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Western Balkan PAR Monitor

NATIONAL PAR MONITOR

BOSNIA AND HERZEGOVINA REPORT

2017/2018

NATIONAL PAR MONITOR

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About WeBER

Western Balkans Enabling Project for Civil Society Monitoring of Public Administration Reform – WeBER – is a three-year project funded by the European Union and co-financed by the Kingdom of the Netherlands.

The overall goal of WeBER is to increase the relevance, participation and capacity of civil society organisations and media in the Western Balkans to advocate for and influence the design and implementation of public administration reform.

WeBER is implemented by the Think for Europe Network (TEN) composed of six EU policy-oriented think tanks in the Western Balkans:

1. European Policy Centre (CEP) from Belgrade
2. European Policy Institute (EPI) from Skopje
3. Foreign Policy Initiative BH (FPI BH) from Sarajevo
4. Group for Legal and Political Studies (GLPS) from Prishtina
5. Institute Alternative (IA) from Podgorica
6. Institute for Democracy and Mediation (IDM) from Tirana

CEP is the coordinator of the Project. By partnering up with the European Policy Centre (EPC) from Brussels as well, WeBER has ensured the EU-level visibility.

A combination of activities conducted through WeBER has achieved multiple aims:

- Through the Regional PAR Platform (WeBER Platform) and its Small Grants Facility, WeBER has improved the capacity of civil society organisations in the Western Balkans to participate in PAR, whilst building venues for their dialogue with the governments on PAR.
- Through its research and monitoring work and development of the PAR Monitor and through the creation of the CSO PAR Knowledge Centre, a searchable database of studies, analyses and reports on PAR produced by the region's civil society, WeBER has created and gathered evidence for a meaningful dialogue.
- As a result of benchmarking the countries through the Regional PAR Scoreboard based on country-level monitoring, WeBER has promoted regional peer pressure.

All of these products are available on the WeBER website: www.par-monitor.org.

The first WeBER project ran between December 2015 and December

Who do we cooperate with?

WeBER has established cooperation with a multitude of stakeholders in the region and beyond, by joining efforts towards a sustainable course of administrative reforms in the Western Balkans. At the national level, we have coordinated with PAR ministries and/or offices in each of the WB countries, which have had an associate role in the project. At the regional level, WeBER has cooperated with the Regional School of Public Administration (ReSPA), which hosted the regional PAR platform of civil society organisations, serving to a regional dialogue on PAR. We have also collaborated with the Regional Cooperation Council (RCC), to ensure complementarities with the monitoring approaches by the civil society focusing on the South East Europe 2020 Strategy. Furthermore, the Project keeps a close contact and consults with SIGMA (joint initiative of the EU and the OECD), which performs regular assessments of the Western Balkan countries' progress in the implementation of the Principles of Public Administration in the period leading up to the EU accession. Finally, WeBER consults with the DG NEAR of the European Commission, particularly its Centre of thematic expertise on public administration reform.

The Project has established strong cooperation and alliances with civil society organisations interested in or already working on PAR in all WB countries. By developing a communication strategy for the civil society engagement in PAR monitoring, WeBER has facilitated a more coordinated and complementary approach of various CSOs in their efforts and projects focusing on administrative reform.

Executive Summary

Why PAR Monitoring by the Civil Society?

Public administration reform (PAR) is today considered a fundamental requirement for the EU aspirants on their accession path. As a complex and all-encompassing reform, PAR in the Western Balkans region is being thoroughly assessed through the lenses of the SIGMA Principles of Public Administration, developed by the OECD/SIGMA and endorsed by the EU. These Principles define what makes a well-functioning administration in terms of its ability to deliver transparent, efficient and effective services to citizens, and to support socio-economic development.

In the context of a high external pressure for tangible developments in PAR, home-grown demand for better administration becomes even more important, to keep pressuring the government to pursue reforms once the external conditionality dissipates as the result of a completed accession process. Civil society actors, with local knowledge of administration's functioning, can lead such domestic advocacy efforts aimed at better administration. Independent PAR monitoring and evidence-based dialogues with the government represent a good approach to achieve this goal.

WeBER PAR Monitor approach

Based on such a rationale, the WeBER project has completed its first monitoring cycle. Its structured and evidence-based approach to PAR monitoring brings the reform closer to the public, by particularly focusing on PAR aspects with most relevance to the civil society and the public.

WeBER PAR monitoring strongly relies on strengths, skills, and local knowledge of the civil society in the Western Balkans. It builds on the SIGMA's Principles of Public Administration as a cornerstone of PAR, while assessing them from the standpoint of an independently produced PAR Monitor methodology. Overall, the methodology is based on the selection of 21 SIGMA Principles within six key areas, monitored and reported through 23 compound indicators that focus on different aspects of PAR.

The PAR Monitor methodology is rooted in the regional approach. The design of all WeBER indicators enables comparisons between the administrations in the Western Balkans and allows for regional comparability of results. In addition to the methodology, the PAR Monitor package comprises a comparative monitoring report for the entire WB region as well as six reports which elaborate on detailed findings for each administration. The present report provides monitoring results for Bosnia and Herzegovina, including a set of actionable recommendations for each of the six PAR areas, directed at the creation of a more citizen-oriented, more open, transparent and accountable administration.

WeBER Monitoring Results for BiH

Strategic framework for PAR: insufficiently involvement of CSOs in consultation processes and monitoring of strategic documents

In BiH, civil society organisations were not involved in the working group for drafting the new PAR Strategy. However, the Public Administration Reform in BiH Coordinator's Office (PARCO BiH), after failing to ensure inclusion of CSOs, made an effort to engage informally with the interested CSOs outside of the formal consultation process to gather their opinions and comments. BiH PARCO foresees an involvement of CSOs but only for public consultation (for developing a strategy and action plan), where CSOs can give their suggestions, comments and feedback on final draft of the documents.

Although, PARCO BiH ensured proactiveness in inviting external stakeholders, including diverse groups of interests, external stakeholders are insufficiently consulted during the development of PAR strategic documents: early consultations are seldom implemented and publishing of government's feedback to the consultees' inputs is an exception. Public consultations meetings with CSO representatives, business associations and academia on the development of PAR Strategy 2017-2022 make a good practice example, because the process involved different stakeholders and it took place before the adoption of the strategic document. This is not the practice of all institutions on state level.

So far, the political-level PAR coordination body – the Economic Development and European Integration Coordination Board – has not recognised civil society as a relevant interlocutor. Still, institutions are not legally obliged to involve CSOs in the work of advisory or other bodies.

Policy development and coordination: dissatisfied civil society – one step forward, two steps back

Overall, reporting and decision-making process of BiH Council of Ministers is transparent. In practice, information on the Government's work and activities and annual reports on the performance of the BiH CoM are regularly produced and published, as well as comprehensive and easily understandable press releases. Furthermore, BiH CoM publishes the core information from the sessions (agendas and minutes of sessions are fully available), but documents approved and adopted does not - it is the responsibility of proposing institutions to publish them on their websites.

On the other hand, perception of the civil society in BiH takes largely negative turn when it comes to the Government's work, particularly its planning, transparency of decision-making, use of externally produced evidence in policy making, and quality of consultations with civil society. Positive views are held only towards the awareness of official online legislation database. But, it is of note that

In that regard, decision-making is perceived as transparent by marginal 14% of surveyed civil society organisations, and they largely disagree that the exceptions to the requirements to publish Government's decisions are appropriate (where only 10% of the interviewees agreed). Similarly, only 16% believe official strategies are relevant for actions of the Government or ministries. Civil society findings are occasionally referenced in policy documents, papers and impact assessments, and around 30% of surveyed civil society representatives confirm that institutions invite them to prepare evidence-based papers. However, more than 50% of CSOs

agree that representatives of relevant government institutions participate in the events organized by CSOs to promote policy products. Perceptions about consultations in policy making and legislative drafting shows that only 11% of CSOs think that legally prescribed public consultation procedures and mechanisms are consistently followed in the consultation processes, with 8% of agreement for providing written feedback to consultees on whether their inputs are accepted or rejected.

Public service and human resource management: small steps to transparency and professionalization

Due to very complicated state Structure, civil service system in BiH is very complex and fragmented. Data on public service is not kept centrally or updated regularly by the BiH Government. The BiH Civil Service Agency (BiH CSA) BiH regularly publishes basic data in graphic form on the website. Reports on a limited number of areas of public service are not produced. The BiH CSA, however, does publish regular annual reports on its own work and activities.

State legislation in BiH regulating temporary engagements in state administration does not specify the specific criteria for selection of individuals for temporary engagements. Labor Law in the institutions of BiH (Article 10) and Law on Civil Service in the Institutions of BiH (Article 22) only specify general conditions for employment in BiH institutions and civil service. Simultaneously, 38% of civil servants report that the formal rules for appointments on a temporary basis are applied in practice, what leaves space for abuse. Criteria for the selection of temporary employees are not fully regulated and the hiring procedure is completely non-transparent. According to the civil servants perception survey, only 22% of surveyed civil servants stated that temporary engagements in the administration are an exception and slightly more of them reported that individuals who are hired on a temporary basis don't perform tasks which should normally be performed by civil servants.

With regards to recruitment into the civil service, BiH CSA announces vacancies through up to four easy-to-accesses, on its official website and in at least three daily newspapers distributed throughout the territory of Bosnia and Herzegovina. All competition announcements contain sufficient information, and the text of the competition is generally clear, however parts of the competition pertaining to job description are often vague. Recruitment and selection procedure for the civil service in general is coherent, fair and merit-based and once selected, probation period is mandatory for the selected candidate. However, regarding meritocracy in the recruitment process for civil service, there appears to exist the same opinion between civil servants and the Bosnian and Herzegovinian citizens. Whereas 20% of surveyed civil servants agree or strongly agree that civil servants are recruited on the basis of qualifications and skills, and only 11% of the Bosnian and Herzegovinian citizens hold the same opinion.

The selection procedure is done in phases - submitting documents, written test and interview, yet candidates are required to submit all the documents in the first phase. According to relevant legislation, failure to submit all requested documents in the first stage means automatic disqualification from the procedure. Decisions of the Selection committee for each candidate are delivered to the candidates. The candidates are ranked based on the points received on the entire testing process. On the website of Official Gazette of Bosnia and Herzegovina - the name of the selected candidate is publicly available, but not on the website of BiH CSA.

Only 26% of the civil servants agree or strongly agree that in the recruitment process all civil servants are treated equally, whereas more than 50% disagree or strongly disagree.

Implementation of legislative framework governing merit-based recruitment, demotion and termination of employment for civil service positions is seriously lacking in practice. It indicates that appointments of senior civil servants are not void of political influence; the ruling parties usually negotiate the division of positions. The electoral law prevents active participation of civil servants in the elections, yet civil servant survey shows that this is not always the case and it is believed that senior civil servants would implement illegal actions should their political superior ask them to do that. Only 22% of surveyed civil servants answered disagree and strongly disagree, while more than 50% agreed, strongly agreed or neither agreed nor disagreed.

According to the Law, a person can be appointed to a position of an “acting head” of an administrative organisation (both an independent one and organization within a ministry or other institution) and have full rights and responsibilities until a new person is appointed to that position. However, there is on-going practice of appointing “acting heads” in state-level institutions and the BiH CoM can nominate an acting head without open competition, based on procedures that are unclear and not transparent. There is a widespread perception of politicisation in the senior civil service, as over 60% of surveyed civil servants believe that their senior peers are appointed thanks to political support.

The overall civil service remuneration system is simply structured by the Law and regulates that the basic salary is determined by multiplying the base for salary calculation with the corresponding coefficient. The mutual relations and exclusiveness of compensations and supplements is not regulated. Information on the remuneration system is not available online. Each job announcement contains a clearly stated starting basic salary in BAM (national currency). This information is easily accessible and clearly visible within each vacancy announcements. A majority of civil servants also believes that political and personal connections help employees to receive bonuses or increases in pay grades.

Legal framework for public sector integrity in BiH is far from complete, although at the state level some administrative bodies have individually adopted integrity plans and anti-corruption action plans. But, their implementation in practice is rare. Unlike CSOs, 24% of surveyed civil servants agreed that integrity and anti-corruption measures were in place in the institutions where they work and that they were effective in achieving their purpose and some 40% of them stated that the measures were impartial. However, only 9% of them would feel protected as whistle-blower

Accountability: proactive information of the public fares better than reactive

Civil society's perception indicates shortcomings in the application of free access to information of public importance. CSOs strongly believe that public authorities should record more information to enable the exercise of this right as there is 29% of agreement that current scope of information is sufficient. In addition, 14% believes that legally prescribed exceptions to the public character of information are adequately applied.

Positive views are held towards practical aspects of requesting information: information is provided in requested format, within deadlines, and free of charge, but with the need to state reasons for requests. However, for information containing classified parts and personal data, a rather small percentage of organisations think that access to parts of information cleared from such sensitive data is made possible, and many CSOs simply “don't know” if this is the case. Slightly more than 20% of CSOs think that the BiH MoJ as the supervisory body, through its practice, sets sufficiently high standards of the right to access public information and only 12% believe sanctions for the violation of the free access to information right are effective.

Furthermore, as a widespread feature of BiH public authorities, information provision on their websites lacks a citizen-friendly approach. Publicly available information is partially complete, updated, and accessible within maximum three clicks from homepages. Institutions generally publish information on the institutions' budget only within their financial reports, which are regularly made available. Practice of publishing budget for citizens is non-existent for the sampled institutions. Nevertheless, critical issues such as inexistence of annual reports of administration bodies, uneven practice of informing about channels for cooperation with civil society and other external stakeholders, organisational charts with hierarchy of units not in line with acts on internal structure and job positions use of highly bureaucratic language and copy-pastes from legislation, as well as no proactiveness in publishing data in open formats, points to the need to improve proactive disclosure of information and make it more citizen-oriented.

Service delivery: very low public perception, accessibility concerns in civil society

In general, citizens of BiH have very negative perception towards administrative services, and it reflected in low awareness of 27% when it comes to government efforts in the past two years to make administrative procedures simpler for citizens and business. Perception is the same regarding dealing with the administration which follows 28% of those agreeing that the time needed to obtain services has decreased and the same number agreed that the government has been moving towards digitalisation.

Perception drops even lower, however, when it comes to possibility to give proposals for improvement of services, as only 13% of citizens report they have been asked for such proposals. This perception is reinforced by the analysis of websites of sample of administrative service providers, indicating they rarely publish any information on citizens' feedback online.

Territorially, services are not adapted to the people living in rural areas - there are only Registry offices open in rural areas. One-stop shop services do not exist (only 2 to 5 in the country) and you have to check all the counters to gather a documentation that is needed to complete various jobs. And that is the reason why society's perception turns highly negative when asked about the accessibility of one-stop-shops with 8%, and adaptation of service provision to vulnerable groups with 5% of agreement. Moreover, regarding availability of different channels of choice for obtaining administrative services, only slightly more than 10% of surveyed CSOs (11%) agree that the public administration provides different channels of choice (in-person, electronic). It is of note that 41% answered "disagree and 24% "strongly disagree".

Public finance management: Information that are hard to find

Bosnia and Herzegovina has a complex public finance system. It comprises the State (the institutions at the central government level are governed by the BiH CoM), the two Entities - the FBiH and the RS (each of the two Entities has its own government and extra-budgetary funds), and the BD.

Budget Documents that on annual basis provide information are available with just one click, easily accessible and downloadable. However, there is no monthly reporting of data which would serve for up to date information through the year. Moreover, there are delays in completing and presenting the reports so the information is not available to the public in timely manner. Despite the good practice of being the only ministry in the region, publishing all budget execution reports (quarterly, mid-year, and year-end), mid-year budget reports in Bosnia

and Herzegovina are only available from the website of the Parliament, and the ministry as the main policy-making authority for finance does not publish it. Lastly, official citizen-friendly annual budget is not available online

Although there are no strict deadlines prescribed by these two laws, but the Ministry has been consistent in publishing them in March each year, for the last three years. Consolidated annual report on PIFC are produced and published online, at the website of the Central Harmonisation Unit of the Ministry of Finance. Available reports cover time period between 2011 and 2017. However, quality reviews of internal audit reports are not regularly published online. As for the publishing of the information related to financial management and control, there is a lack of proactive approach of the ministries. Such information is not available on line.

Audit Office of the Institutions of BiH (AOI BiH) is currently collaborating with SIGMA on a project targeting improvement of communication practices with the goal of creating a comprehensive communication strategy of the Office. The Office has, so far, practiced mainly the one sided (one way) communication with relevant stakeholders by publishing its reports and other information on its website and thus making them publically available. However, the Office has not requested any type of feedback or inputs from relevant external stakeholders. The primary manner of communication with the public is the website of the Office and direct contact with the media. The project AOI is implementing with SIGMA will account for the introduction of a mechanism or a tool through which the public will be able to directly contact the Office with questions, suggestions, initiatives and other.

Brief Overview of Recommended Actions

To address the identified weaknesses, government institutions should take measures listed below (**this is a selection of recommendations for solving critical issues, please consult the detailed list of recommendations provided at the end of each chapter of the report**).

In Strategic Framework for PAR:

- ❑ Institutions should organise consultations with CSOs as early as possible in the development process of documents
- ❑ Adopt the new PA Strategy on all levels along with the The Operational Plan for PAR which provide for quality, effectiveness, financial sustainability, accountability and co-ordination of PAR.
- ❑ A strong advocacy campaign is needed in order to make the platform E-Konsultacije (E-Consultations) be used in its full capacity
- ❑ Consultations need to be broadly advertised, and all interested CSOs, especially disadvantaged groups, need to have a chance to participate.

In Policy Development and Coordination:

- ❑ GAWP annual reporting should be improved to include visible results achieved in different policy areas in the reporting period

- ❑ The BiH CoM should start regularly publishing of adopted documents from each session
- ❑ Timeliness and proactiveness in organising and announcing public consultations and public debates by Ministries and other public authorities
- ❑ Inputs and comments from the civil society and the public should be sought as early as possible in the process and consultation reports should be published
- ❑ Single portal should be created for the publication of all legislation adopted by all levels of government

In Public Service and Human Resource Management

- ❑ A new, all-encompassing PAR strategic framework needs to be adopted thus regulating the area of civil service and human resource management
- ❑ Civil servants registers (CSR) need to be established properly and available online
- ❑ The Annual Report on CS should include data on all forms of temporary engagements in the civil service
- ❑ The HRMS should produce and publish comprehensive annual reports on the implementation of laws and policies pertaining to the human resource management in the civil service
- ❑ Public competitions for temporary staff in the civil service should be obliged and BiH CSA or related institutions should examine competencies of candidates based on clearly set criteria for temporary engagement
- ❑ Adopt the new Rulebooks within CoM and State Ministries with clear definition of job positions and tasks related to those positions
- ❑ Provide proper mechanisms for selection of most qualified professionals to partake in Selection Committees in open job competitions and ensure transparency of the outcomes of the recruitment procedures
- ❑ Provide proper mechanism for effective assessment of job efficiency for senior civil servants without political or personal influence.
- ❑ The web pages of the CoM, BiH CSA and respective institutions should contain information on average total salaries per different categories of civil servants

In Accountability:

- ❑ Public authorities should:
 - Communicate to the public by using simple, citizen-oriented language on their websites, focusing on ease of access and better user experience.
 - Proactively publish their annual work reports online.
 - Start producing and publishing citizen-friendly versions of their annual budgets.
 - Start publishing at least one open dataset pertaining to their scope of work in line with the open data standards.

- ❑ Information on cooperation with civil society, and external stakeholders in general, should be clearly displayed on the websites.
- ❑ It should be made mandatory for the institutions to regularly send or upload information on the eKonsultacije portal
- ❑ Public authorities should always provide information in the requested format(s) and avoid providing information as scanned documents.

In Service Delivery:

- ❑ It is necessary to adopt a new Law on Electronic Identification and Trust Services
- ❑ Further efforts need to be made in order for a countrywide infrastructure for the delivery of personal documents and a central citizenship register
- ❑ Business registration procedures need to be simplified and harmonized at all levels of government and more effort needs to be placed towards one-stop-shop systems
- ❑ A countrywide authority is yet to be established to issue qualified digital signature certificates.
- ❑ Accessibility should be clearly addressed as one of the cornerstones in the service delivery policy.
- ❑ Civil servants in charge of delivery of in-person administrative services should undergo mandatory training courses for communication with and assistance to people with disabilities and other vulnerable groups.

In Public Finance Management:

- ❑ Publishing of budget execution data should be as comprehensive as possible, for better understanding of external stakeholders and greater transparency
- ❑ Year-end budget report should provide performance information of the Government.
- ❑ MoF should pursue open data policy to the fullest, by publishing ALL budgetary data in preferably more than one open format.
- ❑ MoF CHU should regularly produce and publish online quality reviews of internal audit reports and improve external communication, by publishing dynamic materials for explaining PIFC and highlighting important developments in the public sector to the citizens.
- ❑ SAI should aim to produce citizen-friendly summary for each audit report published, regardless of the audit type.
- ❑ On a specifically dedicated website location, SAI should clearly promote information on receiving, and procedure of handling, citizens' inputs, tips, and complaints.
- ❑ SAI should consider using as many citizen-friendly tools as possible for communication of its work.

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I. Introduction

I.1 Public administration reform and Western Balkans' EU integration – Why monitor?

For over 15 years, the Western Balkan (WB) countries have undergone democratisation and transition processes, embarking onto deep structural, economic and social reforms to modernise their societies and improve the lives of their citizens. The reform processes are reinvigorated by the aspiration of these countries to become members of the European Union, and they are framed to a large extent by the EU integration process. Good governance lies at the heart of the European integration project, while a public administration that supports good governance needs to be professional, reliable and predictable, open and transparent, efficient and effective, and accountable to its citizens.

Accordingly, reform of public administration has been acknowledged as one of the fundamental areas of reform on any country's path to EU membership. WB countries have been implementing administrative reforms for over a decade now, but since 2014 the EU offers a set of principles for the accession countries to follow and comply with in this area in order to become successful EU member states. The European Commission defined the scope of PAR through six key areas:

1. strategic framework for public administration reform
2. policy development and co-ordination
3. public service and human resource management
4. accountability
5. service delivery
6. public financial management

OECD/SIGMA,¹ in close co-operation with the European Commission, adopted this scope in the *Principles of Public Administration*, which became a new framework for guiding and monitoring administrative reforms in the Western Balkan countries and Turkey.² These principles, thus, offer a common denominator of public administration reform of all EU-aspiring countries, setting its course towards EU membership.³ Their purpose is described as follows:

1 SIGMA (Support for Improvement in Governance and Management) is a joint initiative of the OECD and the European Union. Its key objective is to strengthen the foundations for improved public governance, and hence support socio-economic development through building the capacities of the public sector, enhancing horizontal governance and improving the design and implementation of public administration reforms, including proper prioritisation, sequencing and budgeting. More information is available at: <http://www.sigmaweb.org/>.

2 A separate document entitled *The Principles of Public Administration: A Framework for ENP Countries* has been developed for the countries encompassed by the European Neighbourhood Policy (ENP): <http://bit.ly/2fsCaZM>.

3 Based on the Principles, SIGMA conducts regular assessments of the progress made by the WB countries' governments

The Principles define what good governance entails in practice and outline the main requirements to be followed by countries during the EU integration process. The Principles also feature a monitoring framework to enable regular analysis of the progress made in applying the Principles and setting country benchmarks.

EU acquis requirements, guidelines and instructions are the core of the Principles in relevant areas. In other areas, the Principles are derived from international standards and requirements, as well as good practices in EU member states and OECD countries. As a minimum benchmark of good administration, countries should ensure compliance with these fundamental Principles.⁴

WeBER has adopted the Principles of PA as the main building block of its PAR Monitor, following a twofold rationale. On the one hand, being the only common denominator for PAR reforms for all Western Balkan countries, the Principles are of major importance for WeBER in order to allow for regional comparability and regional peer learning and peer pressure. On the other hand, the Principles guide the reforms in these countries in the direction of compliance with EU standards and requirements, thus also supporting their transformation into future EU member states.

An important consideration in designing the monitoring approach lies in the understanding that until the WB countries' EU accession moment, SIGMA/OECD will be engaged in the region, relying also on the hard EU conditionality as an external driving force of reforms. In that period, the local civil society should deliver complementary, add-on findings in the areas of its strength. In this period, civil society should also gradually expand the scope of its monitoring and seek ways to continue with the external monitoring in a more holistic way post-accession, when SIGMA will no longer perform its external assessments. By then, the local civil society actors should have a developed approach in identifying the critical areas of intervention on which to focus their monitoring efforts.

Moreover, although EU conditionality is currently ensuring regular external monitoring and assessment of the progress of reforms, previous enlargements have demonstrated that many countries have backslid in their reforms post-accession, effectively moving away from good governance standards as the EU approach softened. In several countries, governments have decreased their standards of transparency, administrations have been re-politicised and anti-corruption efforts have dwindled. WeBER's rationale is that only by empowering local non-governmental actors and strengthening participatory democracy at the national and local levels, can the same pressure on the governments to continue implementing the often painful and inconvenient administrative reforms be maintained post-accession. This empowerment needs to include the improvement of the CSOs' awareness, knowledge and other capacities, such as research and analytical skills and tools. It is precisely these elements that the WeBER project and the PAR Monitor aim to strengthen.

In line with the TEN's and WeBER's focus on the region's EU accession process, the PAR Monitor also seeks to guide the governments in the region towards successful EU accession and

in fulfilling them. Across-the-board assessments (for all the six key areas) are conducted once every two years, whereas in-between smaller scale assessments are conducted for specific chapters that are evaluated as critical by SIGMA. For more information on SIGMA assessments, visit www.sigmaweb.org.

4 Principles of Public Administration for EU Enlargement countries, SIGMA, <http://bit.ly/2fOWLf9>.

membership. That is why the entire approach has been devised around the PAR requirements defined under the EU's enlargement policy. A critical necessity in this endeavour is strengthened participation of the civil society and media in the reform (i.e. educating and enabling them to monitor reform progress, assess its quality and propose new solutions based on evidence and analysis). That way, public administration reform can support the creation and implementation of inclusive and transparent policies that take into account citizens' needs and that are at the same time more EU-membership-compliant.

I.2 PAR monitoring – How do we monitor?

▣ EU principles as the starting point and a common framework of reference

As mentioned above, the WeBER approaches monitoring of PAR in the Western Balkan countries from the perspective of uniform requirements posed by the EU accession process for the entire region. As the EU and SIGMA/OECD have developed a comprehensive set of principles for all countries to transform their administrations into modern EU-members, WeBER has used these principles as the golden standard and a starting point for developing its monitoring methodology. Moreover, in line with its overall rationale, WeBER has emulated SIGMA's methods to create its own indicators from the viewpoint of civil society, using a similar compound-indicator structure and the same scoring approach: quantification of elements (sub-indicators), with the total scores assigned to indicator values on a scale from 0 to 5.

▣ The regional approach

An important facet of WeBER monitoring of PAR is its regional character. The regional approach first means that all indicators are framed and phrased in a manner which enables comparisons between the six national systems. Second, the regional approach means that the findings are regionally comparable. The former was achieved through close regional consultations in the process of designing the methodology and developing the indicators, including occasional revisions of the indicators and their specific methodologies based on identified difficulties of application and measurement in the national contexts. The latter was achieved through the internal quality assurance procedures developed as part of the monitoring methodology, which are described below.

The regional approach admittedly results in a certain loss of detail and national specificity in the monitoring work. However, it presents many benefits compared to the nationally specific approaches, first and foremost the comparability aspect, which allows benchmarking of countries and their systems, recognition of good practices in comparisons of the countries, as well as creation of positive competition between the governments when exposed to regional comparisons. Last, but not least, it allows for creation of regional knowledge and peer learning of PAR among civil society organisations, which is particularly useful for inspiring new initiatives and advocacy efforts at the national level, inspired by positive practices identified in the immediate neighbourhood. The fact that all WB countries are undergoing the same or similar processes on their road towards the EU makes them a perfect group for creation of useful comparisons.

▣ Selection of principles “for the civil society and by the civil society”

The PAR Monitor maintains a basic structure which follows the six chapters of the Principles of PA. It does not attempt to cover all the principles under each chapter nor does it seek to cover them in a holistic manner, but adopts a more focused and selective approach. Consid-

ering that the empowering of the civil society in the region to monitor PAR will need to be a gradual process, the criteria for selecting the principles (and their sub-principles) were developed with three main thoughts in mind:

- There are certain aspects of the Principles in which civil society is more active and consequently has more knowledge and experience;
- In order to gain momentum, the PAR Monitor will need to be relevant to the interests of the wider public in the region;
- The approach should ensure an added value to SIGMA's work and not duplicate it.

■ WeBER indicators design

WeBER has designed compound indicators, each comprising a set of elements (essentially sub-indicators), which elaborate various aspects of the issue addressed by the indicator on the whole. The entire design of indicators is quantitative, in the sense that all findings – based on both quantitative and qualitative research – are assigned numerical values. Findings are used to assess the value of individual elements, assigning them total element scores of either 0-1 (for the less complex assessments) or 0-2 (for the more complex assessments). Only integer values are assigned to elements.

Furthermore, for each element a weight of either 1 or 2 is applied. In principle, a weight of 2 is assigned to what was evaluated as a basic, key requirement, whereas a weight of 1 is applied to more advanced requirements. To exemplify, a weight of 2 is used for an element assessing a basic government reporting practice, whereas a weight of 1 applies to an element assessing whether the data in a report is gender sensitive or whether it is available in open data format. Moreover, as most indicators combine different research approaches and data sources, in cases where perception survey findings are combined with hard data analysis, a weight of 1 is assigned to the former and a weight of 2 to the latter.

Finally, for each indicator there is a formula for turning the total score from the analysis of individual elements into the values on a unique scale from 0 to 5. The final indicator values are assigned only as integers, i.e. there are no half-points assigned. The detailed scoring and methodologies for each indicator are available on the PAR Monitor section of the WeBER website.⁵

■ Reliance on knowledge accumulated by civil society

Local civil society actors lack official resources that would allow them to take a comprehensive view on the Principles of PA and monitor all their aspects in each of the six chapters. Moreover, the CSO projects and initiatives are as a rule fragmented and based on individual ad-hoc approaches. WeBER has overcome this problem by creating a Platform through which civil society in the region can conduct consultations and coordinate these individual, fragmented efforts. As a result of the work of this platform, the PAR Monitor reports encompass both the findings of the WeBER project and the key results and findings of a major part of the individual CSOs' (or other networks') research and analyses in the PAR area, including local CSOs supported through the WeBER Small Grant Facility.

⁵ WeBER project website: <http://www.par-monitor.org>. Methodology and the individual indicator tables can be accessed within the PAR Monitor menu.

The WeBER monitoring approach utilises to the maximum extent possible the experience and expertise accumulated within the civil sector in the WB countries. Therefore, a number of indicators rely on the civil society as one of the core sources of knowledge. Understandably, the PAR Monitor and its wider approach to incorporating other CSOs' findings will remain a work in progress in the upcoming years as well, in order to allow adjusting to new developments in the region's civil sector.

□ Focus on citizen-facing aspects of public administration

There has been a clear shift of trends in recent years in how administrations act towards citizens, gradually comprehending their role of service providers in the society rather than merely feeding the rigid, formalistic and bureaucratic needs. One of the factors for this change lies in the development of new technologies and more direct opportunities to scrutinize interact and influence, which consequently stimulated the interest of the public and instigated higher demands and pressures from the citizens for better administration.

Because of this unambiguous connection between the administration and its citizens, another key criterion which has led the selection of WeBER principles (and its sub-principles) is their relevance to the work and interests of the wider public. To that end, WeBER indicators have been led by the question of the extent to which they address citizen-facing aspects of public administration.

□ Complementarity with SIGMA monitoring and SEE 2020 strategy

As mentioned above, one of the main considerations underpinning the WeBER PAR monitoring is to ensure complementarity with the assessment process of SIGMA/OECD. This approach acknowledges that SIGMA's comprehensive approach cannot and should not be replicated by local actors, as it already represents an independent monitoring source (in the sense of independence from national governments in the WB). In that sense, WeBER does not seek to present a contesting (competitive) assessment of how the principles are fulfilled in the WB countries, but rather offer a complementary view, based in local knowledge and complementary research approaches.

Finally, after the indicators were developed, each of them was analysed for relevance against the regional strategy SEE 2020,⁶ in order to determine whether they can serve for the purposes of its monitoring as well. Therefore, each indicator that has been determined relevant for the monitoring of the SEE 2020 Strategy was marked accordingly in the methodology document, and the link to the specific dimension of that strategy was stated.

□ The PAR Monitor package

As the final product of the WeBER monitoring, the PAR Monitor is composed of the one regional, comparative report of monitoring results for the entire region and six national reports that elaborate in detail the monitoring findings for each country. In line with this approach, the regional report focuses on comparative findings, regional trends and examples of good or bad practices, but does not provide any recommendations. On the other hand, the national reports provide in depth findings for each country and identify a set of recommendations for each PAR area, targeting national policy makers.

⁶ South East Europe 2020 Strategy of the Regional Cooperation Council: <http://www.rcc.int/pages/62/south-east-europe-2020-strategy>.

The Master Methodology document and the detailed indicator tables – all available on the WeBER website⁷ – should also be regarded as part of the entire PAR Monitor package and can be used to fully understand the details of this monitoring exercise, where needed.

