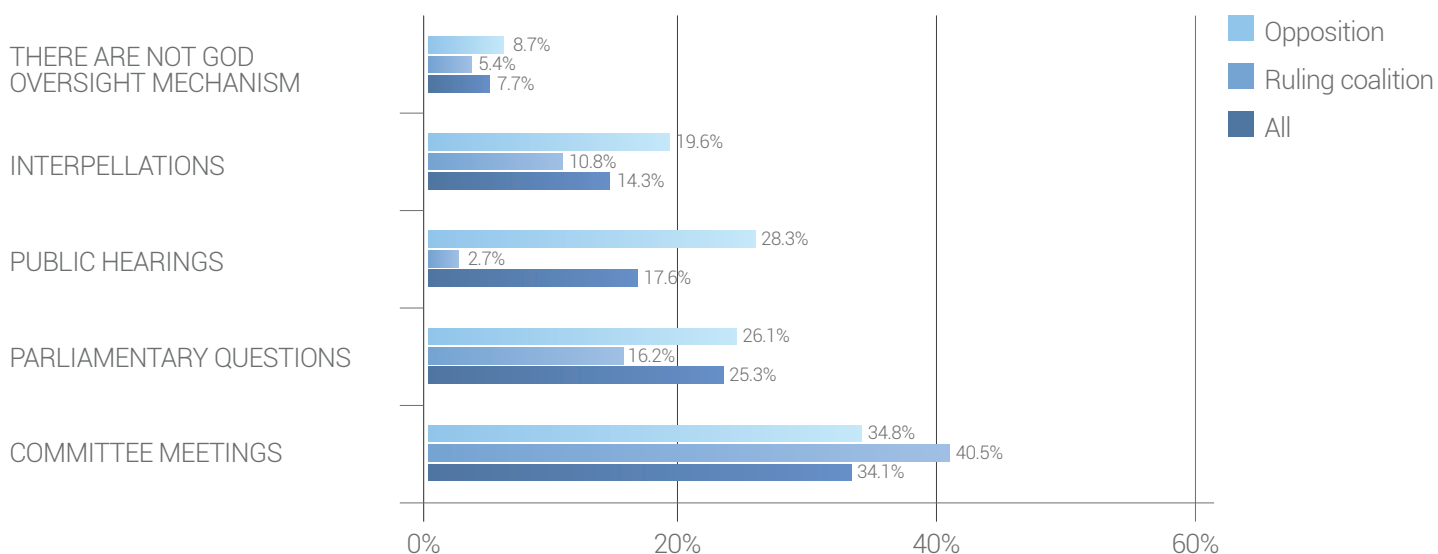
**Chart 3.1. Most efficient mechanisms for exercising Parliament's oversight function, ranked by relevance**



## PARLIAMENT'S OVERSIGHT FUNCTION

When analyzing the MPs' answers regardless of their rank (i.e. first or second answer), it can be seen that one-third of MPs regard the work at committee meetings as the most efficient oversight mechanism, followed by parliamentary questions and public hearings.

**Chart 3.2. Most efficient mechanisms for exercising Parliament's oversight function (regardless of the rank)**



**There are significant differences in oversight mechanisms ranking by the ruling coalition and opposition MPs.** Committee meetings are more important oversight mechanism for the ruling coalition MPs than for the opposition: 41% and 35%, respectively. The opposition, however, emphasizes the importance of parliamentary questions (26% vs. 16%) and public hearings. The biggest difference among answers is observed for public hearings. Only 3% of ruling coalition MPs regard this mechanism as effective, while 28% of the opposition MPs recognizes the efficiency of this mechanism.

**For the National Assembly of the Republic of Serbia as a whole, the most efficient mechanisms are committee meetings and parliamentary questions.** This case also shows that ruling coalition MPs prefer committee meetings more than the opposition MPs do. MPs in this context do not mention interpellations as an effective mechanism for exercising oversight function, while a small number of MPs mentioned reviewing reports by independent bodies, public hearings and reviewing reports by ministries.

**Table 3.1 Most efficient mechanisms for exercising oversight function of the National Assembly of the Republic of Serbia**

Mechanism:	All	Ruing coalition	Opposition
Committee meetings	33%	42%	24%
Parliamentary questions	28%	39%	18%
Reviewing reports by independent bodies	11%	16%	6%
Public hearings	9%	7%	12%
Reviewing reports by ministries	5%	7%	3%

Speaking of committee meetings, one MP answered that Internet broadcasting of these meetings greatly contributes to the work of the National Assembly of the Republic of Serbia: "One mistake might end your career. This actually made both committees and MPs more serious [...] not all meetings are broadcasted, I do not know how they are selected [...] Discussion and preparation are then much better. Now everyone wears a tie even though it's not a working day" (an interview, December 2013).

In principle, opposition MPs believe parliamentary questions are more effective as a mechanism of oversight over the executive power than in the context of the Serbian National Assembly's work. As we will see later, a significant number of MPs think parliamentary questions are not useful because the government avoids solving problems highlighted by parliamentary questions, or providing answers to these questions.

These results require some clarification. The committee's role in exercising Parliament's oversight function is multiple: it controls security sector, preparation and implementation of the budget, the implementation of government policy, the execution of laws, it reviews the work plan and regular reports by relevant ministry (Rules of Procedure, Article 44 and further). MPs now emphasize the work of committee as an important element of the oversight function of the National Assembly, whereas in previous studies of the Open Parliament they stated that the work of the committee was formal and that there was no incentive to work at committees, and that "everything stops when cameras are switched off", etc.<sup>3</sup>

The qualitative component showed that MPs perceive the committees' work as the most efficient mechanism. One of the reasons cited was that it is a place where "opinions can be discussed, debated, confronted" and where "they have more time to talk about it". Special importance is given to the presence of ministers as MPs can thus instantly get their questions answered. MPs also state very important fact that they act at committees within their political as well as their personal and professional capacities, which largely contributes to better discussion.

Interviews conducted among MPs suggest that the committees' work is improved, that they stimulate crucial debates (as they are comprised of MPs who are experts on a particular subject), and that MPs are able, through direct talks with the Ruling coalition representatives, to obtain required information or put pressure on the executive (when the ministries submit quarterly reports). Additional incentive to the committees' work was a partial introduction of the public to their work.

It should be noted that some MPs both from the opposition and ruling parties highlighted the work of independent regulatory bodies through the qualitative research as the most important mechanism for oversight over the Ruling coalition.

"The least sense is found with that indirect oversight mechanism, which is actually through independent regulatory bodies, elected by the Parliament on one hand, controlling their work in general, but they somewhat manage to carry out the oversight function." (Interview, December 2013). At the same time, political views and current subjects in the public influenced these answers, and thus one of the interviewed ruling coalition MPs criticized the work of some bodies, such as the Fiscal Council, for "disturbing the public," but praised others, e.g. the State Audit Institution for its good work (interview, December 2013).

<sup>3</sup> How do MPs make laws? Analysis of the legislative activities of the National Assembly of the Republic of Serbia, Belgrade, Open Parliament, 2013) available at: <http://otvoreniparlament.rs/wp-content/uploads/2013/03/Drugi-izve%C5%A1taj1.pdf>

## PARLIAMENT'S OVERSIGHT FUNCTION

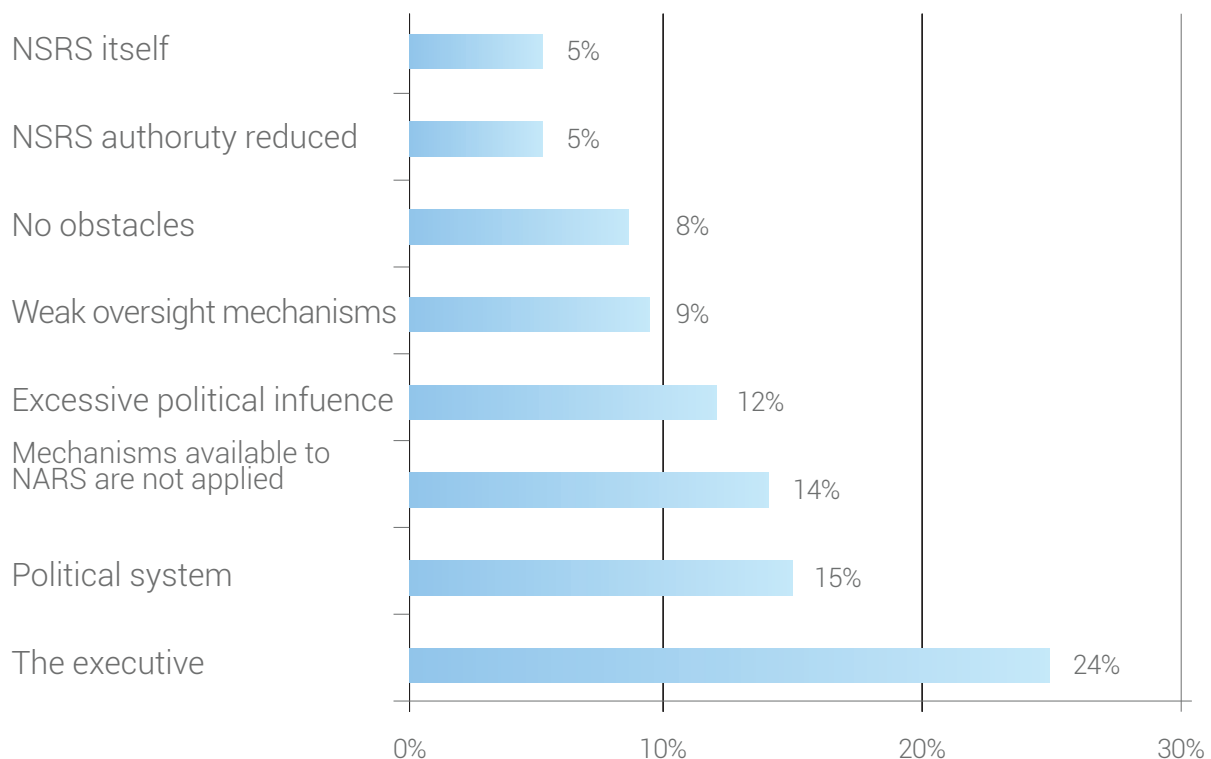
**MPs believe that the public is not familiar with the Parliament's oversight function.** Only 13% of MPs consider themselves familiar with it; 45% partially, and 40% not informed at all. The opposition MPs are again more critical: 58% of them believe that they are not informed about it as opposed to 16% of ruling coalition MPs.

MPs' opinions are often party-oriented: Opposition is critical, while ruling coalition is benevolent in evaluating the function, position work of parliament. It seems that MPs cannot get out of their "party boxes" and objectively review the work of the Serbian National Assembly.

These data, as well as many others that will be presented later, show that MPs evaluate the Parliament's work and its role in the Serbian political system primarily **through the prism of their party affiliation**. What makes this even odder is the fact that many opposition MPs until recently were MPs from the ruling majority, while the largest ruling party (SNS) belonged to the opposition until year and a half ago. MPs as it appears cannot objectively review the position, function and work of parliament: opposition is very critical, while the ruling party is very benevolent. As we shall see, this is true even for those questions that go beyond the daily politics.

**The executive power is the biggest obstacle for the Parliament in achieving its oversight function.** This view is shared by a quarter of MPs. Another quarter holds the National Assembly and MPs responsible in different ways: because available mechanisms are not put to use, because the authority of the National Assembly is reduced, etc. Different features of the political system are a major obstacle for 15% of MPs.

**Chart 3.3. Obstacles to the realization of Parliament's oversight function**



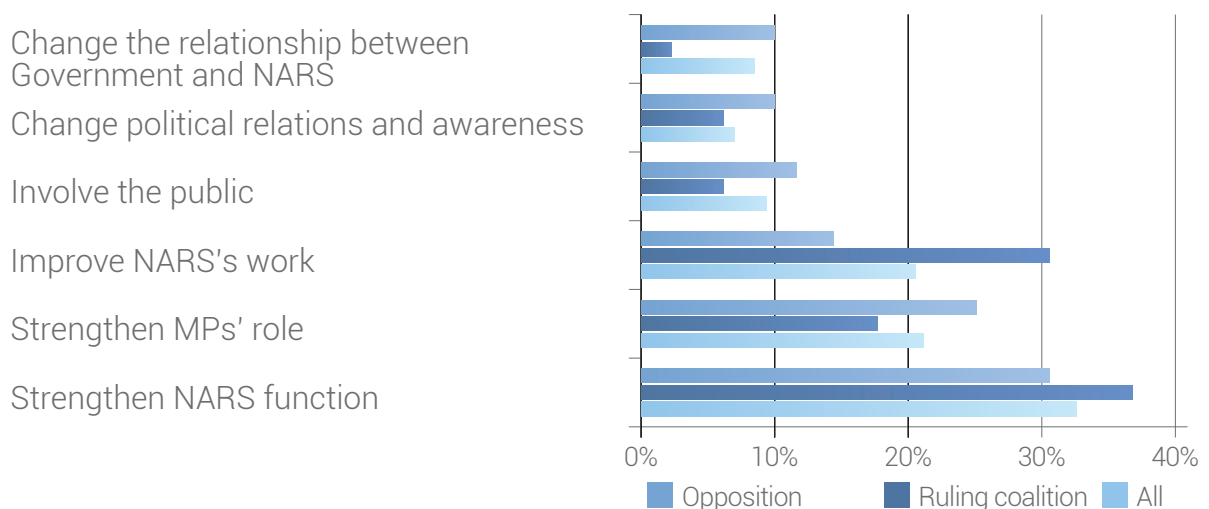
The most important distinction between the ruling coalition and opposition MPs is in what importance they attribute to the executive power that is seen as obstacle to the oversight function of Parliament. Every third opposition MP regards it as the most important factor, and this opinion is shared by a two times smaller number of ruling coalition MPs.

**The National Assembly should strengthen its function and the MPs' position in order to better carry out its oversight function.** The most important obstacles for stronger oversight function of parliament are the structural weaknesses of the Parliament's and MPs' position in the Serbian political life. Change of the MPs' position is followed by the arguments relating to the improvement of the National Assembly's work, inclusion of the public and change of the relationship between the Government and Parliament

Weak position of the Parliament and MPs in the Serbian political life are the most important obstacles for stronger oversight function of parliament.

Conducted interviews show that MPs do not work and make decisions autonomously, but that, as a rule, their opinions are shaped by party decisions and policies. The most important reason is that their choice depends on the party. MPs are selected from party lists and the party organs decide on whether they will be placed high enough on the list, and therefore elected to Parliament. Their selection does not depend on how much trust citizens have in them. Therefore many MPs believe that the electoral system is the "culprit" for the poor status of MPs and poor performance of parliament.<sup>4</sup>

**Chart 3.4. How can the oversight function of NARS be improved?**



<sup>4</sup> Conflicting opinions appear in terms of changes in election laws: one group of MPs believes that introduction of majority voting system would strengthen the MPs' legitimacy and autonomy, while the other group of MPs presents disadvantages of majority system, such as primarily the possibility that an individual receives a mandate from relatively small number of voters. Arguments presented by MPs generally follow the course of discussions about the electoral legislation in the public. Compare, for example, discussions of Milan Jovanović, "Narodna skupština - deformacije teritorijalnog predstavljanja", Annual Papers of Faculty of Political Sciences, 2008, page 117-132; Dragan Đukanović, "Izborni sistemi u zemljama nastalim na području nekadašnje Jugoslavije", Međunarodna politika, Vol. LVIII, no. 4, page 513-536; on site [www.izbornareforma.rs](http://www.izbornareforma.rs) etc.

## PARLIAMENT'S OVERSIGHT FUNCTION

The most important distinction between the ruling parties' MPs and opposition MPs is that there is two times more ruling coalition MPs than opposition MPs and that the former believe the parliament can strengthen its oversight function. It is implied that changes in the Parliament's work can improve the oversight function of the National Assembly (committee's organization, changing the Rule of procedure, etc.) Besides, the MP's position is a greater obstacle for the opposition than for the ruling coalition (25% versus 17%).

**The most important partners who could help the NARS improve its oversight function are civil society organizations and independent regulatory bodies.** Civil society organizations are regarded by 25% of MPs as key partners, 22% said cooperation with the independent regulatory bodies would lead to this goal, while 16% of MPs would prefer cooperation with the Government. Interestingly, every nine MP or 11% finds the solution in internationalization, i.e. cooperation with various international parties. In this way, they actually admit that weaknesses of the domestic political and institutional system are so important that they cannot be overcome without involving the "foreign factor".

A quarter of MPs believes cooperation with CSO would strengthen the parliament's oversight function.

**Control of law enforcement and budget preparation and implementation are the most important fields in which NARS should exercise its oversight function.** However, a number of MPs also mention the control of the security structure and the executive. Other answers are scattered to a number of fields with only economy and privatization standing out, emphasized by ruling coalition MPs.

**The opposition and ruling coalition MPs have different priorities.** Ruling coalition MPs value the most the control of law enforcement and control of the executive power, while the opposition emphasizes the budget preparation and implementation and control of law enforcement. Some answers were clearly affected by the research period and political priorities. The research was conducted at the end of the year and probably hence the emphasis on budget control placed by opposition MPs. The views of the opposition MPs were certainly affected by the fight against corruption as a guiding thought of SNS in the past, and they highlighted issues such as economy and privatization.

