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## CPI 2017: Serbia lost one point and dropped five places on the list of the Corruption Perception Index

Transparency Serbia presented Corruption Perception Index Transparency International (CPI) for 2017. the most well-known ranking of countries according to perception of corruption in the public sector. Serbia is still considered as the country where the **level of corruption is high**, as the score is under 50 out of possible 100 points (41). This year we share 77<sup>th</sup> place (out of 180 countries) with China, Suriname and Trinidad and Tobago. Essentially, there are no significant changes in the ranking of Serbia since 2008. In the previous survey Serbia had one point more and then it was on 72<sup>th</sup> place out of 176 countries.

According to estimation of Transparency, Serbia is stagnated in research on corruption because the law was not improved, nor existing laws were applied. Moreover, regarding the situation of the institutions which have the role in the fight against corruption, the situation during the 2017 got worse. Although the fight against corruption, rule of law and European integration continues to figure as priorities, during 2017. were not implemented even those activities that have been entered into action plans for fight against corruption as a part of EU integration. We think that the most powerful factor affecting the perception of corruption is so bad is the fact that even those cases of suspicion of corruption that are documented in the reports by independent state authorities and journalistic surveys were not examined.

We recall that, opposite the obligations that the Government and Parliament took under the Action plan for negotiation chapter 23, during 2017 did not accepted new Law on Anti-Corruption Agency, didn't improved Law on financing of political activities, Law on free access on information, Law on Public Procurement, Law on public-private partnership and concessional, Criminal code, as well as Constitution in the part referring to the independence of the judiciary. The government demonstrated strong "political will" that this year either not implemented until the end of competition, which resulted that 80 percent of the highest civil servants and almost all directors of public enterprises are easily replaceable acting.

The National Assembly not this year adopt conclusions on the reports of independent state authorities for 2014, 2015 and 2016 year). Election of member of the Board of Anti-Corruption Agency the Assembly has done selectively, not wanting to support the candidate proposed by two independent bodies, as well as common candidate of journalists associations.

Although some reform measures, such as digitalization, simplified licensing process, greater publicity and predictability of inspection work and protection of whistleblowers undoubtedly have the potential to reduce corruption, it is obvious that they were not sufficient to show the corruption of the public sector in Serbia certainly changes.

### Details on the Corruption Perception index and results

Corruption Perceptions Index is being created for twenty three years in a row, by a leading anti-corruption organization globally, Transparency International. This year 180 countries and territories are ranked, four more than in the previous survey. Countries are scored on a scale from 100 (very clean) to 0 (high corrupt). **Serbia was this year ranked 77<sup>th</sup> (last year 72<sup>nd</sup>) with a score of 41, which is one point lower than the previous year.** Fluctuations were

minimal and the last significant progress was recorded in almost ten years ago. With a score of 41, Serbia is in the group of countries with widespread corruption (under 50). This score puts us **two points lower below the world average (about 43)**.

On the top of the list are **New Zeland with 89 points and Denmark with 88 points**, while **Somalia** is at the bottom **with 9**. Among the former socialist countries of Europe, best placed is **Estonia** with a score of 71, and from former Yugoslavia **Slovenia** with 61. Among the countries of wider region that are not members of EU, best perception is for **Georgia** (56). Worse ranked neighbours are **Bosnia and Herzegovina and Albania** (both with 38) and **Macedonia** (35). **Kosovo** is subject of special research and its evaluation is 39.

It is important to point out that the citizens of Serbia have perception of widespread of corruption as well, which stems from the results of researches carried out on a national sample (e.g. The Global Corruption Barometer of Transparency International, UNDP surveys), although in these surveys the fluctuations in the perception of corruption are significantly higher. High perception of corruption is a problem, because of creating prejudice that without corruption no job can be done. However, the priority of the state authorities should be to prevent, detect and punish existing corruption, and not changing perception of its widespread.

CPI takes into account 13 relevant surveys that measure perception of corruption in the public sector. These surveys represent the opinion or perception of corruption of state officials and public servants by those who do business with them or who advise businessman, governments and international institutions. Surveys must be published in the last 24 months and there must be at least three such data sources for one country to be ranked.

This year Serbia was comprehended with a total of eight relevant surveys (one more than previous six years), which guarantee a high degree of reliability of findings, as well as comparability of data with those from previous years. Surveys used were from the Global Insight Country Risk Ratings, Bertelsmann Foundation, World Economic Forum, the Economist Intelligence Unit, Freedom House, International Country Risk Guide, World Justice Project Rule of Law Index.

All surveys relevant for Serbia were published during 2017, and some of them were implemented during 2016. Ratings from individual surveys vary from 36 to 46. The standard deviation is (2.8). The difference in ratings among some surveys is significant lower than in previous year (in 2016 the standard deviation was 3.69) despite the inclusion of a new source.

### **[Priorities for combating corruption in Serbia 2016-2020](#)**

We recall that Transparency Serbia (a member of Transparency International- TI) sent to a candidate for the function of Prime Minister, **Ana Brnabic**, as well as all deputy groups represented in the National Assembly, **a list of 15 priority activities for the current parliamentary convention and for the government of Serbia**. All priorities are still valid.