▣ Quality assurance procedures within the monitoring exercise

To guarantee that the PAR monitoring findings are based on appropriate comparative evidence and that WeBER products create a notable impact, the monitoring applied a multi-layered quality assurance procedure, which included internal and external expert reviews and a stakeholder community review. The internal quality assurance comprised two main elements:

- 1) a peer-review process, which involved different collaborative formats, such as written feedback, team meetings, or team workshops;
- 2) Once the scoring for each country was finalised, a senior coordinator performed a horizontal cross-check of the findings to ensure their regional comparability and alignment of assessment approaches, and prepare the analysis for the external review.

The first part of the external review was a fact-checking process by government institutions in charge of the given assessed area. Up to this point of the review process, all mentioned steps were repeated for each individual indicator measured.

Following the drafting of the regional report, selected members of WeBER Advisory Council performed the expert review of chapters pertaining to their areas of expertise. The drafting national reports underwent standard peer review procedures within each WeBER partner organisation.

▣ PAR Monitor Report timeframe

The monitoring exercise was conducted between September 2017 and September 2018. Findings predominantly relate to 2017 and the first half of 2018, except in the analysis of Government reports, where 2016 was included as the base year due to the governments' reporting cycles. Within the indicators that monitor the regularity of reporting practices, a minimum of two years preceding the monitoring year were taken into account.

It is important to emphasise that for certain indicators (and particularly those measured in the last quarter of 2017) the situation on the ground was changing until the moment of the report writing. The developments which occurred after the monitoring work on those indicators could not be included, as that would necessitate repetition of the entire monitoring exercise for the given indicator in all countries. Therefore, the individual indicator measurements indicate the exact periods of measurement, kept comparable across the region, which allows for clear identification of the timeframes of reference for all findings in the reports. Where situations have changed, those changes will be reflected in the scores in the next biennial WeBER monitoring cycle and the PAR Monitor 2019/2020.

▣ Limitations in scope and approach

As with all research, the PAR Monitor also has its limitations. The main limitation stems from the fact that – for reasons which were elaborated above – it does not cover the entire frame-

⁷ WeBER project website: <http://www.par-monitor.org>. Methodology and the individual indicator tables can be accessed within the PAR Monitor menu.

work of principles, but only those in which the interest and the added value of the civil society is the strongest in the pre-accession period. Moreover, selected principles are not always covered in all of their facets, but rather in specific aspects which have been determined by the authors as the most relevant from the perspective of civil society monitoring. In all such cases, the specific WeBER approach is described in the Methodology and individual indicator tables.

In addition, timeframe-related limitations have influenced the course of measurement. As mentioned, the monitoring work was initiated in the last quarter of 2017 and proceeded into 2018, which reflected on the period of measurement of specific indicators, as well as on the results. Also, monitoring work was implemented over a period of 9-10 months due to the limited staff capacities vis-a-vis the workload covered (23 compound indicators), which made it impossible to measure all indicators within a short period of time.

Moreover, due to a combination of limited staff capacities and the workload of the 23 compound indicators covered – with some comprising over 15 elements (sub-indicators) – a few initially planned indicators were mutually agreed to be left out from the first monitoring cycle. Those indicators relate to public procurement, as well as accountability mechanisms to protect the public interest and the right to good administration. The WeBER team consciously decided to give advantage to the quality of work over maximizing the coverage of issues. The team will seek to include these indicators in the next monitoring cycle.

Lastly, some of the principles are approached from a rather perception-based point of view. This is mainly the case where SIGMA monitors a specific principle very thoroughly, so the most useful way to complement its approach was deemed to be by monitoring perceptions of certain key stakeholder groups (public servants, CSOs, etc.). This is a deliberate part of the WeBER approach and those indicators should be looked at as complementary to the assessments conducted by SIGMA for the same principles.

In terms of geographical scope, the monitoring exercise and the Report cover the entire Western Balkan region: Albania, Bosnia and Herzegovina (BiH), Kosovo, Macedonia, Montenegro and Serbia. BiH being a country with a complex governance structure, WeBER decided to focus only on the state level institutions, wherever the structures and practices of institutions are analysed. Only the service delivery indicators include lower governance levels in BiH (entities), in line with the competences for delivery of the administrative services covered by the indicator sample.

I.3 Structure of the National PAR Monitor report

The Report is divided into six chapters, pertaining to the core areas of PAR: 1) Strategic Framework for Public Administration Reform, 2) Policy Development and Coordination, 3) Public Service and Human Resource Management, 4) Accountability, 5) Service Delivery, and 6) Public Finance Management. Each chapter follows the identical structure.

In each chapter introduction, the reader is briefly introduced to the WeBER indicators used in the observed area and their values for BiH, on a scale from 0 to 5. Immediately after, a brief state of play in BiH is given to contextualise the analysis for the observed area, followed by the WeBER monitoring focus, describing the methodological steps in more detail and illustrating the structure of each principle and indicator, including data collection and analysis methods.

The key section of each chapter is the presentation of WeBER monitoring results, stemming from thorough and methodologically robust research conducted in BiH. Throughout this section, the report includes boxes with partners' findings as an added value and complementary element of the report. A summary of results for each area is given at the end of each chapter and present key, succinct one-page findings and trends.

Finally, based on the detailed elaboration of the findings for BiH, the national PAR Monitor report proposes actionable recommendations for the responsible government authorities.

List of Abbreviations

AOI	Audit Office of the Institutions
AP	Action Plan
BD	Brčko District
BHAS	Agency for Statistics of BiH
BiH	Bosnia and Herzegovina
CHU	Central Harmonisation Unit
CRPD	Convention on the Rights of People with Disabilities
CSA	Civil Service Agency
CSO	Civil Society Organisation
CSR	Civil servants registers
DEI	Directorate for European Integration
EC	European Commission
EI	European Integration
ERP	Economic Reform Programme
ESL	Electronic Signature Law
EU	European Union
FBiH	The Federation of Bosnia and Herzegovina,
FMIS	Financial Management Information System
FOI	Freedom of Information
GAWP	Government Annual Work Plan
GAWPs	Government Annual Work Programmes
HRM	Human Resource Management
HRMIS	Human Resource Management Information System
IA	Internal Audit
IDDEEA	Agency for Identification Documents, Registers and Data Exchange

IPA	Pre-accession Assistance
ISSAI	International Standards of Supreme Audit Institutions
LCS	Law on Civil Service
LGAP	Law on General Administrative Procedures
MoFT	Ministry of Finance and Treasury
MOFTER	Ministry of Foreign Trade and Economic Relations
Moi	Ministry of Interior
Moj	Ministry of Justice
NGOs	Non - Governmental Organizations
OGP	Open Government Partnership
PAR	Public Administration Reform,
PARCO	Public Administration Reform in BiH Coordinator's Office
PDC	Policy Development and Coordination
PFM	Public Financial Management
PFM	Public Financial Management
PIFC	Public Financial Internal Control
RAP 1	Revised Action Plan 1
RIA	Regulatory Impact Assessment
RS	The Republika Srpska
SAI	Supreme Audit Institution
SFPAR	Strategic Framework for Public Administration Reform
SIGMA	Support for Improvement in Governance and Management
SIPA	State Investigation and Protection Agency
TA	Tax Administration
TI	Transparency International
VAT	Value Added Tax
WB	Western Balkans
WeBER	Western Balkans Enabling Project for Civil Society Monitoring of Public Administration Reform

II. Strategic framework for public administration reform

WeBER indicators used in Strategic Framework of PAR and country values for Bosnia and Herzegovina

<i>P1 I1: Use of participatory approaches in the development of key strategic PAR documents</i>					
0	1	2	3	4	5
<i>P2_P4 I1: Civil society involvement in the PAR monitoring and coordination structures</i>					
0	1	2	3	4	5

II.1 State of Play in Strategic Framework of PAR

Bosnia and Herzegovina (BiH) is still operating within the scope of the old Strategy for Public Administration Reform (PAR) from 2006, and the Revised Action Plan 1 (RAP 1) for the latter, which has formally expired in 2014. Therefore, all progress in this area is measured against the tasks and measures set out in the RAP 1. Although the development of the new strategic documents is constantly pending, this seems to be deeply disputed political question making consensus hard to reach.

Since 2014, some progress has been made as seen in the annual reports issued by The Public Administration Reform in BiH Coordinator's Office (PARCO). PARCO monitors the implementation of the reform measures from the RAP 1, and records progress in implementation of the set reform objectives. All levels of government in BiH have formally agreed to continue the implementation of the remaining measures from RAP. PARCO has been established by the Decision of the Council of Ministers (CoM) of BiH in October 2004, following the recommendation of the Feasibility Study for BiH. Establishment of the Office was a response to the needs of citizens for more efficient and more accountable public administration on all the levels of government, capable to accept the obligations in the process of Euro - integrations of BiH.

The office is a driving force of the public administration reform in BiH, and its most important role is to coordinate reform activities between CoM, entity governments and government of Brčko District (BD), closely cooperating with the Delegation of European Commission in BiH.

In BiH, administrative structures for PAR coordination and monitoring are represented by PAR-

CO BiH, which is responsible for overall coordination. Economic Development and European Integration Coordination Board is responsible for political coordination and overall supervision.⁸

The EC Progress Report for BiH for 2017 underlines that Bosnia and Herzegovina is at an early stage with the reform of its public administration and no progress has been achieved in 2017.⁹

New PAR Strategy is based on the key principles of public administration developed by Support for Improvement in Governance and Management (SIGMA) at the request of the European Commission (EC). Public administration within this Strategic Framework includes administrative systems defined as such by the regulations of the institutions of BiH, the Federation of Bosnia and Herzegovina (FBiH), the Republika Srpska (RS) and the Brčko District (BD) of Bosnia and Herzegovina. This document provides a coherent framework and defines the objectives of the CoM of BiH, entity governments and the Government of the BD of BiH in the field of PAR. Priority areas of action are: strengthening the capacities of the public administration through the implementation of the principles, establishing a user-oriented and transparent public administration, building a professional and depoliticized civil service system based on the principles of the merit system and establishing a rational, coherent, efficient, effective, and responsible organizational structure of the public administration, at every level. In the process of drafting the Strategic Framework for Public Administration Reform (SFPAR), more than 200 officials from institutions of all levels of the government were included, who, as members of the working groups, were appointed by the decisions of the CoM of BiH, entity governments and the BD of BiH. The strategic framework and the Action plan (AP) (that will be prepared in the upcoming period) are focused on the objectives and measures to be implemented at these four levels of government. Government of the Federation BiH at its session held on 14 June 2018 has adopted the SFPAR in BiH for the period 2018-2022. The same document was adopted earlier by the Government of the BD of BiH. It is expected that this document will soon be adopted by the CoM of BiH and the Government of the RS.¹⁰ BiH has established regular practice of publishing annual PAR strategy reports.¹¹

When it comes to separate strategies outlining in more detail the plans for reforming public financial management (PFM), in BiH there is no country-wide strategy because there is no response from RS yet. WeBER included only state level for its monitoring in BiH and on state level the Strategy of the reform of PFM in the institutions of BiH 2017 – 2020¹² is available. The goal of this Strategy is to improve the public finance system in order to secure better functionality, transparency, responsibility and efficiency in managing public funds and thus contribute to the increase of macroeconomic stability in BiH. Following the recommendations of the EC from the BiH Progress report for 2015, this Strategy, along with the Strategies on the lower levels of government, when unified, represents one of the key areas and a stronghold of PAR in BiH and will be integrated in the new PAR Strategy in BiH. Preparation and adoption of a comprehensive PFM Reform Strategy in BiH is the key prerequisite for gaining further support from the Instrument for Pre-accession Assistance (IPA) and one of the prerequisites for using sectoral budget support from IPA. At the 87th Session, the BiH CoM has adopted the new Public Finance Management Reform Strategy 2017-2020.¹³

8 More info: <http://parco.gov.ba/wp-content/uploads/2014/02/common-platform.pdf> - IV, V, VI.

9 See: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-bosnia-and-herzegovina-report.pdf>

10 More: <https://bit.ly/2uR6kQS>

11 More: <http://parco.gov.ba/en/dokumenti/izvjestaji/izvjestaji-o-napretku-rju/>

12 Available at: <https://bit.ly/2RCnM4a>

13 More: <https://bit.ly/2qxCEpc>

II.2 What does WeBER monitor and how?

The monitoring of the Strategic Framework of Public Administration Reform is based on three SIGMA Principles in this area focusing on the existence of an effective PAR agenda, the implementation and monitoring of PAR, but also on the existence of PAR management and coordination structures at the political and administrative level.

Principle 1: The government has developed and enacted an effective public administration reform agenda that addresses key challenges;

Principle 2: Public administration reform is purposefully implemented; reform outcome targets are set and regularly monitored;

Principle 4: Public administration reform has robust and functioning management co-ordination structures at both the political and administrative levels to steer the reform design and implementation process.

Selected Principles are assessed entirely from the view of the quality of involvement of civil society and the public in the processes of development of PAR strategic documents, and participation in the monitoring and coordination structures that should ensure their purposeful implementation. A focus on inclusiveness and participation aims to determine the extent to which relevant stakeholders' needs and views are consulted and taken into consideration when developing and implementing the reform agenda.

For this purpose, two WeBER indicators are developed. The first one focuses on the existence and quality of the consultation process in the development of key PAR strategic documents. A sample of up to six key PAR strategic documents is determined in each Western Balkan administration based on the strategic framework in place. The most comprehensive PAR documents (PAR Strategy or similar), and PFM reform documents are selected as mandatory sample units, whereas selection of other strategic documents covering the remaining PAR areas is dependent on the PAR agenda currently in place. Monitoring is performed by combining data sources to ensure the reliability of results, including qualitative analysis of strategic documents, their action plans, and official data that is publicly available or obtained from the PAR responsible institutions. Moreover, analysis of documents was corroborated with results of the semi-structured interviews with representatives of the PAR responsible institutions, and a focus group with civil society representatives who participated in the consultation process.

For BiH, therefore, the analysis under this indicator included:

- PAR Strategy 2017 – 2022
- PFM Reform Strategy in the institutions of Bosnia and Herzegovina 2017-2020

The monitoring of participation of civil society in PAR implementation (i.e. PAR coordination and monitoring structures) considered only the most comprehensive PAR strategic document under implementation as a unit of analysis. The intention of this approach was to determine whether efforts exist to better facilitate monitoring and coordination structures of the whole PAR agenda. As for the first indicator, the review and qualitative assessment of official documents pertaining to the organisation and functioning of these structures was performed, and other data sources used to corroborate the findings.

II.3 WeBER Monitoring Results

Principle 1: The government has developed and enacted an effective public administration reform agenda that addresses key challenges

WeBER indicator SFPAR P1 I1: Use of participatory approaches in the development of key strategic PAR documents

Indicator elements	Scores
Consultations with civil society are conducted when the document are developed	2/4
Consultations with civil society are conducted in an early phase of the development of the document	0/4
Invitations to civil society to participate in the consultations are open	2/4
Responsible government bodies are proactive in ensuring that a wide range of external stakeholders become involved in the process	1/2
Civil society is provided complete information for preparation for consultations	2/4
Comments and inputs received in the consultation process are considered by responsible government bodies	0/4
Responsible government bodies publicly provide feedback on the treatment of received comments	0/2
Responsible government bodies engage in open dialogue with civil society on contested questions	1/2
Consultations in the development of strategic PAR documents are open to the public	2/4
Total	10/30
Indicator value (0-5)¹⁴	1

Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

Draft PAR Strategy 2017-2022

For the purpose of this indicator the consultation process for a draft PAR Strategy 2017-2022 is analysed because the Revised Action Plan (RAP) has formally expired in 2014 and the development of the new strategic documents is constantly pending. In the process of development of the new strategic documents pertaining to PAR strategic framework, in particular the new PAR strategy 2017-2022, the consultations have been conducted with the public. Although the document is yet to be adopted, public consultation on Draft PAR Strategy 2017-2022 lasted 16 days in November 2017. An open call for comments and suggestions was published on the website of PARCO BiH, together with downloadable draft Strategy and statement of the purpose of the Strategy making the document easily accessible to all. The call was also published on the website of eKonsultacije of the BiH Ministry of Justice (MoJ) as well as through social media such as Twitter and Facebook where everyone was invited to leave their comments and suggestions, but no official meetings to discuss the draft Strategy were held.

¹⁴ Conversion of points: 0-5 points = 0; 6-10 points = 1; 11-15 points = 2; 16-20 points = 3; 21-25 points = 4; 26-30 points = 5

Public consultations meetings with CSO representatives, business associations and academia were held in Sarajevo and Banja Luka. Invitations were published on the website of PARCO BiH, eKonsultacije portal (BiH MoJ), and Twitter and Facebook profile of PARCO BiH. Moreover, invitations were sent via email by PARCO BiH. Information on the consultation process is provided in a timely manner and the document was accessible to the public and everyone was invited to submit comments on the eKonsultacije portal. PARCO BiH published only the report on the consultation process from eKonsultacije and it includes information about number of participants, number of comments, number of proposals, and number of accepted proposals. But there were no comments and proposals. The reason could be the decision of no involvement of representatives of CSOs in the working group. At the very beginning of the process of developing of a new PAR Strategy, there was intent to involve the civil society into the working group, but after having applied for participation, it was decided that the document will be produced without the CSOs and the process was continued without the involvement of CSOs in the working group.

WeBER Platform members' findings

In 2006 the 2006-2014 Public Administration Reform Strategy and the Action Plan 1 were adopted based on prepared systemic and functional reviews of public administration. The Common Platform on principles and implementation of the Action Plan 1 of the Public Administration Reform Strategy established a reform implementation mechanism, and the Memorandum of Understanding on the establishment of the Public Administration Reform Fund between governments in BiH and donors established the PAR Fund, into which BiH authorities and donors jointly invest resources for the reform and decide on the reform. Following the expiration of the Action Plan 1 in 2010, a revised plan was prepared in 2011 and its implementation continued. The time frame of the strategy expired in 2014, but its implementation continued even after the deadline. According to PARCO, 65% of the Revised Action Plan was implemented as of 2015. ¹¹ To understand the results achieved, it is important to have in mind that the progress was tracked at the level of implementation, rather than at the level of performance or the impact of implemented activities. Efforts to develop a new strategic framework for public administration reform, led by the PARCO, have resulted in the preparation of a new strategic framework document, which has yet to be adopted.

[Transparency International BiH \(TI BiH\), 2017](#)

After failing to ensure inclusion of CSOs in the working group for drafting the Strategy, due to political disagreements, PARCO BiH made an effort to engage informally with the interested CSOs outside of the formal consultation process. They initiated several informal meetings with CSO representatives from the most active organisations in the PAR area in order to gather their opinions and comments. Moreover, as part of the additional consultations held at entity level (in Banja Luka and Sarajevo), follow-up discussions and exchange of opinions between the responsible government bodies and civil society, as well as with other stakeholders did take place.

The call that PARCO published was directed towards all society organizations and other interested groups (trade unions, employers' associations, academia...) to express interest of involvement in the public consultation process in such a manner that it allows for a timely response of all interested parties and providing them in advance with the necessary materials to prepare for the consultations, such as draft Strategy and statement of the purpose of the Strategy, information on the duration of consultation process, and information on the way contributions are to be submitted.

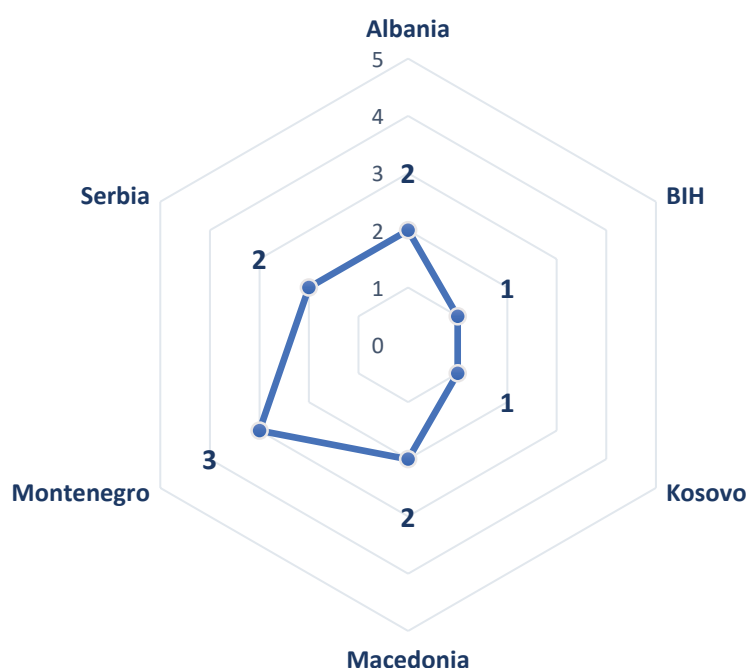
Feedback (report) on the proposals and suggestions during public consultations held in Banja Luka and Sarajevo was forwarded to the working group but the report is not publicly available. Although, representatives of CSOs were not involved in the working group for development of the PAR Strategy, they achieved communication with the representatives of PARCO

BiH and have had the opportunity through this communication to submit suggestions and to advocate for the better results of the public administration reform in BiH. Comments and inputs received in the consultation process were considered¹⁵ by the responsible government bodies in charge of developing key PAR strategic documents, however comments and suggestions were not made publically available.

Unlike for the new draft PAR Strategy, there were no consultations with the public regarding PFM Reform Strategy in the institutions of Bosnia and Herzegovina 2017-2020.

How does BiH do in regional terms?

Chart 1: Indicator values¹⁶ for SFPAR_P1_I1 “Use of participatory approaches in the development of key strategic PAR documents”



Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

¹⁵ Interview with PARCO BiH representative, 05 June, 2018.

¹⁶ Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

Principle 2: Public administration reform is purposefully implemented; reform

Principle 4: PAR has robust and functioning management co-ordination structures at both the political and administrative levels to steer the reform design and implementation process

WeBER indicator SFPAR P2_4 I2: Civil society involvement in the PAR monitoring and coordination structures

Indicator elements	Scores
Administrative structures for PAR coordination and monitoring foresee an involvement of CSOs	0/2
Political level structures for PAR coordination foresee an involvement of CSOs	0/2
Format of CSO involvement in administrative structures for PAR coordination and monitoring	0/4
Format of CSO involvement in political structures for PAR coordination and monitoring	0/4
Involvement of CSOs is achieved based on an open competitive process	0/4
Meetings of the PAR coordination and monitoring structures are held regularly with CSO involvement	0/4
The format of meetings allows for discussion, contribution and feedback from CSOs	0/4
CSOs get consulted on the specific measures of PAR financing	0/2
Total	0/26
Indicator value (scale 0-5¹⁷)	0

Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

In BiH, PARCO BiH represents administrative structures for PAR coordination and monitoring, which is responsible for overall coordination.¹⁸ Although PARCO cooperates with CSOs, officially, CSOs are not included in coordination and monitoring of PAR, nor is their involvement foreseen in the strategic documents. Considering that the development of a new strategy is on-going, activities are still being carried out on the basis of an existing, yet long expired strategy and action plans.

BiH CoM adopted agreement on cooperation between the CoM of BiH and Non-Governmental Sector in BiH, which was initiated by Non - Governmental Organizations (NGOs), on 26 April 2007 and it is the first political document in BiH, which regulates the general principles of cooperation with NGOs at the state level. It's an agreement created as "an expression of the needs of non-governmental organizations and the BiH Council of Ministers to build an institutional framework of mutual cooperation". The CoM inter alia is obliged to, taking into consideration recommendations from the Strategic Guidelines development of the non - governmental sector in BiH, prepare and adopt a Strategy for Creating an Encouraging Environment for development of civil society and adopt the program of its implementation on an annual basis. Also, it is envisaged that "Office for Cooperation with Civil Society and a Council for Civil Society" will be established. For the purpose of implementing the Agreement between the CoM and the civil society, no comprehensive institutional mechanism for cooperation between BiH CoM and civil society has been established. Within the BiH MoJ there is a Sector for Cooperation with Non-Governmental Organizations and Development of civil society and the main task is to ensure the preconditions for adopting legislation and strategies which are more favourable for the development of civil society. The Sector is established through

¹⁷ Conversion of points: 0-5 points = 0; 6-9 points = 1; 10-13 points = 2; 14-17 points = 3; 18-21 points = 4; 22-26 points = 5.

¹⁸ More info: <http://parco.gov.ba/wp-content/uploads/2014/02/common-platform.pdf> - IV, V, VI.

internal systematization within MoJ BiH, and is an expression of understanding and responsibility of the Ministry's staff in relation to the implementation of Agreement and not because of the systematic approach of BiH CoM in operationalization of the Agreement.¹⁹ However, elements of the Agreement have not been implemented and a new Agreement between the NGOs and BiH CoM was signed in 2017.²⁰ Still, institutions are not legally obliged to involve CSOs in the work of advisory or other bodies.

BiH PARCO foresees an involvement of CSOs but only for public consultation (for developing a strategy and action plan), where CSOs can give their suggestions, comments and feedback on final draft of the documents.

How does BiH do in regional terms?

Chart 2: Indicator values²¹ for SFPAR_P2&4_I1 “Civil society involvement in the PAR monitoring and coordination structures”



Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

¹⁹ For more information see <http://euinfo.ba/wp-content/uploads/2015/02/Analiza-postojece-prakse.pdf>

²⁰ Available at <http://www.mpr.gov.ba/ministarstvo/dokumenti/default.aspx?id=6839&langTag=bs-BA>

²¹ Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

II.4 Summary results: Strategic Framework of PAR

In Bosnia and Herzegovina, consultations with the public are being implemented during the drafting and development of PAR strategic documents (new PAR Strategy 2017 - 2020). In 2016, BIH PARCO office adopted guidelines for public consultations regarding development of these documents and since, public consultations have been implemented regularly.

All calls for public consultations regarding PAR documents are published on the PARCO website as well as the website of eKonsultacije and social media (Facebook, Twitter along with all the necessary information and draft documents. At the very beginning of the process of developing of a new PAR Strategy, there was intent to involve the civil society into the working group, however after having applied for participation, it was decided that the document will be produced without the CSOs and the process was continued without the involvement of CSOs in the working group. Although, representatives of CSOs were not involved in the working group for development of the PAR Strategy, they achieved communication with the representatives of PARCO BiH and have had the opportunity through this communication to submit suggestions and to advocate for the better results of the public administration reform in BiH. PARCO has approached CSO in various manners through open calls and through individual invitations to CSOs to take active participation in consultations. Other than PARCO BiH, there are ministries, such as Ministry of Finance and Treasury that rarely published information on public consultation on their websites (PFM Reform Strategy in the institutions of Bosnia and Herzegovina-2020).

Although CSOs are now invited by PARCO BiH to participate in the development of the PAR strategic documents, particularly the new PAR Strategy 2017-2020, it is important to note that BiH CoM still has not adopted the new PAR Strategy or Action Plan (The Government of Federation of BiH at its session held on 14 June 2018 has adopted the Strategic Framework for Public Administration Reform in Bosnia and Herzegovina for the period 2018-2022. The same document was adopted earlier by the Government of the Brčko District of BiH. It is expected that this document will soon be adopted by the Council of Ministers of BiH and the Government of the Republika Srpska²²) rather than still implement the tasks from the long expired PAR Strategy and the accompanying action plans. The new PAR Strategy is long overdue.

22 More info: <https://bit.ly/2uR6kQS>

II.5 Recommendations for Strategic Framework of PAR

Public authorities in BiH display different approaches when consulting CSOs on strategic documents they develop. Overall, the process can be better.

1. Institutions should organise consultations with CSOs as early as possible in the development process of documents – early consultations should serve to gather substantive inputs before the final drafts. In BiH, CSOs are not part of PAR working group and this should be one of the modalities of their early involvement, as well as consultation meeting or similar events.
2. A strong advocacy campaign is needed in order to make the platform E-Konsultacije (E-Consultations) be used in its full capacity and as an integral part of the mechanism in regulatory and policy development and adoption.
3. Broadly advertised consultations, as well as proactively addressing diverse group of stakeholders to partake in the consultations should become a regular practice in institutions
4. Adopt the new PAR Strategy on all levels along with the The Operational Plan for PAR which provide for quality, effectiveness, financial sustainability, accountability and co-ordination of PAR.
5. Encrease the effectiveness of PAR implementation and comprehensiveness of monitoring and reporting. There is a necessity to update the methodology for annual reporting on the implementation of PAR in order for it to be able to provide more objective, and accurate data and make the monitoring of PAR through measures implemented and objectives reached easier and more visible nationwide.
6. Provide for financial sustainability and effectiveness of the reforms. PAR Fund can not be the only source of financing for the reforms. A more substantial estimate needs to be made regarding costs of each reform measure.
7. Improve the effectiveness of the coordination mechanisms in order to provide for better implementation of activities and objectives of the new PAR strategy. Increase Institutional responsibility for PAR implementation on all levels of Government.
8. Institutional, individual and managerial responsibility for PAR needs to be clearly established. There is a need for futher involvement of all relevant stakeholders in this as well, particularly the CSO sector, as an additional verification factor.

III. Policy development and coordination

WeBER indicators used in Policy Development and Coordination and country values for BiH

<i>P5 I1: Public availability of information on Government performance</i>					
0	1	2	3	4	5
<i>P5 I2: Civil society perception of the Government's pursuit and achievement of its planned objectives</i>					
0	1	2	3	4	5
<i>P6 I1: Transparency of the Government's decision-making</i>					
0	1	2	3	4	5
<i>P10 I1: Use of evidence created by think tanks, independent institutes and other CSOs in policy development</i>					
0	1	2	3	4	5
<i>P11 I1: Civil society perception of inclusiveness and openness of policymaking</i>					
0	1	2	3	4	5
<i>P12 I1: Perception of availability and accessibility of legislation and related explanatory materials by the civil society</i>					
0	1	2	3	4	5

III.1 State of Play in Policy Development and Coordination

Complexity of state structure in Bosnia and Herzegovina makes it difficult to have just one center of government institution that is in charge of policy development and coordination, as the decision making powers are divided by the Entities and the Brčko District. This means, that each of these levels of administration has its own legislative framework governing this area. For the purpose of this research only State level is observed, as previously explained in the study limitations. **The Council of Ministers is a body of executive authority of Bosnia and Herzegovina, exercising its rights and carrying out its duties as governmental functions, according to the Constitution of BiH, laws and other regulations of Bosnia and Herzegovina.** At the state level, the key legal acts defining the legislative framework and governing the decision-making processes are the Law on Council of Ministers of Bosnia and

Herzegovina²³, The Rules of Procedure of the Council of Ministers of Bosnia and Herzegovina,²⁴ the Unified Rules for Legislative Drafting in the Institutions of BiH²⁵, and the Regulations on Consultations in Legislative Drafting in BiH²⁶. These regulations govern decision making processes pertaining to, among other things, preparation and organisation of Government sessions, review and checks on items submitted to the Government and the legal scrutiny of proposals.

Monitoring and reporting with regard to the Government Annual Work Programmes (GAWPs) are carried out regularly.

The policy making system in BiH remains very fragmented. Separate legislative frameworks for policy planning are in place for state level and entities. There has been no progress towards a country-wide approach to policy development and coordination. Country-wide requirements and common standards for the development of sector strategies have not been established so far. Coordination among different levels of government and quality review of policy contents remain insufficient. Hence, improving quality and ensuring coherence and financial affordability of public policies across the country remains a major challenge. Administrative coordination on EU matters was established through the coordination mechanism in August 2016. A national programme for legal approximation with the EU *acquis* remains to be adopted. The legal framework for inclusive and evidence-based policy and legislative development is not fully coherent, and the legal requirements are not complemented with detailed guidelines or quality control to ensure effective implementation. Financial impact of policy proposals should be assessed at all levels according to legal requirements, but this is not systematically implemented. Due to limited capacity, regulatory impact assessments and public consultations are not carried out systematically. The limited quality of and practice in monitoring and reporting as well as lack of a formal requirement to publish key government planning documents are serious obstacles to public scrutiny of government work.²⁷

According to the SIGMA Report 2017 for BiH, at the state level²⁸, the relevant legal framework defines the requirements for reporting on the implementation of the GAWPs, including the legislative plans and the budget, on an annual basis. Although the GAWP of the State includes output-level indicators, those indicators are not discussed and presented in the annual implementation report. Instead, the report discusses key policy and legislative activities, international agreements and the EI process, and presents the progress towards budgetary targets and resources. The report on the implementation of the EU Action Plan for 2016 mainly describes activities completed and actions carried out.

The set legislative framework does not pose any requirements pertaining to preparation and publishing of GAWP, EU Action Plan or sector strategies implementation reports. However, the State level does publish reports on the implementation of its GAWP and its Legislative Plan.

23 Law on the CoM of BiH, Official Gazette of BiH Nos. 30/03, 42/03, 81/06, 76/07, 81/07, 94/07 and 24/08

24 The RoP of the CoM of July 2003, Official Gazette of BiH No. 22/03

25 "Unified Rules for Legislative Drafting in the Institutions of BiH", Official Gazette of BiH, Nos. 11/05, 58/14 and 60/14

26 "Regulations on Consultations in Legislative Drafting in BiH", Official Gazette of BiH No. 05/17

27 For more details see: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-bosnia-and-herzegovina-report.pdf>

28 Decision on Annual Planning, Monitoring and Reporting on the Work in the Institutions of BiH, adopted by the CoM in November 2014, Articles 9-11, Official Gazette of BiH No. 94/14; Law on Financing of Institutions of BiH, adopted on 2 December 2014, Official Gazette of BiH No. 61/04, Article 22.