**Table 3.2 What are the priority fields where NARS should exercise its oversight function?**

Field	Total	Ruling coalition	Opposition
Control of law enforcement	19%	21%	18%
Budget preparation and implementation	18%	13%	22%
Control of security structures	15%	13%	16%
Control of the executive	12%	16%	10%
Protection of human and minority rights	7%	5%	8%
Social policy	6%	3%	8%
Economy and Privatization	6%	11%	2%
Administration of justice	5%	3%	6%
European Integrations	3%	3%	4%
Other	10%	13%	8%

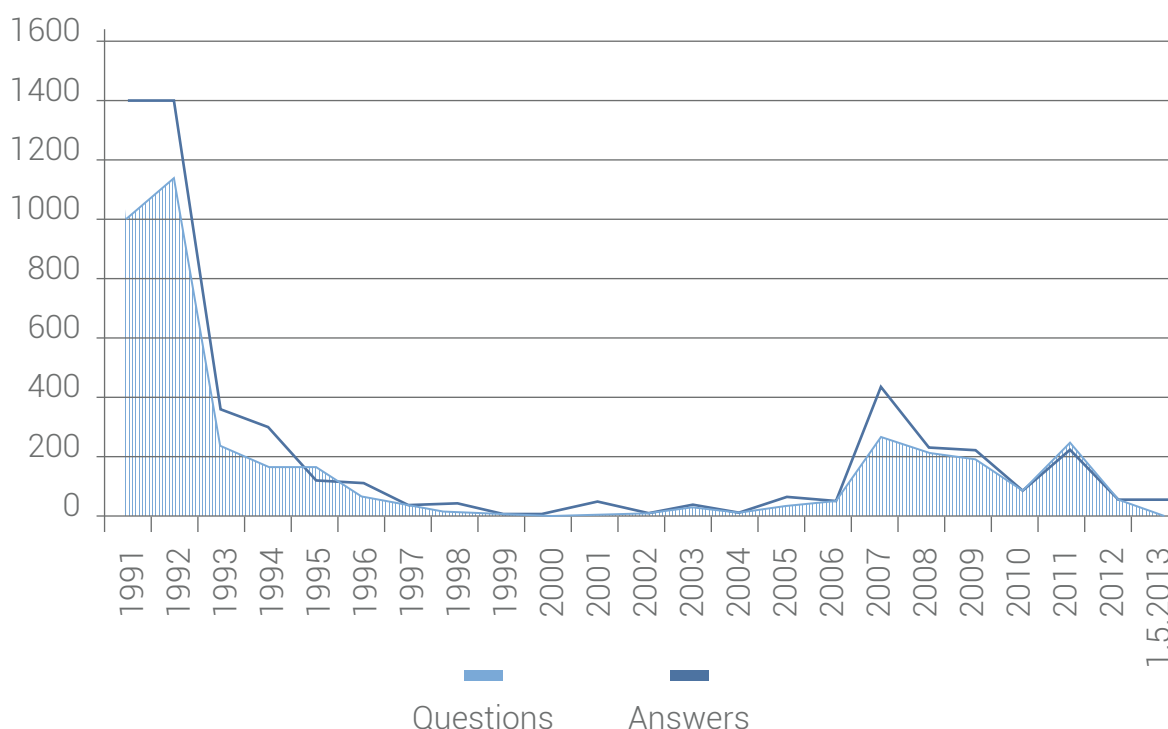


## PARLIAMENTARY QUESTIONS

**Parliamentary questions are raised orally or in writing.** Oral parliamentary questions are asked at parliamentary session attended by the Government representatives, every last Thursday of the month or at a specially organized session, when parliamentary questions are posed about the current topic. Written parliamentary questions can be asked between two sessions of NARS through the President of the National Assembly. Procedure of asking parliamentary questions is governed in detail by the Rules of Procedure of the National Assembly of the Republic of Serbia (Articles 204-216).

**Parliamentary questions are the mechanisms for controlling the executive power that MPs emphasize as the most effective.** At the same time, it is a relatively developed mechanism in the Serbian parliament whose popularity varies in recent parliamentary history (Chart 4.1).

Chart 4.1. Parliamentary questions and answers in the Serbian Parliament 1991-2013<sup>5</sup>



Source: [www.parlament.gov.rs](http://www.parlament.gov.rs) and [www.otvoreniparlament.rs](http://www.otvoreniparlament.rs)

<sup>5</sup> 2013 data cover the period from January to May and only oral parliamentary questions

## PARLIAMENTARY QUESTIONS

Official statistics show that 63 parliamentary questions were raised in the first half of 2013. Questions were asked by a total of 38 MPs or 15% in the last session of the National Assembly.<sup>6</sup>

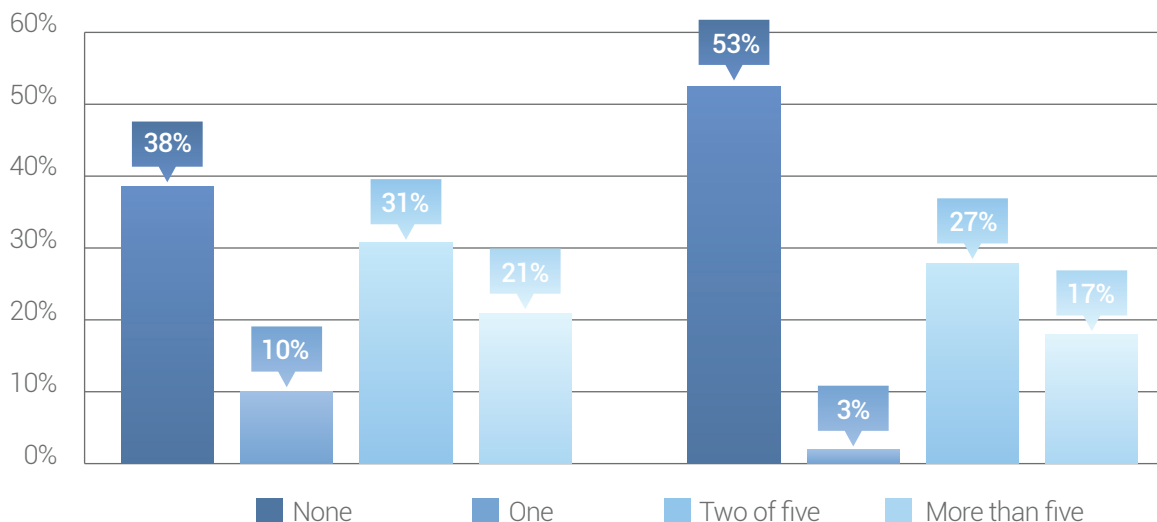
MPs are more interested in posing oral questions to the Government: almost two-thirds of MPs ask oral questions, and almost half of them send questions in writing.

The research shows that 47% of MPs posed questions in writing, while oral questions were preferred by 62%.<sup>7</sup> This implies that MPs ask more oral than written parliamentary questions. MPs obviously find this form of oversight more appealing as it can be easily transferred into media reports.

**A quarter of surveyed MPs never asked any parliamentary question:** out of 105 MPs surveyed, 27% never asked any parliamentary question, oral or written. More than half of MPs (53%) did not make a written parliamentary question to the Government, while 38% did not ask any oral questions. The research results indicate two groups of MPs: those who do not ask questions, and those who ask two or more questions. This finding is probably caused by the division of responsibilities in parliamentary caucuses. **Both ruling coalition and opposition MPs were similarly active in raising parliamentary questions.**

Half of MPs did not ask any written questions, while 38% posed oral questions. Both ruling coalition and opposition MPs are similarly active in raising parliamentary questions.

Chart 4.2. Asking parliamentary questions

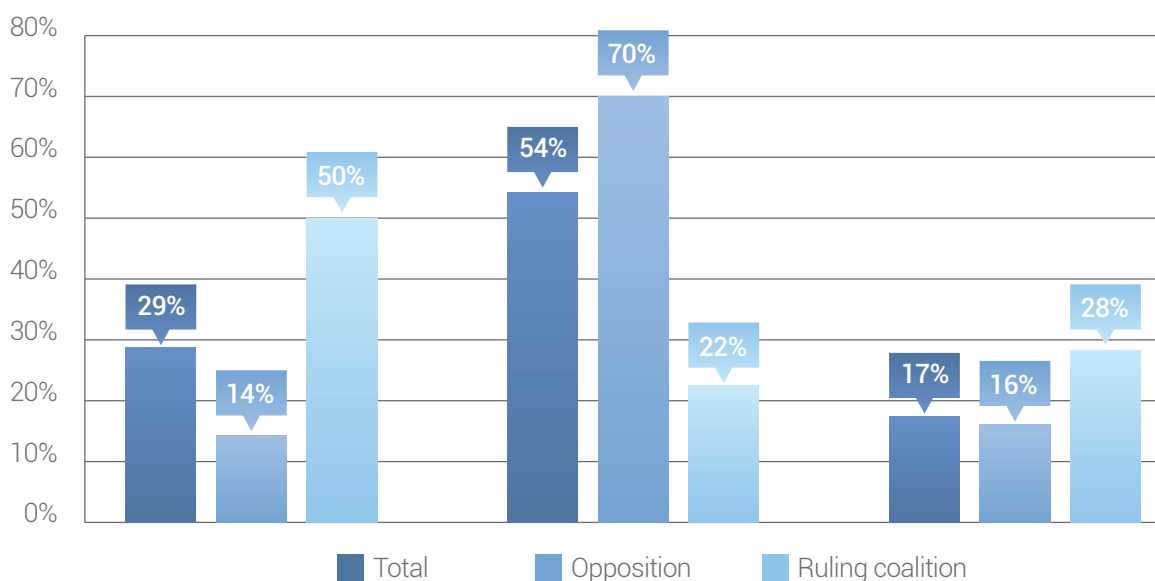


<sup>6</sup> Open Parliament, "Analiza korišćenja instituta poslaničkog pitanja na sednicama Narodne skupštine Republike Srbije, Januar-jun, 2013. godine", available on [www.otvoreniiparlament.rs](http://www.otvoreniiparlament.rs)

<sup>7</sup> The difference in the data between the official statistics and the research is most likely caused by the fact that MPs provided answers about their overall experience, and not just from their current mandate, which they were asked to do by the questions. Our sample comprises 28 MPs with the first term and they asked questions (53% of sampled MPs with the first term) and 35 MPs with experience in previous governments and they asked questions (73% of MPs for whom this is not the first term).

More than half of those who ask questions are not satisfied with the Government's response (Charts 2.2 and 2.3). MPs are generally somewhat more satisfied with a verbal response than with a response to a written parliamentary question.

**Chart 4.3. Satisfaction with responses to ORAL parliamentary questions**



**The opposition is dissatisfied with the Government's responses to parliamentary questions, and there is only a half of the ruling coalition MPs clearly satisfied with answers.** Naturally, the opposition MPs are very unhappy with the quality of responses from the Government's representatives to their questions (70%). However, a half of the ruling coalition MPs are clearly satisfied (50%), since about a fifth directly declare as dissatisfied, and a significant number of them "evade" by the "cannot tell" answer.

Most (about a half) of the ruling coalition MPs are satisfied with the answers to parliamentary questions. This, however, has another side: the other half are dissatisfied or cannot tell!

The interviewed MPs stressed that parliamentary questions are mechanisms for promotion of parties. The Government's responses are "very rarely complete and meaningful" and often come down to "technical answers", and therefore oversight function cannot be achieved. "Parliamentary questions are more like a political provocation with delayed action" (Interview, December 2013). Substantial domination of the Government is emphasized at the sessions where oral parliamentary questions are asked. On the one hand, such sessions are short and, on the other hand, the government gets a great deal of time for answering.

*"The rules need to be changed when it comes to oral questions to the Government due to unequal position of the parliamentary groups. The Government can simply dominate the discussion by the help of the existing procedure, because of its unlimited time, and on other hand there is no guarantee, or even a notice in advance who is going to come from the Government, which makes it difficult for parliamentary groups to prepare themselves or define the issue." (Interview, December 2013).*

**MPs are not satisfied with the quality of the written response from the Government.** Only 10% of those who asked written questions to the Government say they are satisfied with the answer. More than half of respondents, 56%, were not satisfied, while 28% cannot exactly tell.

**MPs are hesitant when it comes to satisfaction with how fast answers are obtained.** It is found that 30% of MPs are satisfied, 34% are not satisfied, and 28% cannot tell. The percentage of those satisfied with response speed is three times greater than of those satisfied with quality, and in both cases nearly a third of the surveyed MPs chooses the "cannot tell" answer.

Only 10% of MPs who asked written questions to the Government say they are satisfied with the QUALITY of responses, while 30% are satisfied with SPEED of getting the response

**Naturally, the ruling coalition MPs are more satisfied with the quality and speed of response when compared to the opposition MPs.** The difference between these two groups of MPs is striking, where the **ruling coalition** MPs are in some cases three times more satisfied with the responses of the Government than the opposition MPs. However, these data can be seen from another aspect: **a half of the ruling coalition MPs who asked oral or written question are not satisfied with the quality of responses. As many as three-quarters of the ruling coalition MPs are not satisfied with the quality of responses to the latest parliamentary question.**

Qualitative research shows different sides of weaknesses of the Serbian institutional system and some "contingencies" that affect the political system. Thus, one MP stated that "the institution of parliamentary questions largely depends on who will address that question once it gets to the Government or Ministry (interview, December 2013).

**Table 4.1. Elements of satisfaction with parliamentary questions**

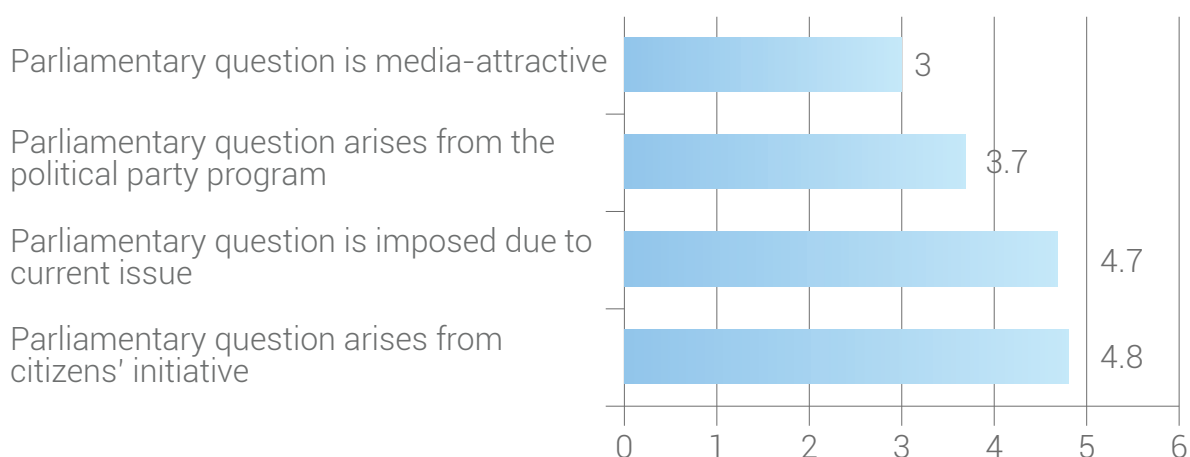
	Government	Opposition
Quality of answers to oral questions	50%	15%
Quality of answer to the latest oral question	50%	13%
Quality of answers to written parliamentary questions	46%	18%
Speed of answers to written parliamentary questions	39%	23%
Quality of answer to the latest parliamentary question	25%	6%
Speed of answer to the latest parliamentary question	67%	17%

**Ruling coalition MPs are satisfied with the speed and quality of the Government's responses to written parliamentary questions, in comparison to the opposition MPs.** However, the difference is somewhat smaller than in relation to oral questions. On the other hand, the opposition MPs are more satisfied with answers to written questions than to oral questions.

The opposition MPs are less satisfied with the Government's responses (up to three times), but the ruling coalition MPs also show great dissatisfaction. Every second MP of the ruling majority who asked oral or written question is dissatisfied with the quality of responses. Three-quarters of the surveyed ruling coalition MPs are dissatisfied with the quality of responses to the latest parliamentary question.

**MPs explain they raise questions because the citizens and the current issues dictate so.** Ranking of reasons for asking questions is as expected. The most important reason is that a parliamentary question comes from the citizens' initiative. Almost as important, with 97% of those who emphasize it, is that the parliamentary question is imposed because of the current issue, while the least emphasized is the importance of a media attractive question.

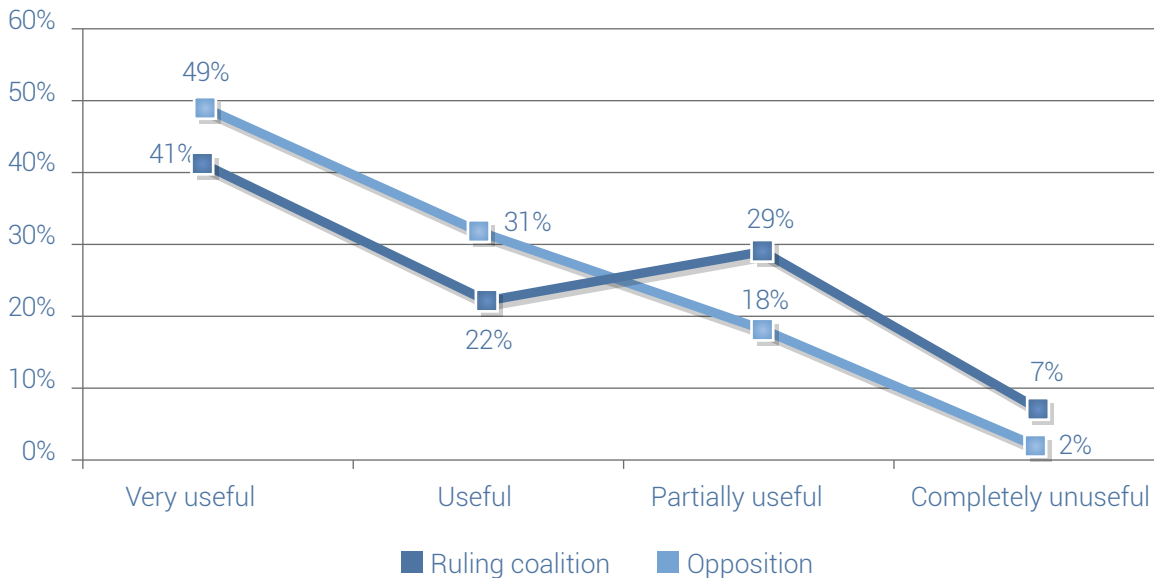
**Chart 4.4. Reasons for asking an oral parliamentary question, the average value (1 means "completely unimportant" and 5 means "very important")**



**MPs believe that parliamentary questions are useful for oversight of the executive's work.** The majority (71%) of the respondents replied that questions are useful or very useful. The remaining 29% of MPs, or less than a third of those interviewed, could be regarded as declared or covert skeptics in terms of the mechanism.

