

Citizens, Administration and Corruption

The Experiences of Anti-corruption counseling center Transparency Serbia

One of the reasons why the fight against corruption does not provide sufficient results is because many people who are facing this phenomenon **are not aware of the legal options** available to them, or **do not have enough confidence in the work of the institutions** that should be solving these problems.

We would like to remind all of the fact that, according to the latest *Global Corruption Barometer* published by *Transparency International*, **at least 374,000 undetected cases of bribery** take place in Serbia with the aim of obtaining public services, or protection from punishment. At least one person from 22% of households that had contact with the observed public services paid a bribe in the last 12 months. **The number of criminal charges** for criminal acts with elements of corruption is a hundred times smaller. These findings confirm that the **detection of a large number** of corruption cases must remain the priority for Serbia. According to the survey, the prevalent **reason for not reporting corruption** is still reflected in the **fear of the consequences** (around 30%), despite anti-corruption rhetoric and the recently adopted rules on protection of whistleblowers.

One third of citizens does not believe that the state authorities will investigate corruption (17% of the citizens do not report it because "corruption is difficult to prove", 10% because "nothing will be done", and 2% because they believe that "officials to whom reports are made, are corrupt themselves"). Finally, **25% of the citizens do not even know to whom corruption should be reported and how**. The results relating to the percentage of people willing to report corruption do not give cause for optimism either. Only one third of citizens believe that "ordinary people" can contribute to the fight against corruption, and about the same number considers it a moral obligation to report corruption they witnessed. Only 21% of citizens believe that the reporting of corruption is "socially accepted", which does not look promising for whistleblowers.

Unfamiliarity with the rules and procedures for reporting suspicion of corruption, suspicion of violations of anti-corruption laws and the need for citizens to receive advice on how to collect information, identify problems and protect their rights are the reasons why **Transparency International began to establish anti-corruption counseling centers worldwide**. Another reason for the establishment of counseling centers is so that by learning about the problems from citizens we can develop ideas for launching initiatives that can resolve the systemic problem.

Thus, on one hand, **we help citizens to try out the system** for solving the problem and the fight against corruption, and, on the other hand, **citizens help us to influence the improvement of the system**.

Anti-corruption counseling center Transparency Serbia (ALAC) has been operating for more than 10 years. Sometimes we are contacted by the citizens who express direct suspicion of corruption, more often by those who do not know how to exercise their rights and needs, and most often by people who fail to favorably exercise some of their rights and interests within a reasonable time and believe that corruption can be a reason for it. So far we have registered about 20,000 cases of reaching out to the counseling center and opened 5,285 cases (situations where there were grounds for providing advice and assistance in obtaining documents).

Counseling Center

In 2015 and 2016, we intensified and promoted the work of the Counselling Centre, both in Belgrade and in the offices of the organizations we cooperate with on the project, in Becej and Nis. This resulted in a large number of situations where citizens were assisted. It often happened that citizens **suspected of corruption in cases when there were none**. However, even when there is no corruption, there can be, and often is, something else happening - poor organization of administration, lack of resources and lack of information about the rights of citizens and obligations of officers. These are the issues that should be addressed along with corruption. Otherwise, such conditions will quickly lead to corruption, even when there was none initially. This reflects **a strong link between anti-corruption measures with the reform of public administration and the introduction of open government principles**.

Building a system of rule of law and government administrative capacity to ensure the implementation of these laws and meet the legitimate needs of citizens and economy **are at the core of European integration**. It is therefore necessary that citizens' problems are effectively addressed, that the authorities use these cases as learning lessons and to use individual problems to recognize and address the system problems.

Out of all the initial addresses, one fifth of the cases contained enough material for our experts, associates or volunteers to take further steps (assist citizens in collecting data for addressing doubts and protection of rights, identification of bodies that may be competent to resolve a case, assistance in contacting these bodies). In the remaining situations, citizens reached out to us to indicate phenomena, ask questions or ask something that had nothing to do with the issues we deal with.