However, challenges remain in terms of ensuring that all decisions of the CoM, the Governments of the Entities and the BD are made publicly available. Government decisions are also published in the Official Gazettes. However, the Official Gazettes do not provide access to all type of decisions (for example, decisions that are not normative by nature and/or relative to a specific policy or programme).²⁹ According to the 2017 Balkan Barometer survey, only 32% of BiH businesses considered that the laws and regulations affecting them had been clearly written, were not contradictory and did not change frequently.³⁰

Ministries at the State level use only basic tools for policy development and analysis. The “Unified Rules for Legislative Drafting in the Institutions of BiH” stipulate that all regulatory proposals must be accompanied by an explanation. The Explanation should give the reasons for introducing a new regulation and provide a justification for the selected policy option. It should also provide a description of the mechanisms of implementation, a clarification of the financial resources necessary for implementation, and the financial impacts. The scope of this requirement is very broad and includes – among other things – new laws and by-laws. However, no quality scrutiny of the content of the Explanation is carried out. It is up to the relevant body responsible for developing the regulation to establish the quality of policy analysis required. Draft amendments to the “Unified Rules for Legislative Drafting in the Institutions of BiH” that introduce a requirement to carry out a Regulatory Impact Assessment (RIA) on new proposals have been developed. However, the preparation and planning for implementation of the new RIA rules are assessed to be inadequate. At the State level, regulations require ministries to provide estimates of the expected costs of new policy proposals on the state budget. The BiH Ministry of Finance and Treasury (MoFT) conducts a scrutiny with regard to the cost estimates and the demands on the budget. However, the costing of proposals is not based on guidelines nor on a common approach by all budget beneficiaries.³¹

Even though there are Unified Rules for Legislative Drafting in the Institutions of BiH defining the RIA requirements, this is very often not implemented in practice, making the overall quality of the policies and regulatory acts being adopted questionable, while the financial implication of specific regulatory or policy draft are often done as an afterthought. Many policy or regulatory proposals are not based on sound research and evidence based analysis of the matter, but rather developed as a condition posed by the EU or international community.

AS stated in the SIGMA report for BiH 2017, public consultation in legislative drafting is regulated through laws and regulations at the State level.³² All ministries are required to use a central government website³³ for public consultation on policy proposals (for both primary and secondary legislation). Every proposal sent to the CoM for approval must be accompanied by a report on the consultation process, with a summary of comments received from stakeholders, and an explanation as to whether those comments were fully taken into consideration

29 SIGMA Report for BiH 2017

30 Balkan Barometer, annual survey conducted by the Regional Cooperation Council (RCC), <http://www.rcc.int/seeds/results/3/balkan-business-barometer>. The actual question asked was whether “laws and regulations affecting [my] company [are] clearly written, not contradictory and [do] not change too frequently.” The percentage of respondents to the question who had answered “strongly agree” and “tend to agree” were included in the final result.

31 SIGMA Report for BiH 2017

32 The Regulations on Consultations in Legislative Drafting in BiH; the RoP of the CoM, Article 66; and the “Unified Rules for Legislative Drafting in the Institutions of BiH”, Article 75.

33 <https://ekonsultacije.gov.ba/>

or not, and without that, no proposal should be included on the CoM agenda³⁴. However, practice indicates flaws of this system. Often, comments and inputs by stakeholders or interested groups are not included in the revised draft or proposal without any explanation provided. Furthermore, policy or regulatory proposals are often published on the government platform in the final stages, when such proposal is complete, without allowing the stakeholders or interested groups to offer quality input at the beginning of the drafting process of the documents.

The process of scrutiny of the quality of legislative proposals is defined in regulations, but those regulations are not being applied consistently in practice. The regulatory framework for the publication of legislation lacks essential clarity and requirements. Legislation is published in Official Gazettes, and it is not accessible to the public free of charge. Consolidated versions of legislation are not being prepared. The stability of government policy making and the availability of laws and regulations, as perceived by businesses, are low.³⁵

III.2 What does WeBER monitor and how?

In the Policy Development and Coordination area, WeBER monitoring is performed against five SIGMA Principles:

Principle 5: Regular monitoring of the government's performance enables public scrutiny and supports the government in achieving its objectives;

Principle 6: Government decisions are prepared in a transparent manner and based on the administration's professional judgement; legal conformity of the decisions is ensured;

Principle 10: The policy-making and legal-drafting process is evidence-based, and impact assessment is consistently used across ministries;

Principle 11: Policies and legislation are designed in an inclusive manner that enables the active participation of society and allows for co-ordination of different perspectives within the government;

Principle 12: Legislation is consistent in structure, style and language; legal drafting requirements are applied consistently across ministries; legislation is made publicly available.

Six WeBER indicators are used for the analysis. The first one measures the extent of openness and availability of information about the Government's performance to the public, through analysis of the most comprehensive websites through which the Government communicates its activities and publishes reports. Written information published by the Government relates to press releases, and online publishing of annual (or semi-annual) reports. The measurement covers a period of two annual reporting cycles, except for the press releases which are assessed for a period of one year (due to the frequency of their publishing). Other aspects of the Government performance information analysed include its understandability, usage of quantitative and qualitative information, presence of assessments/descriptions of concrete results, availability of data in open format and gender segregated data, and the online availability of reports on key whole-of-government planning documents.

³⁴ This obligation does not apply to proposals included in the exceptions listed in Article 24 of the "Rules for Consultation on Legal Drafting".

³⁵ SIGMA Report for BiH 2017

The second indicator measures how civil society perceives Government's planning, monitoring and reporting on its work and objectives that it has promised to the public. To explore perceptions, a survey of civil society organisations in the Western Balkans was implemented using an online surveying platform, in the period between the second half of April and the beginning of June 2018.³⁶ The uniform questionnaire with 33 questions was used in all Western Balkans, ensuring an even approach in survey implementation. It was disseminated in local languages through the existing networks and platforms of civil society organisations with large contact databases but also through centralised points of contact such as governmental offices in charge for cooperation with civil society. To ensure that the survey targeted as many organisations as possible in terms of their type, geographical distribution, and activity areas, and hence contribute to its representativeness as much as possible, additional boosting was done where needed to increase the overall response. A focus group with CSOs served the purpose of complementing the survey findings with qualitative information.

The third indicator measures the transparency of decision-making by the Government (in terms of the Council of Ministers), combining the survey data on the perceptions of civil society with the analysis of relevant governmental websites. Besides publishing information on the decisions of the Government, the website analysis considers information completeness, citizen-friendliness, timeliness, and consistency. Monitoring was done for each government session in the period of the last three months of 2017, except for timeliness which is measured for the last month and a half.

The fourth indicator measures whether government institutions invite civil society to prepare evidence-based policy documents and whether evidence produced by the CSOs is considered and used in the process of policy development. Again, the measurement combines expert analysis of official documents and a survey of civil society data. In relation to the former, the frequency of referencing CSOs' evidence-based findings is analysed for official policy and strategic documents, policy papers, and ex-ante and ex-post policy analyses and impact assessments for a sample of 3 policy areas.³⁷

Finally, the fifth indicator, focusing on the quality of involvement of the public in the policy making through public consultations, is entirely based on the survey of CSOs data. The same is true of the sixth indicator focusing on the accessibility and availability of legislation and explanatory materials to legislation, except for the sub-indicator related to the existence of official online governmental database of legal texts.

III.3 WeBER Monitoring Results

Principle 5: Regular monitoring of the government's performance enables public scrutiny and supports the government in achieving its objectives

WeBER indicator PDC_P5_I1: Public availability of information on Government performance

³⁶ The survey of CSOs was administered through an anonymous, online questionnaire. In BiH, the survey was conducted in the period from 23 April to 4 June 2018. The data collection method included CASI (computer-assisted self-interviewing).

³⁷ Policy areas where the one in which a substantial number of CSOs actively work. For BiH, the three policy areas selected are anti-corruption, anti-discrimination and environment.

Indicator elements	Scores
The government regularly publishes written information about its activities	4/4
The information issued by the government on its activities is written in an understandable way	2/2
The information issued by the Government is sufficiently detailed, including both quantitative data and qualitative information and assessments	4/4
The information issued by the Government includes assessments of the achievement of concrete results	2/4
The information issued by the Government about its activities and results is available in open data format(s)	0/2
The information issued by the Government about its activities and results contains gender segregated data	0/2
Share of reports on Government strategies and plans which are available online	2/2
Total	14/20
Indicator value (scale 0-5³⁸)	3

Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

The BiH CoM regularly publishes written information about its activities. Comprehensive and easily understandable press releases are published on a weekly basis.

Annual reports on the performance of the BiH CoM are also regularly produced and published on the CoM website. Reports contain introductory parts, written in an easily understandable way, explaining the key activities of the Council of Ministers. Reports contain detailed information, including both quantitative and qualitative data and assessments. More generally, reports include assessments of the achievement of results, although they do not report on the concrete performance indicators set in the GAWP. However, the BiH CoM does not publish information related to their work in open formats and no gender segregated data is presented in either of the analysed reports.

The share of reports on central planning documents for the last reporting period (2016) which are available online is 80%. The Government Annual Work Plan (GAWP) report for 2016 is published online. Also, Report on the Implementation of the Budget of the Institutions and International Obligations of Bosnia and Herzegovina for 2016 is available, as well as the report for 2016 on the implementation of measures of structural reforms – ERP (Economic Reform Programme) 2016-2018, which is given as an annex to the ERP BiH 2017-2019 document.

The report that monitors progress in socio-economic development of the country, in line with the strategic goals of the document “Strategic Framework for BiH”, is not available for 2016 (although reports for the previous years are available).

38 Conversion of points: 0-4 points = 0; 5-8 points = 1; 9-11 points = 2; 12-14 points = 3; 15-17 points = 4; 18-20 points = 5.

WeBER indicator PDC_P5_I2: Civil society perception of the Government's pursuit and achievement of its planned objectives

Indicator elements	Scores
CSOs consider government's formal planning documents as relevant for the actual developments in the individual policy areas	0/2
CSOs consider that the Government regularly reports to the public on progress against the set objectives	0/4
CSOs consider that official strategies determine governments' or ministries' action in specific policy areas	0/2
CSOs consider that the ministries regularly publish monitoring reports on their sectoral strategies	0/4
CSOs consider that the EU accession priorities are adequately integrated into the government's planning documents	0/2
CSOs consider that the Government's reports incorporate adequate updates on the progress against the set EU accession priorities	0/2
Total	0/16
Indicator value (scale 0-5³⁹)	0

Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

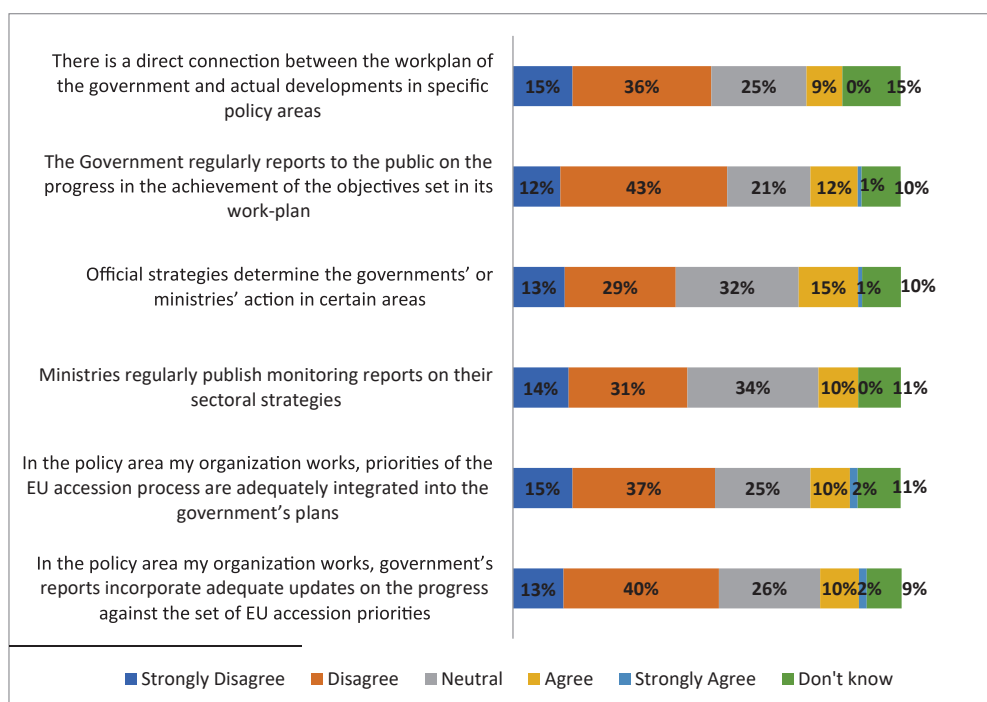
Survey results show that only 9% of surveyed CSOs agree that there is a direct connection between the workplan of the government and actual developments in specific policy areas. It is noteworthy that more than 50% have answered "disagree" (36%) and "strongly disagree" (15%). Either regarding government's reporting on its work, only 13% of surveyed CSOs "agree" (12%) or "strongly agree" (1%) that the government regularly reports to the public on the progress in the achievement of the objectives set in its work-plan.

Only 16% either "agree" (15%) or "strongly agrees" (1%) that official strategies determine the governments' or ministries' action in certain areas, but more than 30% of CSOs remain neutral (32%). Also, 10% of respondents agree that ministries regularly publish monitoring reports on their sectorial strategies, whilst 34% disagrees or strongly disagrees.

Lastly, when it comes to EU accession priorities, only 12% of surveyed CSOs either "agree" (10%) or "strongly agree" (2%) that EU priorities are adequately integrated into the government's plans. Moreover, the same number of respondents thinks that government's reports incorporate adequate updates on the progress against the set of EU accession priorities.

39 Conversion of points: 0-3 points = 0; 4-5 points = 1; 6-7 points = 2; 8-10 points = 3; 11-13 points = 4; 14-16 points = 5.

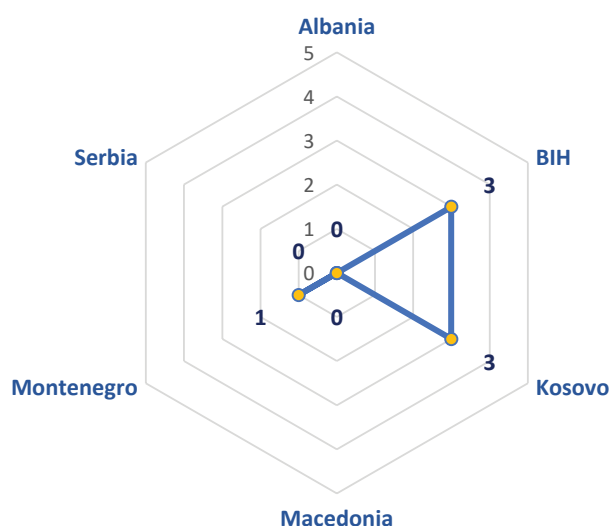
FIGURE 1: CIVIL SOCIETY PERCEPTION OF THE GOVERNMENT'S PURSUIT AND ACHIEVEMENT OF ITS PLANNED OBJECTIVES



Note: Results are rounded to the nearest integer. *Due to rounding, percentages may not always appear to add up to 100%, N=98*

How does BiH do in regional terms?

Chart 3: Indicator values⁴⁰ for PDC_P5_I1 "Public availability of information on Government performance"

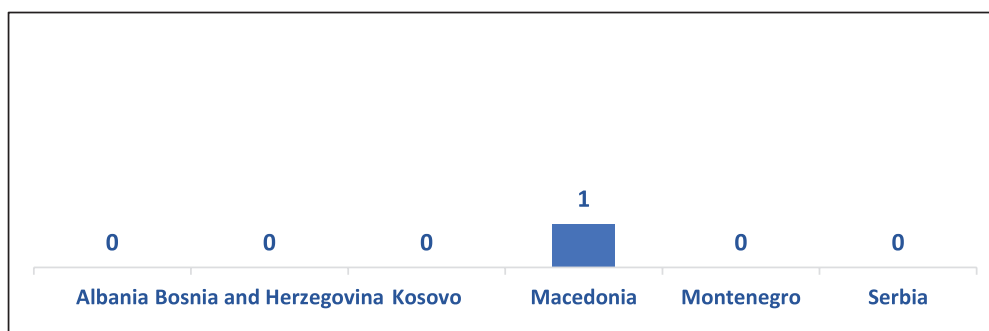


Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

⁴⁰ Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

Chart 4: Indicator values⁴¹ for PDC_P5_I2 “Civil society perception of the Government’s pursuit and achievement of its planned objectives”



Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

Principle 6: Government decisions are prepared in a transparent manner and based on the administrations’ professional judgement; legal conformity of the decisions is ensured

WeBER indicator for PDC_P6_I1: Transparency of the Government’s decision-making

Indicator elements	Scores
CSOs consider government decision-making to be generally transparent	0/2
CSOs consider the exceptions to the rules of publishing Government’s decisions to be appropriate	0/2
The Government makes publicly available the documents from its sessions	2/4
The Government communicates its decisions in a citizen-friendly manner	4/4
The Government publishes adopted documents in a timely manner	0/4
Total	6/16
Indicator value (scale 0-5⁴²)	2

Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

Perception of the civil society in BiH on transparency of the decision-making by the Government is at a low level. Only 14% of respondents think that the Government’s decision making is transparent, and 10% agree that exceptions to the requirements to publish Government’s decisions are appropriate (9% agree and 1% strongly agree).

⁴¹ Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

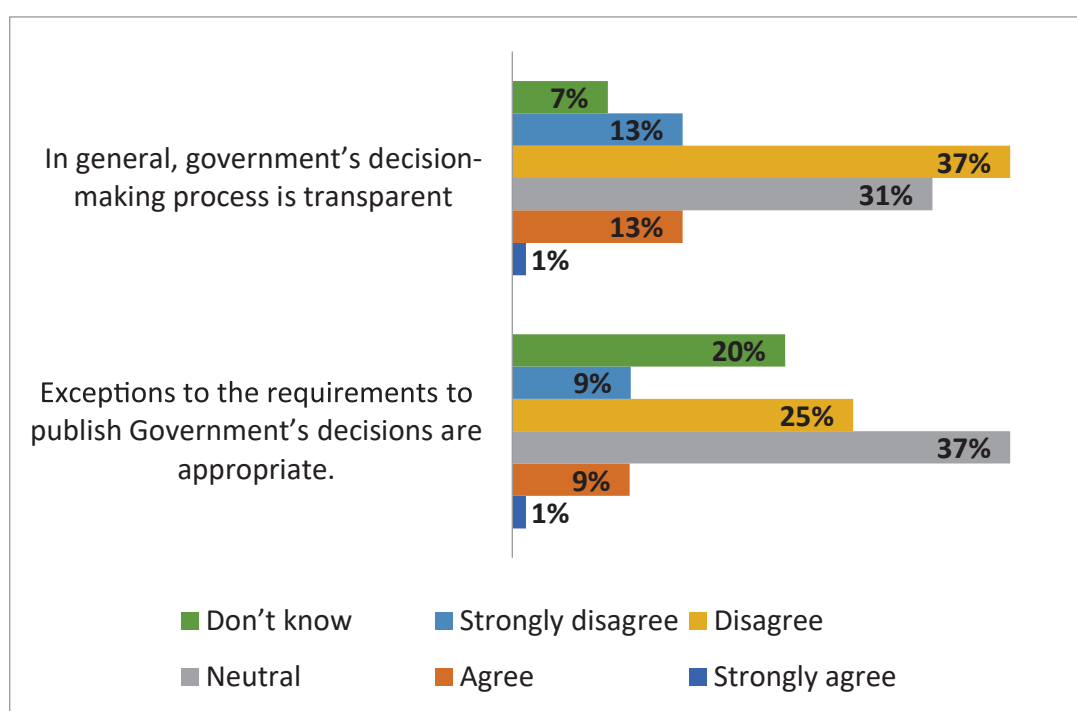
⁴² Conversion of points: 0-2 points = 0; 3-5 points = 1; 6-8 points = 2; 9-11 points = 3; 12-14 points = 4; 15-16 points = 5.

WeBER Platform members' findings

Institutions at all levels of government still have a large number of requests for access to information, and most of them have not recorded significant activities in implementing proactive transparency standards. Irregularities in the implementation of the Freedom of Access to Information Act have been the same for years, and are reduced to disregard of legal deadlines, failure to carry out the public interest test, or the automatic implementation of the foreseen exceptions to access to information by Law. During the reference period, legislative activities were recorded at the state level, but proposals for amendments to the Law on Freedom of Access to Information were not adopted. The consultation process showed that the BiH MoJ, as an authorized institution, did not have a clear idea how to change and improve the legal framework, and in line with international standards and recommendations.

[Transparency International BiH \(TI BiH\), 2018](#)

FIGURE 2: CSO PERCEPTION OF THE TRANSPARENCY OF DECISION-MAKING PROCESSES OF THE GOVERNMENT



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%, N=104

Decisions made on the sessions of the Council of Ministers of BiH are published on Government websites and communicated via press conferences. Government session minutes are distributed to all session participants, and must be formally approved on the subsequent government session (CoMs session). Agendas for the CoMs sessions are available online, as they are published prior to the sessions. A summary of decisions after each session of the CoM is published online.

BiH CoM makes some of the documents publicly available which were part of WeBER monitoring. The decisions, statements, regulations and strategies are published in the Official Gazette and on the website of BiH CoM. But all the other documents that have been drafted and adopted (adopted information, proposed laws, programs, reports...) are not published

on the website of the BiH CoM. However, out of four groups of documents and materials analysed, there is regularity in publishing agenda items and session minutes before and after every session. Also, every session is followed and communicated through press releases on the website, which are simplified and written in citizen-friendly language, in the form of news articles that explain the CoMs decisions. Bureaucratic terminology is still present, but it depends on the subject matter e.g. there is bureaucratic terminology in the names of documents, agreements, bodies etc. In addition, all press releases are easily accessible with no more than three clicks from the homepage.

Table 1: Availability of materials from the Government's sessions, in the period October 1st - December 31st, 2017

Session	Date	Agenda	Minutes	Documents	Press
117	Oct 10, 2017	☑	☑	X	☑
118	Oct 19, 2017	☑	☑	X	☑
119	Oct 31, 2017	☑	☑	X	☑
120	Nov 9, 2017	☑	☑	X	☑
121-122	Nov 22, 2017	☑	☑	X	☑
121-122	Nov 24, 2017	☑	☑	X	☑
123	Dec 4, 2017	☑	☑	X	☑
124	Dec 12, 2017	☑	☑	X	☑
125	Dec 22, 2017	☑	☑	X	☑
126-127	Dec 28, 2017	☑	☑	X	☑

Source: <https://bit.ly/2NGVsiV>

How does BiH do in regional terms?

Chart 6: Indicator values⁴³ for PDC_P6_I1 “Transparency of the Government’s decision-making”



Regional PAR Monitor Report with results for all WB countries is available at:
www.par-monitor.org

Principle 10: The policy-making and legal-drafting process is evidence-based, and impact assessment is consistently used across ministries

WeBER indicator PDC_P10_I1: Use of evidence created by think tanks, independent institutes and other CSOs in policy development

Indicator elements	Scores
Frequency of referencing of evidence-based findings produced by CSOs in the adopted government policy documents	2/4
Frequency of referencing of evidence-based findings produced by CSOs in policy papers and ex ante impact assessments	0/4
Share of evidence-based findings produced by wide range of CSOs, such as think tanks, independent institutes, locally-based organisations, referenced in ex post policy analyses and assessments of government institutions	0/2
Relevant ministries or other government institutions invite or commission wide range of CSOs, such as think tanks, independent institutes, locally-based organisations, to prepare policy studies, papers or impact assessments for specific policy problems or proposals	0/2
Representatives of relevant ministries participate in policy dialogue (discussions, round tables, closed door meetings, etc.) pertaining to specific policy research products	1/2
Representatives of wide range of CSOs, such as think tanks, independent institutes, locally-based organisations are invited to participate in working groups/ task forces for drafting policy or legislative proposals when they have specific proposals and recommendations based on evidence	0/4

⁴³ Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

Relevant ministries in general provide feedback on the evidence-based proposals and recommendations of the wide range of CSOs, such as think tanks, independent institutes, locally-based organisations which have been accepted or rejected, justifying either action	0/2
Ministries accept CSOs' policy proposals in the work of working groups for developing policies and legislation	0/4
Total	3/24
Indicator value (scale 0-5⁴³)	0

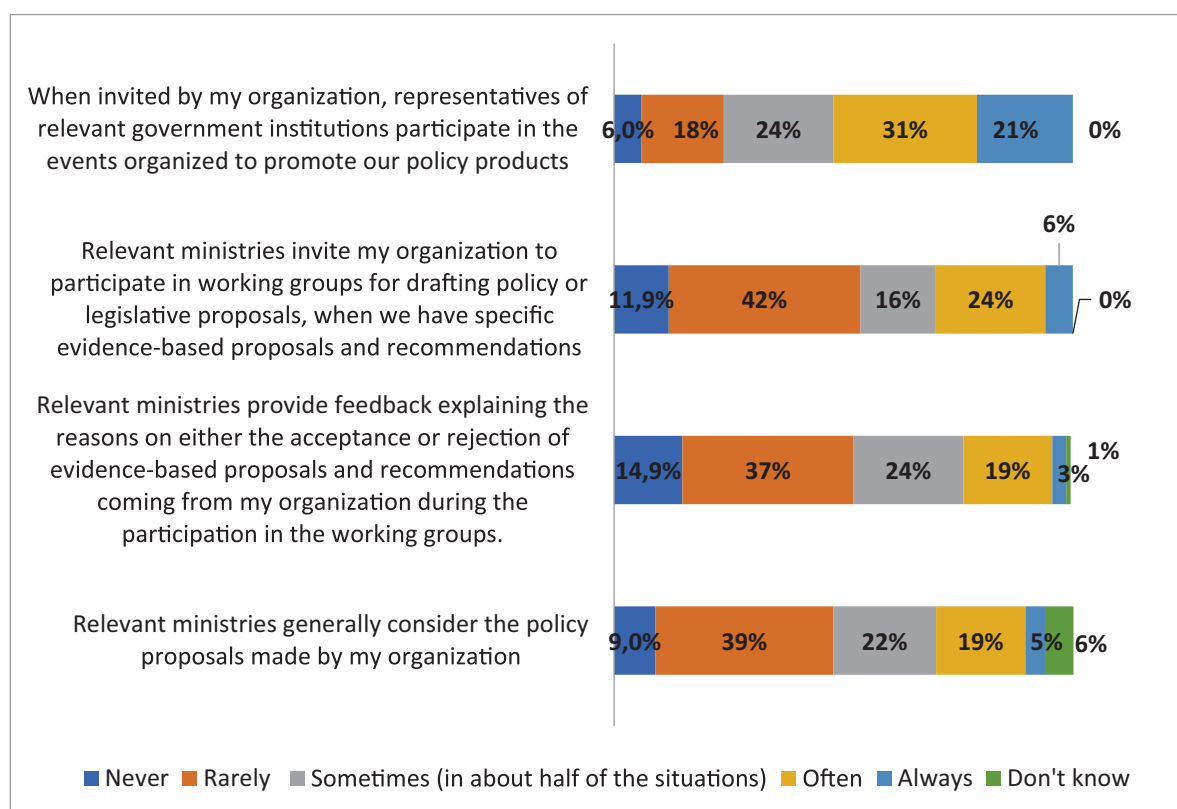
Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

Evidence-based findings produced by CSOs are occasionally referenced in strategic and policy documents of the three policy areas in which the largest number of CSOs identified in BiH is actively working: anti-corruption, antidiscrimination and environment policy. Out of 9 of examined strategies only 3 contain reference to CSO findings. However, only one referencing to CSOs evidence-based products was found in policy papers, ex-ante and ex post analyses and assessments (Explanatory Memorandum - BiH Law on Public Procurement).

That the government institutions invite them to prepare or submit policy papers, studies or impact assessments, when addressing policy problems or developing policy proposals is confirmed by 30% of surveyed CSOs in BiH. More than 50% of CSOs agree that representatives of relevant government institutions participate in the events organized by CSOs to promote policy products (52%). But, on the other hand, only 30% of CSOs are either often or always being invited by the relevant ministries to participate in working groups/task forces for drafting policy or legislative proposals. Slightly more than 20% of surveyed CSOs confirm that relevant ministries provide feedback on the reasons for acceptance/rejection of evidence-based inputs coming from the organization during the working group work. Lastly, only 24% think that relevant ministries consider their policy proposals.

44 Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

FIGURE 3: CSO PERCEPTION ON THE USE OF EVIDENCE CREATED BY THINK TANKS, INDEPENDENT INSTITUTES AND OTHER CSOS IN POLICY DEVELOPMENT



Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%, N=67

TABLE 2: FREQUENCY OF REFERENCING OF EVIDENCE-BASED FINDINGS PRODUCED BY CSOS IN THE ADOPTED GOVERNMENT POLICY DOCUMENTS

POLICY AREA	POLICY DOCUMENT	#
Anti-corruption policy	1. BiH Anticorruption Strategy 2015 - 2019	1 reference
	2. Framework Strategy for the implementation of the Istanbul Convention in Bosnia and Herzegovina	3 references
Antidiscrimination policy	3. Operational Strategy of the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina 2016 - 2021	No references
	4. Action Plan for Fight against Human Trafficking in Bosnia and Herzegovina 2016-2019	No references
	5. Action plan of BiH for addressing Roma issues in the fields of employment, housing and health care 2017 - 2020	No references
	6. Strategy on Migrations and Asylum and the belonging action plan for 2016-2020	No references
Environment policy	7. Strategy and action plan for protection of biological diversity in Bosnia and Herzegovina 2015-2020	4 references
	8. Environmental Approximation Strategy BiH (EAS BiH)	No references

How does BiH do in regional terms?

Indicator P10 I1: Use of evidence created by think tanks, independent institutes and other CSOs in policy development



Regional PAR Monitor Report with results for all WB countries is available at:
www.par-monitor.org

Principle 11: Policies and legislation are designed in an inclusive manner that enables the active participation of society

WeBER indicator PDC_P11_I1: Civil society perception of inclusiveness and openness of policymaking

Indicator elements	Scores
CSOs consider formal consultation procedures create preconditions for effective inclusion of the public in the policy-making process	0/4
CSOs consider formal consultation procedures are applied consistently	0/4
CSOs consider that they are consulted at the early phases of the policy process	0/4
CSOs consider consultees are timely provided with information on the content of legislative or policy proposals	0/2
CSOs consider consultees are provided with adequate information on the content of legislative or policy proposals	0/2
CSOs consider public consultation procedures and mechanisms are consistently followed in the consultation processes	0/2

CSOs consider sponsoring ministries take actions to ensure that diversity of interests are represented in the consultation processes (women's groups, minority rights groups, trade unions, employers' associations, etc.).	0/2
CSOs consider ministries (sponsors of policy and legislative proposals) provide written feedback on consultees' inputs/comments	0/4
CSOs consider ministries (sponsors of policy and legislative proposals) accept consultees' inputs/comments	0/4
CSOs consider ministries (sponsors of policy and legislative proposals) hold constructive discussions on how the consultees' views have shaped and influenced policy and final decision of Government	0/2
Total	0/30
Indicator value (scale 0-5⁴⁵)	0

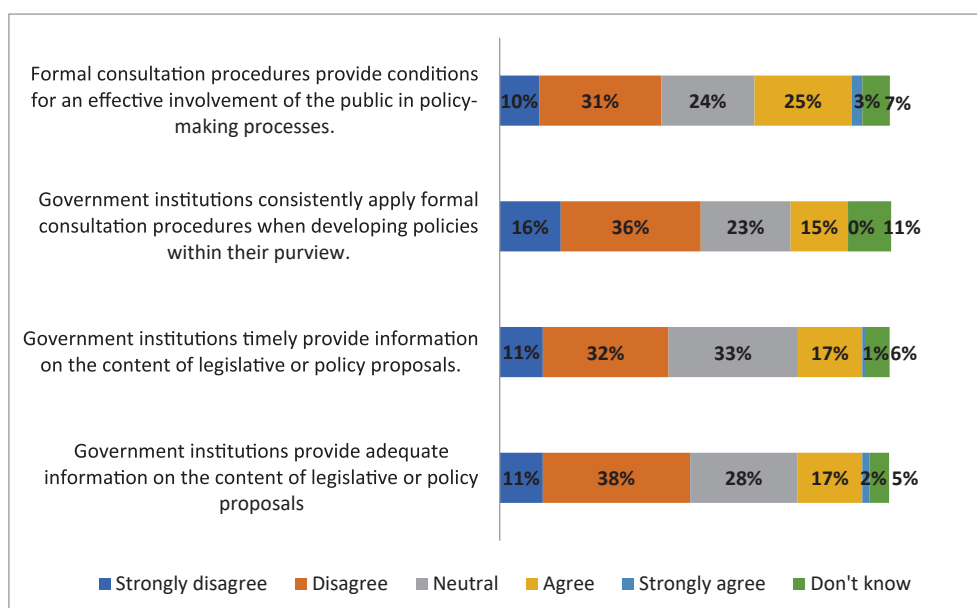
Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

Survey results indicate that CSOs in BiH have a general negative perception regarding the quality of the policy - and decision-making processes. Only 28% of surveyed CSOs have answered agree or strongly agree that formal consultation procedures provide conditions for an effective involvement of the public in the policy-making processes, and even less (15%) of them think that government institutions consistently apply formal consultation procedures when developing policies within their purview. Moreover, only 10% state that relevant government institutions "often" or "always" consult them at the early phases of policy and legislative processes. It is noteworthy that more than 60% of CSOs have answered "rarely" (54%) and "never" (15%).