**The ruling coalition MPs more often claim that parliamentary questions are useful for exercising the oversight function of Parliament.** Among the **ruling coalition** MPs, almost 80% value this mechanism as useful when compared to 63% of the opposition MPs. Visible, but not striking differences exist between those who believe that this mechanism is not useful. This opinion is shared by one-third of the opposition MPs and one-fifth of the **ruling coalition** MPs.

Chart 4.5. Are parliamentary questions useful in controlling the Government's work?



**MPs interpret questions as a means of directing the Government and collecting data, and less frequently as pressure and control.** When asked to explain why they think parliamentary questions are or are not useful, the respondents provided a variety of responses. Strikingly, the responses not directly related to oversight of the executive, such as "turns the executive's attention" to certain issues, as well as "information gathering" or "responses" to specific questions. A fifth of MPs believe that parliamentary questions are useful as they "direct the Government's attention to specific issues". Another 25% of the opposition MPs believe questions are useful because they can obtain information, i.e. answers to specific questions. Less than a third of MPs see the benefit of questions in "stronger" reasons related to oversight, informing the public and encouraging the Government to work better (answers 3-5)

Parliamentary questions are understood as a mechanism for directing the Government and collecting data rather than as a tool of pressure and control. It is a very "soft" interpretation of the institute of parliamentary questions.

Table 4.2 Why are the parliamentary questions important for the oversight function of Parliament?

No.	Reason:	Total	Government	Opposition
1	Useful as they draw the Government's attention to specific issues	21%	21%	21%
2	Useful as they can obtain information, i.e. responses to current issues	20%	13%	25%
3	Useful as the Government is aware of being controlled	9%	8%	10%
4	Useful as they encourage the Government to work better	14%	18%	10%
5	Useful as they present issues to the public	8%	11%	6%
6	Useful as they can convey the citizens' opinions and concerns	7%	13%	2%
7	Useless as the Government still does not solve the issues	13%	11%	14%
8	Useless as the Government avoids providing answers	9%	5%	12%

## INQUIRY COMMITTEES AND PUBLIC HEARINGS

**NARS forms inquiry committees and commissions to gather information about a particular issue or area.** Decision on the establishment of an inquiry committee determines the aim of its work, as well as the deadline for its completion. Inquiry committees may ask for information from government authorities and organizations, and take statements from individuals (but that does not mean they can conduct investigations). The work of inquiry committees is governed by the Rules of Procedure (Articles 68-82). In the National Assembly there is currently only one committee (The inquiry committee for determining the facts about how budget resources of the Republic of Serbia are spent on the territory of the Autonomous Province of Kosovo and Metohija from 2000 to 2012).

**Public hearings play a role in the legislative process, as well as in exercising of Parliament's oversight function.** They are organized for obtaining information and opinions on the act that is being prepared, clarifying certain provisions from the current act, clarifying specific issues of importance for monitoring the executive's work, as well as controlling the implementation of laws. Organization of public hearings is governed by the Rules of Procedure (Articles 83-84). The practice of holding public hearings has taken off in recent years and they have become a regular part of the National Assembly's work, both in its legislative and oversight function.

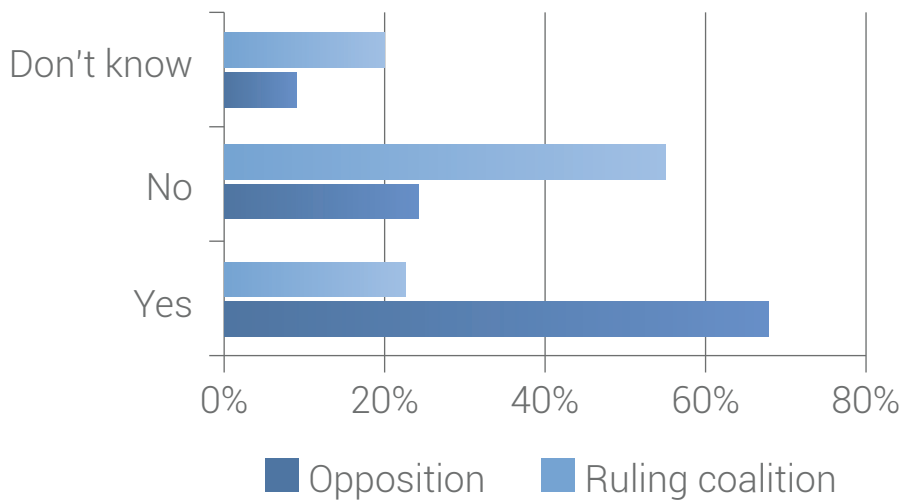
Some of the interviewed MPs express their nuanced opinions on the relation between the public, especially the experts, and public hearings: "Expert community wants to participate in legislative activities but it often happens that public debate is used for pursuing own interests. Thus a law loses its status of a general act. A good example is the exclusion from Public Procurement Law." (Interview, December 2013).

**More than a third of MPs say they are not familiar with the work of inquiry committees.** Despite this, 76% of the interviewed MPs were informed on one inquiry committee in the NARS dealing with the allocation of resources in the territory of Kosovo and Metohija. The committee's report was unavailable during the preparation of this research.

**MPs are divided in terms of satisfaction with the work of inquiry committees: opposition is not satisfied, unlike ruling coalition MPs.** Although there was only one committee in the previous Government, and though the results of its work were unavailable at the time of this research, two-thirds of the **ruling coalition** MPs says they are satisfied with the work, as opposed to only 23% opposition MPs. MPs are not satisfied with the work of inquiry committees mostly because they do not provide results (57% dissatisfied), while 30% believe they are political mechanisms that only meet the requirement by its existence. However, qualitative research points to one shared opinion: both opposition and **ruling coalition** MPs often quote the saying "if you want to conceal something, you should either start a commission or inquiry committee". With regard to the work of inquiry committees, one MP says: "Since the 90s, I haven't seen an inquiry committee which produced results". The interviews also reveal hidden political function of inquiry committees: "Inquiry committee on Kosovo and Metohija is a job well done. It completed its work and is now used to control those with poor results in that report." (Interview, December 2013).

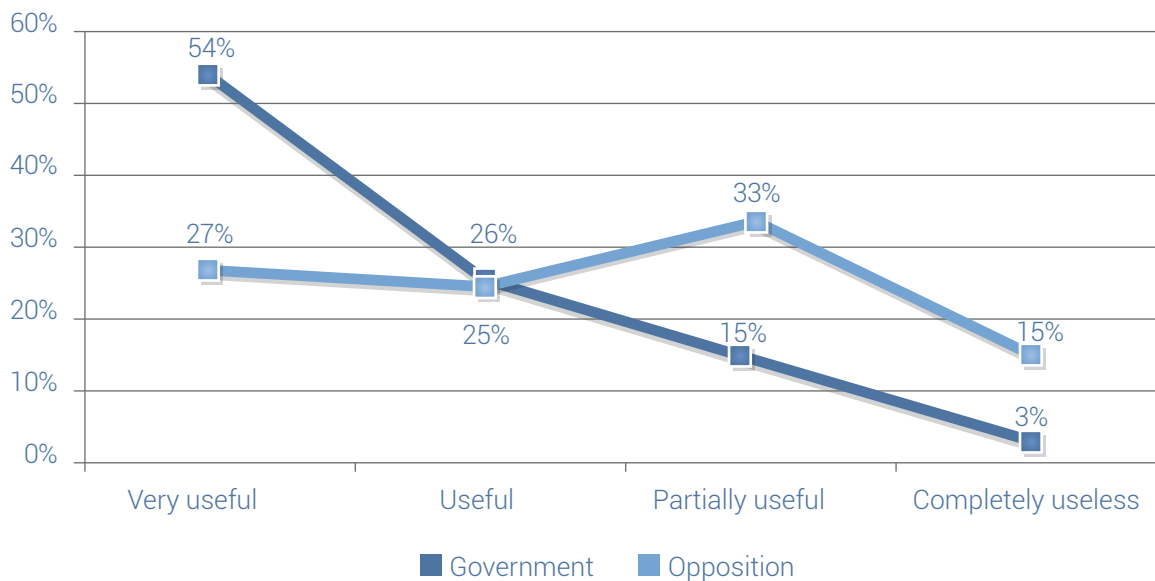
Although there was only one committee which did not publish its report, 67% of the ruling coalition MPs said they are satisfied with the "work of inquiry committee", as opposed to 23% opposition MPs. On 1 to 4 scale, the ruling coalition MPs rated this issue with average 3.3, while the opposition MPs

Chart 5.1. Satisfaction with the work of inquiry committees



MPs are divided when it comes to evaluating how inquiry committees are useful for Parliament's oversight function. Even 80% of the ruling coalition MPs considers them to be useful, as opposed to half of the opposition MPs. On 1 to 4 scale, the ruling coalition MPs rated this issue with average 3.3, while the opposition MPs provided 2.6.

Chart 5.2. How useful are inquiry committees for Parliament's oversight function

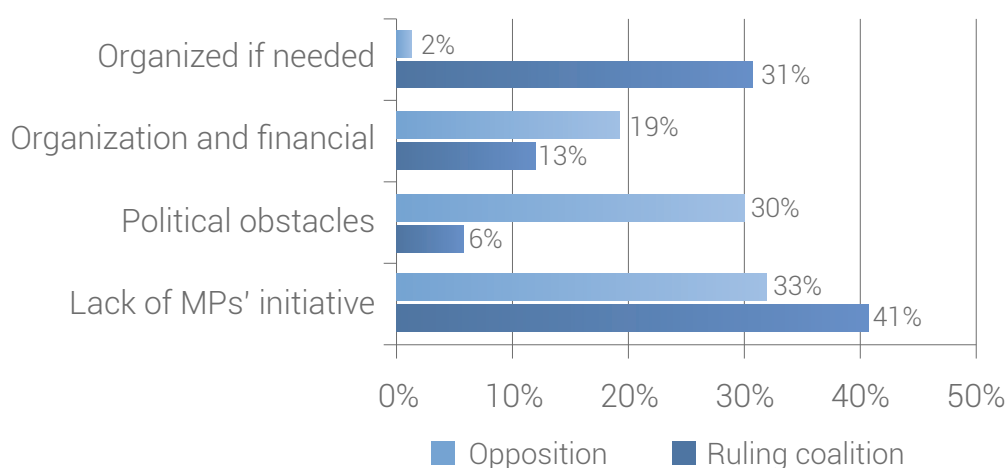




**Party affiliations largely influence the views of MPs on the work and usefulness of inquiry committees.** Opposition MPs are much more critical than **ruling coalition** MPs.

**MPs believe that the lack of their initiative is the main reason for this small number of inquiry committees.** A third of MPs consider themselves as responsible, 20% blame political while 16% blame organizational and political obstacles. This is another case of the mentioned pattern in different interpretation of Parliament's work between **ruling coalition** and opposition MPs. If asked why there are no enough inquiry committees, many **ruling coalition** MPs say that in fact there are! Although a large number of **ruling coalition** MPs think MPs should take the blame (41%), nearly a third says inquiry committees should be organized as needed. On the other hand, opposition MPs think the lack of MPs' initiative and political obstacles are the most important, while fewer of them believe that organizational and financial issues reduce the number of inquiry committees.

**Chart 5.3 Why there are no more inquiry committees**



**The vast majority of MPs have experience with public hearings and regards them as important for the Parliament's oversight function.** Most of MPs participated in a public hearing in committee (93%) and are satisfied with the quality of public hearings (90%). Opposition and **ruling coalition** MPs are equally satisfied with it.

Both ruling coalition and opposition MPs have positive experiences with public hearings and regard them as important part of the National Assembly's work

Asked about the importance of public hearings in exercising oversight function, one MP stated the following: *"The public can be informed and thus cause panic and then reaction will follow. Public hearings are better than committees because they reach the people, an ordinary individual, which can create a critical mass that is able of performing specific monitoring. Only if the people are alarmed then pressure can be put"* (Interview, December 2013).

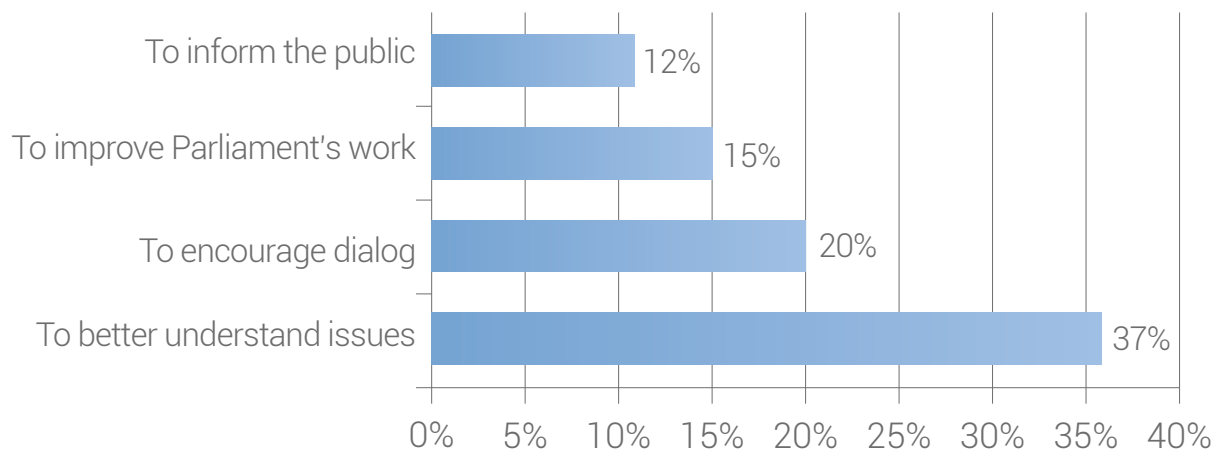
**Majority of MPs believe that public hearings are useful in achieving the Parliament's oversight function.** Even in this aspect there is no difference in opinions between the **ruling coalition** and opposition MPs. MPs believe that the public hearings are also useful for exercising the legislative function of Parliament. However, the opposition MPs are more critical towards public hearings in comparison to **ruling coalition** MPs.

The vast majority of MPs believe there should be more public hearings (88%), while only 10% think the opposite. The most important reason for holding more public hearings is they allow MPs to in detail and more accurately perceive issues. MPs also think public hearings are good as they present a framework for discussion and dialogue.

Substantial majority of MPs require more public hearings.

**Therefore MPs firmly believe public hearings have a positive role in the legislative aspect of the National Assembly's work.** MPS have slightly more confidence in public hearings as a mechanism for the legislative process rather than as a control mechanism. As in previous cases, the opposition is a bit more critical than **ruling coalition**.

**Chart 5.4. Reason for more public hearings?**



**The most important reason for more public hearings is that they allow better understanding of problems.** MPs value public hearings mostly because they are a forum for the analysis of problems (37%) and dialog (20%).

Lack of MPs' initiative is the most important reason why there are no more public hearings. This opinion is shared by 43% of interviewed MPs. For 29% of MPs organizational and financial obstacles are the most important, while 11% highlights political reasons. Finally, 15% believe there are enough public hearings. As expected, more ruling coalition MPs feel this number is sufficient (25% vs. 7% of opposition MPs), and put more emphasis on organizational obstacles. The opposition is more self-critical: every second MP believes the lack of initiative among MPs is the reason behind small number of public hearings.

Almost a half of MPs think that lack of their initiative is the main reason why there are no more public hearings.

Qualitative research was an attempt to better understand how inquiry committees and public hearings work. One of frequently expressed opinions during the interviews was that inquiry committees are not an effective oversight mechanism. The issue here is that discussions are often not public. In addition, one of the MPs said that the reason for failure of many inquiry committees was the fact that they were not supported by Parliament's majority, because committees' directors were from the opposition which largely led to its underestimated significance.

*"The practice of inquiry committees was from the very beginning wrongly established, they do not have the right investigative political function". Furthermore, as one of the government MPs said: "There is an old expression: "if you want to conceal something, you should either start a commission or inquiry committee" (Interview, December 2013).*

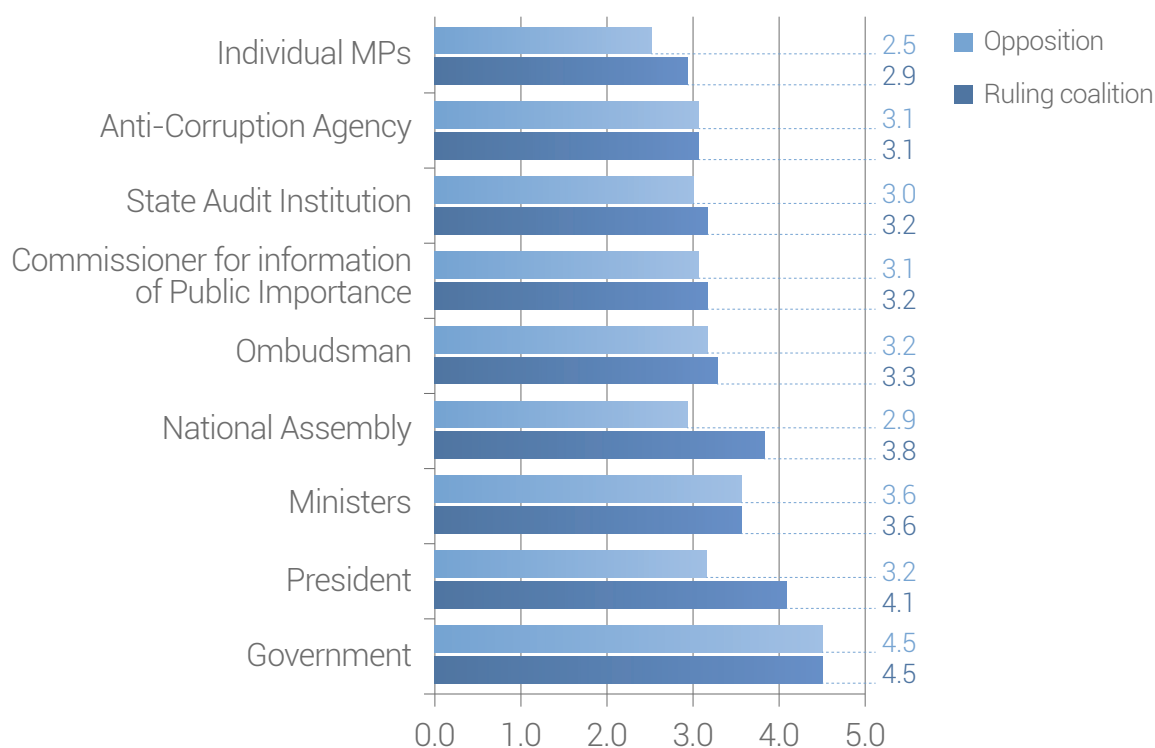
MPs have positive opinions regarding public hearings, primarily because they are topic-oriented and less dedicated to politics. According to them, they would be more effective if they were more accessible to the public, so more people can be involved in their work. Some MPs believe it would be better if the roles of all parties at a public hearing were clearly defined.