Out of 4,568 addresses in 2015 and 2016, we reviewed the information received from citizens and provided some form of assistance in 827 cases. The total of 575 cases referred to the situations of suspected elements of corruption or violation of anti-corruption regulations.

	2015	2016	Total
Requests or addresses to counseling center	2,089	2,479	4,568
Pending cases	373	454	827
Suspicion of elements of corruption	279	296	575

Most addresses, as well as the most outstanding cases, were recorded **in the field of justice (17%), public administration (12%), and in relation to public procurement and health sector (10%)**.

Pending cases by areas (total for 2015 and 2016)	
Justice	140
State administration (administration, ministries, local governments, departments, committees)	98
Public procurement	83

Health care	82
Education	70
Inspection	61
Police	34
Public enterprises	49
Issuance of licenses	46
Political parties	27
Customs	22
Media	23
Private sector	18
Other areas	47
Miscellaneous	27
Total	827

Initiatives

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

The reaction of these bodies towards the initiatives is a good testimony about whether there really is a willingness to prevent corruption, promote good governance, and enable citizens an easier interaction with authorities.

Thus, one of the initiatives that we submitted in the past was also the proposal to amend the Law on Free Access to Information, a proposal for aligning rules and practices for the removal from the district heating system at the request of the consumer, an initiative for the Government of Serbia to announce the reasoning behind its regulations, to establish appeal of anti-corruption bodies in connection with the buying votes and campaign activities prior to calling the elections, to relieve the citizens from paying for certain documents when registering their vehicles and for the parliament to publish the reports of Serbian Government.

As the "umbrella initiative", we would like to single out a proposal to **stipulate the duty of the authorities to, within a specified deadline, examine the recommendations** for adoption and amendment of regulations and practices that are received from citizens, civil society and the economy, that fall under the jurisdiction of national authorities, and to publish the outcome of these examinations. This should be accomplished within the Law on State Administration, or any other act that regulates the relationship between government and citizens (e.g. The Law on Referendum and Popular Initiative).

Anti-corruption counseling center operating procedures:

Counseling center operates in the following ways:

- By receiving calls via special phone number 0800 - 081 - 081, on weekdays from 11 am to 3 pm. This number can be reached from all landlines in Serbia and calls are completely free of charge for citizens, as well as the assistance provided by the counseling center. Citizens dialing this number can choose whether to remain anonymous or leave their information. Volunteers from counseling center carefully record disputed situations or reported problems, and in the shortest possible time and after consultation with experts, notify citizens on which steps they can take, either alone or in cooperation with the counseling center, and in order to solve the problem.
- By receiving e-mails to the address savetovaliste@transparentnost.org.rs whereby citizens can present the disputed situations, deliver documentation and seek advice. Received e-mails are treated in a confidential manner.
- By receiving mail to the address Palmoticeva 31, 11000 Belgrade. Received mail is treated in a confidential manner.
- By scheduling a meeting with legal counsel (counseling is free of charge for citizens).

Transparency - Serbia has neither legal nor financial means to represent citizens who consider themselves an injured party before the authorities. However, we have interest in the outcome of initiated cases and removal of mechanisms that allow corruption to occur.

Recommendations of Transparency Serbia for increasing the number of reported cases of corruption

- Conduct credible investigations of all reported cases of suspected corruption and communicate the results
- Proactive operation of the prosecutor's office (on the basis of available reports and data, without waiting for the criminal complaint)
- Amendments to the Criminal Code (exemption from liability for the persons who report corruption, redefining existing corruption offenses) and amendments to the Law on Protection of Whistleblowers (making alerts with classified information, awards in cases of direct benefit for the budget, redefining numerous provisions)
- Informing potential whistleblowers and witnesses about the opportunities for reporting corruption and protection
- Implementation of systemic changes based on investigated cases of corruption (changes in regulations and practices)

Transparency Serbia is implementing this project in partnership with organizations Becej Youth Association - [BUM Becej](#) and the [Centre for Social Innovation - NIIT Niš](#).

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