Less than 20% state that government institutions provide timely information on the content of legislative or policy proposals, whilst 18% state that they provide adequate information. Slightly over 10% of respondents think that legally prescribed public consultation procedures and mechanisms are consistently followed in the consultation processes. Nevertheless, only 16% of surveyed CSOs report that relevant ministries often ensure that diverse interest groups (e.g. women, minorities, trade unions, employers' associations etc.) are represented in the public consultation processes. Moreover, less than 10% of CSOs think that relevant ministries often or always provide written feedback to consultees on whether their inputs are accepted or rejected, whilst only 9% state that they accept the feedback coming from their organization. Slightly more than 5% of surveyed CSOs state that relevant ministries often conduct additional consultations with CSOs outside of the formal scope of public consultations (6%).

45 Conversion of points: 0-6 points = 0; 7-10 points = 1; 11-15 points = 2; 16-20 points = 3; 21-24 points = 4; 25-30 points = 5.

FIGURE 4: CIVIL SOCIETY PERCEPTION OF INCLUSIVENESS AND OPENNESS OF POLICYMAKING

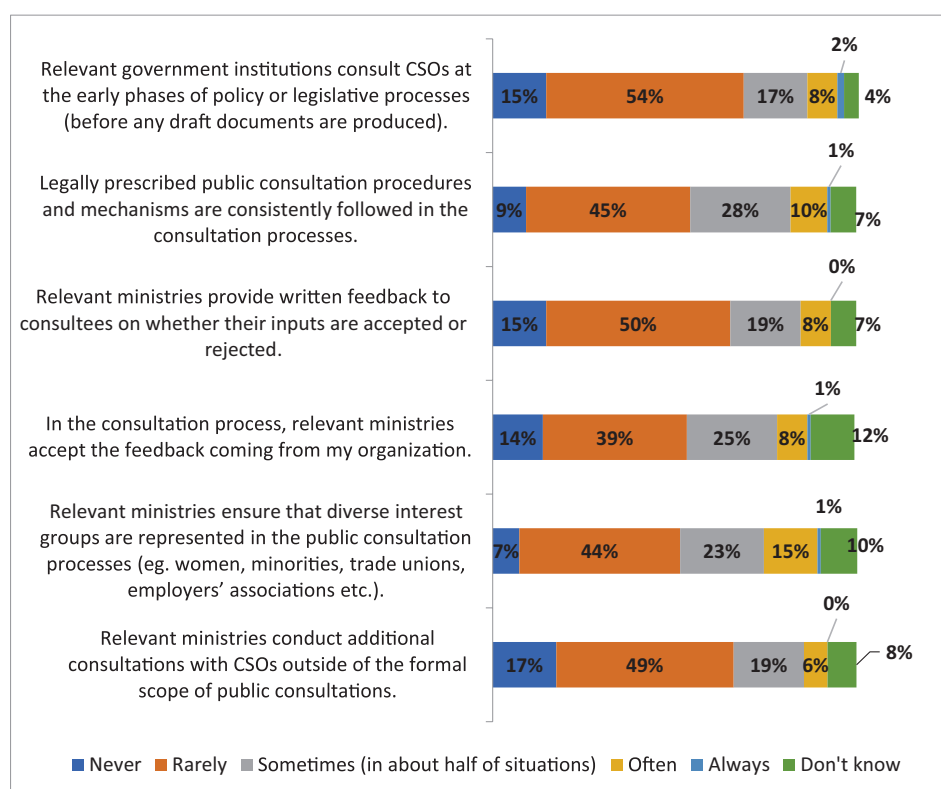


Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%, N=109

Everything is done only to fulfil the formal part of the procedure. Representatives of CSOs confirm that the right of free access to information of public importance is not adequately applied in the practice. The law-making process is not well planned. The system of *e-Konsultacije* (eConsultations) does not function properly. Interviews with the representatives of institutions show that even civil servants themselves do not know how to use this portal, and they do not consider it as something useful. The practice of not publishing the reports from the consultations is often present. Moreover, there are institutions reporting that there were no comments in the consultation process, although they existed. Comments are often ignored or rejected without any explanation. Consultations are not e-consultations. The fact that only the final versions of the proposed laws are available on the portal for commenting is discouraging for CSOs and public because this is already a late stage. A large number of factors have to be analysed in order to make a draft Law proposal and consultations should be held in the early phase of legislative drafting. The mechanism of *eKonsultacije* is yet to come to life in the right way. However, institutions “do not remember” to send a call to stakeholders for public consultations. There is a legal framework when it comes to conducting consultations, but not the will of the institutions to consult and implement the comments.⁴⁶

⁴⁶ Focus group with CSOs, held on 27th July 2018 in Sarajevo.

FIGURE 5: CIVIL SOCIETY PERCEPTION OF INCLUSIVENESS AND OPENNESS OF POLICYMAKING



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%, N=109

Although there are legislative requirements to have public consultation for each new law or policy, in practice the situation is somewhat different. The institutions often forget to make public consultations, or to invite all of the relevant stakeholders for the consultations. There is a space for public consultations, yet often, there is no will by the state institutions to have them.⁴⁷

Consultations are usually held in a very late stage, once a draft law or policy is already created, thus excluding any kind of creative or quality input by the CSO in the early stages of the very drafting process, and the consultations are usually used to present the completed draft and these invited for the consultations are then forced to rather react to faults of the draft and not give their quality input, and are required to know the formal techniques of legislative drafting and give their comments accordingly. Comments and inputs received during public consultations are often refused without offering any formal explanation as to why they were refused.⁴⁸

Such was the situation with the new law proposal for FOI (Freedom of Information) Act in BiH. No opinion or input given by the CSOs were taken into consideration, although consultations were held on the pre-draft, which had been withdrawn after the consultations.

47 Focus group with civil society organisations, held on July 27th, 2018, in Sarajevo

48 Focus group with civil society organisations, held on July 27th, 2018, in Sarajevo

The purpose of the new proposal was not to advance the Law and make it better. Political agendas were hidden behind this proposal to weaken the Law veiled behind the justification that the Law needs to conform with formal legislative drafting requirements. Budgets are published, yet not in an open format. Obtaining any kind of financial information is extremely hard. This includes information on salaries of public officials, tender documentation, public contracts or information of publically owned companies.⁴⁹

How does BiH do in regional terms?

Chart 7: Indicator values⁵⁰ for PDC_P11_I1 "Civil society perception of inclusiveness and openness of policymaking"



Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

Principle 12: Legislation is consistent in structure, style and language; legal drafting requirements are applied consistently across ministries; legislation is made publicly available

WeBER indicator PDC_P12_I1: Perception of availability and accessibility of legislation and related explanatory materials by the civil society

Indicator elements	Scores
Existence of an online governmental database of legal texts	0/4
CSOs are informed on the existence of online database of legal texts	4/4
CSOs confirm they have used online database of legal texts	2/2
CSOs consider the explanatory materials relevant to the legislation as easily accessible online	0/4
CSOs consider the explanatory materials to be written so as to be easily understandable	0/2
Total	6/16
Indicator value (scale 0-5)⁵¹	2

Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

⁴⁹ Focus group with civil society organisations, held on July 27th, 2018, in Sarajevo

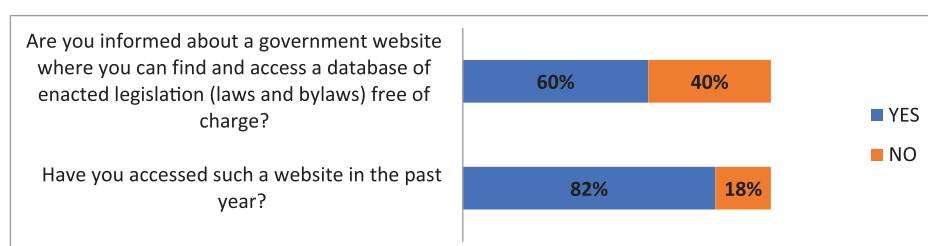
⁵⁰ Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

⁵¹ Conversion of points: 0-3 points = 0; 4-5 points = 1; 6-8 points = 2; 9-11 points = 3; 12-14 points = 4; 15-16 points = 5.

There is no unique governmental database of legal text on the state level. Constitution and main regulations are available on the website of BiH Parliament. Ekonsultacije in BiH is the electronic database administered by Ministry of Justice, which includes consolidated versions of legal texts, legislative action plans, consultation plans, information about consultations, list of interested organizations and individuals, names of officials in charge and contact information. Legal texts can be downloaded free of charge and are easily accessible, but legal texts from previous years cannot be found.

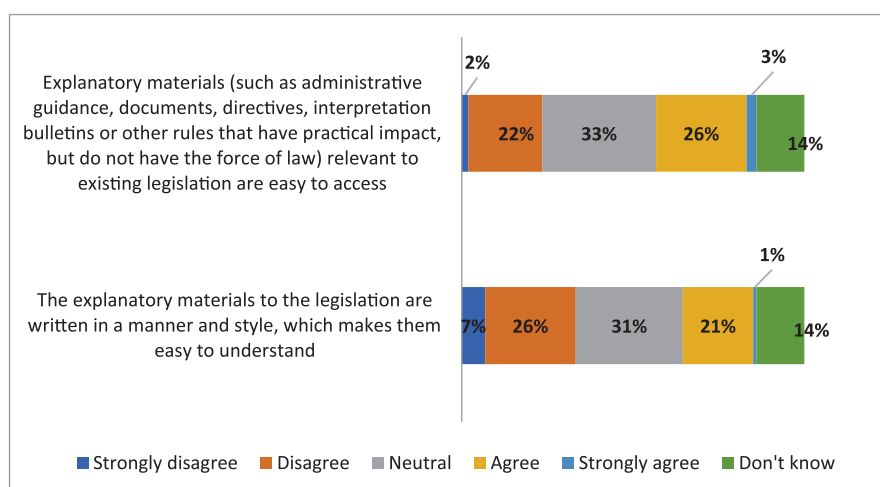
When it comes to entities - CHRONOLOGICAL REGISTER OF REGULATIONS is available on the webpage of Government of Federation of Bosnia and Herzegovina and on the webpage of National Assembly of the RS. Hereof, CSO survey showed that 60% of CSOs were informed about the existence of these websites. Furthermore, 82% of those were aware, had also accessed the website in the past year. Regarding explanatory materials relevant to existing legislation, only 29% of surveyed CSOs either “agree” (26%) or “strongly agree” (3%) that they are easily accessible, while 22% think that they are written in a manner and style, which makes them easy to understand.

FIGURE 6: PERCEPTION OF AVAILABILITY OF LEGISLATION BY THE CIVIL SOCIETY



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%; N= 103 respondent for the first, and N= 61 second question

FIGURE 7: PERCEPTION OF AVAILABILITY AND ACCESSIBILITY OF EXPLANATORY MATERIALS RELEVANT TO LEGISLATION BY THE CIVIL SOCIETY



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%; N= 102 respondents.

How does BiH do in regional terms?

Chart 8: Indicator values⁵² for PDC_P12_I1 “Perception of availability and accessibility of legislation and related explanatory materials by the civil society”



Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

III.4 Summary results: Policy Development and Coordination

The Council of Ministers of BiH regularly publishes written information about its activities. The Government Annual Work Plan (GAWP) report for 2016 is published online. Comprehensive and easily understandable press releases are published on a weekly basis. Annual reports on the performance of the BiH CoM are also regularly produced and published on the CoM website.

CSOs in BiH do not agree that the Government's formal planning documents are relevant for the actual development in policy areas CSOs are working (below 10%) and slightly more than 10% agree the Government reports to the public on achieving its objectives. More than 30% of CSOs remain neutral when it comes to official strategies determine actions of the Government or ministries, and that ministries regularly publish monitoring reports on sectorial strategies only 10% of CSOs agree. Slightly more of them think that EU priorities are adequately integrated into the government's plans.

Furthermore, less than 15% agree that the decision-making process is transparent. BiH Council of Ministers makes some of the documents publicly available. There is regularity in publishing agenda items and session minutes before and after every session. Also, every session is followed and communicated through press releases on the website, which are simplified and written in citizen-friendly language. The decisions, statements, regulations and strategies are published in the Official Gazette and on the website of BiH CoM. But all the other documents that have been drafted and adopted (adopted information, proposed laws, programs, reports...) are not published on the website of the BiH CoM. Evidence-based findings produced

⁵² Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

by CSOs are occasionally referenced in strategic and policy documents in the three policy areas analysed. Additionally, only one referencing to CSOs evidence-based products was found in policy papers, ex-ante and ex post analyses and assessments. Less than 30% of surveyed CSOs confirm they are invited by government institutions to prepare policy papers, studies or impact assessment but more than 50% states that representatives of government institutions participate in their events. Almost one third report they are invited, often or always, to participate in working groups for drafting policy or legislative proposals. Moreover, slightly more than 20% of surveyed CSOs confirm that relevant ministries provide feedback on the reasons for acceptance/rejection of evidence-based inputs during the working group sessions.

CSOs in BiH have a general negative perception regarding the quality of the policy- and decision-making processes. Only 15% of them agree that the governmental institutions consistently apply formal procedures for involvement in policy development, and even less CSOs agree that involvement takes place in early phases. It is of note that less than 20% of CSOs think that government institutions provide timely and adequate information on the content of legislative or policy proposals. Representation of diverse interest groups in public consultations is not ensured enough since just 16% of CSOs state they are, often or always. Below 10% of CSOs agree there is practice of providing feedback and only around 9% that the feedback coming from their organisations is accepted.

There is no unique governmental database of legal text on the State level. Constitution and main regulations are available on the website of BiH Parliament. When it comes to Entities, the situation is slightly better, but within the WEBER project, in BiH only the State level is analysed, while the entities are left out due to limited capacities. Also, Ekonsultacije in BiH is the electronic database administered by Ministry of Justice, which includes consolidated versions of legal texts, legislative action plans, consultation plans, information about consultations, list of interested organizations and individuals, names of officials in charge and contact information. Legal texts can be downloaded free of charge and are easily accessible, but legal texts from previous years cannot be found. Around 60% of CSOs responded they are informed it exists while 82% stated that they have accessed it in the past year. Regarding explanatory materials relevant to legislation that do not have the force of law, less than 30% of CSOs agrees that these are easy to access and around 22% that these are written in manner and style that makes them easy to understand.

III.5 Recommendations for Policy Development and Coordination

Information on performance of the BiH CoM is mostly available on the website and through press releases and regular GAWP reporting is a practice and the reports are written in an understandable manner structured based on the main priorities set in GAWP. The quality of reporting to the public however lacks specific indicators that are not reported against the indicators set in the GAWP.

1. **GAWP annual reporting should be improved to include visible results achieved in different policy areas in the reporting period** including relevant information on horizontal policy dimensions such as but not limited to gender mainstreaming, environment, sustainable development.
2. **The BiH CoM should publish reports in open data format** to allow further use by all interested parties and ensure that ministries develop and enforce clear internal rules for policy development.

3. **The BiH CoM should start regularly publishing all of the adopted documents from each session.**
4. **RIA methodology should be implemented and evidence based policy making should be ensured.**

Perception of civil society on the quality of public participation in policy making indicates significant dissatisfaction among CSOs. In general:

5. **Timeliness and proactiveness in organising and announcing public consultations and public debates by Ministries and other public authorities.** Firstly, CSOs and other interested stakeholders should be informed on time, meaning the call to be publicly available (all the available channels should be used to announce consultations - including websites of responsible body, E-government portal, Office for Cooperation with Civil Society, social media of all the involved institutions etc.) and to have enough time for preparations;
6. **In this regard, keeping and updating the record of civil society organisations and individuals who previously participated in consultations and public debates should be practiced,** ensuring continuity of inviting already engaged and interested organisation and individuals;
7. **When organising consultations, inputs and comments from the civil society and the public should be sought as early as possible in the process,** and preferably in the policy formulation phase;
8. **Consultation reports should be published,** addressing each input, and providing explanation for acceptance or dismissal, so the entire process is easily traceable from start to finish and transparent.
9. To increase trust in the process, **additional consultation should be considered in each case when consultation process returned unresolved, contested, or when especially important issues for civil society and the public are debated.**

Finally, when it comes to availability and accessibility of legislation (laws and bylaws):

10. **Single portal should be created for the publication of all legislation adopted by all levels of government and online database of legislation should be promoted through this portal, as well as through the governmental and individual administration bodies' websites,** preferably through banners easily redirecting visitors. Although accessible and free of charge on the Official Gazette website, awareness of this database should be improved to reach as many of those interested.

IV. PUBLIC SERVICE AND HUMAN RESOURCE MANAGEMENT

WeBER indicators used in Public Service and Human Resource Management and country values for Bosnia and Herzegovina

P2_I1 <i>Public availability of official data and reports about the civil service and employees in central state administration</i>					
0	1	2	3	4	5
P2_I2 <i>Performance of tasks characteristic for civil service outside of the civil service merit-based regime</i>					
0	1	2	3	4	5
P3_I1 <i>Openness, transparency and fairness of recruitment into the civil service</i>					
0	1	2	3	4	5
P4_I1 <i>Effective protection of senior civil servants' position from unwanted political interference</i>					
0	1	2	3	4	5
P5_I1 <i>Transparency, clarity and public availability of information on the civil service remuneration system</i>					
0	1	2	3	4	5
P7_I1 <i>Effectiveness of measures for the promotion of integrity and prevention of corruption in the civil service</i>					
0	1	2	3	4	5

IV.1 State of Play in Public Service and Human Resource Management

Due to very complicated state structure, public service system in BiH is very complex and fragmented. Concentrating solely on the State level, the situation is somewhat clearer, yet far from perfect. There is no an all-encompassing strategic document regulating the area of Public Service and HRM.

As BiH has yet to adopt the new PAR Strategy (initiated by PARCO in 2015), and the old one is still being used as reference point along with the Revised Action Plan for the later (which has expired in 2014), all progress in this particular area is measured against the expired Revised

Action Plan. The old (and still current) PAR strategy defined several target areas for improvement:

- finding a common approach to modern HRM practices,
- strengthening the policy role of the Civil Service Agencies,
- development of capacity in individual institutions;
- development and use of information systems;
- human resources planning;
- recruitment policy;
- greater mobility of civil servants;
- performance management;
- training and development;
- remuneration system;
- other.

SIGMA notes that since 2015, the situation has not changed significantly, and a lot remains to be done.

Legislation governing civil service and human resource management at the state level are The Law on Civil Service in the Institutions of Bosnia and Herzegovina⁵³, Rulebook on character and content of open competition, the manner of conducting interviews and forms to conduct interviews⁵⁴ and Labor Law in the Institutions of BiH⁵⁵.

The legislation may have formalized the employment process; however, merit-based recruitment is not sufficiently safeguarded in practice. Application procedures are very formal, and the capacities of selection committees are often questioned.

There has been improvement within the Civil Service Agency (CSA) of BiH. BiH CSA has made some progress in simplifying application procedures for open competitions by creating more user-friendly platforms that assist the applicants to successfully apply for the position through eliminating possible administrative mistakes and confusion as to what is necessary for every applicant to successfully complete the application process. BiH CSA has also been very active in providing necessary trainings for the civil service, but the transfer of knowledge is not done systematically. The Agency does follow procedure as to the timeliness and providing all the necessary information when announcing an open competition, and continues to make initiatives to simplify the application process.

CoM of BiH has recently adopted⁵⁶ on 13 June 2017 Framework Policy for the Development of the Human Resource Management (HRM) Function in the BiH Civil Service

⁵³ Available at: <https://bit.ly/2MpdGVu>

⁵⁴ Available at: <https://bit.ly/2OyyB5A>

⁵⁵ Available at: <https://bit.ly/2PJ6nd3>

⁵⁶ More information is available in local languages at:

Structures. The document was developed with SIGMA support in 2013, but only endorsed at the technical level by the Supervisory Board for the HRM strand of PAR. Although the framework was meant to be a common platform for future developments in the area of HRM, except for the recent adoption at the State level, no other Government has taken a stance on this document.⁵⁷

Pertaining to salaries and remuneration system of civil service in general, at the BiH State level it is regulated through the Law on Salaries and Remunerations in the Institutions of Bosnia and Herzegovina and the Law on Civil Service in the Institutions of Bosnia and Herzegovina. The Law on Salaries and Remunerations in the institutions of BiH regulates how basic salaries are calculated, defines pay grades/groups and corresponding coefficients, salary supplements, bonuses and awards, types of compensations, as well as other rights and obligations pertaining to remuneration and salaries. Law on Civil Service in the Institutions of BiH (Articles 35-44), defines criteria for Determination of salaries, Salary structure, Calculation of salary, Retribution for a temporary performance of overwork, Paid absence, Other remuneration, Reimbursement for official trips, Rights in case of redundancies, Advisors' salaries, as well as Approval of the salaries and allowances of the civil servants and the advisors.

The problem that remains is the ever-present political influence both in the recruitment process and in the decision-making process in the civil service, that can even be seen in some parts of the civil service remuneration system (particularly with regard to rewards which are rather used to reward political obedience rather than job performance).

IV.2 What does WeBER monitor and how?

WeBER monitoring within the PSHRM area covers five SIGMA Principles and relates exclusively to central administration (centre of Government institutions, ministries, subordinated bodies and special organisations). In other words, monitoring encompasses central government civil service, as defined by the relevant legislation (primarily the Civil Service Law). The selected principles are those that focus on the quality and practical implementation of the civil service legal and policy frameworks, on measures related to merit-based recruitment, use of temporary engagements, transparency of the remuneration system, integrity and anti-corruption in the civil service. The WeBER approach was based on elements which SIGMA does not strongly focus on in its monitoring, but which are significant to the civil society from the perspective of transparency of the civil service system and government openness, or the public availability of data on the implementation of civil service policy.

The following SIGMA principles were selected for monitoring, in line with the WeBER selection criteria:

Principle 2: The policy and legal frameworks for a professional and coherent public service are established and applied in practice; the institutional set-up enables consistent and effective human resource management practices across the public service.

Principle 3: The recruitment of public servants is based on merit and equal treatment in all its phases; the criteria for demotion and termination of public servants are explicit.

Principle 4: Direct or indirect political influence on senior managerial positions in the public service is prevented.

http://www.vijeceministara.gov.ba/saopstenja/sjednice/saopstenja_sa_sjednica/default.aspx?id=25497&langTag=bs-BA.

Principle 5: The remuneration system of public servants is based on the job classification; it is fair and transparent.

Principle 7: Measures for promoting integrity, preventing corruption and ensuring discipline in the public service are in place.

Monitoring combined the findings of SIGMA's assessment within specific sub-indicators with WeBER's expert review of legislation, documents and websites, including collection and analysis of government administrative data, reports and other documents searched for online or requested through freedom of information (FoI) requests. To create a more balanced qualitative and quantitative approach, research included the measuring of perceptions of civil servants, CSOs and the wider public by employing perception surveys. Finally, data collection included semi-structured face-to-face interviews and focus groups with relevant stakeholders such as senior civil servants, former senior civil servants, civil servants and former candidates for jobs in civil service, as well as representatives of governmental institutions in charge of the human resource management policy.

Surveys of civil servants and CSOs in the six Western Balkan administrations were implemented using an online survey tool.⁵⁸ The civil servants' survey was in most administrations disseminated through a single contact point originating from national institutions responsible for the overall civil service system.⁵⁹ The CSO survey was distributed through existing networks and platforms of civil society organisations with large contact databases, but also through centralised points of contact such as governmental offices in charge of cooperation with civil society.⁶⁰ To ensure that the CSO survey targeted as many organisations as possible in terms of their type, geographical distribution, and activity areas, and hence contributed to its representativeness as much as possible, additional boosting was done where needed. Finally, the public perception survey included computer-assisted personal interviewing of the general public (aged 18 and older) of the Western Balkans region, during the period of 15 October - 30 November 2017.⁶¹ In all three surveys, WeBER applied uniform questionnaires throughout the region and disseminated them in local languages, ensuring an even approach in survey implementation.

WeBER uses six indicators to measure the five principles mentioned above. In the first indicator, WeBER monitors the public availability of official data and reports about the civil service and employees in the central state administration. In the second indicator, monitoring includes the extent to which widely applied temporary engagement procedures undermine the merit-based regime. Openness, transparency and fairness of recruitment into the civil service, as a particularly critical aspect of HRM in the public administration due to its public facing character, is examined within the third indicator. The fourth indicator places focus on the prevention of direct and indirect political influence on senior managerial positions in the

⁵⁸ Surveys were administered through an anonymous, online questionnaire. The data collection method included CASI (computer-assisted self-interviewing). In BiH, the civil servants' survey was conducted from March 26th to April 30th, 2018, and the CSO survey in the period from April 23rd to May 28th, 2018.

⁵⁹ For BiH, survey sample was N=137. The base for questions within Principle 2 was n=134 respondents, Principle 3 had n=137 respondents, Principle 4 had n=126, Principle 5 had n=126 respondents and Principle 7 had n=124 respondents.

⁶⁰ For BiH, survey sample was N=122. The base for questions within PS&HRM area was n= 94 respondents.

⁶¹ The survey was conducted through computer-assisted personal interviewing (CAPI), using a three-stage random stratified sampling, targeting the general public. It was implemented as part of the regional omnibus surveys conducted in Albania, Bosnia and Herzegovina, Montenegro and Serbia (ad hoc surveys were conducted for Kosovo and Macedonia). For Bosnia and Herzegovina, the margin of error for the total sample of 1036 citizens is $\pm 3.05\%$, at the 95% confidence level.

public service, while the fifth indicator analyses whether information on the civil service remuneration is transparent, clear and publicly available. Finally, in the sixth indicator, WeBER examines the promotion of integrity and prevention of corruption in the civil service.

IV.3 WeBER Monitoring Results

Principle 2: The policy and legal frameworks for a professional and coherent public service are established and applied in practice; the institutional set-up enables consistent and effective human resource management practices across the public service

WeBER indicator PSHRM_P2_I1: Public availability of official data and reports about the civil service and employees in central state administration

Indicator elements	Scores
The Government keeps reliable data pertaining to the public service.	0/4
The Government regularly publishes basic official data pertaining to the public service.	2/4
Published official data includes data on employees other than full-time civil servants in the central state administration.	0/4
Published official data on public service is segregated based on gender and ethnic structure	1/2
Published official data is available in open data format(s).	0/1
The government comprehensively reports on the public service policy.	0/4
The government regularly reports on the public service policy.	0/2
Reports on the public service include substantiated information concerning the quality and/or outcomes of the public service work.	0/2
Data and information about the public service are actively promoted to the public.	0/2
Total	3/21
Indicator value (scale 0-5⁶²)	0

Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

Data on public service is not kept centrally or updated regularly by the BiH Government. According to SIGMA Monitoring Report 2017 for BiH, there has been no improvement in the functioning of the HRMIS. The BiH Civil Service Agency (BiH CSA) conducts periodic research on the number and structure of the institutions and the civil servants employed in them. The research is conducted through electronic forms, with authorized persons in BiH institutions updating the data and the BiH CSA then summarizing it and publishing results on their website. The data includes the number of civil servants, their division per category, their age, gender and ethnic structure. However, no data is available on the employees other than full-time civil servants. Regarding gender and ethnic balance, the published data is partially segregated, as these categories are not shown per rank and position. The data is downloadable only in PDF format, and not in any open data format.

Reports on civil service policy which cover issues such as planning and recruitments, appraisals, etc. for the whole civil service, are not produced. The BiH CSA, however, does publish

62 Conversion of points: 0-5 points = 0; 6-9 points = 1; 10-13 points = 2; 14-17 points = 3; 18-21 points = 4; 22-25 points = 5.

regular annual reports on its own work and activities. The 2016 report (analysed as per contents) includes some data pertaining to the recruitment procedures and conducted trainings, but no thorough analysis on the key functions for the whole of the public service. In some aspects, the previous (2014 and 2015) reports were more detailed, e.g., the 2015 report provided detailed statistics on conducted trainings. Lastly, no evidence was found on the reports and official data being promoted to the public via social media channels or press releases on the website of CSA BiH.

WeBER Indicator PSHRM_P2_I2: Performance of tasks characteristic for civil service outside of the civil service merit-based regime

Indicator elements	Score
The number of temporary engagements for performance of tasks characteristic of civil service in the central state administration is limited by law.	0/4
There are specific criteria determined for the selection of individuals for temporary engagements in the state administration.	0/4
The hiring procedure for individuals engaged on temporary contracts is open and transparent.	0/4
Duration of temporary engagement contracts is limited.	2/4
Civil servants perceive that temporary engagements in the administration are an exception.	0/2
Civil servants perceive that performance of tasks characteristic of civil service by individuals hired on a temporary basis is an exception.	0/2
Civil servants perceive that appointments on a temporary basis in the administration are merit-based.	0/2
Civil servants perceive that the formal rules for appointments on a temporary basis are applied in practice.	1/2
Civil servants perceive that individuals hired on a temporary basis go on to become civil servants after their contracts end.	1/2
Civil servants perceive that contracts for temporary engagements are extended to more than one year.	1/2
Total	5/28
Indicator value (0-5¹⁰)	1

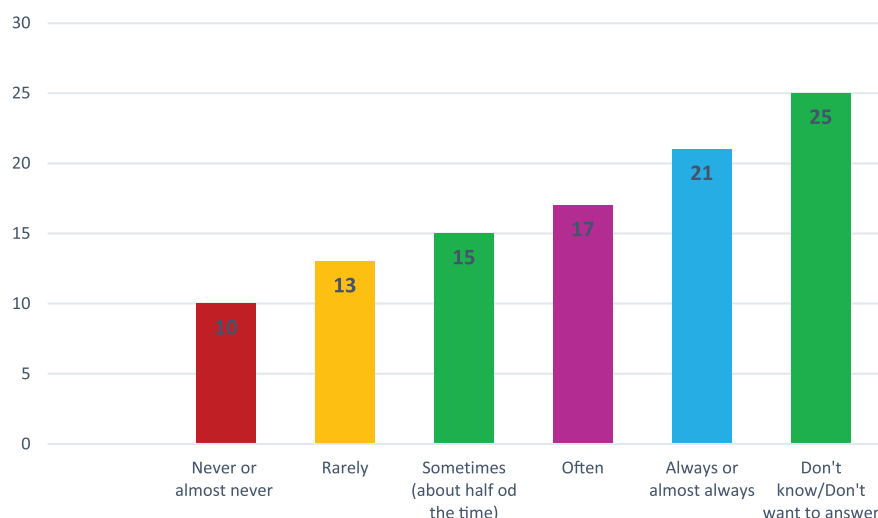
Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

The laws regulating civil service employment in BiH (Law on Civil Service in the Institutions of Bosnia and Herzegovina and Labor Law in the Institutions of Bosnia and Herzegovina) do not specify limitations in the number of temporary engagements. The Labour Law however stipulates that fixed term contract for the same position may not exceed the duration of over two years. State legislation in BiH regulating temporary engagements in state administration does not specify the specific criteria for selection of individuals for temporary engagements. Labor Law in the institutions of BiH (Article 10) and Law on Civil Service in the Institutions of BiH (Article 22) only specify general conditions for employment in BiH institutions and civil service.

According to the civil servants perception survey, on how the formal rules for appointments on a temporary basis are applied in practice - 38% of surveyed civil servants stated that the formal rules for hiring people on a temporary basis are applied in practice either "often" (17%) or "always or almost always" (21%).