## THE NATIONAL ASSEMBLY'S IMPACT

Previous analyses suggest that the impact of the National Assembly on formulation of laws and policies is small.<sup>8</sup> The results of our research show MPs agree the impact of the National Assembly should be higher, confirmed by 85% of MPs, 13% say it should be the same as it is now, and only 1% think it should be lower.

MPs believe they themselves have a far smaller impact than other political actors, including independent oversight bodies and agencies.

Chart 6.1 Political influence of various institutions (1-very small, 5-very large)



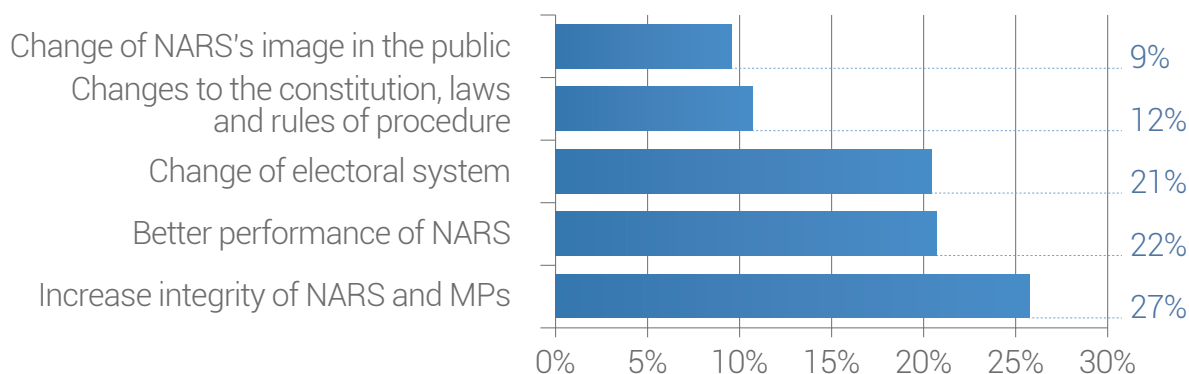
**MPs agree the Government exercises the greatest political influence in the country.** On a scale from 1 ("small impact") to 5 ("very large influence"), the Government got an average rating of 4.5 and in this respect there is no difference between the **ruling coalition** and opposition MPs. However, different interpretations arise regarding the political influence of the President of the Republic of Serbia. In comparison to opposition, MPs from the ruling parties are more inclined to say that he has more political influence: average rating is 4.1 versus 3.2. Similar discrepancies exist in relation to the National Assembly and Members of Parliament: unlike opposition MPs, ruling coalition MPs think that they have much more political influence. Interestingly, they find that the National Assembly has far greater political impact than the MPs themselves

<sup>8</sup> How do MPs make laws? Analysis of the legislative activities of the National Assembly of the Republic of Serbia, Belgrade, Open Parliament, 2013) available at: <http://otvoreniparlament.rs/wp-content/uploads/2013/03/Drugi-izve%C5%A1taj1.pdf>

MPs believe that various measures aimed at strengthening of the position and integrity of MPs and National Assembly would be the best way to increase the impact of Parliament (27% of answers). Significantly, the fifth of MPs say that better and more efficient work of the National Assembly may lead to its greater political influence. These opinions are shared by both ruling coalition and opposition MPs. The only difference is that the ruling coalition MPs put a little more emphasis on the need for more efficient and better performance of the National Assembly, while more ruling coalition MPs than from the opposition insists on changing the electoral system as a way to increase the impact of the National Assembly of the Republic of Serbia.

22% of MPs believe that the more efficient and better work of the National Assembly is the way for improving its political influence. Others propose solutions that involve political system redesigning.

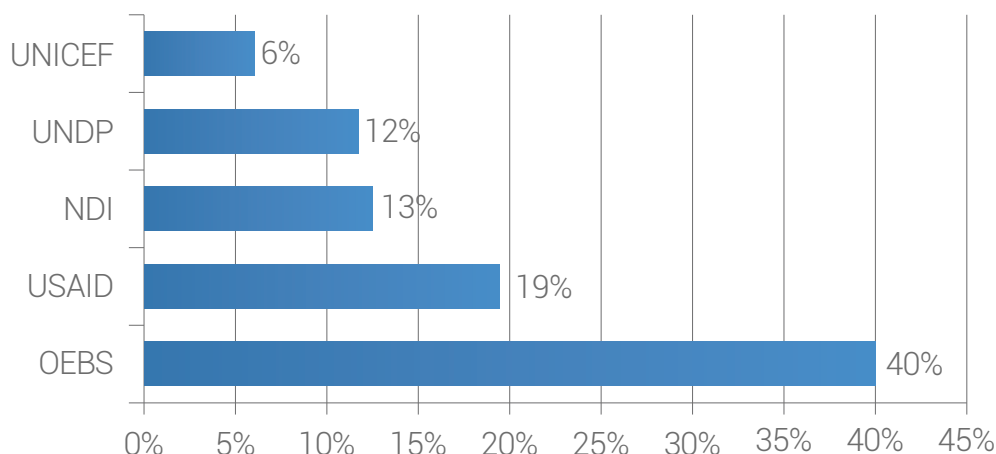
**Chart 6.2 How to increase the political influence of the National Assembly**



**OSCE, USAID, NDI, UNDP and UNICEF contributed the most to the improved performance of the National Assembly.** As much as 40% of MPs single out OSCE as an international organization that has contributed the most to the work of parliament.

First-term MPs highlight the contribution of OSCE (33%), USAID (25%), NDI (16%) and UNDP (9%). More experienced MPs emphasize the contribution of OSCE (46%), followed by UNDP (14%), USAID (11%), and NDI (9%).

**Chart 6.3 International organizations with greatest impact on improved performance of NARS:**



**MPs believe that Open Parliament has enhanced the work of the National Assembly of the Republic of Serbia.** Among civil society organizations and local programs, the greatest impact on the National Assembly's work was exercised by Open parliament (39%) and BFPE (35%). **Ruling coalition** MPs highlight contribution of Open Parliament (58%) more than of BFPE (26%), while the opposition disagrees: 40% BFPE and 27% Open Parliament.

Open Parliament is a program that, according to MPs, contributed the most to improving the work of the National Assembly of the Republic of Serbia.

Half of first-term MPs recognized Open Parliament as a program that contributed the most to the work of Parliament, followed by 21% for BFPE. Other MPs chose BFPE (44%) over Open Parliament (28%). Open Parliament has been clearly recognized as an important program also by MPs with more experience in other various, time-consuming and more intensive activities, such as BFPE educational programs.

## CONCLUDING REMARKS

Parliament's oversight function, as one of the functions of the National Assembly of the Republic of Serbia, is largely achieved through the work of committees, parliamentary questions and public hearings, as well as independent regulatory bodies. However, how Parliament will perform its oversight function depends on both the mechanisms available and the features of political system.

Status of MPs and the type of electoral system that would best fit the Serbian circumstances was one of the topics pervading this research, especially the interviews with MPs. Although MPs express different ideas regarding the preferred electoral system, they agree that MPs' structural position is weak in the current political (especially party) system. MPs are dependent on their parties and have a limited field of independent action.

In the current political system, the structural position of the Parliament is worse than of the executive. The executive dominates not only the legislative process, but also the entire political life. Previous studies of "Open Parliament" show that the executive used almost every opportunity to diminish the importance and reputation of the Parliament in the public. Parliament's oversight function was undermined in this way and the Parliament turned into a legislative machine. Unfortunately, all of these structural factors are still in force.

Under such circumstances, the recommendations here presented have a limited reach. They are the results of the research, both quantitative and qualitative, and faithfully reflect the attitudes, values and concerns of MPs, as well as creative solutions MPs have expressed. Most frequently mentioned suggestions are as follows:

- ✓ **More room for parliamentary questions.** Time for asking parliamentary questions should be extended. An alternative proposal is to enable MPs to ask questions several times a month.
- ✓ **More public hearings.** Besides committees and parliamentary questions, it is necessary to increase the number of public hearings. Therefore, in MPs' opinion, their initiative as well as greater transparency is required, i.e. greater attendance by interested parties. However, the role of non-governmental bodies, organizations and institutions in the legislative process should be controlled due to their illegitimacy
- ✓ **Better inquiry committees.** It is necessary to change the rules how inquiry committees work, to achieve transparency, to present results, and that the National Assembly, along with its political accountability, provides mechanisms for the implementation of the conclusions.
- ✓ **Ministers to attend committee's meetings.** It is necessary to ensure that ministers come to the meetings of relevant committees when they submit their reports. In this way, the committees will work more efficiently, and MPs may review each report of the Ministries.

## CONCLUDING REMARKS

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✓ **Better quality of the Government's responses.** It is necessary to improve the quality of responses of both the Government and Ministries to parliamentary questions. Answers should not be based on technical details, but to include indications of policy that the Government or Ministry wants to further develop and implement.

✓ **Proactive relationships between Ministries.** Ministries should more thoroughly handle specific issues. If certain issues raise significant topics or errors are detected within the ministry's work, it is necessary to conduct further investigation without MPs stirring the public on the subject in order to initiate further research within ministries.

Finally, one of the most important conclusions is the need for change in the relationship between the executive and legislative power. One of the biggest obstacles to the functioning of the National Assembly of the Republic of Serbia is the attitude of the executive towards Parliament. This can be seen in various aspects of Parliament's work from passing laws (many of which are adopted under essential procedures, without sufficient time for preparation) to the oversight of the executive. The authority of the National Assembly must obviously be higher, and the structural position of MPs must be better. Some of these objectives can be fulfilled by putting pressure on the executive, strengthening the procedures and awareness that they must be complied with so the executive can achieve an adequate level of accountability to Parliament.

MPs say that civil society organizations are one of the best partners on their way to the more developed structure and the functioning of Parliament. Therefore, we believe that, besides all state structures and political processes, the civil society sector may be one of the most important links in strengthening the role of the National Assembly of the Republic of Serbia.

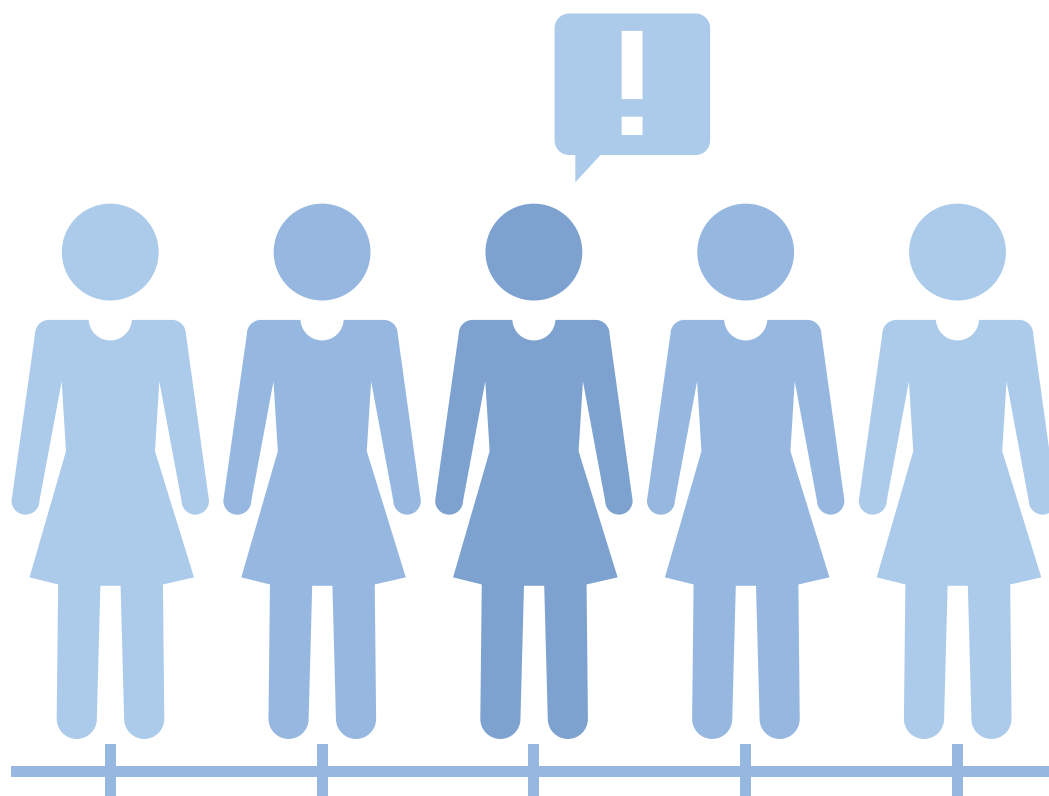


# WOMEN IN PARLIAMENT

## A QUOTA OR REAL IMPACT?

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GENDER EQUALITY IN THE NATIONAL ASSEMBLY  
OF THE REPUBLIC OF SERBIA





# INTRODUCTION

The study of gender equality in the National Assembly of the Republic of Serbia (NARS), conducted in late 2013, was a research component of the study on the Parliament's oversight function. Research on the Parliament's oversight function is part of a larger study on legislative and oversight functions of parliament, conducted by the Open Parliament researchers in several stages during the period from 2012 to 2014.

**The main objectives of the research** of gender equality in the National Assembly were:

- ✓ To consider different aspects of women's representation in Parliament plenary and bodies, as well as their participation in the legislative and oversight functions of Parliament;
- ✓ To investigate the subjective perception of male and female MPs on attained gender equality in parliament, achievements and still preserved practices causing forms of gender inequality;
- ✓ To examine possible personal experiences of unequal treatment of female MPs.
- ✓ To observe attitudes of male and female MPs on whether gender equality in the NARS should be further developed, as well as their perceptions about methods and areas where it will be possible and necessary to be performed;

The research contained **quantitative and qualitative components**. Within the quantitative component of the research, a survey was conducted with the help of a structured, standardized questionnaire. The intention of the researchers was to include in the survey all male and female MPs, but the research included 105 male/female MPs. It is always difficult to provide a sufficient number of respondents in these studies due to their availability and the reluctance to answer questions about their work. In this case, MPs of the National Assembly of the Republic of Serbia showed a very strong willingness to answer questions and thereby contribute to Parliament's transparency. Within the qualitative component of the research, in-depth, semi-structured interviews were conducted with 20 male/female MPs from different parties.

## INSTITUTIONAL AND SOCIAL CONTEXT OF WOMEN'S PARTICIPATION IN PARLIAMENT

The participation of women in the highest legislative body is important for many reasons: for equal opportunities women and men should have in exercising their rights, such as participation in the public (political, economic, cultural and social) life; development of a democratic and socially just society in which representatives of various groups, including those defined by gender, should achieve equal opportunities for participation and influence on public policies and living conditions; the rational "exploitation" of human resources for achieving development, since exclusion of women implies rejection of their contribution to overall social development.

At the same time, the participation of women in the legislative power and broader, in politics, is strongly determined by the institutional framework, the characteristics of gender regime, i.e. the overall status of women in society, cultural patterns, etc. Numerous studies and research of gender equality in Serbia indicate that the position of women in key aspects is less favorable than of men, due to current conditions, but also because of the legacy of the past. Social changes that Serbia has undergone in the last twenty years reflect changes in gender regimes. During the period of socialism, gender regimes expressed a peculiar contradiction because women greatly participated in the public sphere, i.e. employment, education, social benefits, while unequal status was created in the private sphere where women took on most of the responsibility for the care of family and household (Milić, 1994; Blagojević, 2002). Trends of retraditionalization and re-patriarchalization appeared after the crash of socialism, during the collapse of institutions, and deepening economic and social crisis (Blagojević, 2002: 294). These trends were characterized by a significant withdrawal of women from the public sphere, primarily the formal labor market, to the private sphere for taking care of their family and household.

These trends reflected the political participation of women, which during the socialist period was at a higher level than after the introduction of a multiparty system. Even though it was estimated that the political participation of women during socialism was rather formal filling of quotas than a real impact on policies (Gudac Dodić, 2006), the very fact that first multiparty elections resulted in only 1.6% of women in parliament indicated substantial deterioration of women's involvement in political structures. During the 1990s, this share was slightly increased (4.4% in 1992, to 6.4% in 1997). The participation of women in the legislative power increased in the next decade, and after the election in 2000 was 10.8%, 12.4% in 2003, and it significantly rose after the election of 2008 to 21.6%.<sup>9</sup>

The commencement of the reform process after 2000 brings efforts to promote gender equality through (re)definition of institutions, and the development of policies explicitly aimed at this goal. Important institutional mechanisms were established in this period for promoting gender equality<sup>10</sup>, the Law on Gender Equality was adopted (Official Gazette of RS 104/2009), Anti-Discrimination Law (Official Gazette of RS 22/2009), various relevant laws were revised (such as Family Law, Criminal Law, Labor Law, Employment Law, etc.), the National Strategy for Improving and Promoting Gender Equality was adopted (2008-2014), as well as the National strategy for Prevention and Combating Violence against Women in Family and in Intimate Partner Relationship (Official Gazette of RS 27/2011).