Among other things, Transparency proposed measures to increase the **public's decision-making and the work of the Government**. Among them is the legal precision of the rules for the conduct of **public debates** and their organisation in the preparation of all important acts, the legal regulation of **attempts to influence decision-making including lobbying**, as well as the publication of **explanations for the proposals of regulations and conclusions** of the Government. **The Assembly** should regularly review **the effects of the laws** it has adopted on the fight against corruption and the risks of corruption in the proposed laws. As particularly important, TS stresses the necessity to provide public information **regarding the conclusion of interstate agreements that exclude the application of domestic laws**, so that citizens and parliamentarians who approve such arrangements, most often for infrastructure projects, can see **whether the potential benefits are greater than the damage which will undoubtedly result from the absence of competition**.

The Assembly of Serbia now has **reports of independent state bodies** from three years (2014-2016). Parliament has the opportunity to fulfill its constitutional role of overseeing the executive power by obliging the Government to solve the problems that anti-corruption authorities have pointed out for years and to verify whether the government did so. It is not less important than the Assembly starts to **consider the annual reports on the works of the Government** and the final budget account (the last one that is submitted is related to 2014!) by asking for explanations and responsibilities for any significant deviation from the plans.

On the side of detection and punishment of corruption, Transparency Serbia proposes measures for more efficient use of information that alter est are willing to share with the state bodies, mandatory **exemption from the criminal responsibility** of the bribe-giver who otherwise could not fulfill his rights within a reasonable time and which case he would report, as well as the introduction of the criminal offense of **"Illegal Enrichment"**. Public prosecutors should be provided with legal and financial conditions for their work, but they must also commit themselves to more **actively taking action** in the investigation of corruption, at least by examining all the doubts about corruption that can be found in the media and publicly available reports of other state bodies, as well as by using special investigative techniques and financial investigations. In the work of the police and judicial authorities, the Government, the Parliament and politicians should not interfere neither by preventing prosecution, nor by demanding the prosecution and especially by not **communicating data on arrests and criminal proceedings** or placing such data in selected media.

The new government also have outstanding legal obligations for **depolitization and professionalization** of the public sector, some of which have been dated since 2005. It is obvious that until now there was no political will to place all the highest civil servants in the state administration on the basis of competition, and for some reasons "e.g. state" is held in public companies, where competitions have been mandatory for 4.5 years.

Transparency Serbia urges The Government and the Parliament to contribute to respect and improvement of the rules on the **financing of political parties** and electoral campaigns. Serbia committed itself to this by means of strategic acts and we received concrete recommendations from the OSCE/ODIHR and the EU. In the opinion of the TS, the priority are the amendments of the regulations that would more clearly separate the exercise of the

state function from the political promotion, the increasing of the public's data on sources of funding while the campaign is going on the specification of the crimes in connection with illegal financing and buying votes, and the support given to the state bodies that need to exercise control over respecting the regulations.

We have also proposed measures for the **adoption of comprehensive rules on the state and political advertising** for increasing competition and punishing violations of **public procurement** rules, greater transparency in decision making on the selection, promotion and accountability of judges and public prosecutors, as well as the **responsibility of the members of the HCC and SPC**. We have also pointed out the importance of preserving the **unity of legal order and legal security**, reducing the risk of corruption in **regulatory and financial interventions on the market, respecting and regularly updating strategic documents**, implementing **public sector** reforms, the necessity for the Government to **regularly review the reports and recommendations of the Anti-Corruption Council** which has not been the case so far, a **clearer division of responsibilities** between the authorities in charge of the fight against corruption, as well as the most important issues that should be addressed in the course of the forthcoming amendment to the **Constitution**.

### **Transparency International CPI 2017 Top Five Recommendations**

Our first-hand experience working in more than 100 countries around the world shows that activists and media are vital to combatting corruption. As such, Transparency International calls on the global community to take the following actions to curb corruption:

- Governments and businesses must do more to encourage free speech, independent media, political dissent and an open and engaged civil society.
- Governments should minimise regulations on media, including traditional and new media, and ensure that journalists can work without fear of repression or violence. In addition, international donors should consider press freedom relevant to development aid or access to international organisations.
- Civil society and governments should promote laws that focus on access to information. This access helps enhance transparency and accountability while reducing opportunities for corruption. It is important, however, for governments to not only invest in an appropriate legal framework for such laws, but also commit to their implementation.
- Activists and governments should take advantage of the momentum generated by the United Nations Sustainable Development Goals (SDGs) to advocate and push for reforms at the national and global level. Specifically, governments must ensure access to information and the protection of fundamental freedoms and align these to international agreements and best practices.
- Governments and businesses should proactively disclose relevant public interest information in open data formats. Proactive disclosure of relevant data, including government budgets, company ownership, public procurement and political party finances allows journalists, civil society and affected communities to identify patterns of corrupt conduct more efficiently.