63 Conversion of points: 0-4 points = 0; 5-9 points = 1; 10-14 points = 2; 15-19 points = 3; 20-24 points = 4; 25-28 points = 5

FIGURE 1: AGREEMENT WITH THE STATEMENT “THE FORMAL RULES FOR HIRING PEOPLE ON A TEMPORARY BASIS ARE APPLIED IN PRACTICE” (%)



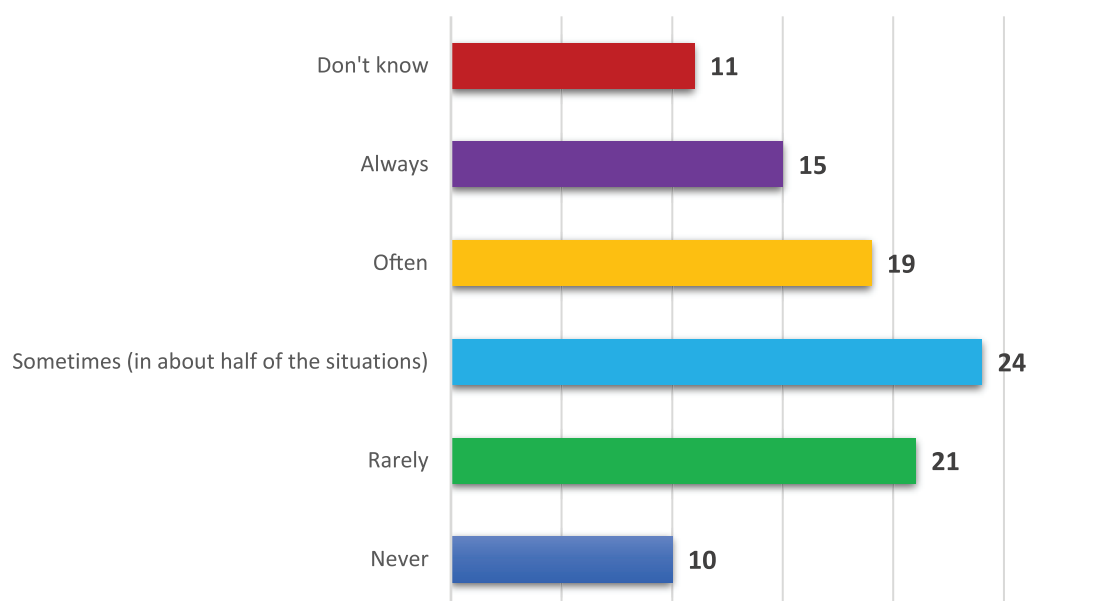
Note: Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=134

State legislation in BIH regulating temporary engagements in state administration does not specify specific standards for ensuring transparency of the process. Law on Civil Service (LCS) in the Institutions of Bosnia and Herzegovina (Article 28a) stipulates that if there is a vacancy of a civil servant position that needs to be urgently filled. It is not possible to fill it internally; the institution can fill this position through hiring an employee pursuant to the Labor Law⁶⁴ in the Institutions of Bosnia and Herzegovina. Labor Law in the Institutions of Bosnia and Herzegovina (Article 16) states that performing out of the ordinary, temporary or part-time jobs the scope of which had been temporarily or unforeseeably increased, but which are not of a permanent character, as well as replacements on job positions due to longer term absence of an employee, a fixed term contract can be concluded for as long as there is a necessity for performing such jobs or until an absent employee returns from a leave of absence, for a period not exceeding two years. This Law allows there not to be a public competition for positions that need to be filled urgently for duration of a temporary contract not exceeding three months.

According to the civil servants perception survey, 22% of surveyed civil servants stated that temporary engagements in the administration are an exception, and 31% of surveyed civil servants stated that individuals hired on a temporary basis either “rarely” (21%) or “never or almost never” (10%) go on to become civil servants after their temporary engagements.

⁶⁴ Available at: <https://bit.ly/2PJ6nd3>

FIGURE 2: INDIVIDUALS HIRED ON A TEMPORARY BASIS GO ON TO BECOME CIVIL SERVANTS AFTER THEIR TEMPORARY ENGAGEMENTS (%)



Note: Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=134

As for the duration of the temporary or fix term contracts and the manner on how temporary positions are filled, the LCS in the Institutions of Bosnia and Herzegovina (Article 28a) stipulates that if there is a vacancy of a civil servant position that needs to be urgently filled, and it is not possible to fill it internally, the institution can fill this position through hiring an employee pursuant to the Labor Law in the Institutions of Bosnia and Herzegovina. Fixed term labor contract may only last for nine months, except in the cases when position is filled due to sick leave or maternity leave of a civil servant, but no longer than two years. The hiring institution must request an approval from the CSA pursuant to the Article 1 of this Law, and the Agency has the obligation to respond within 8 days to the request.

Civil servants perceive that performance of tasks characteristic of civil service by individuals hired on a temporary basis is an exception. Some 29% of surveyed civil servants stated that individuals who are hired on a temporary basis “rarely” (16%) or “never or almost never” (13%) perform tasks which should normally be performed by civil servants. Still, civil servants perceive that appointments on a temporary basis in the administration are merit-based, 29% of surveyed civil servants stated that when people are hired on a temporary basis, they are selected based on qualifications and skills either “often” (16%) or “always” (13%). It is of note that 21% of surveyed civil servants answered “don’t know” that temporary contracts often get extended for over a year.

TABLE 1: PERCEPTIONS OF CIVIL SERVANTS ON TEMPORARY HIRING PRACTICES (%)

	Never	Rarely	Sometimes (in about half of the situations)	Often	Always	Don't know
When people are hired on a temporary basis, they are selected based on qualifications and skills	19	21	19	16	13	12
Individuals who are hired on a temporary basis perform tasks which should normally be performed by civil servants	13	16	18	22	21	10
Such contracts get extended to more than one year	22	17	13	13	14	21

Note: Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=134

How does Bosnia and Herzegovina do in regional terms?



Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

How does Bosnia and Herzegovina do in regional terms?

Chart 10: Indicator values⁶⁵ for PSHRM_P2_I2 “Performance of tasks characteristic for civil service outside of the civil service merit-based regime”



Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

Principle 3: The recruitment of public servants is based on merit and equal treatment in all its phases; the criteria for demotion and termination of public servants are explicit

WeBER Indicator PSHRM_P3_I1: Openness, transparency and fairness of recruitment into the civil service

Indicator elements	Score
Information about public competitions is made broadly publicly available.	4/4
Public competition announcements are written in a simple, clear and understandable language.	4/4
During the public competition procedure, interested candidates can request and obtain clarifications, which are made publicly available.	0/4
There are no unreasonable barriers for external candidates which make public competitions more easily accessible to internal candidates.	0/2
The application procedure imposes minimum administrative and paperwork burden on candidates.	0/4
Candidates are allowed and invited to supplement missing documentation within a reasonable timeframe.	0/4
Decisions and reasoning of the selection panels are made publicly available, with due respect to the protection of personal information	2/4
Information about annulled announcements is made publicly available, with reasoning provided.	4/4
Civil servants perceive the recruitments into the civil service as based on merit.	0/2

⁶⁵ Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

Civil servants perceive the recruitment procedure to ensure equal opportunity.	0/2
The public perceives the recruitments done through the public competition process as based on merit.	0/2
Total	14/36
Indicator value (scale 0-5⁶⁷)	2

Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

The Law on Civil Service in the Institutions of Bosnia and Herzegovina prescribes that the BiH CSA shall advertise civil service competitions on its official website and in at least three daily newspapers distributed throughout the territory of Bosnia and Herzegovina, at least 15 days before the deadline for submitting applications. The sample of competitions selected for a specific time period, have all been published on the Agency's website, as well as through the Agency's portal and social networks.

WeBER Platform members' findings

*"With regard to recruitment and selection of civil servants, BiH CSA has made additional efforts to improve the **Rulebook on character and content of open competition, manner of conducting interviews and forms for conducting interviews**. After the initial test phase for Rulebook application, implementation of this regulation became mandatory for all institutions since October 2017. In that sense, BiH CSA has continuously held trainings for all potential members of future Selection Committees, and to his date, over 300 individuals have attended this training. Even though it is still early to make any kind of serious impact assessment of this new approach in the selection process, the first reactions coming from the BiH CSA are quite positive."*

[Transparency International \(TI\) 2018](#)

All competition announcements contain sufficient information starting from the general - date of announcement and deadline for applications at the beginning of the call; links of the terms of taking exams, place of job position; number of planned job positions to be filled through the competition; the main field on which the competition will be based, as well as the skills and qualities that will be evaluated in the competition; status of the position; the corresponding net basic salary; number of positions and place of work. The BiH CSA has now created helpful tools for job applicants on its website informing the applicants how to fill out the forms, what documents to submit, how to submit them, what not to submit, and information about the materials and legal sources as well as the literature for taking public examinations.

The text of the competition is generally understandable; however parts of the competition pertaining to job description are often vague. As parts regarding job description in the competitions are copied from the rulebooks of the institutions where the position is advertised, and cannot be changed by the BiH CSA, there is now a new initiative from the BiH Ministry of Justice submitted to the BiH CoM for all ministries adapt or adopt new rulebooks, with a clear job descriptions and classification.

Recruitment and selection procedure for the civil service in general is coherent, fair and merit-based. Labor Law in the Institutions of BiH (Article 10) and Law on Civil Servants in the Institutions of BiH (Article 22) only specify general conditions for employment in BiH institutions and civil service (such as that the individual considered for the position is a citizen of BiH, is over 18 years of age, has not exceeded legal age for retirement, has no criminal record, has not been fired from a civil service due to disciplinary measures, is physically and mentally capable to perform the job related tasks, and for specific position, that the candidate has the necessary skills, work experience, expert exam, good computer and language skills and oth-

66 Conversion of points: 0-6 points = 0; 7-12 points = 1; 13-18 points = 2; 19-24 points = 3; 25-30 points = 4; 31-36 points = 5

er.). And once selected, the probation period is mandatory.

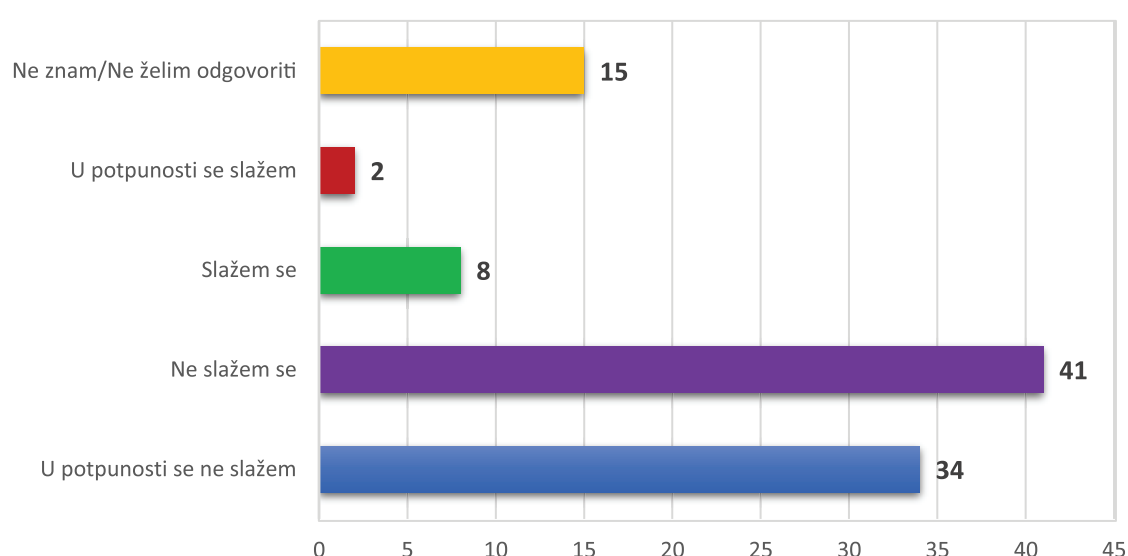
Regarding meritocracy in the recruitment process for civil service, there appears to exist the same opinion between civil servants and the Bosnian and Herzegovinian citizens. Whereas 20% of surveyed civil servants agree or strongly agree that civil servants are recruited on the basis of qualifications and skills, and only 11% of BiH citizens hold the same opinion. Slightly more than 70% of the public disagrees or strongly disagrees that there is meritocracy in the recruitment in the civil service. Moreover, only 20% of civil servants agreed or strongly agreed that civil servants are recruited based on qualifications and skills. That is why, 61% of them reported that one should have connections to get a civil service job, while 20% neither disagree nor agree.

TABLE 2: MERITOCRACY OF RECRUITMENT IN THE CIVIL SERVICE

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know/Don't want to answer
Civil servants in my institution are recruited on the basis of qualifications and skills	26	31	19	15	5	4
To get a civil service job in my institutions, one needs to have connections	7	7	20	27	33	6

Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=137

FIGURE 3: PUBLIC PERCEPTION - PUBLIC SERVANTS ARE RECRUITED THROUGH PUBLIC COMPETITIONS BASED ON MERIT (I.E. BEST CANDIDATES ARE ENABLED TO GET THE JOBS)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=137

The selection procedure is done in phases - submitting documents, written test and interview, yet candidates are required to submit all the documents in the first phase (certified copies of requested documents and personally signed forms) because the Selection Committee will reject all untimely, incomprehensible or incomplete applications after the first phase. The only documents that do not have to be submitted in the initial phase are those that require candidates to pay to obtain them (such as health certificate, certificate of no criminal convictions) until the procedure is completed and those documents are submitted only by the selected candidate/candidates. The BiH CSA has launched an initiative to enable the online submission of applications (online platform). However, there is a problem because processing candidates' personal data is not allowed and there are no necessary registers that could simplify the application procedure (such as register of university degrees).

According to relevant legislation, failure to submit all requested documents in the first stage means automatic disqualification from the procedure, however, now the candidates have the clarification and guidance on how to fill in the application, what's needed and in what form, there are fewer candidates who have been rejected on a technical basis, in the first phase.

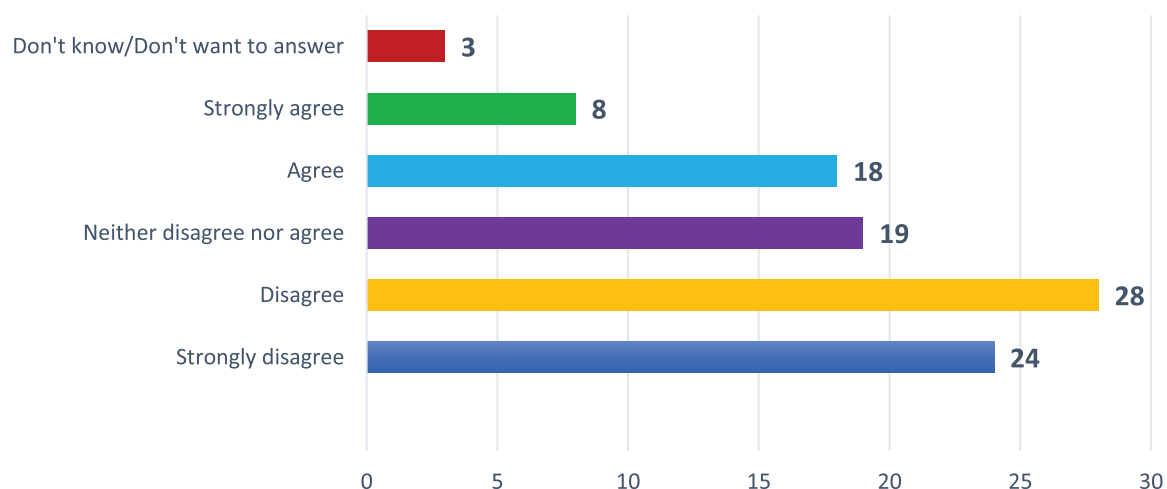
The legislative framework enables equal opportunity for all when applying for a position in civil service. However, some barriers may arise due to the fact that some of the candidates applying for a certain position may have an advantage if they had the opportunity to work in that sector before therefore already have the job experience requested by the competition or have a more in depth understanding what the job description actually entails.

Websites of the BiH CSA as well as the website of sample institutions do not contain published decisions and reasoning of the Selection Committee for each competition. Decisions of the Selection committee for each candidate are delivered to the candidates. The candidates are ranked based on the points received on the entire testing process. On the website of Official Gazette of Bosnia and Herzegovina - the name of the selected candidate is publicly available.

The Agency may annul the Announcement based on a justified request of the institution no later than the submission of the results of the selection process, whereby the same Announcement cannot be announced for a time period of one year from the date of the Announcement that was annulled. The Agency can reject the request for annulment of the Announcement if it does not meet the legal requirements. Annulment is made in the same manner as the publication of the Announcement. Annulments are published on the webpage immediately with the text of the Announcement, together with an explanation of why it has been cancelled. Candidates are also notified in writing.

There is a negative perception among civil servants that potential candidates are treated equally, regardless of gender, ethnicity or another personal trait that could be basis for unfair discrimination. Only 26% agree or strongly agree that in the recruitment process all civil servants are treated equally, whereas more than 50% disagree or strongly disagree.

FIGURE 4: IN THE RECRUITMENT PROCEDURE FOR CIVIL SERVANTS IN MY INSTITUTION ALL CANDIDATES ARE TREATED EQUALLY (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=137

How does Bosnia and Herzegovina do in regional terms?

Chart 11: Indicator values⁶⁷ for PSHRM_P3_I1 "Openness, transparency and fairness of recruitment into the civil service"



Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

⁶⁷ Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

Principle 4: Direct or indirect political influence on senior managerial positions in the public service is prevented

WeBER Indicator 1: Effective protection of senior civil servants' position from unwanted political interference

WeBER attempts to provide a comprehensive measurement of the **effectiveness of protection of senior civil servants' position from unwanted political interference**. It does so by combining results from SIGMA assessment, analysis of legislation, information and data acquired from the relevant institutions, and complements this with survey data (both civil servants and CSO surveys data). The elements analysed are as follows:

Indicator elements	Score
The Law prescribes competitive, merit-based procedures for the selection of senior managers in the civil service.	1/2
The law prescribes objective criteria for the termination of employment of senior civil servants.	2/2
The merit-based recruitment of senior civil servants is efficiently applied in practice.	0/4
Acting senior managers can by law, and are, only appointed from within the civil service ranks for a maximum period limited by the Law.	0/4
Ratio of eligible candidates per senior-level vacancy.	0/4
Civil servants consider that the procedures for appointing senior civil servants ensure that the best candidates get the jobs.	0/2
CSOs perceive that the procedures for appointing senior civil servants ensure the best candidates get the jobs	0/2
Civil servants perceive that senior civil servants are appointed based on political support	0/2
Existence of vetting or deliberation procedures on appointments of senior civil servants outside of the scope of the civil service legislation.	2/2
Civil servants consider that senior civil servants would not implement and can effectively reject illegal orders of political superiors.	0/2
Civil servants consider that senior civil service positions are not subject of political agreements and "divisions of the cake" among the ruling political parties.	0/2
Civil servants perceive that senior civil servants are not dismissed for political motives	1/2
Civil servants consider the criteria for dismissal of senior public servants to be properly applied in practice	0/2
CSOs consider senior managerial civil servants to be professionalised in practice.	0/2
Civil servants perceive that senior civil servants do not participate in electoral campaigns of political parties	0/2
Share of appointments without competitive procedure (including acting positions outside of public service scope) out of the total number of appointments to senior managerial civil service positions.	2/4
Total	8/40
Indicator value (scale 0-5⁶⁸)	1

Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

Legislative framework governing merit-based recruitment, demotion and termination of employment for civil service positions is sound, yet its implementation is seriously lacking in practice.

68 Conversion of points: 0-7 points = 0; 8-14 points = 1; 15-21 points = 2; 22-28 points = 3; 29-34 points = 4; 35-40 points = 5

As for senior civil servants in managerial positions, according to CSL of State institutions they include 1) secretaries general and secretaries with specific assignments and 2) assistant ministers, assistant directors and chief inspectors. Secretaries general and secretaries with specific assignments are appointed on the basis of a competition, for a mandate of five years, renewable once in line with performance evaluation, while other management positions are not time constrained.⁶⁹

Practice indicates that appointments of senior civil servants are not void of political influence; the ruling parties usually negotiate the division of positions. The experience of such candidates is taken into account yet the primary criterion is political affiliation. However, positions such as Secretaries general and secretaries with specific assignments. The electoral law prevents active participation of civil servants in the elections, yet civil servant survey shows that this is not always the case.

Law on Administration⁷⁰ specifies that a person can be appointed to a position of an “acting head” of an administrative organisation (both an independent one and organization within a ministry or other institution) and have full rights and responsibilities until a new person is appointed to that position. Pursuant to this Article, an acting head can only be appointed to a period not exceeding 3 months, and only in specific circumstance and with proper justification, can that period be prolonged to additional three months.

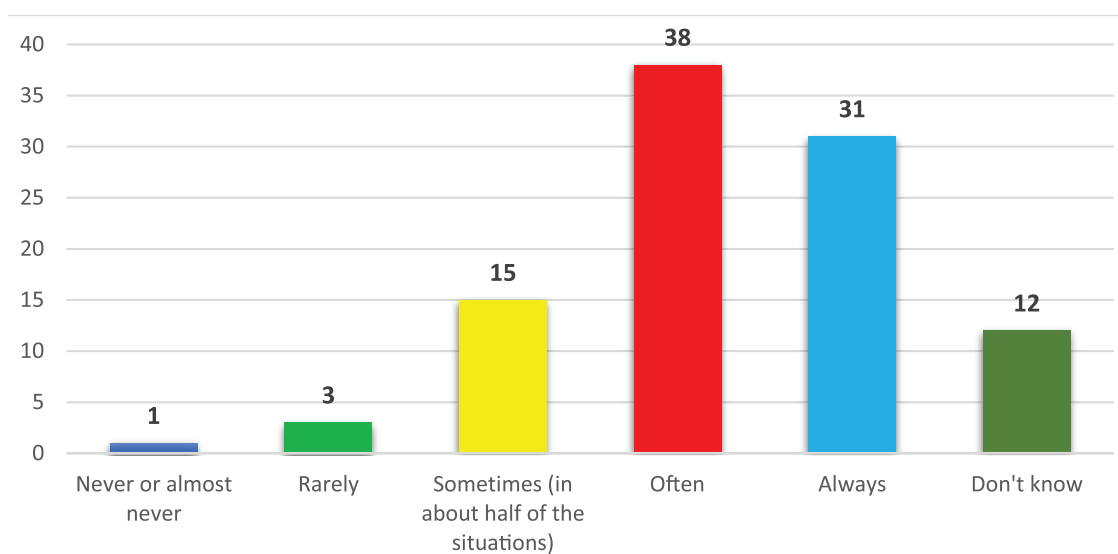
Interviewees also support this finding, and state that the BiH CoM appoints acting heads for the institutions of BiH based on procedures that are unclear and not transparent. There is ongoing practice of appointing “acting heads” in State-level institutions and the BiH CoM can nominate an acting head without open competition, based on procedures that are unclear and not transparent.

There is a misconception of the fact that the recruitment process in the civil service must be completely apolitical. The politics needs to have an input, but with the respect of the given mandate and the goal to achieve the best possible results for the citizens. Survey of civil servants shows that over 60% of the civil servants feel that senior civil servants are, at least partly, appointed due to political support. In fact, they find that senior civil service positions are subject of political agreements and “divisions of the cake” among the ruling political parties (Figure 6).

69 Official Gazette BiH, Nos. 19/02, 35/03, 4/04, 17/04, 26/04, 37/04, 48/05, 2/06, 32/07, 43/09, 8/10 and 40/12

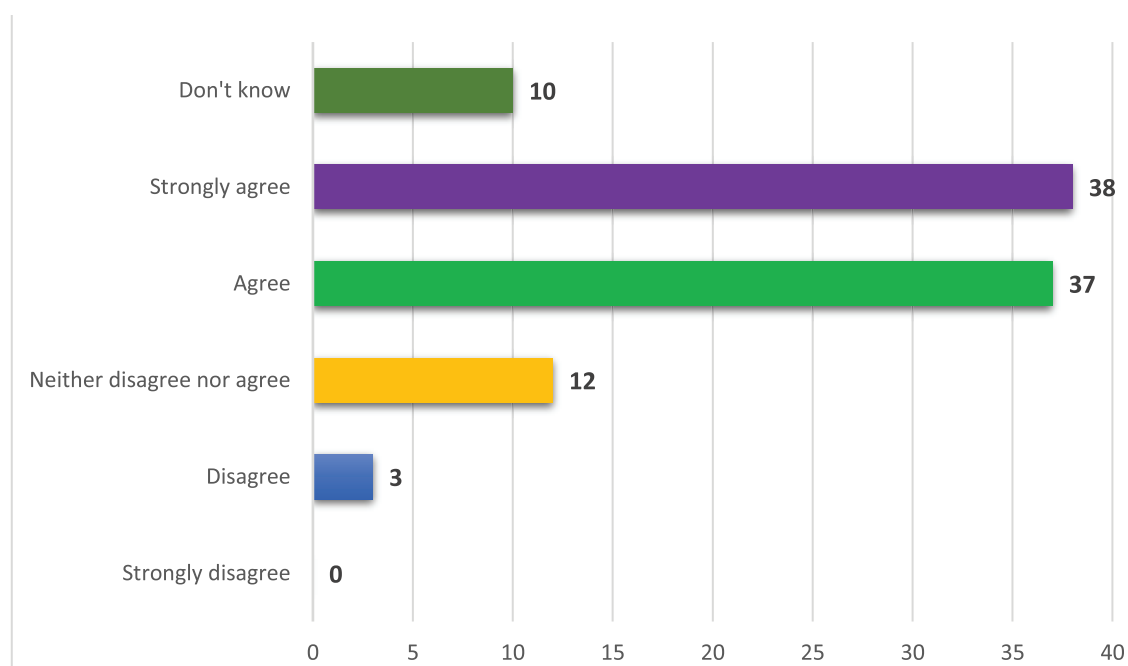
70 Official Gazette of BiH, 32/02, 102/09, and 72/17 (Article 55a)

FIGURE 5: SENIOR CIVIL SERVANTS ARE AT LEAST IN PART APPOINTED THANKS TO POLITICAL SUPPORT (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=126

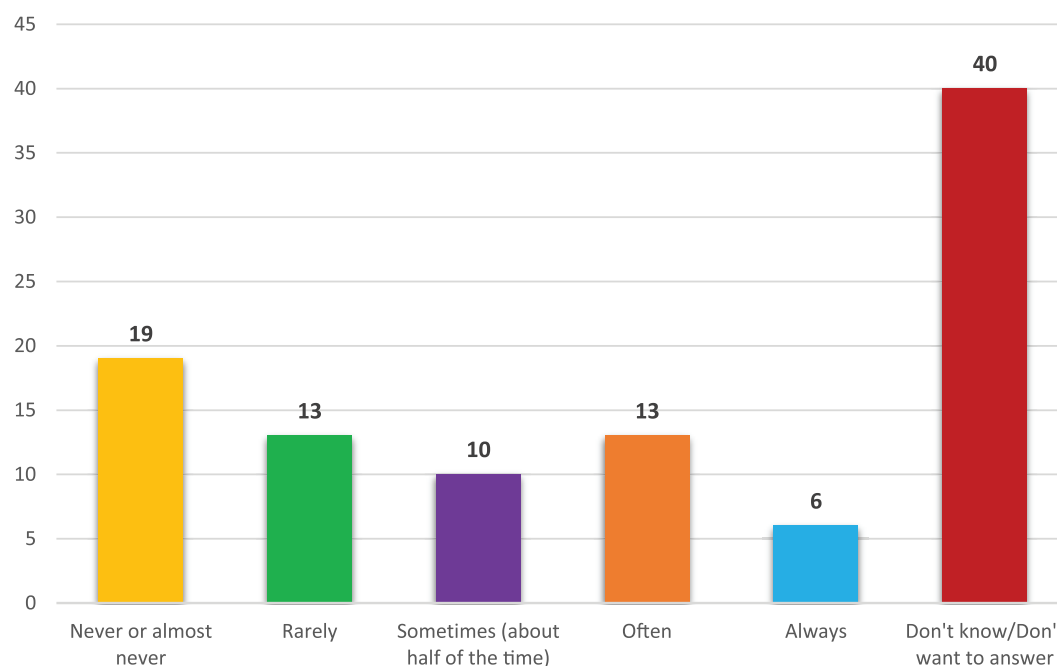
FIGURE 6: SENIOR CIVIL SERVICE POSITIONS ARE SUBJECT OF POLITICAL AGREEMENTS AND “DIVISIONS OF THE CAKE” AMONG THE RULING POLITICAL PARTIES (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=126

According to the Code of civil servants in the institutions of Bosnia and Herzegovina⁷¹ civil servants in the performance of their duties adhere to political neutrality. In the premises of the institution civil servant cannot wear the symbols of political party or share the promotional material. And he/she can't publicly manifest belief about the political parties and their activities. From our survey, 19% of surveyed civil servants report that senior civil servants of their institutions participate in electoral campaigns often or always, while 10% sometimes. 40% of surveyed civil servants choose not to answer or don't know.

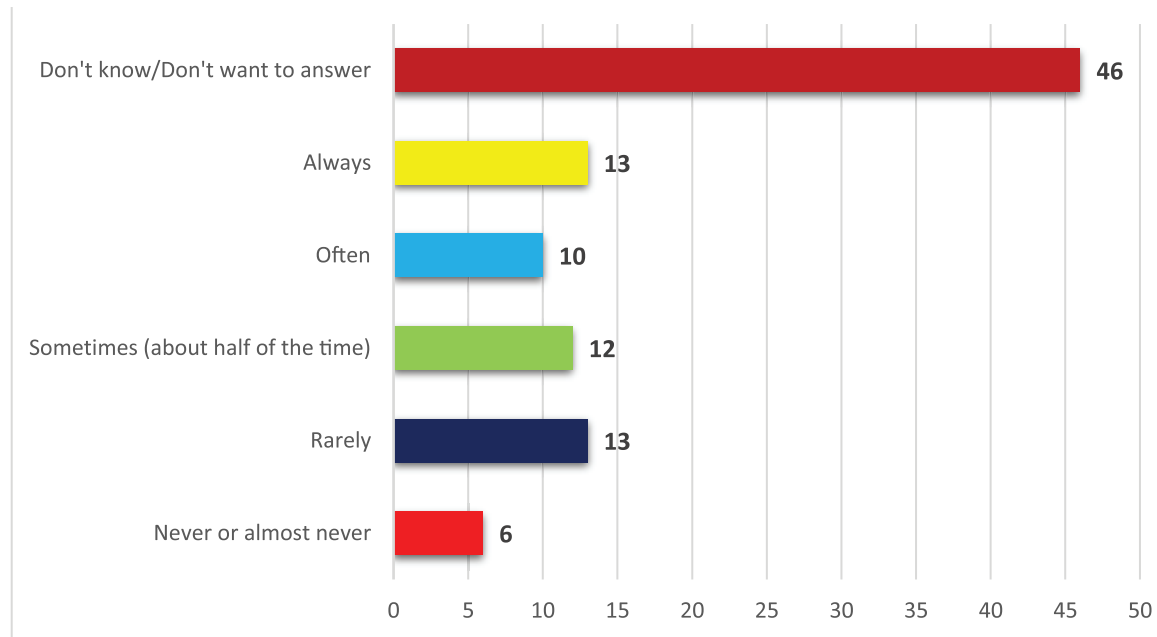
FIGURE 7: IN MY INSTITUTION, SENIOR CIVIL SERVANTS PARTICIPATE IN ELECTORAL CAMPAIGNS OF POLITICAL PARTIES DURING ELECTIONS (%)



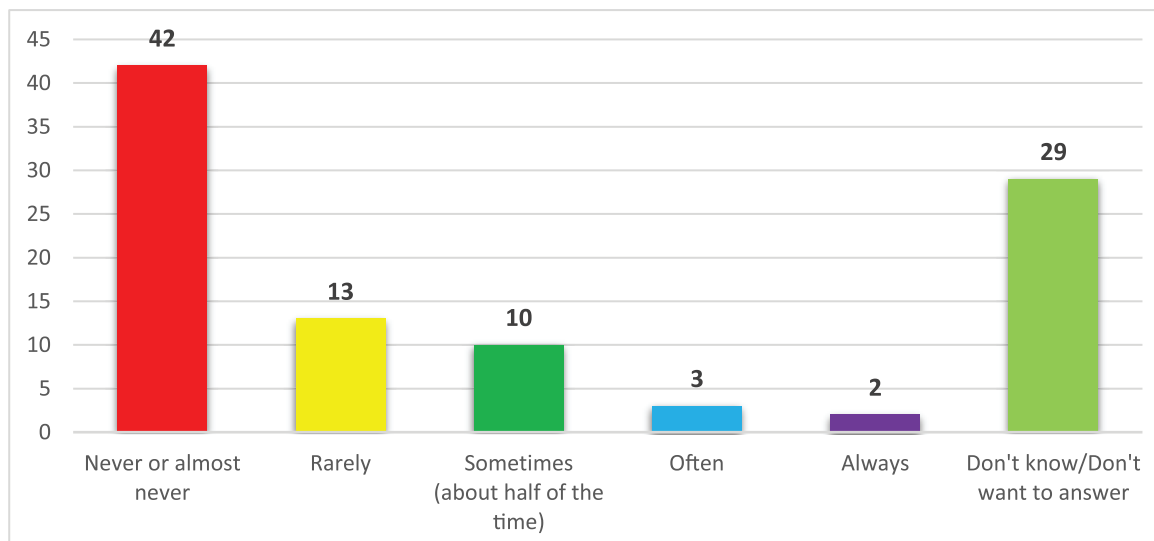
Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=126

As for the dismissal of civil servants, this occurrence rarely happens. Only 13% of surveyed civil servants stated that formal rules and criteria for dismissing senior civil servants are always properly applied in practice. It is of note that 46% of them did not want to answer or did not know the answer on this statement (Figure 8). The survey reveals that more than 50% of surveyed civil servants stated that never or rarely is a civil servant dismissed from civil service position due to political influence.