The present reform efforts have brought some improvements in terms of women's participation in political structures and policy-making processes. The ninth session of the National Assembly<sup>11</sup> met for the first time the requirement stipulated by the Law on Gender Equality, to achieve the participation of women in the legislature of 30%. However, women's participation in the executive remained at a significantly lower level in then actual composition of the Government of the Republic of Serbia<sup>12</sup> with only two women, which is actually 9.5%. Share of women in local government authorities was on average lower than at the central level. The share of women among members of municipal assemblies was 28.6%, with large differences between municipalities, for example in Pirot the share of women was very low (3.6%), while in Niš's municipality Pantelej it was significantly higher than average (47.8%) (Statistical Office of the Republic of Serbia, Municipalities of Serbia, 2013). The issue of equal participation of women in political structures, government's institutions and policy-making process cannot be reduced to mere counting. However, one should bear in mind that lack of equal representation certainly cannot lead to equal participation or equal influence on the policies and processes. The next chapter presents the research findings indicating the representation and participation of women in the legislature at the level of the Republic of Serbia.

The share of women among MPs of the ninth Government was 33.6%, which satisfied the legal minimum requirement for the first time

<sup>9</sup> Ferida Čustović, "Žene u političkom i javnom životu Srbije: ka evropskoj perspektivi", Master paper, 2011

<sup>10</sup> The Gender Equality Directorate, Ministry of Labour, Employment and Social Policy of the Republic of Serbia, the Gender Equality Council of the Republic of Serbia, the Gender Equality Committee of the National Assembly of the Republic of Serbia, Ombudsman, Commissioner for Protection of Equality, Provincial Secretariat for Labour, Employment and Gender Equality of AP Vojvodina, the Gender Equality Committee of the Assembly of AP Vojvodina, Provincial Institute for Gender Equality, Provincial Ombudsman, Local mechanisms for gender equality.

<sup>11</sup> The ninth session of the National Assembly of the Republic of Serbia, since the introduction of multiparty system in 1990, was constituted on 31 May 2012. MPs of this session were elected at the regular parliamentary elections held on 6 May 2012.

<sup>12</sup> The Government of the Republic of Serbia, led by Prime Minister, Ivica Dačić, was sworn at the National Assembly held on 26 July 2012

## **WOMEN'S PARTICIPATION IN THE BODIES AND ACTIVITIES OF THE NATIONAL ASSEMBLY**

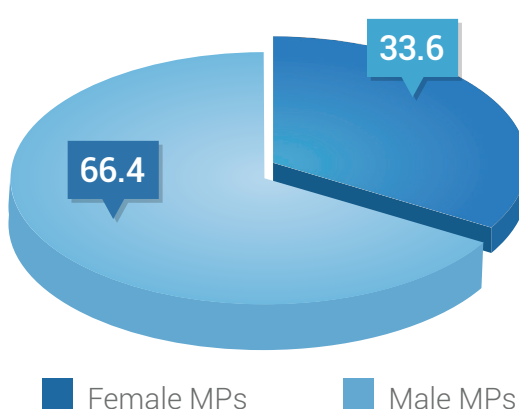
For considering women's participation in parliament, it is necessary to pay attention to both objective facts about the extent to which women are represented in the plenum and relevant bodies, and subjective perceptions, or ways in which female and male MPs perceive women's participation. It is important to observe whether the involvement of female and male MPs is highlighted by some patterns of inequality in terms of different activities carried out in the parliament, but it is also important to notice how they subjectively perceive the patterns and practices, i.e. whether they recognize them and how they evaluate them. Therefore, in this part of the analysis, we will first focus on women's representation (objective and subjective aspects), and then on the characteristics of participation, activities of female and male MPs, and subjective perceptions in relation to that participation.

## WOMEN'S REPRESENTATION IN THE PLENARY AND ASSEMBLY'S WORKING BODIES

The Law on Gender Equality, Article 3, defines the policy of equal opportunities. This Article obliges "public authorities to develop active policy of equal opportunities in all areas of social life", while policy of equal opportunities "includes equal participation of both genders in all phases of planning, decision-making and implementation of decisions relevant to the position of women and men". Article 14 provides for equal access to jobs and positions: "If representation of the less represented sex in an organizational unit at managing positions and within the management and supervisory bodies is under 30%, the public power authorities should implement affirmative action measures according to the Law on Civil Servants and Law on Public Administration".

The ninth session of the Assembly included 84 female MPs, accounting to 33.6% of MPs, and it seems that in this aspect Serbia holds high ranking in the region and higher than many EU members.

Chart: The share of women in MPs



Source: records of the National Assembly

If women's participation is viewed in accordance with the quota prescribed by the Law on Gender Equality and the Law on the Election of Members of the Parliament, it can be concluded that quota standards are met at positions of parliament presidency. The ninth convocation of Assembly was presided over by a man, and out of five vice-presidents two were women, implying women's participation at these positions of over 30%.

Further examination of women's representation in parliament raises the question of whether the fulfillment of the quota is the consequence of a consistent trend of all parliamentary parties or parliamentary groups to take into account the fulfillment of quotas, or some parties more and some less contributed to the overall result.<sup>13</sup>

<sup>13</sup> Law amending the Law on the Election of Members of the Parliament, Article 40a stipulates: "For every four candidates on the electoral list there shall be at least one candidate of the under-represented gender on the list (first group of four places, second group of four places and so on until the end of the list), and overall the lists of candidates should include at least 30 per cent of candidates of the under-represented gender." Official Gazette 36/2011 of 27 May 2011.

## WOMEN'S REPRESENTATION IN THE PLENARY AND ASSEMBLY'S WORKING BODIES

The Parliament consisted of 15 parliamentary groups. Only in one case the parliamentary group had a female president (SPS), while in all other cases, the parliamentary groups were led by men. The table below shows that compliance with standard in terms of quotas of women's participation as an under-represented group in the Parliament, resulted from the fact that the largest parliamentary parties carefully met their quota requirement in their parliamentary structures, and that some parties significantly exceeded the statutory minimum participation of women. Thus, women's share of 40% or more was registered in the Socialist Party of Serbia, the United Regions of Serbia, and the Liberal Democratic Party. Bearing in mind that parties with a small number of seats generally did not meet this requirement (Unique Serbia, Together for Serbia, League of Social Democrats of Vojvodina, Serbian Renewal Movement - Christian Democratic Party of Serbia), it is assumed that under conditions of a smaller number of seats available, it is harder for women to take seats. Such an assumption should be verified by additional research, because it is possible that other included factors (such as ideological, gender-specific regimes in party structures, etc.) can affect the lower participation of women.

Out of 15 parliamentary groups, only one (SPS) had a woman as a head of the parliamentary group

**Table: Share of women in parliamentary groups**

Parliamentary groups	Share of women, in %
Serbian Progressive Party	35,9
Democratic Party	32,6
Socialist Party of Serbia	40,0
Democratic Party of Serbia – Vojislav Koštunica	38,1
United Regions of Serbia	46,7
Liberal Democratic Party	41,7
Party of United Pensioners of Serbia	33,3
Independent MPs	16,7
Social Democratic Party of Serbia	33,3
New Serbia	37,5
United Serbia	14,3
Together for Serbia	14,3
League of Social Democrats of Vojvodina	20,0
Alliance of Vojvodina Hungarians	20,0
Serbian Renewal Movement - Christian Democratic Party of Serbia	20,0

Source: records of NARS<sup>14</sup>

<sup>14</sup> Data available on website <http://www.parlament.gov.rs>



The research data provide more information about what kind of positions are occupied by female and male MPs in their parties, as well as positions from which they were recruited for MPs. The data from a survey that included 38 female MPs and 67 male MPs indicated that male MPs more often than female MPs occupy positions of presidents, vice presidents and presiding members of the their parties, while female MPs are more often members of the main and executive committees.

**Table: Female and male MPs according to their current party position, in %**

Position	Female MPs	Male MPs
President, vice-presidents and presidency members	20,6	46,2
Members of the Main and Executive committees	55,9	29,2
Members of the district, municipal and city committees	5,9	9,2
Other	17,6	15,4
Total	100	100

Source: Research on the National Assembly's oversight function "How does Parliament control executive power"? Open Parliament, 2013..

For 54% of female MPs and 51% of male MPs this was the first seat in the National Assembly. Workplace that preceded the parliamentary mandate of male MPs was some other higher political position<sup>15</sup> more often than in the case of female MPs (32.8% vs. 17.1%). Female MPs more often than male MPs came from lower political positions (34.3% vs. 25.0%), and were also more often recruited from managerial positions in comparison with male MPs (28.5% vs. 13.5%).

Unequal representation of female MPs in the various committees of Parliament indicates patterns of gender segregation arising in the form of selective involvement of female and male MPs in various thematic areas. The table below shows that female MPs are over-presented in the committees focusing on issues of human rights, children, family welfare, social policy, poverty, the environment, culture and information, while they are under-presented in committees focusing on security, finance, internal affairs, urban planning, infrastructure and traffic.

<sup>15</sup> Highest-ranked politicians (members of the federal/ republican /provincial governments, heads of parliamentary committees, paid members of the executive committee of the parliamentary parties, the heads of federal/ republican /provincial courts and deputies); Middle-ranked politician (other paid officials in the federal/republican /provincial governments and assemblies, members of the executive committees and paid members of the main committee of the parliamentary parties, the judges of the federal/republican/provincial courts); Lowest-ranked politicians (paid city and municipal officials, members of the main committees of the parliamentary parties)

Table: Women's representation in NARS committees

Committee	Share of women, in %
Committee on Administrative, Budgetary, Mandate and Immunity Issues	13.3
Committee on the Diaspora and Serbs in the Region	43.8
Committee for European Integration	52.9
Committee on Finance, State Budget and Control of Public Spending	8
Committee for Control of Security Services	11.1
Committee for Kosovo and Metohija	0
Committee on Culture and Information	70.6
Committee for Human and Minority Rights and Gender Equality	64.7
Committee on Education, Science, Technology Development and Information Society	29.4
Committee on Defense and Internal Affairs	0
Committee on Agriculture, Forestry and Water Management	25.0
Committee on the Rights of the Child	60.0
Committee on Judiciary, Public Administration and Local Self-Government	47.1
Committee for the Economy, Regional Development, Trade, Tourism and Energy	23.5
Committee on Spatial Planning, Transport, Infrastructure and Telecommunications	18.8
Committee on Labor, Social Affairs, Social Inclusion and Poverty Reduction	68.8
Committee on Foreign Affairs	58.8
Committee on Constitutional Affairs and Legislation	31.3
Committee for Environmental Protection	53.3
Committee on Health and Family	25.0

Finally, data on subjective perceptions of women's representation in parliament indicate an important phenomenon. There are significant differences between male and female MPs in the assessment of women's representation. The table below shows that significantly more female MPs than male MPs estimate that share of women is still not satisfactory, and that it should be increased, while significantly more male MPs than female MPs estimate that share of women is satisfactory and that, however, it is not the share of women which is essential, but their quality. The last mentioned opinion most usually conceals resentment against the quota system and can often be found in areas where the institutional framework creates pressure to comply with share of women requirement, and thus it would not be "politically correct" to openly oppose it. Straw man argument is very common here, and therefore the sheer figure of participation is disputed, and attention diverted towards the "quality" of female MPs (a condition that is not mentioned when it comes to male MPs).

Table: Compliance with attitudes about women's representation among MPs

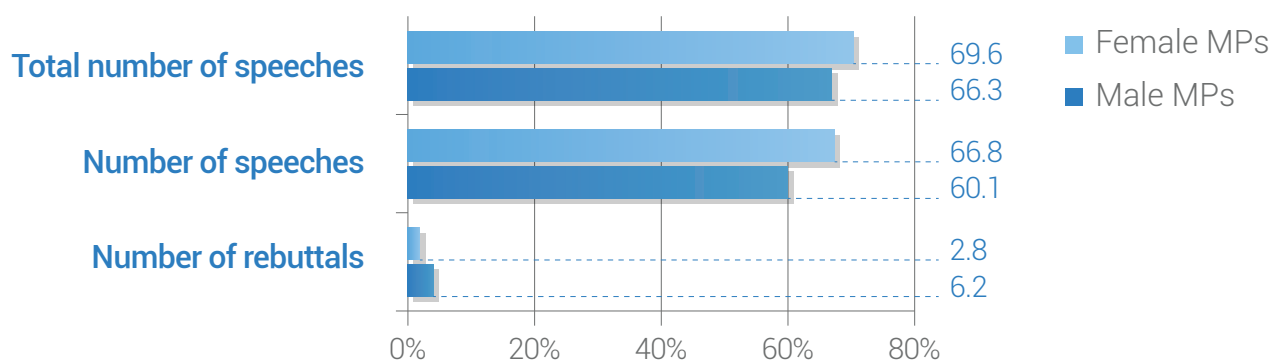
Attitudes	% Agree with opinion	
	Female MPs	Male MPs
Share of women among MPs is quite satisfactory	18,4	28,4
Share of women among MPs is not satisfactory and should be increased	73,7	40,3
Share of women among MPs is not essential, but the quality	7,9	31,3
<b>Total</b>	100	100

Source: Research on the National Assembly's oversight function  
 "How does Parliament control executive power"? Open Parliament, 2013.

## ACTIVITIES OF MALE AND FEMALE MPS

Another important aspect for studying gender characteristics of the parliament's work refers to the activities of female and male MPs. Namely, the share, the representation in plenary and bodies only indicates the number of proportion and is a prerequisite for all other forms of equal participation, but not a sufficient indicator of equal opportunities to participate in legislative activities. Therefore, the research is further focused on some important indicators of the activities of male and female MPs. Comparison of "objective" and "subjective" data points to an interesting gap. The objective data were obtained from the records of the Assembly, which is regularly monitored and published as part of the Open Parliament initiative. Data from these records suggest that female MPs in plenary are more active than male MPs. The next chart shows that the average number of speeches in plenary per one female MP was 69.6 in 2013, and slightly higher than average number of speeches per male MP. The chart also indicates that female MPs held on average more speeches than male MPs, but male MPs had higher average number of rebuttals than female MPs.

Chart: Average number of speeches per male/female MP in 2013.



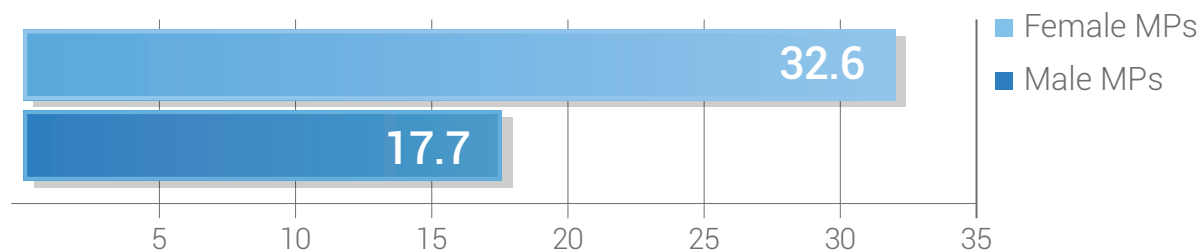
Source: Otvoreni parlament.rs

Differences in the performance of legislative activity are even more profound if the number of amendments put forward in 2013 is observed. During that year, a total of 2264 amendments were moved and male/female MPs participated in amendments submission 5999 times<sup>16</sup>. Among those who proposed amendments, 2869 times these were female and 3130 times male MPs. Thus the average number of amendments per female MP was 32.6, and 17.7 per male MP, which may be an indicator of more intensive activity of female MPs in this domain.<sup>17</sup>

<sup>16</sup> All MPs can submit an amendment individually or together with other MPs. Open Parliament monitored the activities of MPs through their participation in submitting amendments either individually or in a group with other MPs. For this reason it is important to note that from the aspect of how many female/male MPs moved an amendment, the total number of amendments submitted cannot be obtained by simple addition of amendments where each male/female MP participated.

<sup>17</sup> In 2013, there were 88 female and 177 male MPs that submitted amendments

Chart: Average number of submitted amendments per one female/male MP, 2013.



Source: Otvoreni parlament.rs

Subjective perceptions of participation in legislative activities deviate to some extent from description of the facts. While female MPs clearly recognize their more frequent participation in debates on bills, they do not recognize their higher participation in amendments proposals.

Table: Participation in legislative activities by gender, in %

	Participation in bills preparation		Personally submit amendments proposals		Participation in debates on bills	
	Female MPs	Male MPs	Female MPs	Male MPs	Female MPs	Male MPs
Yes, regularly	63,2	57,6	47,4	55,2	76,3	68,7
Yes, sometimes	36,8	30,3	44,7	38,8	23,7	28,4
No, never	0	12,1	7,9	6,0	0	3,0
Total	100	100	100	100	100	100

Source: Research on the National Assembly's oversight function "How does Parliament control executive power?" Open Parliament 2013.

The research data indicate that female MPs are more satisfied with the quality of debates on bills than male MPs (a half versus a third). They in addition more often say to have support when preparing amendments to bills than male MPs (81.6% vs. 71.6%), and this support usually comes from male/female colleagues, experts and professional services of NARS. Male MPs use the support of male/female party colleagues more than female MPs.

Table: Support in drafting amendments

Who provides them with support in drafting of amendments	%	
	Female MPs	Male MPs
Female/male colleagues MPs	24,3	20,4
Female/male party colleagues	18,6	24,1
Experts	25,7	29,6
Professional services of NARS	24,3	20,4
Other	7,1	5,5
Total	100	100

Source: Research on the National Assembly's oversight function "How does Parliament control executive power?" Open Parliament, 2013.

## ACTIVITIES OF MALE AND FEMALE MPS

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In contrast to the satisfaction with quality of debate on bills, there are no significant differences between male and female MPs in terms of satisfaction with the quality of submitted amendments - 54% of satisfied female MPs and 56.9% of male MPs.

The research observed subjective and generalized evaluation of the contribution of MPs to parliament's work. Both male and female MPs were asked whether female MPs have the same significance as male MPs, whether their work is valued equally, and if they can achieve the same effect. Here again are observed important gender differences in perceptions. In fact, 29% of female MPs think they do not have the same significance as male MPs in parliament's work, the opinion shared by only 8% of male MPs. However, when asked whether women can make quality contribution to the work of parliament as men can, so when a general question is posed, almost all interviewed female and male MPs (97% of female and 98% of male MPs) expressed the opinion that women can provide contribution to NARS's work in the same quality manner as men.

Some male/female respondents also highlighted in qualitative research the benefits of greater participation of women. They estimated that women introduce a different way of thinking, marked by a special concern for the vulnerable groups, families, they show more solidarity, responsibility, more seriously prepare themselves for sessions, discuss bills and communicate in a more moderate way.

*"In general, they introduce a different way of thinking. They focus on other topics as opposed to men. Women are more likely than men to pay attention to specific issues. For example, financial support to families with disabled children, etc. Women can discuss the matter in a nicer way, as they bring a calmer tone. Men, when discussing, can be rather rude, and use harsh words. It is a different way of communication."*

(A female MP of NARS)

## PERCEPTIONS AND EXPERIENCES OF UNEQUAL TREATMENT

This survey, followed by in-depth interviews, analyzed perceptions of unequal treatment, as well as personal experiences of female MPs unequally treated in the Parliament. Taking into account the survey and qualitative data, as well as statements of female and male MPs, there is an impression on several forms of unequal treatment in the National Assembly:

- ✓ The first one, relatively easily recognized and highlighted, is the previously described uneven participation of female MPs in parliamentary committees and international delegations, i.e. their under-presentation in specific committees and international delegations.
- ✓ The second one, regarding segregation that is present in the scopes of responsibility of male and female MPs, expressed through greater concentration and focus of female MPs in fields that are more appropriate for women, such as social policy, care of children and family, gender equality, human rights, culture and information, including their simultaneous exclusion from the fields of security, finance and infrastructure issues.
- ✓ The third form of unequal treatment is also recognized and refers to the practice of communication, gender-incorrect language, inappropriate behavior that discriminates against women on the basis of gender, inappropriate communication, both in formal practice of plenary and committees sessions, as well as in informal communication in hallways, breaks.

The interviews revealed that 5.4% of female MPs were directly exposed to unequal treatment in NARS. Interestingly enough, 16.2% of female MPs stated they could not assess whether they had such an experience. In other words, doubts have arisen over own sensibility and ability to assess whether some of their experiences were actually cases of discrimination. Only three female MPs stated they were discriminated against repeatedly. Female MPs with direct experience of discrimination stated that incorrect treatment was expressed in providing male colleagues with benefits without any objective reasons for that, as well as incorrect addressing, the use of gender-insensitive language or making inappropriate remarks, observations, related to gender. When explicitly asked whether male colleagues made comments, jokes or offers about them based on the fact they are women, 22% of female MPs confirmed it, and 3% of them were not able to assess

**22% of female MPs confirmed they had experiences with male colleagues making comments, jokes or offers to their account based on the fact that they are women**

## PERCEPTIONS AND EXPERIENCES OF UNEQUAL TREATMENT

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Mechanisms available to female MPs are very important for intervention in situations where they are exposed to unequal treatment. The research indicated that complaints when discrimination occurs in formal practices and formal communication, are very limited and unadjusted mechanisms in terms of gender discrimination, and do not exist at all in unfair treatment in informal practices. In fact, out of sessions, female MPs are left to their own response mechanisms. Thus, in situations of discrimination and unfair treatment 58% of female respondents expressed their dissatisfaction directly to the person who did it, while others ignored the problem and did not react. None of them used a formal procedure of complaint when exposed to discrimination in informal practices. An important research finding is, however, that female MPs are not completely informed or sure whether NARS clearly defined procedures for complaints in cases of gender-based discrimination. Thus, 28% of female MPs say there are defined or not clearly defined procedures of complaints in cases of gender-based discrimination, while the remaining 44% say they are not familiar with it.

**44% of female MPs did not know whether there were clearly defined procedures of complaint in cases of gender-based discrimination in NARS**

During in-depth interviews, both male and female MPs pointed to the same cases of discrimination and unfair treatment of MPs. One event during a plenary session, when a male MP belittled his female colleague by saying that "she is pretty and does not need to discuss in such a way" obviously left a strong impression on MPs, since almost all respondents mentioned it during qualitative research. On that occasion, the Chairman was requested to sanction the behavior of that MP, but he was just warned, without getting any penalty which would be assessed as appropriate.

*"There were inappropriate tones, inappropriate jokes made. A lot of them. It is rude. I have repeatedly indicated that these jokes are inappropriate, especially if made in front of others. I'm very clear about it. It happens everywhere. Those are always the same colleagues who think it's interesting, or "cool". Jokes usually refer to physical appearance. It happens all the time and usually by the same people. I never ignore it, and I always make it clear it is not appropriate".*

(A female MP of NARS)

Examples of discussions were also mentioned when the Women's Parliamentary Network was described as a conspiratorial feminist organization, but again without appropriate sanctions.

*"A male MP made comments that we belonged to the some feminist conspiracy organizations. We were all appalled by his comments, but he was not sanctioned. We can refer to a violation of the Rules of Procedure or to ask the Chairman to impose a warning or a fine, however, the Chairman is the one who decides. There are no other mechanisms".*

(A female MP of NARS)



In addition to these forms of unequal treatment, male/female respondents pointed in the research to some inequalities which are more related to the context, the background of female and male MPs' engagement in parliament. Female MPs stated that during their political career they were under the impression of much more challenging advancement, need to invest more energy and effort than their male colleagues, party and political environment accepting them with more skepticism, and therefore more difficulties to reconcile their family responsibilities and career.

*"It was hard to take a responsible position in party and raise a baby at the same time. I've always been everywhere on time. None of my colleagues thought I had a baby and a small child at the time. I often wonder if I would now decide to accept the job in such a way, and if I would take the same path. I didn't know what to expect back then. I always did what I was asked to. For 10 years, I missed one meeting of the Presidency and that was because I was on a business trip. However, I quickly delivered good results and so they accepted me".*

(A female MP of NARS)

Similar observations were presented by some male MPs who participated in the qualitative research.

*"There are different expectations of men and women in our society. A man can be engaged in politics all day long. When a woman comes home from work she has to cook lunch and take care of the house. It is, unfortunately, how it is done in a patriarchal society like ours".*

(A male MP of NARS)

## PERCEPTIONS OF OPPORTUNITIES FOR FURTHER PROMOTION OF GENDER EQUALITY IN THE NATIONAL ASSEMBLY

Based on the research data, it can be concluded that in the Assembly there is no systematic information of MPs on issues of gender equality, or some systematic, regular training, seminars that would include gender sensitization and promotion of gender equality knowledge. However, the great majority of female MPs (97.3%) and male MPs (83.6%) claimed that during their parliamentary mandate they had the opportunity to become familiar with the principles of gender equality in parliament. Information on gender equality was achieved by various means. For instance, 12.5% improved their knowledge on gender equality in parliament through the activities of parliamentary committees, 29.5% informed themselves through legislation, 20.5% through the Women's Parliamentary Network, 12.5% through public hearings, 11.4% through seminars, and 13.6% in other ways.

During the research, contribution to promotion of gender equality in parliament made by Women's Parliamentary Network was repeatedly highlighted. This network brings together all female MPs, regardless of party affiliations and allows them by sharing their experiences, mutual support and solidarity, to tackle the issues relevant to the gender equality promotion. The network was established in the spring of 2013 as part of the project done with NARS and launched by the Belgrade Fund for Political Excellence. Establishment and operation of the network is positively evaluated in the qualitative research. It is interesting that both male and female MPs who took part in the qualitative research as an example of the positive contribution of the Network cited the recent proposed amendments submitted by female MPs gathered around this network. Some of their amendments received more votes than there were female MPs in the Parliament, which was a good sign that even a number of male colleagues supported their initiative. Although the amendments were not adopted, this joint action of female MPs showed that solidarity can significantly increase their strength and rise above party interests through gender equality issues.

However, in interviews female MPs pointed out that in other situations, party interests or loyalty can prove to be stronger than women's solidarity. Some female members of the network did not support the initiative to discuss bills submitted by their party colleagues, because they thought the network could not affect the bills' wording. It was back then decided that network should submit amendments to bills, but not provide an opinion on the initial bill. As assessed by female respondents, these cases show a gap in the Women's Parliamentary Network, since party interest proves to be more important.

When it comes to further promotion of gender equality in parliament, there are significant differences in opinions between male and female MPs. While a great majority of female MPs think it is necessary to further improve the status of women in Parliament, male MPs were divided in their opinions, with almost a half of them believing it is necessary to further improve the status of women, and the other half stating it is not necessary because it has already been improved.

**Table: Opinions on the necessity of further improvement of women's status in parliament**

Opinions	% agree with opinion	
	Female MPs	Male MPs
Yes, status of women in NARS needs to be improved	77,8	49,2
No, it is not necessary because it has already been improved	19,4	44,6
I don't know, I am not informed	2,8	6,2
Total	100	100

Source: Research on the National Assembly's oversight function  
"How does Parliament control executive power? "Open Parliament 2013.

During in-depth interviews, female MPs expressed satisfaction with significant progress at the last, ninth session in terms of increasing women's participation in parliament, but also pointed out that their current share must not be regarded as satisfactory.

*"Gender equality implies equality. This means there should be equal number of us. That is how I understand equality. Current large number of women is success in one sense, because it has never happened before. I think it's good at the moment, but I don't think women should be satisfied with that. However, I believe that you don't need to force anybody to anything, as there is no need for that. Maybe some women don't know they can, but they do can, because somebody didn't give them a chance. This happens because politics is regarded as men's job, not women's. On the other hand, perhaps some women would not know they were so good at politics. So, I think we shouldn't force anyone to anything, but on the other hand I'm glad and I think we should strive for equality."*

(A female MP of NARS)

According to some female respondents, fulfilling quota of women in parliament is important not only directly for the National Assembly's work, but for much more far-reaching consequences, as it encourages and motivates women to become more involved in politics.

*"Women have become more active now in parties, because they see their opportunity – 'If I'm active, I know where I'm going ... because now the Assembly has quotas. I know that my city has to send one female MP, I know that my party will send one female MP. So I can be among the ten women who are potential candidates for female MP. This is my motivation to fight.' Quota is now a motivation to achieve a goal, at least when it comes to Parliament. Once we have quotas for other institutions, they will say – 'Great, I'll be active, because somebody might call me there. Now somebody has to call me.' Women always said they will not fight because men always win. That's changed. Now two men will be selected, but you'll be the third. Now there is room for work."*

(A female MP in NARS)

## PERCEPTIONS OF OPPORTUNITIES FOR FURTHER PROMOTION OF GENDER EQUALITY IN THE NATIONAL ASSEMBLY

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MPs who believe it is necessary to further improve the status of women in parliament think in 31.3% of cases that it is necessary to be done through greater representation of women in committees, the increase in the total number of female MPs (26.2%), through their greater participation in various bodies (16.4%), through greater participation in international delegations (10%), etc.

Conclusion of in-depth interviews was to ensure more women in positions of chairman of committee, as well as heads of parliamentary groups. It was also highlighted that gender segregation, which is present in the subject orientation of MPs, needs to be reduced or that women should be more involved in issues of security, finance, and infrastructure.

**31.3% of MPs think women's position in parliament is best improved through greater representation of women in committees**

*"Social and related issues are always more related to emotional intelligence. Women need to more calmly focus on economy and money flows."*

(A female MP in NARS)

Almost all respondents in the qualitative research highlighted the problem of gender-incorrect communication, both in formal and informal practices and communications. They said that the adoption of a special ordinance, code of conduct or communication could be a good attempt to indicate unacceptable conduct, and related sanctions, but at the same time they expressed doubts over possible progress, or its consistent compliance.

There were opinions that such forms of inappropriate behavior could be attributed to inadequate upbringing of individual MPs, which cannot be corrected by regulations and codes of conduct. The research revealed proposals concerning the support to female MPs in doing their jobs under less stress. MPs with younger children find it very hard to coordinate their MP position with family obligations, primarily due to unusual working time and because they are often forced to work beyond the normal working hours and during later hours. Therefore, in their opinion, it would be very useful to open a day care, like in some Parliaments of other countries.

MPs repeatedly indicated during the qualitative research that the increase in women's share in parliament, although being very important, can be a sign that the power is not in parliament. These are the experiences from other sectors, as well as from other countries. One respondent pointed to similar processes that took place in the judicial system. The decrease in the material conditions of remuneration and professional prestige that occurred during the 1990s led to the withdrawal of men from positions of judges and their considerate interest in law practice. That caused feminization of positions of judges, but also the decline of their power, status and prestige. Similar opportunities are observed in the current trends of changes in parliament and the power of various power branches. The increase in women's share in parliament, according to some respondents, is associated with the decline of Parliament's power and increase of executive power.

*"These experiences can be found in other countries. Once the number of women increased in parliament, then the power moved elsewhere, i.e. to ministries. The moment the number of women is increased in ministries, the power moves to boards of directors, where money flows are. That's why in some countries like Norway and private companies, the boards of directors must comply with the quota of women."*

(A female MP in NARS)

For these reasons some female respondents indicated stronger intentions of the Women's Parliamentary Network to advocate for process of increasing the share of women in the executive structures, i.e. high positions of the Government of RS

*"The quota system should be applied to the Government. Key political power, the power to change something is in Ministries. That's why it's important. We signed the initiative asking for at least 30% in the next government."*

(A female MP in NARS)

# CONCLUSIONS

Research on the characteristics of gender equality in the National Assembly of the Republic of Serbia suggests several important conclusions.

## **Significant improvement is achieved in increasing the representation of women in Parliament and their increasing role in the legislative and oversight functions of Parliament:**

- ✓ For the first time, law-prescribed quota is realized, and women occupy over 30% of seats.
- ✓ The majority of parliamentary groups met the quota requirements, some groups having over 40% of women, while several smaller parliamentary groups failed in achieving quotas.
- ✓ The Women's Parliamentary Network is established, as an informal network in parliament, allowing solidary action of female MPs in promoting gender equality.
- ✓ Women's participation in legislative activities is impressive, they on average more frequently propose amendment, participate in discussions about bills, and less frequently rebut.
- ✓ Many female and male MPs positively evaluate the increase in share of women, suggesting some new qualities that Parliament received by this increase, such as more efficient operation, more responsible and moderate communication, devoting more attention to certain social issues, etc.

## **Besides these improvements, there are still important areas of gender inequality and unequal treatment.** They are manifested in:

- ✓ Under-representation of women in certain positions - heads of parliamentary groups, Committee Chairperson, members of international delegations.
- ✓ Gender segregation in thematic orientation, whereas women are more focused to issues of human rights, social welfare, culture, communication, and are almost completely excluded from security, finance, economy, and infrastructure.
- ✓ More challenging entrance in certain parliamentary circles, moving up through the ranks of political party hierarchies, need to prove themselves even more, invest more effort and harder gaining trust of their colleagues.
- ✓ Higher pressure caused by coordination between career and family responsibilities in case of female MPs with young children.
- ✓ Discrimination in communication, unfair treatment in formal and informal communication.

Furthermore, systematic training, gender sensitization or information is not present in Parliament's standard work, which slows down the process of removing existing inequalities.

## **Most of female MPs and a half of male MPs think that gender equality in Parliament needs to be further promoted.** Suggestions include:

- ✓ Further increase in the share of women among MPs.
- ✓ Increasing the share of women in positions of chairman of the committee, heads of parliamentary groups, members of the international delegations.
- ✓ Greater involvement of women in issues and areas from which they are traditionally excluded, such as security, economy, finance, infrastructure.
- ✓ Regular information of female/male MPs on gender equality issues.
- ✓ Definition and implementation of gender-responsive codes of conduct in formal and informal communication.
- ✓ Providing support to female MPs to more easily cope with their double pressure stemming from professional engagement and family responsibilities.
- ✓ Extending the principle of quotas to the executive and increasing the participation of women in high positions of the Government of RS.

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# OPEN GOVERNMENT IN SERBIA

INITIAL OVERVIEW  
ACCORDING TO THE  
OPEN GOVERNMENT PARTNERSHIP





# INTRODUCTION

This report presents a preliminary review in terms of a framework for Open government in Serbia. The assessment is based on the criteria of the Open Government Partnership (OGP), an international initiative defining standards for establishing and improving transparency and accountability of governments, in 19 key areas. Open Government Partnership currently comprises 64 member states, and Serbia joined the initiative in March 2012. Based on the framework presented in the Open Government Guide (Open Government Guide, [www.opengovguide.com](http://www.opengovguide.com)) a methodology for the preliminary assessment is made for nine selected areas: Elections; Parliament; Right to information; Open Government Data; Citizen Engagement; Assets disclosure and conflicts of interest; Budget; Tax and Illicit flows; International aid. These areas were chosen due to their general importance to all citizens, as well as their relation with the work of the National Assembly and its oversight function, which is the area handled by the Open Parliament initiative through its activities.

The methodology implied that each area should fulfill the initial, intermediate, advanced and innovative standards. Recommendations defined for each standard were used as assessment indicators. Basically, each standard corresponds to a situation with regard to the legal framework and availability on the websites of government, agencies and other public institutions that are part of the Serbian government. A preliminary assessment is conducted only at the central government level, but this methodology can be a good tool for a similar assessment at the level of local government.

# ELECTIONS

## SIGNIFICANCE

The rights of citizens to vote and to be elected in democratic elections are internationally recognized human rights. The legal framework warranting public trust in the administration of elections, ensuring fair competition and protecting free voting based on quality information is a key starting point in providing electoral integrity and public confidence in government institutions responsible for elections. Legal frameworks are never perfect, they must constantly be re-evaluated and lessons learned must be new steps towards the establishment of true democracy. Increased availability of election data and other government information relating to the election must be a part of the process.

## IDENTIFYING OGP STANDARD

Standard category	Standards	Research Identification
<b>Initial</b>	1) Establish a legal framework for impartiality, effectiveness and transparency in elections	+
	2) Make available information related to electoral processes	+
<b>Intermediate</b>	1) Establish measures to safeguard administrative impartiality and provide training and access to information about them	±
	2) Establish open contracting rules for election related procurements	±
	3) Make election related data available proactively	±
	4) Require consultation for any significant changes to electoral processes	-
<b>Advanced</b>	1) Broaden and deepen opportunities for participation in public policy decisions related to election management	-
	2) Empower an ombudsman or similar office to receive, investigate and address citizen complaints concerning electoral processes	±
<b>Innovative</b>	Establish an independent expert panel to monitor procurement and application of election technologies	-

Legend: + Present to a greater extent ± Partially present - Not present ? Unknown

Area of elections is far more regulated in line with OGP standards than most of other areas. Despite the gaps and shortcomings, it seems that this area has been significantly improved over the last decade.