⁷¹ Available at: <https://bit.ly/2zvG1RD>

FIGURE 8: FORMAL RULES AND CRITERIA FOR DISMISSING SENIOR CIVIL SERVANTS ARE PROPERLY APPLIED IN PRACTICE (%)

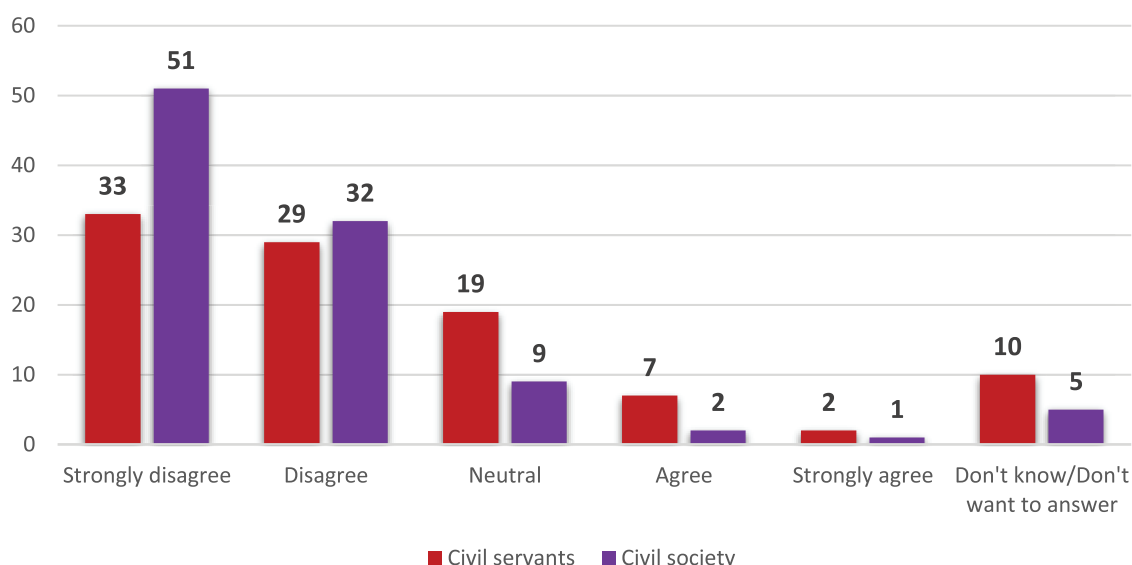
Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=126

FIGURE 9: SENIOR CIVIL SERVANTS GET DISMISSED FOR POLITICAL MOTIVES (%)

Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=126

The civil servants survey indicated that over 60% of the civil servants do not agree that the appointments in civil service are merit based. Therefore, they do not agree that the best candidates get the job. This is even more emphasized in the CSO survey, where 83% of the CSOs do not think that the best candidates get the job, and 84% of them find that senior managerial civil servants are not professional in practice.

FIGURE 10: PROCEDURES FOR APPOINTING SENIOR CIVIL SERVANTS ENSURE THAT THE BEST CANDIDATES GET THE JOBS – CIVIL SERVANTS VS CIVIL SOCIETY(%)



Note: Due to rounding, percentages may not always appear to add up to 100%. Base: N=126 and N=94

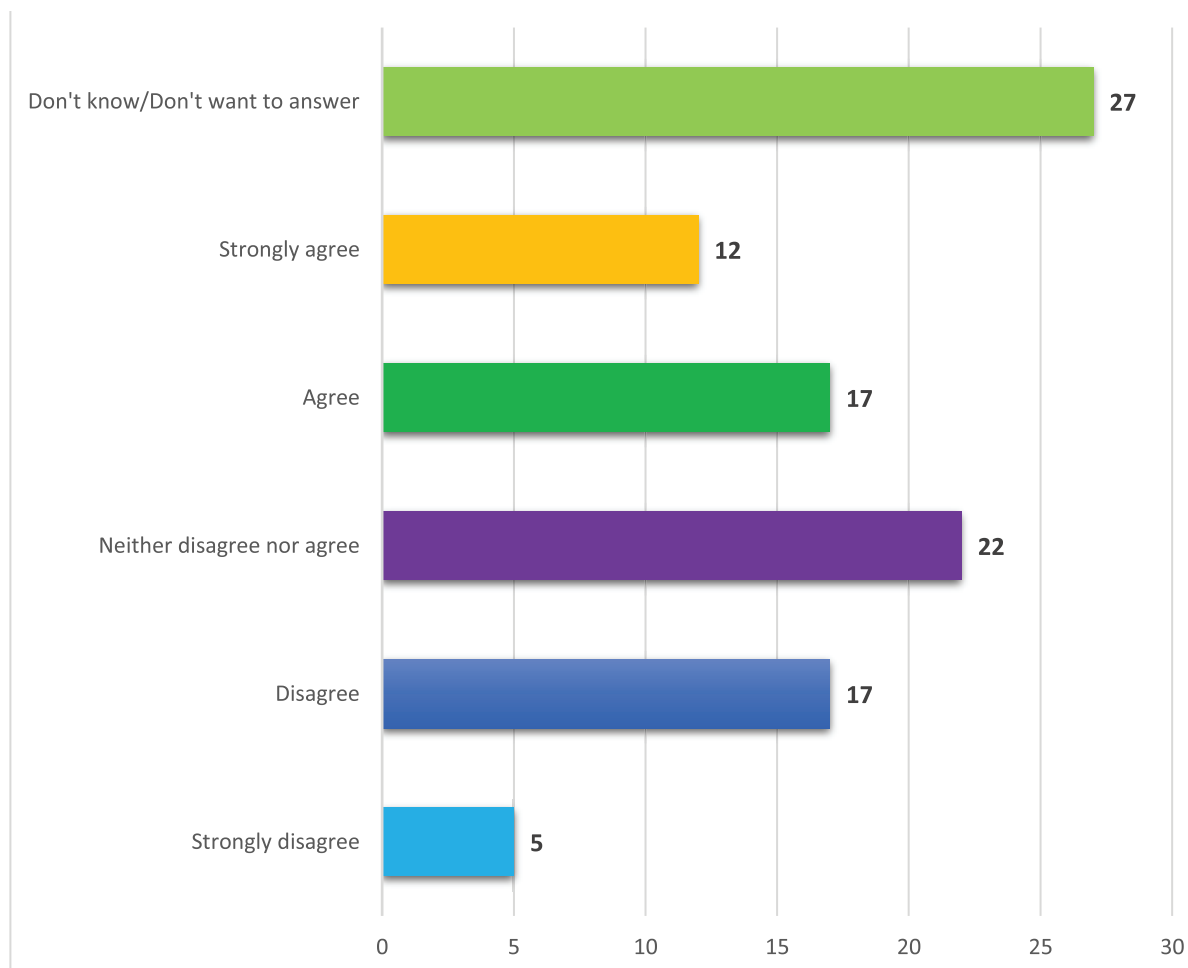
With regards to the vetting or deliberation procedures on appointments of senior civil servants outside of the scope of the civil service legislation, at the State level, the criteria for recruitment to senior managerial positions are clearly established, and candidates are required to undertake a public competition procedure similar to that for expert-level staff. The BiH CSA forms a competition committee, and candidates are required to undergo the testing process, which is even more demanding than for expert-level civil servants, however, the management of the competent authority has the right to select any of the shortlisted applicants. This procedure differs from the procedure used for other civil servants positions, in which the BiH CSA appoints a civil servant based on his/her results in the selection process. This gives the management of the public authority some degree of discretion in the selection process, which is not unusual for this type of position.

BiH CSA carries out the selection of registered candidates by conducting a check on formal requirements and interviewing candidates with a commission of five (three of the BiH CSA experts and two from the institution in which a candidate should be recruited). For senior civil servants, the rule in the Civil Service Act does not apply to a candidate with the highest score, but the one that the institution wants with only one condition - that he/she is on the list of successful candidates. In BiH, it is rare that appointments to senior managerial positions in the civil service are carried out without interference of the key political decision-makers, ministers, prime ministers, heads of institutions, political parties. It could actually be said that it is not rarity but that it is impossible to appoint someone without political influence having in mind the fact that the heads of institutions have the ability to choose anyone from the list of successful candidates.

Political influence can be felt in each section of civil service. Even if civil servants are not politically affiliated, there is political influence over their work, where a lot of civil servants are afraid to reject direct orders from their superiors at work for fear of losing their jobs. Civil servants survey points out that, for those that are politically affiliated, it is believed that senior civil ser-

vants would implement illegal actions should their political superior ask them to do that. Only 22% of surveyed civil servants answered disagree and strongly disagree, while more than 50% agreed, strongly agreed or neither agreed nor disagreed.

FIGURE 11: IN MY INSTITUTION, SENIOR CIVIL SERVANTS WOULD IMPLEMENT ILLEGAL ACTIONS IF POLITICAL SUPERIORS ASKED THEM TO DO SO



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=126

How does Bosnia and Herzegovina do in regional terms?

Chart 12: Indicator values⁷² for PSHRM_P4_I1 “effectiveness of protection of senior civil servants’ position from unwanted political interference”



Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

Principle 5: The remuneration system of public servants is based on the job classification; it is fair and

WeBER Indicator 1: Transparency, clarity and public availability of information on the civil service remuneration system

Indicator elements	Score
The civil service remuneration system is simply structured.	4/4
The civil service salary/remuneration system foresees limited and clearly defined options for salary supplements additional to the basic salary.	0/4
Information on civil service remuneration system is available online.	0/6
Citizen friendly explanations or presentations of the remuneration information are available online.	1/2
Discretionary supplements are limited by legislation and cannot comprise a major part of a civil servant's salary/remuneration.	2/4
Civil servants consider the discretionary supplements to be used for their intended objective of stimulating and awarding performance, rather than for political or personal favouritism.	0/2
Total	7/22
Indicator value (scale 0-5⁷³)	1

Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

⁷² Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

⁷³ Conversion of points: 0-3 points = 0; 4-7 points = 1; 8-11 points = 2; 12-15 points = 3; 16-19 points = 4; 20-22 points = 5

Civil service remuneration system in Bosnia and Herzegovina (State level) is regulated through the Law on Salaries and Remunerations in the Institutions of Bosnia and Herzegovina⁷⁴. Article 6 of this Law regulates that the basic salary is determined by multiplying the base for salary calculation with the corresponding coefficient. The calculation of the base for salary calculation is precisely determined in Article 7 of the same Law (85% of the average monthly salary in BiH). Article 11 contains the table with the exact coefficients for the civil servants in the executive branch of the central state government.

Article 30 of the Law regulates compensations, which include also what is referred to as compensation (rather than supplement) for overtimes, nightshifts, work during holidays and weekends, and the subsequent articles detail all of the compensations. Moreover, Article 26 regulates a number of supplements on the salary. More specifically, those are the supplement for ICT jobs and for “jobs of special significance”, both of which can amount to 50% of the amount of the basic salary. The latter is left very vague in the Law, without any specific criteria included. Finally, the mutual relations and exclusiveness of compensations and supplements is not regulated. Information on the remuneration system is not available online.

Each job announcement contains a clearly stated starting basic salary in BAM (national currency). This information is easily accessible and clearly visible within each vacancy announcements. However, no other citizen friendly information about salaries of civil servants are available on the CSA website.

SIGMA research indicates that managers have very limited resources and possibilities to stimulate civil servants with performance-related pay. At the State level bonus can reach as high as 20% of the salary, per year.

Political agenda again plays an important part here. Civil servants survey reveals that 58% of the civil servants do not consider that the discretionary supplements are used for their intended objective of stimulating and awarding performance, but rather to rewards political or personal favoritism (57%).

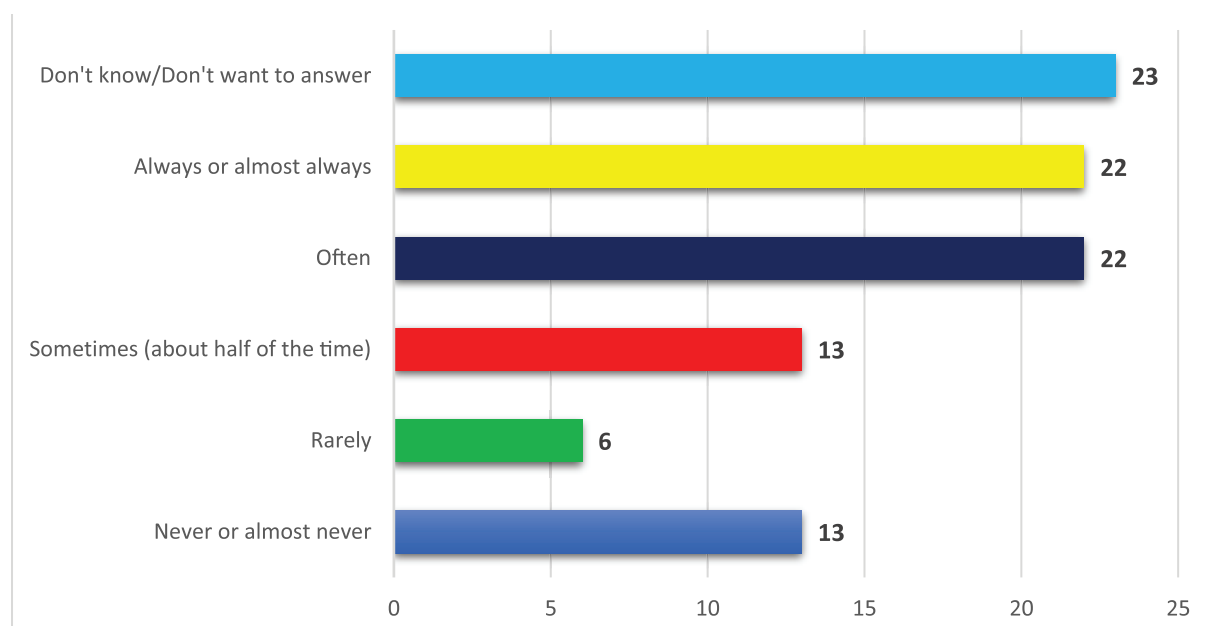
WeBER Platform members' findings

“In 2017, the activities of the administrative structures in BiH in this area (work compensation) of HRM were reduced to only one intervention at the state level. Namely, the Decision on Amending and Supplementing the Decision on the Setting of Criteria for Determining the Amount of Compensation for the Members of the Civil Service Election Commission (Official Gazette of BiH, 74/17) was adopted. This act creates the basis for different compensation of the members of the competition commissions, depending on whether it is a competition for a non-executive or managerial post. Because of the scope of work and the higher level of preparation for the selection of managerial civil servants, the fees for the members of these commissions should be higher in relation to the selection and appointment boards of non-executive civil servants. Although it may be accepted that there is a difference in the complexity of work in the commissions (depending on the character of the position), the question arises whether it was necessary to make such a decision when citizens are seeking a cheaper administration?”

[Transparency International \(TI\) 2018](#)

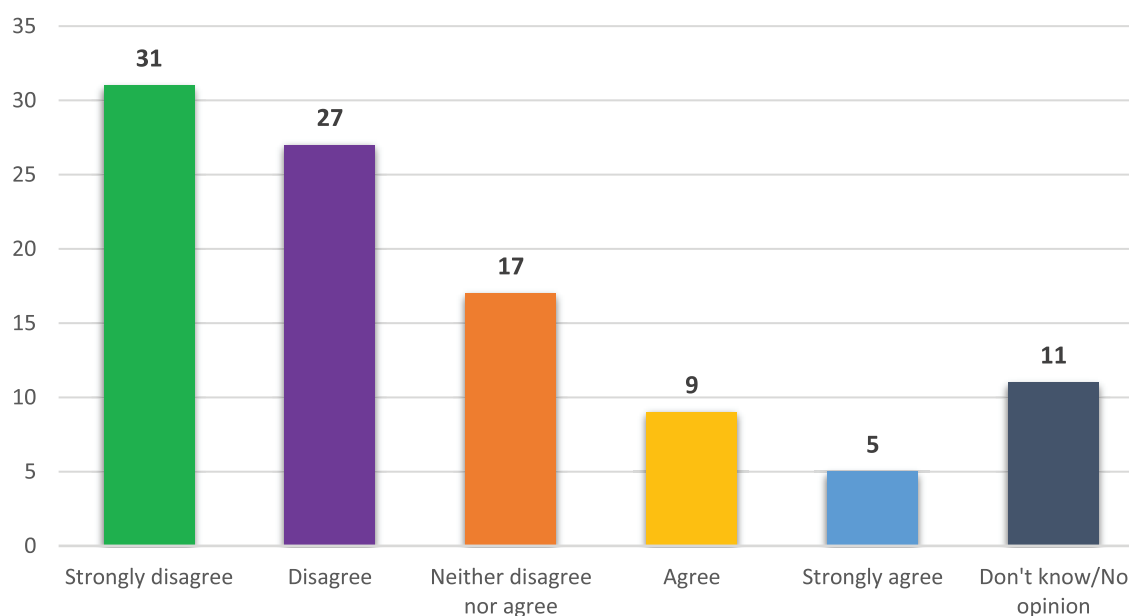
⁷⁴ Available at: <https://bit.ly/2PeV391>

FIGURE 12: IN MY INSTITUTION, POLITICAL AND PERSONAL CONNECTIONS HELP EMPLOYEES TO RECEIVE BONUSES OR INCREASES IN PAY GRADES...



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=126

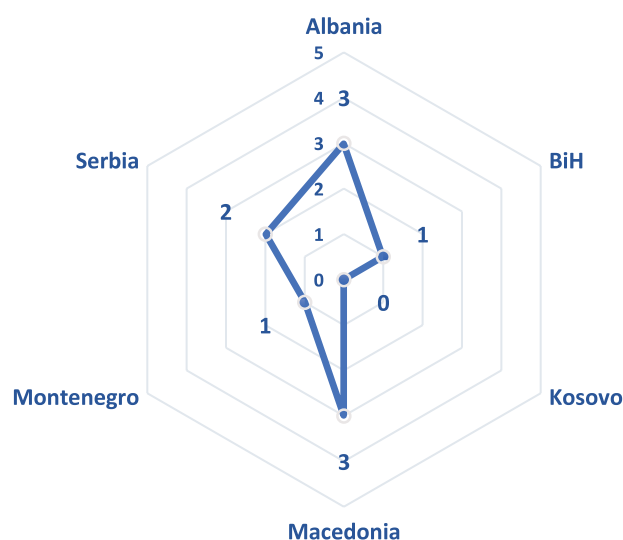
FIGURE 13: IN MY INSTITUTION, BONUSES OR INCREASES IN PAY GRADES ARE USED BY MANAGERS ONLY TO STIMULATE OR REWARD PERFORMANCE



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=126

How does Bosnia and Herzegovina do in regional terms?

Chart 13: Indicator values⁷⁵ for 3PSHRM_P5_I1 “Transparency, clarity and public availability of information on the civil service remuneration system”



Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

Principle 7: Measures for promoting integrity, preventing corruption and ensuring discipline in the public service are in place

WeBER Indicator 1: Effectiveness of measures for the promotion of integrity and prevention of corruption in the civil service

Indicator elements	Score
Integrity and anti-corruption measures for the civil service are formally established in the central administration.	0/4
Integrity and anti-corruption measures for the civil service are implemented in central administration.	2/4
Civil servants consider the integrity and anti-corruption measures as effective.	0/2
CSOs consider the integrity and anti-corruption measures as effective.	0/2
Civil servants consider that the integrity and anti-corruption measures are impartial.	0/2
CSOs consider that the integrity and anti-corruption measures in state administration are impartial.	0/2
Civil servants feel they would be protected as whistle blowers.	0/2
Total	2/18
Indicator value (scale 0-5¹⁴)	0

Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

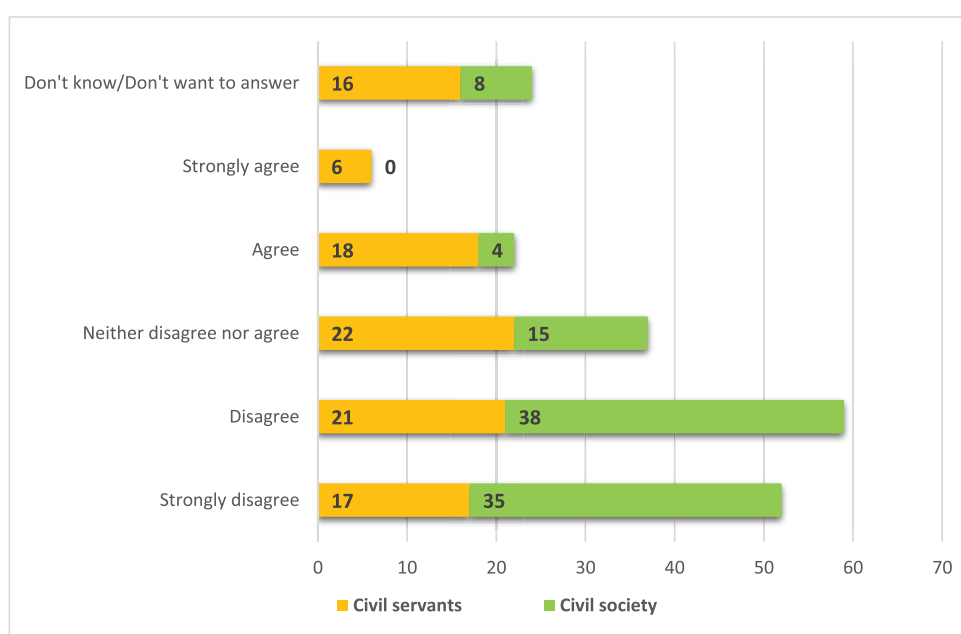
⁷⁵ Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

⁷⁶ Conversion of points: 0-3 points = 0; 4-7 points = 1; 8-11 points = 2; 12-15 points = 3; 16-19 points = 4; 20-22 points = 5

In SIGMA report for 2017 legal framework for public sector integrity in BiH is far from complete and there is no comprehensive public sector integrity policy or action plan. Although SIGMA notes that at the State level some administrative bodies have individually adopted integrity plans and anti-corruption action plans, their implementation in practice is rare.

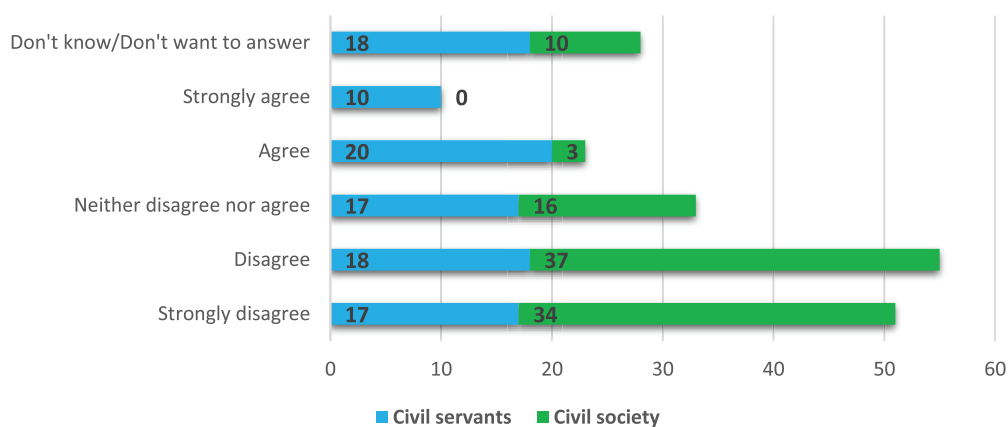
Despite the findings of SIGMA, WeBER survey indicates that currently 24% of surveyed civil servants either agreed (18%) or strongly agreed (6%) that integrity and anti-corruption measures were in place in the institutions where they work and that they were effective in achieving their purpose and some 40% of them stated that the measures were impartial. The CSO survey reveals a different perspective where only 4% of the CSOs agreed that there are such measures in place and only 3% of them thought as impartial.

FIGURE 14: INTEGRITY AND ANTI-CORRUPTION MEASURES IN PLACE IN INSTITUTION ARE EFFECTIVE IN ACHIEVING THEIR PURPOSE



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=124, N=94

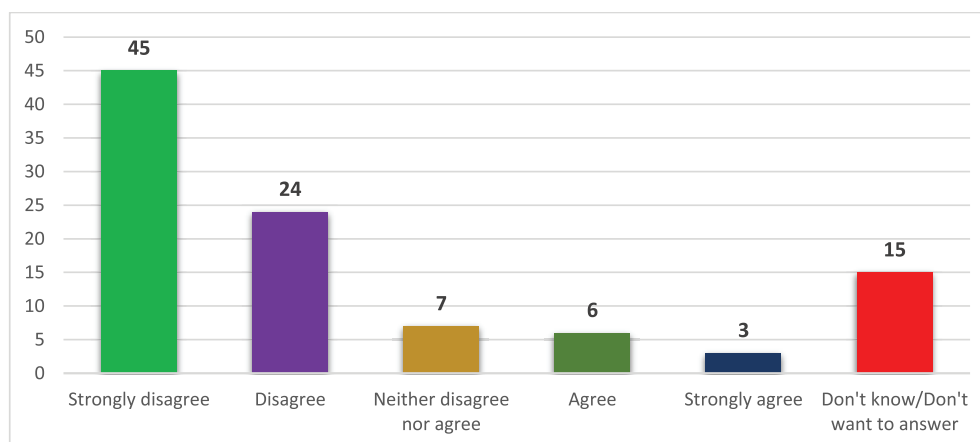
FIGURE 15: INTEGRITY AND ANTI-CORRUPTION MEASURES IN PLACE IN MY INSTITUTION ARE IMPARTIAL



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=124, N=94

Finally, only a small number of surveyed civil servants, 9% of them, answered that they would feel protected as a whistle blower, out of whom just 3% strongly agreed. More than 60% of surveyed civil servants (69%) declare that they would not feel protected if they were to become whistle-blowers in the institutions they work in. Some 15% decided not to say or did not know. These results are important because public institutions can expect success with their whistleblower mechanism only if employees perceive a high level of protection for whistleblowers. More needs to be done to sensitize employees on these aspects.

FIGURE 16: IF I WERE TO BECOME A WHISTLE-BLOWER, I WOULD FEEL PROTECTED



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=124

How does Bosnia and Herzegovina do in regional terms?

Chart 14: Indicator values⁷⁷ for PSHRM_P7_I1 “Effectiveness of measures for the promotion of integrity and prevention of corruption in the civil service”:



Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

IV.4 Summary results: Public Service and Human Resource Management

Data on public service is not kept centrally or updated regularly by the BiH Government. According to SIGMA Monitoring Report 2017 for BiH, there has been no improvement in the functioning of the HRMIS.

The laws regulating civil service employment in BiH (Law on Civil Service in the Institutions of Bosnia and Herzegovina and Labor Law in the Institutions of Bosnia and Herzegovina) do not specify limitations in the number of temporary engagements. The Law on Labour however stipulates that fixed term contract for the same position may not exceed the duration of over two years.

The Law on Civil Service in the Institutions of Bosnia and Herzegovina prescribes that the Civil Service Agency of BiH shall advertise civil service competitions on its official website and in at least three daily newspapers distributed throughout the territory of Bosnia and Herzegovina, at least 15 days before the deadline for submitting applications.

All competition announcements contain sufficient information starting from the general, to the more specific, depending on the specific requirements of the vacancy. The BiH CSA has now created helpful tools for job applicants on its website informing the applicants how to fill out the forms, what documents to submit, how to submit them, what not to submit, and information about the materials and legal sources as well as the literature for taking public examinations.

⁷⁷ Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

The text of the competition is generally clear, however parts of the competition pertaining to job description are often vague, which has prompted an initiative of the Ministry of Justice to regulate this matter through adopting new Rulebooks in all State ministries.

Recruitment and selection procedure for the civil service in general is coherent, fair and merit-based. Labor Law in the institutions of BiH (Article 10) and Law on Civil Servants in the Institutions of BiH (Article 22) only specify general conditions for employment in BiH institutions and civil service. The legislative framework enables equal opportunity for all when applying for a position in civil service. However, some barriers may arise due to the fact that some of the candidates applying for a certain position may have an advantage if they had the opportunity to work in that sector before. Furthermore, civil servants survey points out that politics or personal connections can play an important part in the recruitment process.

Legislative framework governing merit-based recruitment, demotion and termination of employment for civil service positions is sound, yet its implementation is seriously lacking in practice. Practice indicates that appointments of senior civil servants are not void of political influence; the ruling parties usually negotiate the division of positions. As for the dismissal of civil servants, this is an occurrence that rarely happens.

Civil service remuneration system in Bosnia and Herzegovina (State level) is regulated through the Law on Salaries and Remunerations in the Institutions of Bosnia and Herzegovina. Discretionary supplements are often not used to stimulate and award performance, but rather reflect political or personal favouritism. Although SIGMA notes that at the state level some administrative bodies have individually adopted integrity plans and anti-corruption action plans, their implementation in practice is rare.

IV.5 Recommendations for Public Service and Human Resource Management

No comprehensive strategic document on the civil service has been elaborated countrywide. The Government keeps incomplete official data about the number and structure of employees in the civil service and the reports on HRM policy are incomplete and are not comprehensive, which affects the HRM policy planning, policymaking, and monitoring. There has been no improvement in the functioning of the HRM Information System (HRMIS) at any level.

1. **A new, all encompassing PAR strategic framework needs to be adopted thus regulating the area of civil service and human resource management**
2. **Civil servants registers (CSR) need to be established properly and available on-line.** The registers also should include short term employment and expert contracts. It is necessary to find a workable solution for removing the barriers in making the HRMIS at all levels operational as tools for civil service strategic planning and decision making.
3. **When established, all institutions within the civil service system should regularly update CSR in line with the CSL.** The CoM and State Ministries need to ensure mechanisms for obliging the institutions actively contribute to the data collection on the civil service system.
4. **The Annual Report on CS should include data on all forms of temporary engagements in the civil service.** The data should follow the current structure of the data on civil servants, with additional fields on the type and duration of the temporary contract. This will allow for better understanding of the state of play in the civil service.

5. **The Government should enact a special Regulation on the CSR.** This means - frequency and methods of updating the Registry, its management, monitoring as well as the sanctions and responsible authority (e.g. Administrative Inspection) in charge of ensuring accuracy and regular update of the CPR.
6. **Statistical data on the civil service should be publicly available, including in open data formats.** This can be done either via functionalization of HRMIS or through web page of the BiH CSA as well as the Open Data Portal. Data should be machine readable and available for download free of charge.
7. **The HRMS should produce and publish comprehensive annual reports on the implementation of laws and policies pertaining to the human resource management in the civil service.** The reports should cover planning and recruitments, appraisals, career development, professional development, salaries, disciplinary procedures and corruption/integrity issues. In addition to quantitative elements, the reports should contain outcome-oriented components that would address the quality of work of the civil service and assessment of whether it has become more or less professionalised, depoliticised, as well as whether capacities have improved or not.
8. **The CoM, State Ministries and the BiH CSA should actively promote reports on the civil service** through most popular nation-wide means, such as webpages, social media, press releases or media statements.

The practice of engaging individuals on the temporary basis, without clear criteria, limited duration or transparency of the process, hampers the merit principle. Temporary employment in the civil service should be better regulated to limit the space for abuse.

9. **The Government should amend the CSL and the Labour Law to explicitly limit the duration and prescribe unambiguous criteria for the selection of temporary staff in the state administration.** Duration of all forms of temporary engagement contracts (fixed-term contract under the CSL, temporary and service contracts under the Labour Law) should be legally limited to up to one year. Criteria for temporary employment should contain requirements and/or competences which are equal or similar to those required for civil servants performing tasks (jobs) of similar complexity.
10. **Public competitions for temporary staff in the civil service should be obligatory and BiH CSA or related institutions should examine competencies of candidates based on clearly set criteria for temporary engagement.** The calls should be advertised through channels used for public competitions for permanent employment in the civil service. The procedure should be similar to that for a permanent employment, but with much less formality. The calls should contain clear elements such as the following: job description, requirements/competences, information on remuneration, testing procedure, necessary documents and deadlines for applying. The institutions should form ad hoc in-house committees (composed of the direct supervisor of the potential employee and an HR professional) to test the knowledge of candidates. The committees should publish reports on the results of temporary engagement procedures.

Recruitment into the civil service does not ensure that the best candidates get employed. To improve transparency, openness and fairness of the recruitment, and thus comply with the merit-based principle, practices should be improved starting from advertising the vacancy to the decision on the outcome of the selection process.

- 11. The practice of advertising public vacancies through all available means, including social media channels should be ongoing but improved as well.** The CSA BiH and the institutions advertising vacancies should introduce subscription options and advanced search engines on their respective web pages, for filtering vacancy announcements. Applying these methods would ensure a wider reach to potential candidates and increase the number of candidates per vacancy.
- 12. Employment procedures need to be more simplified. State administration bodies should invest effort in making public competition announcements more understandable to external candidates.** Enable creation of electronic profiles and submission of documents. CSA BiH is making an effort to ensure that the external candidates understand the job description and all requirements for applying, but maybe to include visual elements such as infographics or videos explaining the steps in the recruitment process, as well as publish a FAQ sheet clarifying most challenging questions based on the previous practice. This sheet should be updated regularly as candidates send new requests for clarification, so that all interested are timely informed
- 13. Adopt the new Rulebooks within CoM and State Ministries with clear definition of job positions and tasks related to those positions.**
- 14. The document submission stage should impose minimum administrative and paperwork burden on candidates.** It should be organised in at least two phases, with only basic documents (such as the cover letter, CV, ID and birth certificate), requested in the first instance. Candidates should be allowed to supplement missing documentation within at least 5 working days.
- 15. Provide proper mechanisms for selection of most qualified professionals to partake in Selection Committees in open job competitions and ensure transparency of the outcomes of the recruitment procedures.** Decisions and reasoning of the selection of candidates, as well as on the annulment of public competitions, should be made publicly available, with due respect to the protection of personal information.

Current formal and informal practices in the senior civil service fail to adequately protect the managerial levels from political influence. Several key changes are needed to decrease the level of politicization and enable senior civil servants to exercise their duties in a politically impartial manner.