## **STANDARDS PRESENT TO A GREATER EXTENT**

The legal framework<sup>18</sup> provides a relatively sound basis for the conduct of democratic elections in line with of OSCE and Council of Europe commitments and other international standards. Without getting into a debate about the type of electoral system, or the possible favorable one, initial standard evaluation regarding the legal basis of impartiality, effectiveness and transparency in elections suggests that much of this foundation is established. Information on the electoral process are available on the websites of the Republic Electoral Commission (REC) and include data on the composition of the body, documents and regulations relating to elections, reports of REC's meetings and press.

## **PARTIALLY PRESENT STANDARDS**

Research findings indicate that intermediate standards are fulfilled to less extent in relation to the initial standards. Election administration is of unsteady character, and weaknesses are manifested due to its unstable structure, lack of permanent sources of funding, objectives and established rules. The outcome is often insufficient expertise to carry out electoral activities. Oversight of election-related public procurement is inadequate. During last elections the Supervisory Board of the National Assembly of Serbia was not established, which would control the use of funds and management of public resources during election campaign. Offices of the Ombudsman, the Commissioner for Information of Public Importance and Personal Data Protection and the Agency for Combating Corruption act on individual complaints and actively appeal to participants during the election campaign, to respect specific rights and standards. However, they are often inadequately supported or accepted by political actors.

## **STANDARDS WITHOUT IDENTIFIED INITIATIVE DURING THE RESEARCH**

Some important standards are not met given the information that was available during the research. Extensive consultations on the changes of electoral processes (and systems), as well as the involvement of independent experts in oversight of the elections, especially in the aspect of procurement and implementation of electoral technology, are initiatives that are not present in Serbia.

## **GOOD PRACTICE EXAMPLES**

In Estonia, since 2007 there has been an e-voting, so people do not have to leave the house to elect their representatives in parliament, but may do so electronically. Online voting requires use of computer, an electronic card reader and ID card. However, this voting system is not very common, and even many developed countries such as the USA or Japan do not have it.

<sup>18</sup> The electoral process is regulated by a series of laws: The Constitution of the Republic of Serbia, the Law on the Election of the President of the Republic (Official Gazette of RS 111/07), Law on the Election of Members of Parliament (Official Gazette of RS 35/00), Law amending the Law on the Election of Members of Parliament (Official Gazette of RS 18/04), Law amending the Law on the Election of Members of Parliament (Official Gazette of RS 36/11), Law on Local Elections (Official Gazette of RS 129/07), Law amending the Law on Local Elections (Official Gazette of RS 54/11), Law on Referendum and Popular Initiative (Official Gazette of RS 48/94), Law amending the Law on Referendum and Popular Initiative (Official Gazette of RS 11/98), Law on the Unified Voters' List (Official Gazette of RS 104/09), Law amending the Law on the Unified Voters' List (Official Gazette of RS 99/11).



# PARLIAMENT

## SIGNIFICANCE

Provisions on parliamentary openness, rules about ethics and behavior of MPs and public officials can be established through constitutions, statutes, rules of procedure, or through a mix of these and other regulations. By adopting explicit and clear policies on openness, parliaments can signal their commitments to representing citizens' needs and help them navigate this potentially confusing terrain. An openness policy can include procedures for requesting parliamentary information that is not otherwise readily available, as well as procedures for challenging decisions to not disclose particular information. The right of citizens to access and analyze the work of parliament is linked with policies on integrity, which may be established in parliamentary bylaws, or through the adoption of codes of conduct. Transparency requirements which shine light on the assets, expenses and relationships between parliamentary actors with lobby or interest groups are particularly important, irrespective of a parliament's level of development. According to the Declaration on Parliamentary Openness established by civil society organizations "Parliament shall adopt policies that ensure the proactive dissemination of parliamentary information, including policies regarding the formats in which this information will be published."

## IDENTIFYING OGP STANDARD

Standard category	Standards	Research Identification
<b>Initial</b>	1) Define clear rules on parliamentary openness and integrity, and develop capacity to implement them	<b>+</b>
	2) Enable citizens to provide input into the legislative process	<b>±</b>
	3) Proactively publish information about parliament's roles, functions and work online	<b>+</b>
<b>Intermediate</b>	1) Make parliamentary information easier to understand and accessible to citizens through multiple channels	<b>+</b>
	2) Partner with external groups to enhance citizen participation with parliament	<b>+</b>
	3) Publish parliamentary information in open formats	<b>+</b>
<b>Advanced</b>	1) Conduct outreach to youth and marginalized groups	<b>±</b>
	2) Develop digital platforms and capacities to enable citizen engagement with parliament	<b>+</b>
	3) Ensure that parliamentary openness procedures are in line with international good practice	<b>±</b>
<b>Innovative</b>	1) Develop and share open-source parliamentary software	<b>±</b>
	2) Enable citizens to engage with parliaments and MPs using mobile and SMS technology	<b>±</b>

Legend: **+** Present to a greater extent **±** Partially present **-** Not present **?** Unknown

Parliament openness is the area that progressed the most, according to research findings. Almost all standards are met, mainly to a greater extent.

### **STANDARDS PRESENT TO A GREATER EXTENT**

Rules on Parliamentary openness and integrity are defined through normative framework: The Constitution of 2006 introduced a new approach in terms of transparency of state offices, the Law on Access to Information of Public Importance, etc. Information on the work of the National Assembly of the Republic of Serbia (NARS) is published in various ways, and it seems that a lot of effort is invested in making the work of parliament available to citizens. Thus, an important mechanism of openness is republican parliament's web site with great wealth and visibility of information and opportunities for citizens to ask questions to professional service, and a variety of programs intended for informing about role, work and history of the Assembly. In addition, the general public's insight into the work of NARS is provided through television and Internet broadcasting of sessions, press conferences and issuing press releases about the various activities and work, allowing oversight of NARS's work by representatives of the media, domestic observers and international associations and interested citizens organizations, examining the documentation archived in the National Assembly and the transcripts, on NARS website and otherwise in accordance with law and the Rules of Procedure of the National Assembly. NARS seeks through cooperation with external groups to promote citizens' participation in the Parliament. A practical example is a Memorandum of Understanding with the Open Parliament initiative, which is a kind of connection between citizens and MPs.

### **PARTIALLY PRESENT STANDARDS**

In four areas OGP standards are only partially met. Citizens' participation in the legislative process is not yet sufficiently improved. The Government has a crucial role in the process of law drafting, and after bills are passed to the Assembly, opportunities for active citizens' influence remain limited. When it comes to standard relating to aligning of parliamentary openness procedures and international best practice, besides the important initiatives (such as GOPAC), practices have not yet been established in line with other initiatives, such as the adoption of the Declaration of Parliamentary Openness, etc. With regards to the outreach to youth and marginalized groups, NARS organizes educational programs for youth, such as simulation session of NARS intended for high school and college students. Finally, the Open Parliament portal provides access to parliament's open data, but in the Parliament these tools are not available. Therefore, this standard is classified as partially met. The Open Parliament initiative was launched in 2012 by civil society organizations in order to inform the Serbian public about what is happening in NARS. This unique mechanism for Parliament's work oversight enables citizens, the media, civil society organizations, MPs, representatives of the executive authorities and other interested parties to monitor and analyze the work of Parliament and individual MP. Objective of the Open Parliament portal is to establish a sustainable system for information disclosure in real time, and improve tools and options for using these data for different purposes. However, a wider and more practical cooperation has not been achieved. The website of the National Assembly of the Republic of Serbia comprises tools to use new technologies for communicating with citizens. There are also tools for posing questions to MPs. Open Parliament has Android application for mobile phones through which citizens can text messages.



**GOOD PRACTICE EXAMPLES**

The Parliament of Scotland has developed a series of Key principles that guide the parliamentary practice and work of female/male MPs

<http://www.opengovguide.com/country-examples/the-scottish-parliament-has-developed-a-series-of-keyprinciples-that-guide-the-practices-of-parliament-and-the-work-of-mps/>

# RIGHT TO INFORMATION

## SIGNIFICANCE

Possession of information is the foundation of democratic life. It affirms the openness of public administration, which allows citizens to form a critical opinion on status and developments in society. The right to freedom of information, which is usually understood as the right to information access held by public authorities, is now widely recognized as a basic human right. Availability of information reduces the risk of power abuse and ensures respect of human rights and freedoms.

## IDENTIFYING OGP STANDARD

Standard category	Standards	Research Identification
	1) Adopt a law which recognizes the right to information, in line with international standards	+
	2) Establish institutional structures for implementing right to information	+
	3) Provide training to officials on record management and right to information implementation	±
	4) Publish core information about government on a proactive basis	±
<b>Intermediate</b>	1) Ensure that each public authority puts in place core implementation systems on right to information	±
	2) Expand the scope of proactive publication	?
	3) Promote public awareness of the right to information	+
<b>Advanced</b>	1) Align Right to Information Law and practice with highest international standards on RTI	±
	2) Establish best practices of the system monitoring and evaluation	+
	3) Review and amend secrecy laws	±
<b>Innovative</b>	Use IT to enhance access to information	+

Legend: + Present to a greater extent ± Partially present - Not present ? Unknown

## STANDARDS PRESENT TO A GREATER EXTENT

Law on Free Access to Information of Public Importance was adopted in 2004, which provided substantial normative assumptions to protect Serbian citizen's right to effectively control the operation of the state apparatus. This law was a basis for establishing the office of the Commissioner for Information of Public Importance, with a mandate to enable exercise of the right of access to information of public importance.

The Commissioner has a professional service, and is independent in his work, which means he must not seek or receive orders and instructions for his work from government authorities or other persons. The standards that are met to a greater extent include the one relating to improving public awareness on the right to information. One of the first and very important institutional steps was the publication of the Guide to the Law on Free Access to Information.

Non-governmental organizations significantly contributed to its application. Public addressing of the Commissioner for Information of Public Importance, participation in meetings about the civil service, the media, civil society and elsewhere, contribute to rising awareness about the right and how to exercise it. The Commissioner writes a blog and is active on a daily basis on social networks. Monitoring and evaluation of the right to information is primarily handled by the Office of the Commissioner for information availability. The website of this office publishes the orders of the Commissioner to authorities that failed to disclose information on demand to make it available, or otherwise to pay a fee. There is a section for questions and answers, Guide to the Law, as well as a special guide "You have a right to know" for high school students. Some of the services and information can be obtained on the websites of the Commissioner, e-Government Portal, the site of the Government and Ministries.

### **PARTIALLY PRESENT STANDARDS**

Training of officers on data management and exercise of the right to information should be done through the educational activities of the Government, but information was unavailable on how many officers and at what levels they underwent training. Results of regional research in 2013 on how the Government and Ministries use new technologies for the presentation of their work, which was carried out by the Centre for Research, Transparency and Accountability of Serbia and its partner organizations, showed that in certain aspects the Government achieves good results in terms of disclosure of updated information, but so far does not show good performance in other aspects. It is found that the Government of RS achieved good results in terms of timeliness of data published on the official website, and information search possibilities available on the site. The objectives of the Government are also clearly presented. After each session, materials adopted are regularly updated and press releases are issued. However, the Government has not published the work plan for the current year (2011-2013), and it was impossible to find documents relating to public procurement plans, procurement related contracts. Budget transparency is low rated, etc. Furthermore, when it comes to the standard by which every public authority should apply the right to information, the same research has indicated that there is a great discrepancy, and that access to information is achieved only in every fifth case (i.e. 20%).

With regard to alignment between the Right to Information Law and practice in this area and the highest international standards on the right to information, the Council of Europe in February 2002 passed the Recommendation to member states on access to public documents and thus invited them to use regulations in order to protect the interest of the individual to effectively control work of state authorities. Serbian law to the greatest extent complies with the legal standards of the Recommendations of the Council of Europe, but there are still some mechanisms missing for the full implementation of the Law. Data Secrecy Law was passed in 2009.

## RIGHT TO INFORMATION

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It prescribed a unified nomenclature of classified data - restricted, confidential, secret, top secret, i.e. it eliminated, even as a concept, "military secret" and "business secret" ". The Commissioner for Information of Public Importance believes that this Law has not provided the desired results and that it should not be ignored due to its undeniable importance for both the exercise of the right to free access to information and general legal safety and security interests of the country, and that the main problem is that bylaws are not adopted. The Government did not define detailed criteria for establishing the level of secrecy, which has caused, from the formal legal point of view, the impugned "confidentiality" of any document which bears the secrecy mark.

## GOOD PRACTICE EXAMPLES

Sweden was the first country to adopt the law on information availability in the 18th century. Today, by using information technology, the 24/7 system tries making the services and information in the administration available to the citizens at all times.

# OPEN GOVERNMENT DATA

## SIGNIFICANCE

Open Data is a concept that should allow full and free access to the use and disclose information without restrictions from copyrights, patents or other mechanisms of control. Open formats are those that are structured and non-proprietary, allowing the public to extract maximum value from the information now and in the future. The centerpiece of many governments' open data initiatives is a government-wide policy committing to releasing new government data and to setting standards for how data is released. Open data policies should be practically aspirational, meaning that they should both define a vision for why the policy is being implemented, while also being able to provide actionable steps for government and relevant oversight authorities to follow to see the policy through to implementation. Open data access is a broad concept, and a well-designed open data policy should be relevant to many different communities. Open government data policies are often best when developed iteratively, adapting to help strengthen and grow fledgling efforts and to identify where continued revision is needed.

## IDENTIFYING OGP STANDARD

Standard category	Standards	Research Identification
<b>Initial</b>	1) Establish a strong, public commitment to opening data	±
	2) Identify and publish some public information as open data	±
<b>Intermediate</b>	1) Develop a government-wide policy on open data, through an inclusive process	±
	2) Mandate the publication of new data sets	±
<b>Advanced</b>	1) Create or appoint an oversight authority	-
	2) Create public listings of government data, and audit data availability and management	-
	3) Establish new legal rights to empower the public	?
	4) Proactively engage with and support data users	?
	5) Require that open data commitments apply to all organizations handling public data	-
<b>Innovative</b>	Create unique identifiers for organizations, things and places	-

Legend: + Present to a greater extent ± Partially present - Not present ? Unknown

## STANDARDS PRESENT TO A GREATER EXTENT

The research did not identify initiatives that would meet the OGP standards to a greater extent.

### **PARTIALLY PRESENT STANDARDS**

There is a law in Serbia governing free access to information of public importance<sup>19</sup>. This law regulates the right of access to information public importance held by public authorities, in order to achieve and protect the interests of the public to know, and establish free democratic order and open society. However, there are no provisions or articles obliging authorities to disclose and share information in an open format. Most of the files on the website of the Government and ministries are in PDF or Microsoft Word format. Yet, as the review shows in other areas, different data is published as open data. Open data policy is defined, among other things, by the Action Plan for Open Government. Furthermore, Serbia has fulfilled the minimum requirements for membership in the Open Government Partnership by enhancing transparency of public finances, adoption of the Law on Access to Public Information, Law on the Anti-Corruption and the Law on the State Audit Institution, as well as by establishing independent regulatory bodies, such as the Ombudsman, Commissioner for Information of Public Importance and Personal Data Protection, the Anti-Corruption Agency, and the State Audit Institution. However, the process of publishing data through open data bases is not progressing fast enough.

### **STANDARDS WITHOUT IDENTIFIED INITIATIVE DURING THE RESEARCH**

In Serbia, there is no authority directly responsible for the use and control of open data, as well as the public lists of government data and audit institutions that are at one place and in open format. Obligations of public authorities to share public data as open data have not been established, as well as the unique identification of organizations, things and places, in the form of data silos where all data are in one place. Websites of various institutions, such as the Government, the Parliament, ministries, store their data, but they are not standardized, nor connected, and are suitable for manual use.

### **GOOD PRACTICE EXAMPLES**

U Sjedinjenim Američkim Državama postoji javna obaveza objavljivanja podataka u otvorenom formatu

<http://www.opengovguide.com/country-examples/the-u-s-open-government-initiative-includes-a-commitment-to-open-data/>

<sup>19</sup> Official Gazette of RS", no. 120/2004, 54/2007, 104/2009 and 36/2010

# CITIZEN ENGAGEMENT

## SIGNIFICANCE

Citizen engagement is what open government is all about. Active citizens are often a vital link between transparency and accountability. In an increasingly complex world, citizens' input is a critical resource for policy-making. Good decision-making requires the knowledge, experiences, views and values of the public. Implementing difficult decisions depends on citizens' consent and support. Unless citizens understand and are engaged in the decision themselves, trust is easily lost. People around the world consistently indicate that they are not content simply to engage with government through periodic elections. Therefore it is important that citizen engagement is well designed and properly resourced. Good citizen engagement can support the effective functioning of democracy, the legitimacy of government, the successful implementation of policy and the achievement of social outcomes.

## IDENTIFYING OGP STANDARD

Standard category	Standards	Research Identification
<b>Initial</b>	1) Involve citizens in assessing the institutions of government and identifying priorities for reform	±
	2) Reform legislation to create an enabling environment for civil society organizations	±
<b>Intermediate</b>	1) Encourage the use of digital tools to engage with the public	±
	2) Develop a compact with civil society to achieve common goals	-
	3) Engage citizens in deliberation on a priority issue	±
	4) Establish legislation and guidelines on public consultation in policy development	-
<b>Advanced</b>	1) Establish a centre of expertise and designate resources to support the institutionalization of citizen engagement	-
	2) Establish citizen engagement as a core competency of government officials	-
	3) Establish mechanisms to engage children and young people as full participants in civic life	±
<b>Innovative</b>	Prototype new approaches to citizen participation	±

Legend: + Present to a greater extent ± Partially present - Not present ? Unknown

## STANDARDS PRESENT TO A GREATER EXTENT

The research did not obtain information about initiatives that would meet OGP standards to a greater extent.