- 16. Provide proper mechanism for effective assessment of job efficiency for senior civil servants without political or personal influence.**
- 17. The Government should amend the CSL to prescribe that acting senior managers are appointed from within the civil service ranks. Additionally, the CSL should allow the acting managers to automatically be appointed as senior civil servants if the body fails to successfully conduct a competition process within the legally prescribed timeframe.**

Efforts are lacking to make the information on the civil service remuneration system fully transparent, clear and publicly available. Future activities should go in the direction of increasing public availability of information on the salaries of civil servants.

18. The web pages of the CoM, BiH CSA and respective institutions should contain information on average total salaries per different categories of civil servants.

This information should be accessible in no more than three clicks from the homepage of the institution.

19. Citizen-friendly explanations or visual presentations of the remuneration information should be provided on the website of respective institutions. These illustrations should be easy to understand and written in a non-bureaucratic language, as well as contained within three clicks from the homepage of the institutions.

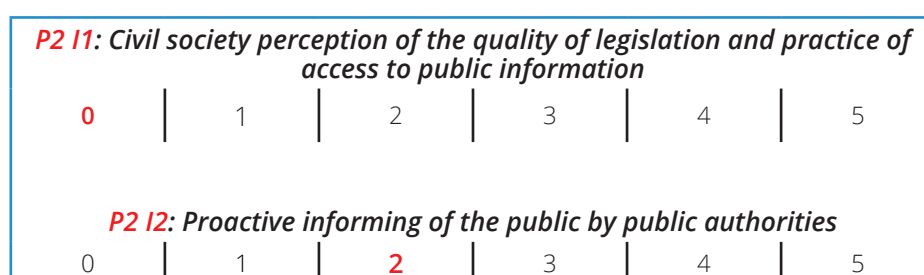
Implementation of formal integrity and anti-corruption measures in the civil service remains a challenge and civil servants fear of consequences of disclosing information about unethical behaviour in their organisations.

20. Central State administration bodies should continuously promote the whistleblower protection system to their employees. This can be done through in-house awareness raising workshops across the administration, reader-friendly brochures and counselling about the possibilities given to whistle blowers, including real-life cases and examples.

21. Enable proactive transparency of institutions with regard to civil service and human resource management. Promoting transparency, fight against corruption and integrity for the improvement of civil service.

V. ACCOUNTABILITY

WeBER indicators used in Accountability and country values for BiH



V.1 State of Play in Accountability

Bosnia and Herzegovina, as a democratic country seeking accession to EU membership and under the pressure coming from the international community, is the first country in region which in 2000 has adopted Freedom of Access to Information Act⁷⁸, at first on the State level and then in 2001 in both of its entities (FBiH and the RS). Laws were adopted to improve transparency and accountability by making information open to the public because this right is basic democratic citizens' right and is a very important tool in ensuring of the rule of law and good governance.

According to the Law, every natural and legal person has the right of access to information pertaining to public authority, and each public authority has a corresponding obligation to disclose such information. However, the implementation has not yet met the international standards of transparency. The main obstacles include the still inadequate capacities of public institutions for implementation, failure to deliver information in an adequate form, lack of knowledge among the wider public of the rights provided.

The Laws on Freedom of Access to Information in BiH do not contain provisions on proactive publication. The only exception are provisions on the publication of guides and the index of information registers in possession of public authorities, so that the public knows which type of information it can seek to access. Nevertheless, there are other relevant laws, which prescribe the proactive disclosure of certain information (eg. information contained in official gazettes or official websites of public bodies). For example, public bodies must disclose various budget documents according to budget laws at various levels of government. According

⁷⁸ See: http://www.mpr.gov.ba/web_dokumenti/ZOSPI_-_B.pdf; Freedom of Access to Information Act of BiH, Official Gazette of BiH Nos. 28/2000, 45/06, 102/09, 62/11 and 100/13)

to audit laws, supreme audit institutions publish audit reports on their official websites. On some levels of government, provisions pertaining to the maintenance of official websites have been adopted. They partly prescribe the type of information that should be made available.⁷⁹

In their 2016 Annual Report on the results of the activities of the Ombudsman, Ombudspersons have indicated that the Ministry of Justice of Bosnia and Herzegovina opened the process of consultations on a new Law on Freedom of Access to Information of Bosnia and Herzegovina⁸⁰ in which they actively participated.

In December 2016, Transparency International in Bosnia and Herzegovina (TI BiH) together with the group of organizations sent a letter to the Ministry of Justice of BiH requesting to withdraw from the procedure the draft Law on Free Access to Information since its adoption would violate the media and civil freedoms. A joint reaction emphasizes that the proposed draft Law revokes the already acquired rights in the field of free access to information, instead to improve the existing rights. Civil society organizations warned that the proposed solutions are not in compliance with the international standards with regard to the freedom of expression and access to information defined by the European Convention on Human Rights and Fundamental Freedoms and the Universal Declaration of Human Rights, which is why they invited the Ministry of Justice of BiH to return the draft Law for revision and to consult all interested organizations and public during the new preparation of the Law, paying special attention to the international recommendations and following of the international conventions.⁸¹

Given the large number of objections expressed by the public bodies and non-governmental organizations, the process of public consultations has resulted in withdrawal of the proposed draft by the Ministry of Justice of Bosnia and Herzegovina and all relevant and interested parties were invited to submit their suggestions of the amendments to the existing wording of the Law. In a letter dated 27 March 2017, Ombudspersons presented the proposed amendments to the Law on Freedom of Access to Information of Bosnia and Herzegovina to the Ministry of Justice of Bosnia and Herzegovina. These amendments have not been adopted yet, nor had the Ombudsman been provided with any information regarding this procedure. There is also the issue of the existence of two instances in decision-making process to which the Ombudspersons have turned the attention of the authorities to in their annual reports on the results of the activities of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for 2015 and 2016 including the recommendation to the competent authorities to co-operate in regulating the issue of decision-making in two instances. This recommendation has not been implemented yet. Ombudspersons still think that the absence of penalty provisions in the entity laws on freedom of access to information is raising concerns.⁸²

Based on SIGMA monitoring results⁸³ effective mechanisms are not guaranteed for supervising implementation of the laws on access to public information. There is no institution aggregating statistical data on implementation of public information laws at any level. Information collected by the Ombudsman Institution is incomplete, as the majority of public bodies do not

79 Analitika - Center for Social Research, "Towards Proactive Transparency in Bosnia and Herzegovina", Policy Memo, 2013.

80 See: <http://www.mpr.gov.ba/aktuelnosti/vijesti/default.aspx?id=5605&langTag=bs>

81 See: <https://ti-bih.org/prednacrt-zakona-o-slobodi-pristupa-informacijama-ugrozava-medijske-gradanskeslobode/?lang=en>

82 2017 Annual Report on the results of the activities of The Institution of The Human Rights Ombudsman of Bosnia and Herzegovina

83 SIGMA Monitoring Report 2017 – Bosnia and Herzegovina

report on their implementation of these laws. In the FBiH and the RS, there are no institutions explicitly responsible for supervising implementation of the laws on access to public information, and there is no evidence of any supervision performed in this area. At the State level, the Administrative Inspectorate (AI) has been tasked with monitoring compliance in this matter. In 2016, the AI conducted over 20 inspections, but no sanctions have been imposed for violations of the State Law on Freedom of Access to Information. Some functions pertaining to the monitoring of access to public information are assigned to the Ombudsman Institution. These include developing guidelines and recommendations, collecting statistical data and considering citizens' complaints (but not appeals) regarding activities of public institutions with regard to public information requests. However, the Ombudsman Institution has no instruments to ensure compliance with its guidelines and recommendations or to ensure that all public bodies deliver statistics. Furthermore, its recommendations in response to citizens' complaints are not binding for public institutions.

The lack of an effective legal and institutional framework results in a low level of transparency of public institutions. In 2017 the Ombudsmen received 248 complaints related to freedom of expression and free access to information, which represents a decrease of 43 complaints compared to the previous year. In 2017 the Ombudsman issued 59 recommendations related to free access to information. The substance of complaints related to freedom of expression and free access to information is repeating from one year to the next. Public authorities still demonstrate stall in decision-making process in both first and second instance, adopt decisions that do not contain all the legally specified elements (reasoning, instruction on legal remedy), and only formally comply with the requests without granting the real access to information, in addition to ever increasing practice of public authorities to deny access to information invoking the personal data protection, or protection of commercial interests of third parties, without performing the public interest test as prescribed by the Law.⁸⁴

When it comes to proactive information, a comprehensive review of the websites of government bodies at the State level, conducted by the non-governmental organisation Analitika in 2016, showed that the level of proactive transparency in the state-level institutions is very low, but that there are a few institutions which stand out when it comes to the application of the principles and standards of proactive publishing of information⁸⁵. The results show that some institutions significantly improved their transparency level compared to the results of May 2016. The greatest progress was made by the PARCO, which increased its degree of standards fulfilment by 24 percent (from 63.13% to 87.72%), and the Agency for Statistics of BiH (BHAS), with a 13 percent point increase (from 50.88% to 64.04%). PARCO is the only institution that has published its employees' salaries, which is substantial progress considering that institutions are traditionally secretive when it comes to their employees' remuneration. Furthermore, PARCO is the only institution that has published its public procurement contracts and statements on conducted consultations. BHAS made a leap from the seventh to the third place on the list, mainly because it has complied with many more standards regarding the publishing of strategic, operative and budget-related information compared to May 2016. The Directorate for European Integration (DEI) and the Agency for the Development of Higher Education and Quality Assurance of BiH remain at the top of the list as they have

⁸⁴ 2017 Annual Report on the results of the activities of The Institution of The Human Rights Ombudsman of Bosnia and Herzegovina

⁸⁵ "Council of Europe Convention on Access to Official Documents", CETS br. 205, 18. 6. 2009. BiH signed the Convention in 2012. The convention has not yet entered into force, since the current number of countries that have signed the convention is not sufficient for its ratification

achieved good results in each category – from at least 60% to the maximum 100%.⁸⁶

SIGMA's review of a sample of websites of public institutions at all levels provided similar results, and showed that the level of proactive transparency in the state level institutions is low.

When it comes to Open Government Partnership (OGP), at the meeting in UN Headquarters, held on 24 September 2014, BiH was formally introduced as a new member of the Open Government Partnership. This also represents an official confirmation of BiH intentions to make additional efforts in terms of transparency and openness of government, as well as cooperation with citizens and civil society in accordance with the objectives of economic and social development of the country on the path towards the European integration. However, workshop on preparations of the OGP Action Plan for the level of BiH was organised in Sarajevo on 27 July 2018. Representatives of four institutions and CSO representatives attended the workshop. After consultations and discussions, it has been concluded that the commitments in the first action plan for the level of BiH will refer to the areas of improvement of proactive transparency of public institutions, piloting of open data, improvement of cooperation mechanisms with civil society and strengthening of integrity of civil servants. Based on these general areas, the institutions committed to drafting the proposals of commitments that will be further discussed and consulted in the process of drafting of the action plan.⁸⁷

Relevant reports about the state of transparency, accountability and integrity (i.e. audit reports), as well as overall/general grades, like the ones made by European Commission about Bosnia and Herzegovina, show that there has been no progress in the last period. The data gathered by TI BiH shows that the findings are no different than from the previous years. Institutions are still reporting the same data, while for example, the employment contracts are not planned ahead, nor are there any indications of progress in the process for this kind of engagements. If one could separate out the area where some progress has been made, that would be the institute of integrity, which, as a principle, was not seen before in many of the public institutions. Currently, the number of institutions that have implemented the principle of integrity, or that plan to adopt such principle in the next period, has risen. It is of most concern that certain weaknesses or the lackings are repeated, such as employee policies are random or are not created on midterm or long term basis.

V.2 What does WeBER monitor and how?

The SIGMA Principle covering the right to access public information is the only Principle presently monitored in the Accountability area.

Principle 2: The right to access public information is enacted in legislation and consistently applied in practice.

This Principle bears utmost significance from the perspective of increasing the transparency of the administration and holding it accountable by the civil society and citizens, but also from the viewpoint of safeguarding the right-to-know by the general public as the precondition for better administration. The WeBER approach to the Principle does not consider assessment of regulatory solutions embedded in free access to information acts, but it relies on the practice of reactive and proactive information provision by administration bodies. On one hand, the

⁸⁶ Analitika - Center for Social Research, Proactive Transparency in Institutions of Bosnia and Herzegovina: good practices, October 2016.

⁸⁷ See: <http://spi.ba/en/news-en/workshop-preparation-ogp-action-plan-held>

approach considers the experience of civil society with the enforcement of the legislation on access to public information, and on the other, it is based on direct analysis of the websites of administration bodies.

Monitoring is performed by using two WeBER indicators, the first one entirely focusing on civil society perception of the scope of right to access public information and whether enforcement is enabling civil society to exercise this right in a meaningful manner. To explore perceptions, a survey of civil society organisations in Western Balkan was implemented using an online surveying platform, in the period between the second half of April and beginning of June 2018.⁸⁸ The uniform questionnaire with 33 questions was used in all Western Balkans ensuring an even approach in survey implementation. It was disseminated in local languages through the existing networks and platforms of civil society organisations with large contact databases but also through centralised points of contact such as governmental offices in charge of cooperation with civil society. To ensure that the survey targeted as many organisations as possible in terms of their type, geographical distribution, and activity areas, and hence contribute to its representativeness as much as possible, additional boosting was done where needed to increase the overall response. Finally, a focus group with CSOs was organised to complement survey findings with qualitative data. However, focus group results are not used for point allocation for the indicator.

The second indicator has proactive public informing by administration bodies as its focus, particularly by monitoring comprehensiveness, timeliness and clarity of the information disseminated through official websites. In total, 18 pieces of information are selected and assessed against two groups of criteria: 1) basic criteria, looking at completeness, and whether information is up to date, and 2) advanced criteria, looking at the accessibility and citizen friendliness of the information.⁸⁹ A search of information is conducted through the official websites of the sample of seven administration bodies consisting of three line ministries - a large, a medium, and a small ministry in terms of thematic scope, a ministry with a general planning and coordination function, a government office with centre-of-government function, a subordinate body to a minister/ministry and a government office in charge of delivering services.⁹⁰

⁸⁸ The survey of CSOs was administered through an anonymous, online questionnaire. In BiH, survey was conducted in the period from April 23rd to June 4th, 2018. The data collection method included CASI (computer-assisted self-interviewing).

⁸⁹ Exceptions being information on accountability lines within administration bodies, which is assessed only against the first group of criteria, and information available in open data format which is assessed separately.

⁹⁰ For BiH, the sample included BiH Ministry of Foreign Trade and Economic Relations, BiH Ministry of Justice, BiH Ministry of Defense, BiH Ministry of Finance and Treasury, BiH Directorate for European Integration, BiH Food Safety Agency, BiH State Investigation and Protection Agency

V.3 WeBER Monitoring Results

Principle 2: The right to access public information is enacted in legislation and consistently applied in practice

WeBER indicator ACC P2 I1: Civil society perception of the quality of legislation and practice of access to public information

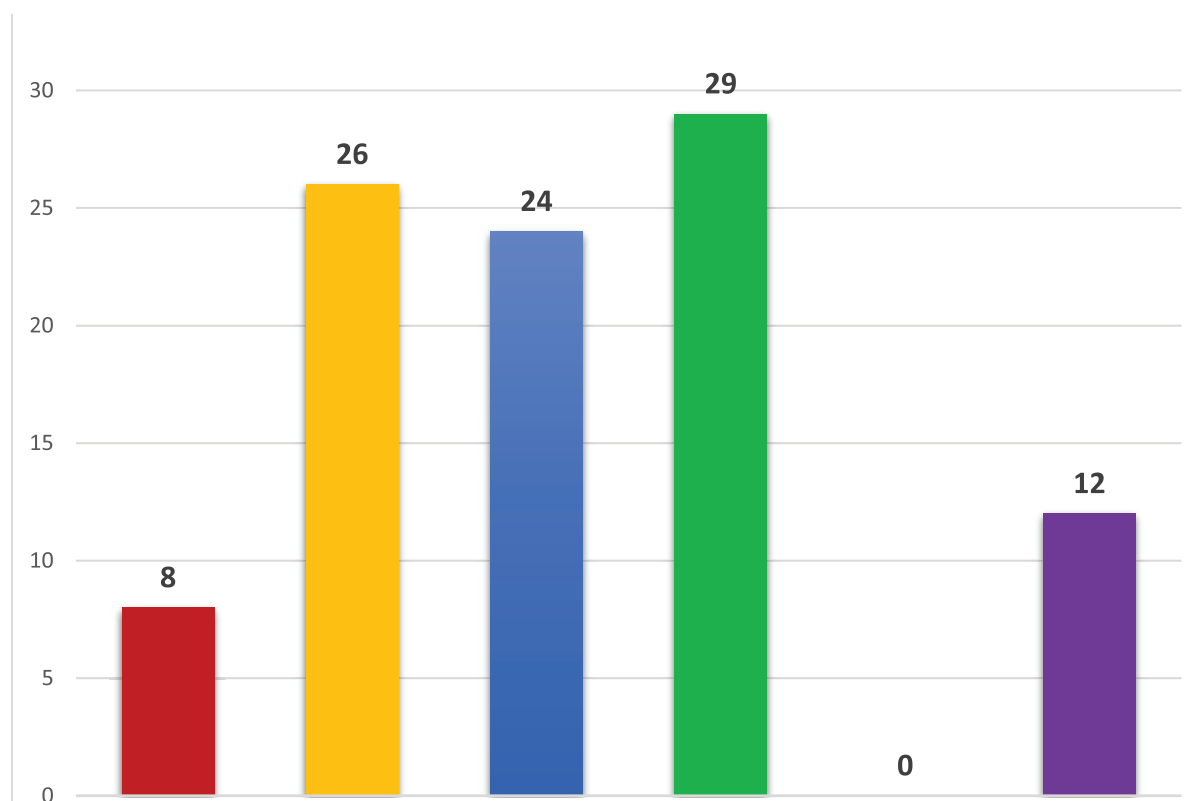
Indicator elements	Scores
CSOs consider that the information recorded and documented by public authorities is sufficient for the proper application of the right to access public information	0/4
CSOs consider exceptions to the presumption of public character of information to be adequately defined	0/2
CSOs consider exceptions to the presumption of public character of information to be adequately applied	0/4
CSOs confirm that information is provided in the requested format	1/2
CSOs confirm that information is provided within prescribed deadlines	1/2
CSOs confirm that information is provided free of charge	2/2
CSOs confirm that the person requesting access is not obliged to provide reasons for requests for public information	0/2
CSOs confirm that in practice the non-classified portions of otherwise classified materials are released	0/4
CSOs consider that requested information is released without portions containing personal data	0/2
CSOs consider that when only portions of classified materials are released, it is not done to mislead the requesting person with only bits of information	0/2
CSOs consider that the designated supervisory body has, through its practice, set sufficiently high standards of the right to access public information	0/4
CSOs consider the soft measures issued by the supervisory authority to public authorities to be effective	0/2
CSOs consider that the supervisory authority's power to impose sanctions leads to sufficiently grave consequences for the responsible persons in the noncompliant authority	0/2
Total	4/34
Indicator value (scale 0-5⁹¹)	0

Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

Survey results show that less than 30% of CSOs agreed that public authorities, in their operations, record sufficient information to enable the public to fulfil the right to free access of information of public importance. Moreover, while 21% of them claim that the legislation prescribes adequate exceptions to the public character of information produced by public authorities, only 14% agree (13%) or strongly agree (1%) that these exceptions are adequately applied in practice.

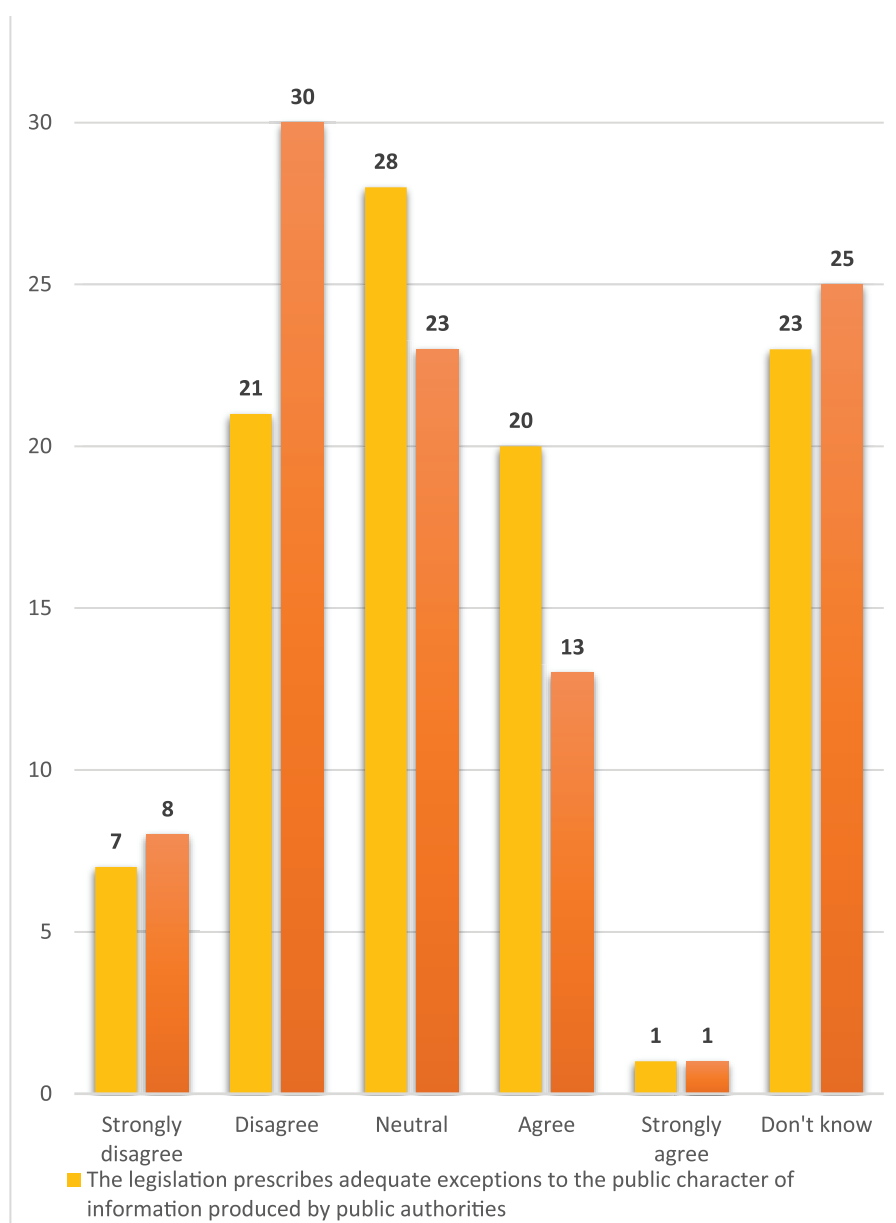
91 Conversion of points: 0-6 points = 0; 7-11 points = 1; 12-17 points = 2; 18-23 points = 3; 24-28 points = 4; 29-34 points = 5.

FIGURE 1 AGREEMENT WITH THE STATEMENT “IN EXERCISING THEIR ACTIVITIES, PUBLIC AUTHORITIES RECORD SUFFICIENT INFORMATION TO ENABLE THE PUBLIC TO FULFIL THE RIGHT TO FREE ACCESS OF INFORMATION OF PUBLIC IMPORTANCE” (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base: N=107

FIGURE 2 AGREEMENT WITH STATEMENTS ON EXEPTIONS TO THE PUBLIC CHARACTER OF INFORMATION (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%, N=107

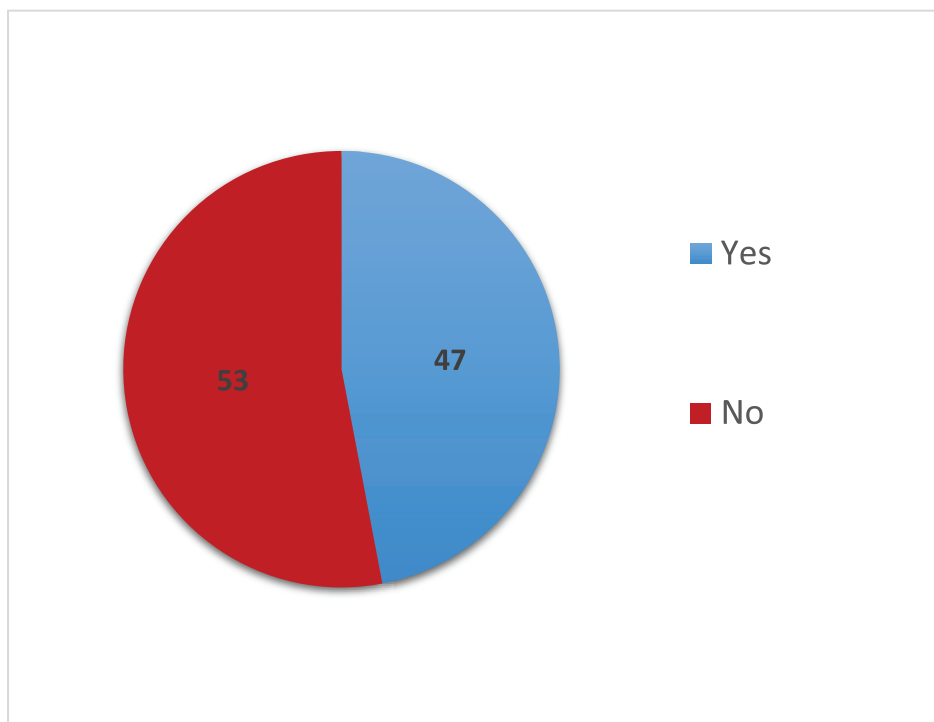
WeBER Platform members' findings

According to the CIN investigation, records on public expenditures are often hidden and when someone lawfully asks to see them, they are refused and given baseless excuses. Bureaucrats are allowed to decide whether to give up information on their own individual and arbitrary interpretation of the Law.

To get information, public has to send the request in writing. The request must have clear and precise explanation of what is the requested information, in what format it should be and where it should be sent. Citizens do not have to reveal why they want the information or what they are going to do with it.

[Center for Investigative Reporting \(CIN\), 2015](#)

FIGURE 3 HAS YOUR ORGANIZATION SENT A REQUEST FOR FREE ACCESS OF INFORMATION IN THE PAST TWO YEARS? (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base: N=107

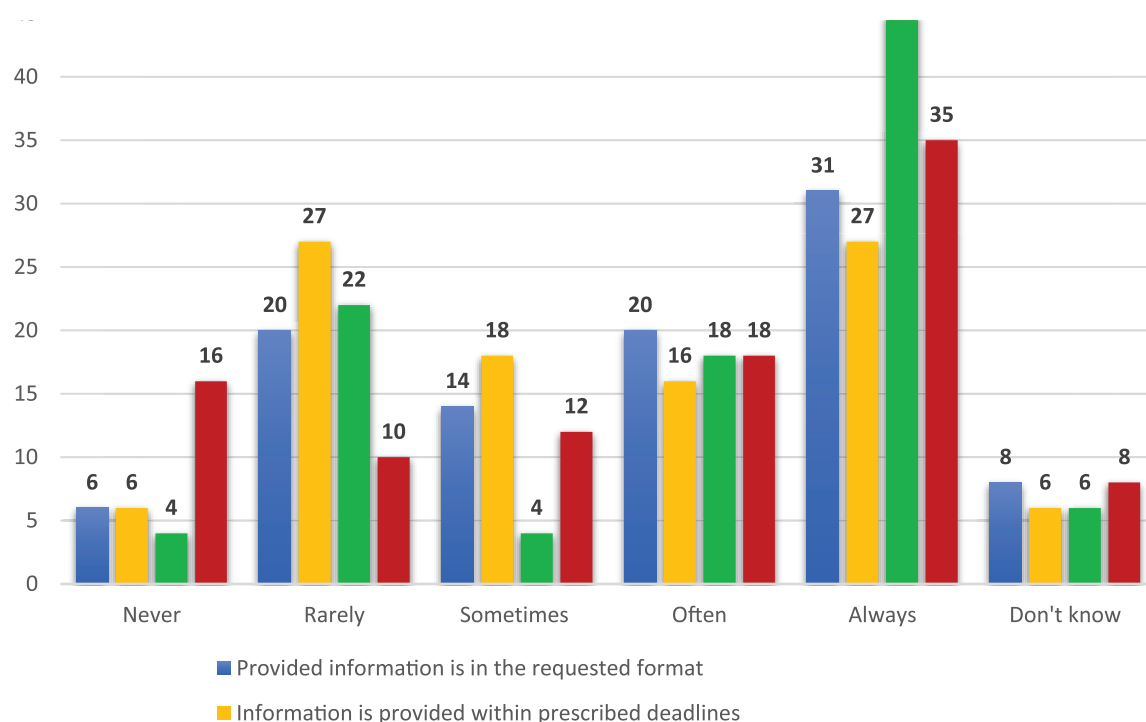
Out of those CSOs that have answered yes to the question “Have you sent a FOI request in the past two years?”, 51% claim that provided information is “often” (20%) or “always” (31%) in the requested format, 43% state that information is provided within prescribed deadlines, and more than 50% of respondents (6%) declare that they are provided free of charge. 26% of surveyed CSOs that had exercised their right to information state “rarely” (10%) or “never” (16%) when it comes to providing reasons for such a request.

WeBER Platform members’ findings

TI BiH had requested from public enterprises access to information directly pertaining to their work, such as: information on the composition of their governing bodies along with the amount of fees received by their members, the number of employees regardless of their profile, financial and audit reports with the accompanying annexes for 2016, conflict of interest declarations, etc. The study included more than 350 public enterprises in BiH. Of those, only 49.6% of enterprises from Republika Srpska (RS) and 41.7% from the Federation of BiH (FBiH) sent their replies to TI BiH within the statutory time period. The two most common irregularities in the implementation of the Law on Freedom of Access to Information, as identified by the study, are the failure to apply the public interest test and the automatic application of exemptions, particularly those pertaining to the protection of privacy or to confidential commercial interests.

[Transparency International BiH \(TI BiH\), 2017](#)

FIGURE 4 WHEN MY ORGANIZATION REQUESTS FREE ACCESS TO INFORMATION... (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base: N=49

Institutions often insist that the responsible person of the organization sign requests. It is very difficult to get information within the legally prescribed deadline (delays are required). In the case of documents with many pages, information is sometimes available to public inspection in the premises of the institution, but not for copying. For copying, a special request is required, which is prolonged again, and photographs of documents during the public inspection are forbidden.⁹²

Slightly more than 40% of CSOs were not able to answer whether non-classified portion of materials that contain classified materials are released or not. Only 4% of them declare so. Moreover, slightly more than 18% of CSOs state that when requiring information that may contain personal data materials, portions not containing personal data of these materials are released. It is of note that 37% answered "don't know".

92 Focus group with CSOs, held on 27th July 2018 in Sarajevo.

TABLE 1: EXPERIENCE WITH REQUESTS TO INFORMATION THAT CONTAINS CLASSIFIED OR PERSONAL DATA MATERIALS (%)

	Never	Rarely	Sometimes (in about half of the situations)	Often	Always	Don't know
<i>When requesting access to information that contains classified materials, nonclassified portions of these materials are released.</i>	12	20	20	2	2	43
<i>When requesting access to information that contains personal data materials, portions not containing personal data of these materials are released.</i>	8	27	10	8	10	37
<i>When only portions of requested materials are released, it is done so as to mislead the requesting person with only partial information.</i>	8	16	20	12	4	39

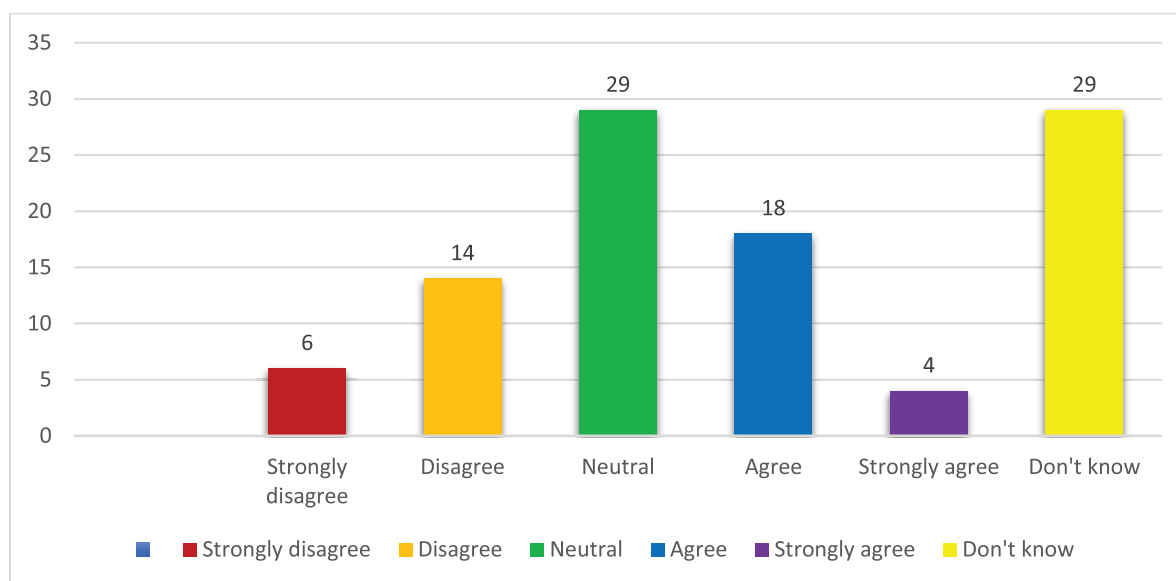
Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base: N=49

All financial information is very difficult to get. The reason is often the protection of personal data and third party protection. It is also very difficult to obtain tender documentation. There is a lot of misunderstanding when it comes to what is and what is not covered by the FOIA, as well as about the difference between FOIA and journalist information.⁹³

Around 25% of surveyed CSOs that had exercised their right to information answer “rarely” (16%) or “never” (8%) to the statement „When only portions of requested materials are released, it is done so as to mislead the requesting person with only partial information” But, 39% of them select “don't know” as an answer.