### **PARTIALLY PRESENT STANDARDS**

When it comes to the involvement of citizens in assessing the institutions of government and identifying priorities for reform, based on the data available from the regional research on open government<sup>20</sup> Serbia has had a positive rating on two out of seven indicators measuring the participation of non-government actors in policy-making. No ministry has a plan of public hearings for the current year, as well as published lists of working groups for drafting laws and other regulations. No ministry had published formal invitation to NGOs to participate in working groups during the research. Government's responsiveness to citizens' question is positively assessed, because responses are promptly forwarded and there are options for submitting various questions/requests by appropriate tools. When it comes to reforming legislation to create an enabling environment for civil society organizations, a new Law on Associations<sup>21</sup> was adopted in 2009, which created favorable conditions for the establishment and operation of civil society organizations, and the Office for Cooperation with civil society is opened as an institutional mechanism to support the dialogue between civil society and the Government. However, the cooperation is still irregular, and the impact of civil society on policies and oversight of government offices is relatively weak.

In recent years, the Government has been using more digital tools in opening its work to the public. The Directorate for Digital Agenda was established in 2012. However, this process has not yet reached a satisfactory standard. Out of 116 government authorities only 94 have an official web site, and as it can be seen from other topics in this report, digital presentation of the various aspects of the Government still has a lot of cracks. In terms of citizens' involvement in review of priority issues, it can be concluded there are numerous examples of public consultations when it comes to certain laws or policies, but without a universal consultative mechanism that could be applied in all circumstances. Engaging children and young people in the public consultation process was not possible to be systematically checked in this research, although information about their involvement in the consultation when adopting specific strategies indicates that they participated in a consultation. The website of the Office for Cooperation with Civil Society does not show information on some prototypes of new approaches. The website of the Social Inclusion and Poverty Reduction Team provides information of Contact Civil Society Organizations (KOCD), that bridge clusters and networks of civil organizations, thematically grouped to participate in formulation and monitoring of social inclusion policies.

### **STANDARDS WITHOUT IDENTIFIED INITIATIVE DURING THE RESEARCH**

OGP standard relating to the agreement between the government and civil society on common goals through initiatives such as the Compact was not identified during the research. Initiatives implying the establishment of the center of expertise were not identified, nor systematic training of government officials to promote cooperation with citizens and other interested parties.

### **GOOD PRACTICE EXAMPLES**

Estonia has established an online "Citizen's Assembly" which aims to make proposals for government's reform

<http://www.opengovguide.com/country-examples/estonia-set-up-an-online-peoples-assembly-to-make-proposals-for-government-reform/>

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<sup>20</sup> Conducted by CDT organizations from Montenegro, "Zašto ne?" from BH, Center for Research, Transparency and Accountability in Serbia, and Civic Association MOST from Macedonia.

<sup>21</sup> "Official Gazette of RS" no. 51/2009



# ASSETS DISCLOSURE AND CONFLICTS OF INTEREST

## SIGNIFICANCE

When officials use their public office for private gain, it undermines institutions, deprives citizens of essential services and derails economic development. Thus, a regulatory regime of rules, guidance, and enforcement is needed to reduce the risk of real or perceived unethical conduct. The following areas should be regulated: disclosure of information on assets of government officials and higher-level officials, conflict of interest rules and mechanisms for their management, Revolving door regulations to stem conflicts of interest arising from the movement of individuals between the public and private sectors, rules on gifts that are practice of bribery to obtain services in the community.

## IDENTIFYING OGP STANDARD

Standard category	Standards	Research Identification
<b>Initial</b>	1) Establish a law requiring public disclosure of income and assets by public sector officials	<b>+</b>
	2) Establish regulations governing gifts offered to public sector officials	<b>+</b>
	3) Establish regulations governing post-government private sector employment	<b>-</b>
<b>Intermediate</b>	Establish a system of oversight for asset and conflicts of interest disclosures	<b>+</b>
<b>Advanced</b>	-	
<b>Innovative</b>	Publish asset and conflict of interest disclosures as open data	<b>+</b>

Legend: **+** Present to a greater extent **±** Partially present **-** Not present **?** Unknown

## STANDARDS PRESENT TO A GREATER EXTENT

In this area, significant improvements were achieved: the Law on the Anti-Corruption Agency was adopted, National Strategy and Action Plan for Anti-Corruption, a register of officials was established, assets and revenue of officials, the Law on Civil Servants introduced regulations on gifts that are the basis for fighting corruption, the Anti-Corruption Agency was established that is responsible among other things, for oversight of assets and conflict of interest disclosure. Web site of the Agency provides relevant regulations, as well as registers of officials and their assets.

### **STANDARDS WITHOUT IDENTIFIED INITIATIVE DURING THE RESEARCH**

Weak point in this area is the regulation of conflict of interest that arises during movement of civil servants between the public and private sector. The provisions that are part of the existing legal framework mainly relate to the prevention of conflicts of interest in the performance of public functions or various economic activities for personal interest while in public office.

### **GOOD PRACTICE EXAMPLES**

South Korea is making efforts to monitor the employment of government officials after their terms in office, which is part of the Action Plan for Open Government.

<http://www.opengovguide.com/country-examples/south-korea-commits-to-monitoring-post-public-employment-as-part-of-its-ogp-action-plan/>

# BUDGET

## SIGNIFICANCE

Government budgets are filled with so many numbers and so much technical jargon that the ordinary readers cannot easily understand what they mean. People need information in an accessible, understandable form to enable them to understand what government is doing with their money and allow them to participate in governmental affairs. IMF in its "Manual on Fiscal Transparency" states that "A clear and simple summary guide to the budget should be widely distributed at the time of the annual budget". Citizens' budget serves the public, but can also serve the government by enhancing public knowledge about the budget and the reasoning behind the choices made in putting it together. The timely publication of budget documents forms the basic building blocks of budget accountability and an open budget system. The publication of the Budget Proposal and Audit Reports is recommended in the IMF's fiscal transparency code and the OECD's best practice guidelines on budget transparency. INTOSAI (the global association of supreme audit institutions) recommends the publication of audit reports. Further, the IBP's Open Budget Index evaluates these reports.

## IDENTIFYING OGP STANDARD

Standard category	Standards	Research Identification
<b>Initial</b>	1) Allow public access to budget hearings in the legislature	<b>+</b>
	2) Publish a "Citizens' Budget"	<b>±</b>
	3) Publish Budget Proposal and Audit Reports	<b>+</b>
	4) Publish the four core budget documents	<b>±</b>
<b>Intermediate</b>	1) Consult with the public on budget preparation	<b>±</b>
	2) Enable effective oversight by legislatures and supreme audit institutions	<b>+</b>
	3) Publish all budget reports as open data	<b>+</b>
	4) Publish all eight key budget reports	<b>±</b>
<b>Advanced</b>	1) Enable citizen participation in budgeting	<b>±</b>
	2) Publish information on resources received by service delivery units	<b>+</b>
	3) Publish off budget financial information	<b>±</b>
<b>Innovative</b>	Fully implement the GIFT Principles on fiscal transparency	<b>-</b>

Legend: **+** Present to a greater extent **±** Partially present **-** Not present **?** Unknown

### **STANDARDS PRESENT TO A GREATER EXTENT**

Public access to hearings on the budget in the legislature is provided through a variety of mechanisms. NARS holds hearings on the budget at the end of the year. These hearings are open to the public, and the conditions under which drafting, discussion and adoption of the budget occur, and the openness of the process to the public are all defined by the Law on the Budget System<sup>22</sup> and the Law on the National Assembly<sup>23</sup>. The legal basis for the budget revision and audit report is the Law on State Audit Institution<sup>24</sup>. The budget proposal is issued by the Ministry of Finance on its website, while National Audit Office publishes its audit reports. In addition, all documents related to the budget of the Republic of Serbia shall be published in an open format (usually in PDF format). The last standard that was met to a greater extent related to the publication of information on resources received by service delivery units. Although this information is relatively "scattered", each Ministry with the responsibility over public services publishes fact books of activities comprising plan of revenues and expenditures for the current year and information on the funds allocated by the ministries to service delivery units.

### **PARTIALLY PRESENT STANDARDS**

In Serbia, there is no legal obligation to publish the Citizen's Budget, which actually represents the accessible presentation of budget proposals or budget adopted, understandable for citizens. This initiative is observed at the local level, but is rarely represented, as only 10 municipalities/cities have published Citizen's budgets. Therefore the following standard relating to the publication of four core documents on the budget (Budget Proposal, Enacted Budget, Audit Report, and Citizens' Budget), as well as intermediate standard 4, which relates to publishing 8 documents on the Budget, are not within the standard category that have been fulfilled to a great extent. Furthermore, when it comes to the standard relating to public consultation during budget proposal preparation, the Government's Rules of Procedure obliges the proponent to conduct a public hearing on the bill. However, with sporadic comments by civil society organizations in some respects, there is no more comprehensive and systematic consultation on proposed budgets. When it comes to publishing off budget financial information, the research has shown that some information about specific expenditures can be found on the websites of the Ministry of Finance. However, this has not been established as a regular practice, so they cannot get provide insight into the type of expenditures made during the year.

### **STANDARDS WITHOUT IDENTIFIED INITIATIVE DURING THE RESEARCH**

Global Initiative for Fiscal Transparency (GIFT) is a network that works to promote and institutionalize global norms, constant progress in fiscal transparency, participation and accountability in countries around the world. In Serbia, there is no law or any other relevant act that obligates a full application of GIFT principle.

### **GOOD PRACTICE EXAMPLES**

An increasing number of countries have published the Proposed budget, Enacted budget, Audit report, and Citizen's budget.

<http://www.opengovguide.com/country-examples/increasing-numbers-of-countries-publish-the-executive-budgetenacted-budget-audit-report-and-citizen%e2%80%99s-budget/>

<sup>22</sup> Official Gazette of RS", no. 54/09, 73/10, 101/10, 101/11 and 93/12

<sup>23</sup> Official Gazette of RS", no. 9/2010

<sup>24</sup> Official Gazette of RS", no. 101/2005, 54/2007 and 36/2010

# TAX AND ILLICIT FLOWS

## SIGNIFICANCE

Taxation provides funds to invest in development, relieve poverty, deliver public services and build the physical and social infrastructure for long-term growth. Taxation is also a crucial part of the social contract that binds citizens and states. Fair and efficient tax systems can contribute to good governance by establishing a bargaining process between states and citizens. States that rely on their citizens for income also have to take their demands into account. Financial transparency concerns the disclosure of all financial information that allows governments to effectively regulate tax activities, investors to be confident others are operating by the same rules, and for civil society to hold all actors, public and private, accountable for their role in this.

## IDENTIFYING OGP STANDARD

Standard category	Standards	Research Identification
<b>Initial</b>	Require minimum standards for company filing and disclosure, and publish data online	<b>±</b>
<b>Intermediate</b>	1) Establish a system to exchange information automatically with tax authorities	<b>-</b>
	2) Establish robust registers of beneficial ownership	<b>±</b>
	3) Require combined and country-by-country reporting by multinational companies operating in the jurisdiction	<b>-</b>
<b>Advanced</b>	1) Publish combined and country-by-country reporting of multinational companies in open, machine-readable format	<b>-</b>
	2) Publish information on tax expenditures	<b>±</b>
	3) Publish registers of company beneficial ownership, and of parties to trusts and foundations as open, machine-readable data	<b>-</b>
<b>Innovative</b>	1) Establish a system for monitoring customs declarations in real time to detect abuse	<b>?</b>
	2) Establish 'follow the money' partnerships to curtail trade mispricing	<b>?</b>

Legend: **+** Present to a greater extent **±** Partially present **-** Not present **?** Unknown

## STANDARDS PRESENT TO A GREATER EXTENT

The research showed no OGP initiative that would meet the standards to a greater extent.

### **PARTIALLY PRESENT STANDARDS**

The initial standard of publication of company data online is partially met. The obligation of entrepreneurs and legal entities to register is regulated by the Law on Registration of Business Entities ("Official Gazette of RS", no. 55/2004, 61/2005 and 111/2009 – other laws) and Law on the procedure of registration with the Serbian Business Registers Agency ("Official Gazette of RS", no. 99/2011). These also define the data that must be submitted by business entity, and the obligation about data access. All the basic information about companies is collected the Business Registers Agency (SBRA) and the National Bank of Serbia. However, the data are published in the databases that can be searched only by individual units if company name or identification number is known. Information can be obtained on demand, but then they have to be paid. Information on assets of business entities is registered in SBRA by basic elements, and is available only in those aspects through the register (e.g. equity). When it comes to publishing information on tax expenditures, this area is regulated by the Law on the Budget System ("Official Gazette of RS", no. 54/2009, 73/2010, 101/2010, 101/2011, 93/2012, 62/2013, 63/2013 – correction I 108/2013). All budget users are bound by this law to show their expenditures and to publish it. In addition, each annual budget of Serbia is determined by the statutory provision (Law on the Budget of the Republic of Serbia). However, the way in which expenditure data are published is not sufficiently clear or understandable to the general public.

### **STANDARDS WITHOUT IDENTIFIED INITIATIVE DURING THE RESEARCH**

There is currently no legal framework or system of automatic exchange of information with tax authorities. This activity is performed individually at the request. The system has not yet been introduced in the countries of the European Union. In June 2012, the European Commission adopted a regulation defining the detailed requirements for the implementation of the Directive 2011/2011/16/EU. Serbia has not signed Convention on Mutual Administrative Assistance in Tax Matters. Since there are no specific tax regulations for multinational companies, data in accordance with international standards for reporting are not available to the public.

### **STANDARDS THAT COULD NOT BE VERIFIED BY RESEARCH**

The fulfillment of two standards was not possible to be verified by this type of research. The research on customs transactions and the establishment of monitoring system of customs declarations and tracking money in order to curtail trade mispricing are the aspect of open government that should be examined via information request or through interviews.

### **GOOD PRACTICE EXAMPLES**

OECD: Convention on Mutual Administrative Assistance in Tax Matters<sup>25</sup> is a comprehensive multi-lateral instrument for cooperation in combating tax evasion.

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<sup>25</sup> <http://www.oecd.org/tax/exchange-of-tax-information/conventiononmutualadministrativeassistanceintaxmatters.htm>

# INTERNATIONAL AID

## SIGNIFICANCE

For aid to be effective, donors and recipient governments and institutions must be mutually accountable for commitments and to their own citizens. Transparency underpins all of these forms of accountability. It is therefore important that donors provide information about the aid they give, and that they make this information publicly available in open format<sup>26</sup>. Without transparent aid information, countries that receive aid lack vital information to make decisions about domestic budgeting and spending, while donors are unable to judge where aid is most needed and how effective it is. Transparency in aid can also help to support the development of national budgets which are crucial for citizens to hold their government to account in managing public money.

## IDENTIFYING OGP STANDARD

Standard category	Standards	Research Identification
<b>Initial</b>	Join the International Aid Transparency Initiative (IATI)	–
<b>Intermediate</b>	Demand information from donors in line with the IATI standard	?
<b>Advanced</b>	Integrate aid information into domestic budget planning	±
<b>Innovative</b>	1) Encourage the development of tools to share aid data	–
	2) Promote access to aid information by all stakeholders	–

Legend: + Present to a greater extent ± Partially present – Not present ? Unknown

In the area, the open government initiatives are almost entirely absent.

### STANDARDS PRESENT TO A GREATER EXTENT

None of the standard defined by OGP framework is met to a greater extent.

### PARTIALLY PRESENT STANDARDS

In the area of open government, only one standard is partially fulfilled that applies to the integration of aid information to budget planning. The Law on the Budget System<sup>27</sup> defines donation, donations, transfers and financial support of the EU as a public revenues and earnings, and funds aimed at financing the jurisdiction of RS, provinces and local governments. However, the Serbian budget transparently shows only part of the funds from international aid, one that applies to EU funds, while other funds are not shown

### **STANDARDS WITHOUT IDENTIFIED INITIATIVES DURING THE RESEARCH**

Serbia is among the countries that supported the Paris Declaration and the Accra Agenda for Action<sup>28</sup>; but did not join the IATI initiative<sup>29</sup>(joined by now by 15 donor countries and 22 recipient countries). In this regard, Serbia has not developed mechanisms for systematic information requests from donors in line with the IATI standards, or internal, national mechanisms for reporting and exchanging data on the distribution of funds from international aid which could be accessed by various, interested parties. However, the IATI website provides 15 donors who have published their data for Serbia, in accordance with the standards, which means by using appropriate codes<sup>30</sup>.

### **STANDARDS THAT COULD NOT BE VERIFIED BY RESEARCH**

The research could not verify whether any data were requested from donors in line with IATI standards. These data could be obtained only by using interviews or direct information request from the relevant sectors in the Government.

### **GOOD PRACTICE EXAMPLES**

Sweden as a country that is a major donor has given an example of good practice with regard to an understandable open portal with aid information, while Nepal is indicated as an example of recipient country. Swedish portal on international aid can be visited at the following: <http://www.openaid.se/en/>. Nepali portal can be found at the following link <http://portal.mof.gov.np/>.

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<sup>26</sup> Open data format means that the data can be freely, free of charge and without any legal limitations in terms of copyright be downloaded, used and distributed.

<sup>27</sup> Official Gazette of RS, no. 54/2009, 73/2010, 101/2010, 101/2011, 93/2012, 62/2013, 63/2013, 108/2013

<sup>28</sup> Paris Declaration of 2005, donors have committed to providing timely, transparent and comprehensive information on aid flows to enable the authorities of partner countries to present comprehensive budget reports to citizens. Any organization that has adopted Busan partnership should develop an implementation schedule by December 2012, and to fully comply with the standards by December 2015. Busan partnership does not constitute a binding agreement or treaty, is not signed and does not request the legal obligations.

<sup>29</sup> IATI is a mechanism by which donors publish information about aid flows. This mechanism has been established at the Fourth Forum on Aid Effectiveness in Busan in 2011, when the donors agreed on the implementation of common, open standards for publishing the aid information based on the OECD Creditor Reporting System (CRS) and International Aid Transparency Initiative (IATI). The initiative was initially established in the Paris Declaration.

<sup>30</sup> [http://iatiregistry.org/dataset?q=&publisher\\_source\\_type=&secondary\\_publisher=&organization=&publisher\\_organization\\_type=&country=Serbia&file\\_type](http://iatiregistry.org/dataset?q=&publisher_source_type=&secondary_publisher=&organization=&publisher_organization_type=&country=Serbia&file_type)



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