93 Focus group with CSOs, held on 27th July 2018 in Sarajevo.

FIGURE 5 AGREEMENT WITH THE STATEMENT “BiH MoJ, SETS, THROUGH ITS PRACTICE, SUFFICIENTLY HIGH STANDARDS OF THE RIGHT TO ACCESS PUBLIC INFORMATION” (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base: N=49; Only CSOs who answered they sent a request for free access of information in the past two years were asked these questions

Slightly more than 20% of CSOs think that the BiH MoJ as the supervisory body, through its practice, sets sufficiently high standards of the right to access public information. Only 6% agree or strongly agree that soft measures issued by the MoJ to public authorities are effective in protecting access to information. It is of note that 31% answered “don't know”.

TABLE 2 EFFECTIVENES OF THE MEASURES TAKEN BY THE COMMISSIONER (%)

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Don't know
<i>Soft measures⁹⁴ issued by the BiH MoJ to public authorities are effective in protecting access to information.</i>	10	27	20	4	2	37
<i>The sanctions prescribed for the violation of the right to free access information lead to sufficiently grave consequences for the responsible persons in the non-compliant authorities</i>	10	29	18	8	4	31

Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base: N=49; Only CSOs who answered they sent a request for free access of information in the past two years were asked these questions

Lastly, in case of the violation of right to free access of information from public institutions, only 12% of respondents agree that prescribed sanctions lead to sufficiently grave consequences for the responsible persons in the non-compliant authorities.

94 Prescriptions, recommendations and other non-binding measures.

There is no responsibility for not providing the information, even in cases where lawsuits have been won by some CSOs against the institutions. CSOs confirm that informal channels often seem to be the only way to access certain information, where personal contacts might be the only way to gain access to what should be, by all criteria, publically available information. There are some institutions that will answer to FOI without much administrative complications and send responds by e-mail, yet those are rare. Practice varies at various levels of government. Even though where there are some preconditions in place, it is questionable whether your FOI request will be answered. Information pertaining to finances, tenders, publically own companies, and public spending are the hardest to obtain.⁹⁵

WeBER indicator ACC P2 I2: Proactive informing of the public by public authorities

Indicator elements	Scores
Websites of public authorities contain complete and up to date information on scope of work	2/4
Websites of public authorities contain easily accessible and citizen-friendly information on scope of work	1/2
Websites of public authorities contain complete and up to date information on accountability (who they are responsible to)	2/4
Websites of public authorities contain complete and up to date information on relevant policy documents and legal acts	4/4
Websites of public authorities contain accessible and citizen friendly information on relevant policy documents and legal acts	1/2
Websites of public authorities contain complete and up to date information on policy papers, studies and analyses relevant to policies under competence	2/4
Websites of public authorities contain accessible and citizen-friendly information on policy papers, studies and analyses relevant to policies under competence	1/2
Websites of public authorities contain complete and up to date annual reports	0/4
Websites of public authorities contain accessible and citizen friendly annual reports	0/2
Websites of public authorities contain complete and up to date information on the institution's budget	0/4
Websites of public authorities contain accessible and citizen-friendly information on the institution's budget	0/2
Websites of public authorities contain complete and up to date contact information (including e-mail addresses)	4/4

⁹⁵ Focus group with CSOs, held on 27th July 2018 in Sarajevo.

Websites of public authorities contain accessible and citizen friendly contact information (including e-mail addresses)	2/2
Websites of public authorities contain complete and up to date organisational charts which include entire organisational structure	0/4
Websites of public authorities contain accessible and citizen friendly organisational charts which include entire organisational structure	1/2
Websites of public authorities contain complete and up to date information on contact points for cooperation with civil society and other stakeholders, including public consultation processes	2/4
Websites of public authorities contain accessible and citizen friendly information on ways in which they cooperate with civil society and other external stakeholders, including public consultation processes	1/2
Public authorities proactively pursue open data policy	0/4
Total	23/56
Indicator value (scale 0-5¹⁷)	2

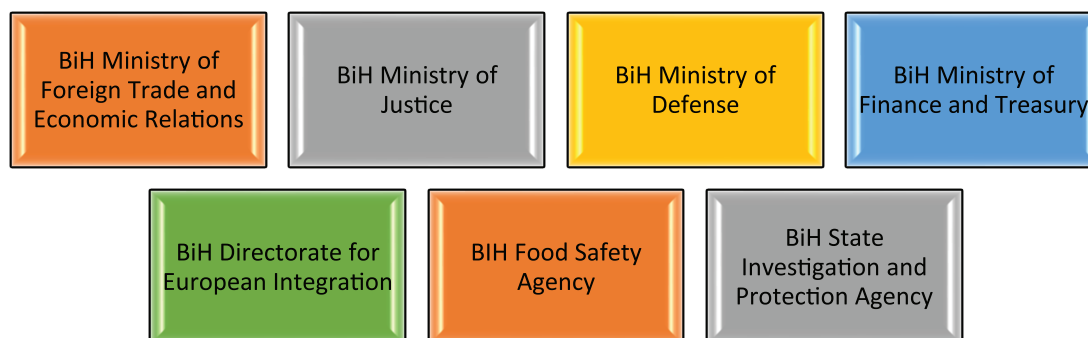
Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

Information on scope of work on websites of institutions is not complete or in line with descriptions in legal acts for all sampled institutions. This information is easily accessible on the websites, but it is not consistently presented in a citizen-friendly manner. Within the section on Information Booklets, the sampled institutions provide complete and updated information on who they are accountable to, with one exception. Information on relevant policy documents and legal acts from their purview is complete, up to date and accessible for each sampled institution. This information is not regularly followed with textual explanations, so the lack of citizen-friendliness is evident for almost all institutions. Similarly, majority of websites (with two exceptions) contain up to date, accessible and citizen-friendly information on policy papers, studies and policy relevant analyses.

Almost half of the institutions do not publish information on annual reports on their work, but those that do, publish it on a regular basis and make them easily accessible, although they are not written in a citizen-friendly manner. It is noteworthy that institutions generally publish information on the institutions' budget (appropriation of funds) only within their financial reports, which are regularly made available. Practice of publishing budget for citizens is non-existent for the sampled institutions.

96 Conversion of points: 0-10 points = 0; 11-19 points = 1; 20-28 points = 2; 29-37 points = 3; 38-46 points = 4; 47-56 points = 5

FIGURE 6 SAMPLE OF 7 INSTITUTIONS ON THE STATE LEVEL



Note: Monitoring covered the period 25 September 2017 - 29 September 2017

Contact information is fully published, with different contact channels stated in separate web-site sections, easily accessible online. Organisational charts with hierarchy of units are generally not in line with acts on internal structure and job positions (only two exceptions in the sample). In two cases, organisational information is defined as confidential. For most of the sampled institutions, organisational charts are generally presentable and in downloadable format (two exceptions).

Information for cooperation with civil society organizations is generally available, though practices differ across institutions. It is of note that a centralized Online Platform for Public Consultations is introduced, providing legislative action plans, consultation plans, information about consultations, list of interested organizations and individuals, names of officials in charge and contact information. The platform is not promoted by two sampled ministries, meaning that they do not invite the public to cooperate or give suggestions. Four institutions provide information as to which external stakeholders they cooperate with and in which fields, in line with the criterion on citizen-friendliness. Finally, institutions do not proactively publish datasets related to their work in open formats.

How does BiH do in regional terms?

Chart 15: Indicator values⁹⁷ for 4ACC_P2_I1 “Civil society perception of the quality of legislation and practice of access to public information”



Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

Chart 16: Indicator values⁹⁸ for 4ACC_P2_I2 “Proactive informing of the public by public authorities”



Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

⁹⁷ Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

⁹⁸ Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

V.4 Summary results: Accountability

Less than 30% of surveyed CSOs in BiH think that public authorities record enough information and enable the public to exercise their right and have free access to information (FOI) of public importance. When it comes to legislation, slightly more than 20% of CSOs agree or strongly agree that the legislation prescribes adequate exceptions to the character of public information. Nevertheless, when asked whether these exceptions are adequately applied in practice, survey results showed even lower percentage of agreement among CSO representatives (14%).

The opinion of CSO is very important regarding the FOI request, so out of those who have sent it in the past two years, slightly more than 50% answered that the requested information was often or always provided was in the requested format. Moreover, 42.8% of them stated that information is provided within prescribed deadlines, and a large number of respondents confirmed that information was free of charge (63.4%).

It is of note that citizens or CSOs are not obliged to stipulate the reasons for requesting information in their FOI requests, nevertheless, in practice, the situation is different. In order to obtain certain information, requests sent to the institutions usually have to contain precise explanation of the information requested, which is confirmed by a large number of surveyed CSOs. Only 26.5% stated that they did not have to list explanation for FOI requests. Furthermore, 42.9% of CSOs were not able to answer whether non-classified portion of materials that contain classified information are released or not. Only 4% of them declared that such information is obtainable. Moreover, slightly more than 18% of CSOs stated that portions of these materials not containing personal data are released, while 36.8% said that they “don’t know”.

Surveyed CSOs do not think that BiH MoJ, in practice, sets high enough standards for the right to access public information. Only slightly more than 20% of CSOs have positive opinion regarding this issue. Furthermore, low percentage of agreement is shown when it comes to soft measures of the BiH MoJ and their effectiveness in protecting FOI rights (6.2%). It is noteworthy that 30.7% answered “don’t know” on this matter.

Extent of agreement is extremely low when asked if sanctions for the violation of FOI rights lead to sufficiently serious consequences for the responsible persons in the non-compliant authorities. Regarding proactive information provision on the websites of institutions, they lack consistency in providing information on the scope of work, easy access to information, information in a citizen friendly manner/format, or information published in line with the stipulations in legal acts. In addition, BiH authorities usually provide complete and updated information on whom they are accountable to within the Information Booklets. Information on policy documents and legal acts from the purview is also published completely, up-to-date, and accessibly, but with the evident lack of citizen-friendliness because it is not regularly followed with textual explanations. Majority of websites (with two exceptions) contain up to date, accessible and citizen-friendly information on policy papers, studies and policy relevant analyses. Almost half of the institutions do not publish information on annual reports on their work. It is noteworthy that institutions generally publish information on the institutions’ budget but without existence of citizen-friendly budgets.

Contact information is fully available and easily accessible, but organisational charts with hierarchy of units are generally not in line with acts on internal structure and job positions. Moreover, informing on channels for cooperation with civil society and other external stakeholders are in general available. However, datasets related to the work of institutions are not published in open formats.

V.5 Recommendations for Accountability

Proactive publishing of information on the websites of public authorities differs from one case to another. The same piece of information can be available in one case but absent in the other, and when published, information can differ in quality or usability when assessed for completeness, updates, accessibility, and citizen-friendliness. Whilst all four criteria should be fully observed when proactively informing, lack of citizen-friendly information provision, however, is the overall characteristic of the administration.

1. **Simple, citizen-oriented language on the websites of the institutions should be used, focusing on ease of access and better user experience.** In particular:

- When publishing documents (policy and legal documents, reports, etc.), their content and purpose need to be briefly introduced/explained without bureaucratic terminology, focusing on the most important aspects and how do they affect everyday life of citizens, associations, businesses, minority groups, or other groups in society;
- When providing information on organisational purpose and purview, describing policy areas and offered services, or similar administrative information (either in the Information Booklets or otherwise online), copy-paste of text from statutory acts should be strictly avoided, but tailored to an average citizen;

Moreover, there is an obvious absence or deficit in publishing certain types of information. In this regard:

2. **Institutions should publish more and more information on their official web sites,** and by using modern technologies to establish new information exchange practices;
3. **Public authorities at the state administration level should proactively publish their annual work reports online,** which should be explicitly prescribed in appropriate law or by-law, and to complement it with the qualitative and quantitative information, and performance indicators on concrete results achieved by the organisation in the one-year period;
4. **Proactive transparency of the overall budget cycle should be ensured,** and the obligation of the institutions to communicate their budget cycle in a form accessible and understandable should be explicitly stipulated
5. **Public authorities should start producing and publishing citizen-friendly version of their annual budgets (financial plans).** Existing practices in few local self-governments and few state institutions can be used as the starting point for their development. Once they are developed and published, citizen budgets should be clearly marked and visible from the website homepage;

6. **Open data portal is needed because public authorities should start publishing at least one dataset pertaining to their scope of work in line with the open data standards**, which would be published on their websites as well;
7. **Information on cooperation with civil society, and external stakeholders in general, should be clearly displayed**, preferably through an easily accessible website section at the landing page, detailing on what cooperation with CSOs entails, channels of communication, contact/responsible persons, and other relevant info;
8. **It should be made mandatory for the institutions to regularly send or upload information on the eKonsultacije portal**, but also to promote it on homepages of their websites so as to easily redirect visitors.

When it comes to FOI legislation in BiH, perception of CSOs turned largely negative indicating discrepancies between the norm and reality. In addition to more systemic issues, like absence of effective sanctions for non-responding authorities, smaller-scale issues with respect to the law compliance prevent smoother application of FOI rights, and greater satisfaction of information seekers. In this regard, when answering to FOI requests:

9. **Public authorities should always provide information in the requested format(s)**. If there is reasonable barrier or justification for it, information seekers should be informed in advance;
10. **Public authorities should completely avoid providing information in the scanned documents**. It limits the further use of data, and search in case of larger documents;
11. **The Commissioner for Information of Public Importance and Personal Data Protection should keep a register of public authorities that are frequently irresponsible to requests, based on complaints received, and make it public**. Exhibition of bad-case examples will promote accountability in the long run;
12. **Pending changes to the FOI legislation in BiH should ensure effective sanctions for all non-compliant authorities**.

VI. SERVICE DELIVERY

WeBER indicators used for Service Delivery and country values for Bosnia and Herzegovina

P1 I1: Public perception of state administration's citizen orientation					
0	1	2	3	4	5
P1 I3: Public perception and availability of information on citizens' feedback regarding the quality of administrative services					
0	1	2	3	4	5
P4 I1: CSOs' perception of accessibility of administrative services					
0	1	2	3	4	5
P4 I2: Availability of information regarding the provision of administrative services on the websites of service providers					
0	1	2	3	4	5

IV.1 State of Play in Service Delivery

Through the PAR Strategy, strategic framework for certain aspects of service delivery is in place, but there is no single document that would address service delivery in BiH. The public administration in Bosnia and Herzegovina is oriented towards the users by professionally monitoring and understanding of their needs and expectations, which is used to improve business processes and administrative procedures, reduce administrative burdens, enable the availability of services to various channels of communication by ensuring high quality and reducing the price services, is defined as one of the specific objective in the newly drafted PAR Strategy.⁹⁹ It is of note that the Action plan for the implementation of this Strategy is still in the drafting phase.

Previous PAR Strategy was adopted more than ten years ago together with its Action Plan, followed by a RAP1. Even though the two action plans have formally expired, activities on administrative simplification and electronic government (e-government) continued to be imple-

⁹⁹ Draft PAR Strategy available at: <https://bit.ly/2Hlik1R>

mented in the institutions of the State, FBiH, the RS and the BD. The main conclusion is that improvements in the delivery of services to citizens are still very low.

Complex territorial organisation and administration, as well as politics, have prevented the Governments from making noticeable progress in citizen-oriented service delivery.

Complex state structure, multiple layers of administration and parallel legal frameworks create inconsistencies in service delivery in BiH. Different levels of government (State¹⁰⁰, Entities¹⁰¹ and the Brčko District¹⁰²) are implementing their own version of the Law on General Administrative Procedures (LGAP). Even though the provisions of the LGAPs demand efficient and honest administration, they fail to offer strong guidelines on electronic communication and the “once only” provision of information. The lack of harmonization between LGAPs and specialized legislation which is further complicated in the FBiH with the demands of the Cantonal administration, imposes more administrative burdens on the citizens, as there are no simplified administrative procedures for citizens or business entities alike. The only one-stop shop has been established in the RS regarding business administration.

There has been no significant improvement in service delivery, as no new tools facilitating service delivery have been introduced. There is no joint standards applied state wide for service delivery nor is there any monitoring of the performance in service delivery, although there is a slow-paced initiative to create common approach to quality management in this area. A common approach to quality management is slowly developing at the State level, but is otherwise absent. User engagement to improve service delivery is rare at all levels. Digital signature and interoperability have been at a standstill for years, despite of all the positive preconditions such as the national ID card with an integrated electronic chip. Although some positive movement has been made with regard to the digital signature, this still remains to be a politically charged issue which causes delays in improvement in this area.

Digitalization of services has not significantly improved the quality of service delivery. For example, electronic data exchanges between institutions are set up to serve policy objectives, rather than to lower burdens on citizens and businesses.

Lack of proper coordination or joint provisions of legislation between different levels of government have negative effect on already sensitive groups such as people with disabilities.

Separate LGAPs exist at the State level¹⁰³ as well as in both Entities (the FBiH¹⁰⁴ and the RS¹⁰⁵) and in the BD¹⁰⁶. The conventional principles of good administrative behaviour are embedded in all LGAPs, such as the principle of legality, the right to be heard, and the form of administrative acts. The LGAPs are largely harmonised with each other due to a common origin, which was the former Yugoslav legislation on general administrative procedures. The LGAPs further foresee legal remedies such as appeal, reinstatement, and annulment of procedures.¹⁰⁷

100 Official Gazette of BiH Nos. 29/2002, 12/2004, 88/2007, 93/2009, 41/2013 and 53/2016

101 The FBiH Official Gazette Nos. 2/1998 and 48/1999.; The RS Official Gazette Nos. 13/2002, 87/2007 and 50/2010

102 The BD Official Gazette No. 48/2011.

103 Official Gazette of BiH Nos. 29/2002, 12/2004, 88/2007, 93/2009, 41/2013 and 53/2016

104 The FBiH Official Gazette Nos. 2/1998 and 48/1999.

105 The RS Official Gazette Nos. 13/2002, 87/2007 and 50/2010.

106 The BD Official Gazette No. 48/2011.

107 Regional School of Public Administration – ReSPA (2016), Legal Remedies in Administrative Procedures in the Western

Administrative procedures at all levels remain largely paper-based and are filled with requirements to submit paper-based proofs of information, including information that the administration already has at hand, e.g. birth certificates. The 2017 SIGMA report states that there has been no substantial progress in improving service delivery, but acknowledges progress in issuing personal identification documents, which is the responsibility of the Agency for Identification Documents, Registers and Data Exchange of BiH (IDDEEA). SIGMA's rating for service delivery orientation is 1 (on a scale of 0 to 5), indicating that the key efforts to improve the quality of services are yet to be made.¹⁰⁸

The only notable improvement in this respect has been the renewal of ID cards, as a result of a countrywide infrastructure for the delivery of personal documents and a central citizenship register (both operated by the State-level IDDEEA – and efforts at the Entity level to consolidate municipal birth records into single, digital registers (operated by the Entities). If certain conditions are met, individuals no longer need to provide birth or citizenship certificates when renewing their ID cards. Aside from this service, however, the infrastructure has not been widely used, which means that citizens themselves are still obliged in almost all cases to obtain and submit birth, marriage, residence and other certificates. The administrative set-up entails many complexities for people living or working across the territory. These problems arise because the vast majority of administrative services to citizens and businesses are under the competence of the Entities. Even though the State-level agency IDDEEA delivers ID cards and passports, the actual jurisdiction to issue ID cards lies exclusively with the Entities and the BD. In accordance with the laws and regulations of BiH, issuing of personal documents is under the jurisdiction of the competent Ministries of Interior (Mols): the RS Mol, the cantonal Mols in the FBiH (within the FBiH, the jurisdiction lies with the individual cantons) and the Public Register in the BD. As a result, differences are found in service quality and delivery performance across the Entities (and even within the Entities).¹⁰⁹

The results of the 2017 Balkan Barometer survey¹¹⁰ confirmed the low level of citizens' satisfaction with administrative services, as well as the heavy burdens perceived by businesses and the low perception of the quality of public services, which is among the lowest in the region.

Quality management is being introduced at the State level. PARCO is the designated institution to develop and promote the application of the CAF and the ISO 9001 quality management system¹¹¹. PARCO, the Civil Service Agency and the National Statistical Agency have implemented the CAF at the State level.

No digital signature is available to citizens and businesses, despite relatively good starting conditions. An Electronic Signature Law (ESL)¹¹², introduced at the State level in 2006, established the equivalence of the digital signature with the handwritten signature; new national ID cards, available since 2013, are equipped with an electronic chip; and the IDDEEA operates an electronic register of national ID cards. Due to political disagreement, however, the issuance

Balkans, ReSPA, Danilovgrad, Montenegro.

108 SIGMA report for BiH 2017 (<http://www.sigmaweb.org/publications/Monitoring-Report-2017-Bosnia-and-Herzegovina.pdf>)

109 SIGMA report for BiH 2017

110 Balkan Barometer, annual survey conducted by the Regional Cooperation Council (RCC), <http://www.rcc.int/seeds/results/2/balkan-opinion-barometer>

111 BiH CoM Conclusion No. 05-07-1-310-11/17, 2017.

112 Official Gazette of BiH No. 91/2006.

of personal documents is under the competence of the Entities. In accordance with the laws and regulations of BiH, the issuance of personal documents is under the competent Mols at the levels of the State and the RS, the cantonal Mols in the FBiH, and the BD Public Register – no country-wide authority has yet been established to issue qualified digital-signature certificates.¹¹³

There are no common standards that can be used to establish common quality criteria for public services, and public poles and surveys used to assess the satisfaction of citizens with service quality have been far too sparse and have offered limited results.

Limited accessibility of services (online and offline) for people with disabilities is a major problem. BiH signed in 2009 and ratified in 2010 the Convention on the Rights of People with Disabilities (CRPD) and its Optional Protocol. However, the legal framework and institutional setting are fragmented, and implementation suffers from the absence of clear and common definitions of disability-based discrimination.¹¹⁴ At the State-level, the Ministry of Human Rights and Refugees is developing a reporting system, but this project has been delayed by political disagreements and the lack of a harmonised methodology on data collection and reporting.¹¹⁵

In general, different legislative frameworks and the multiple layers of administration which are the product of complicated state structure make improvement in service delivery and service quality difficult.

VI.2 What does WeBER monitor and how?

Under the Service Delivery area of PAR, three SIGMA Principles are monitored.

Principle 1: Policy for citizen-oriented state administration is in place and applied;

Principle 3: Mechanisms for ensuring the quality of public services are in place;

Principle 4: The accessibility of public services is ensured.

From the perspective of the civil society and the wider public, these Principles bear the most relevance in terms of addressing the outward-facing aspects of the administration that are crucial for daily provision of administrative services and contact with the administration. In this sense, these are the principles most relevant to the quality of everyday life of citizens.

The approach to monitoring these principles relies, firstly, on public perception of service delivery policy, including how receptive the administration is for redesigning administrative services based on citizen feedback. This is complemented with the perception of civil society about distinct aspects of service delivery. Moreover, the approach to the selected Principles goes beyond perceptions, exploring aspects of existence, online availability and accessibility of information on services.

¹¹³ SIGMA Report for BiH 2017

¹¹⁴ United Nations (UN) Committee on the Rights of Persons with Disabilities – CRPD (2017), “Concluding Observations on the Initial Report of Bosnia and Herzegovina”, CRPD/C/BIH/CO/1; and MyRight (2016), “The Alternative Report on Implementation in Bosnia and Herzegovina of the United Nations Convention on the Rights of Persons with Disabilities”.

¹¹⁵ More: <http://www.analitika.ba/en/publications/anti-discrimination-measures-without-measurement-collecting-data-discrimination-bh>

Four indicators were used, two fully measured by perception data (public perception and civil society) and two by using a combination of perception and publicly available data.¹¹⁶ The public perception survey employed three-stage probability sampling targeting the public. It focused on citizen-oriented service delivery in practice, covering the various aspects of awareness, efficiency, digitalization and feedback mechanisms.

In the measurement of accessibility of administrative services for vulnerable groups, and in remote areas, a survey of civil society and a focus group with selected CSOs were used,¹¹⁷ the latter for complementing the survey data with qualitative findings. The existence of feedback mechanisms was explored by combining public perception data and the online data on the sample of five services. Finally, the websites of providers of the same sample of services were analysed to collect on accessibility and their prices.

VI.3 WeBER Monitoring Results

■ Principle 1: Policy for citizen-oriented state administration is in place and applied

WeBER indicator SD P1 I1: Public perception of state administration's citizen orientation

Indicator elements	Scores
Citizens are aware of government administrative simplification initiatives or projects	0/2
Citizens confirm that administrative simplification initiatives or projects of the government have improved service delivery	4/4
Citizens confirm that dealing with the administration has become easier	0/4
Citizens confirm that time needed to obtain administrative services has decreased	0/4
Citizens consider that administration is moving towards digital government	0/2
Citizens are aware of the availability of e-services	0/2
Citizens are knowledgeable about ways on how to use e-services	1/2
Citizens use e-services	0/2
Citizens consider e-services to be user-friendly	2/4
Citizens confirm that the administration seeks feedback from them on how administrative services can be improved	0/2
Citizens confirm that the administration uses their feedback on how administrative services can be improved	4/4
Total	11/32
Indicator value (scale 0-5¹¹⁸)	1

Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

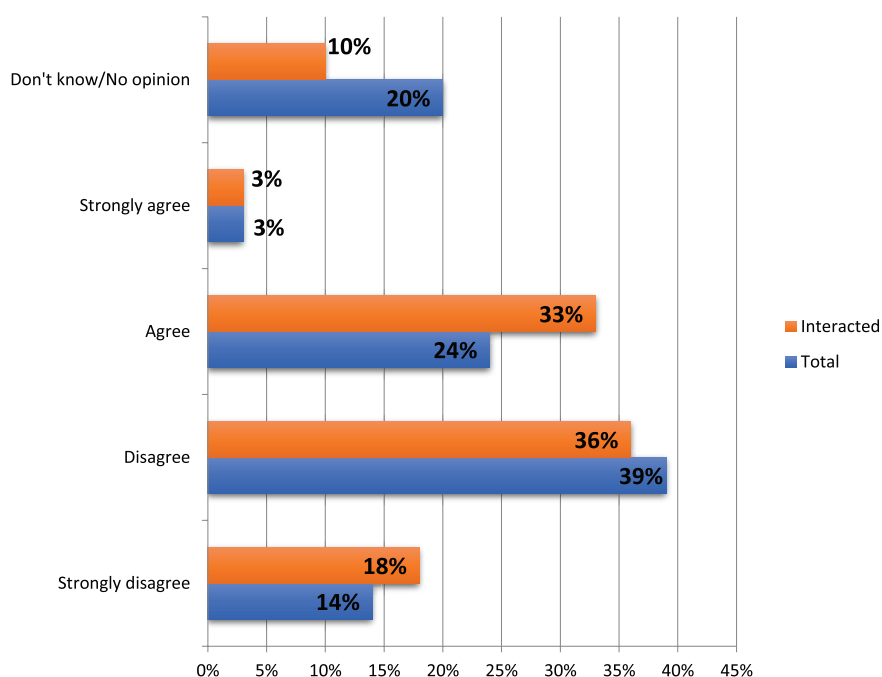
¹¹⁶ Perceptions are explored using a survey targeting the general public (aged 18 and older) of six Western Balkan countries. The survey was conducted through computer-assisted personal interviewing (CAPI), using a three-stage random stratified sampling. It was implemented as part of the regional omnibus surveys conducted in Albania, Bosnia and Herzegovina, Montenegro and Serbia (ad hoc surveys were conducted for Kosovo and Macedonia) during 15 October - 30 November 2017. For Bosnia and Herzegovina, the margin of error for the total sample of 1036 citizens is $\pm 3.05\%$, at the 95% confidence level.

¹¹⁷ The survey of civil society organisations was administered through an anonymous, online questionnaire. The data collection method included CASI (computer-assisted self-interviewing). In BiH, survey was conducted in the period from April 23rd to June 4th, 2018. Survey sample for BiH was N=122. The base for questions on accessibility of services was n=92 respondents.

¹¹⁸ Conversion of points: 0-5 points = 0; 6-11 points = 1; 12-17 points = 2; 18-22 points = 3; 23-27 points = 4; 28-32 points = 5

Public perception of administrative services is very negative. In responses to the statements on the level of agreement (responses calculated are “Strongly agree” and “Agree”), only around 27% are aware of government efforts in the past two years to make administrative procedures simpler for citizens and business.

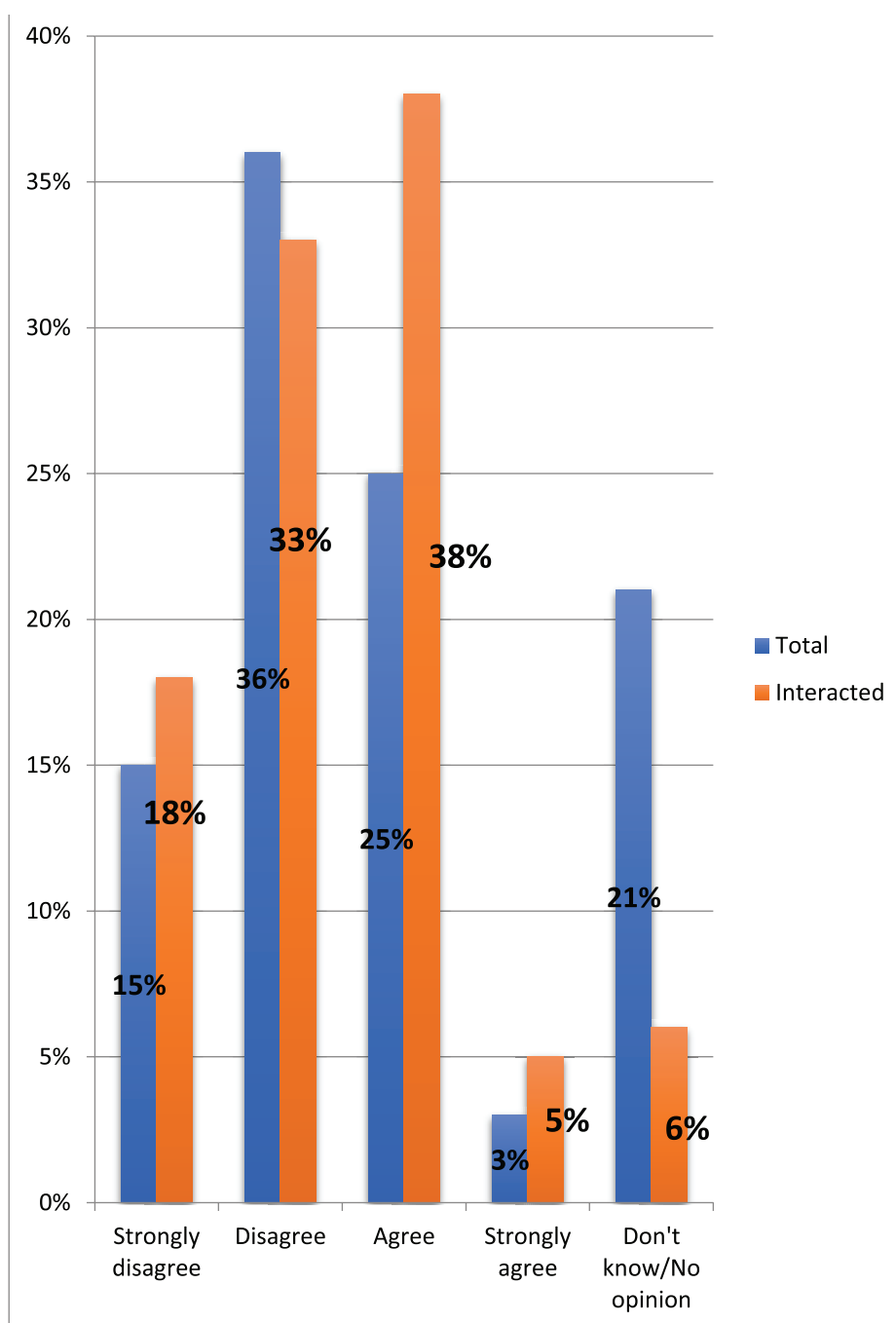
FIGURE 1: EFFORTS BY THE GOVERNMENT TO MAKE ADMINISTRATIVE PROCEDURES SIMPLER (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base: N=1036, N=345

Furthermore, 87% of citizens that are aware of government administrative simplification initiatives think that such initiatives by the government have led to improved service delivery for the given period. However, the percentage of citizens who agree that dealing with the administration has become easier in the past two years is 28%, which follows 28% of those agreeing that the time needed to obtain services has decreased (Figure 3). Moreover, as few as 28% of citizens agree the government has been moving towards digitalisation.

FIGURE 2: DEALING WITH THE ADMINISTRATION HAS BECOME EASIER IN THE PAST TWO YEARS, BY INTERACTION WITH THE ADMINISTRATION (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=1036, N=347

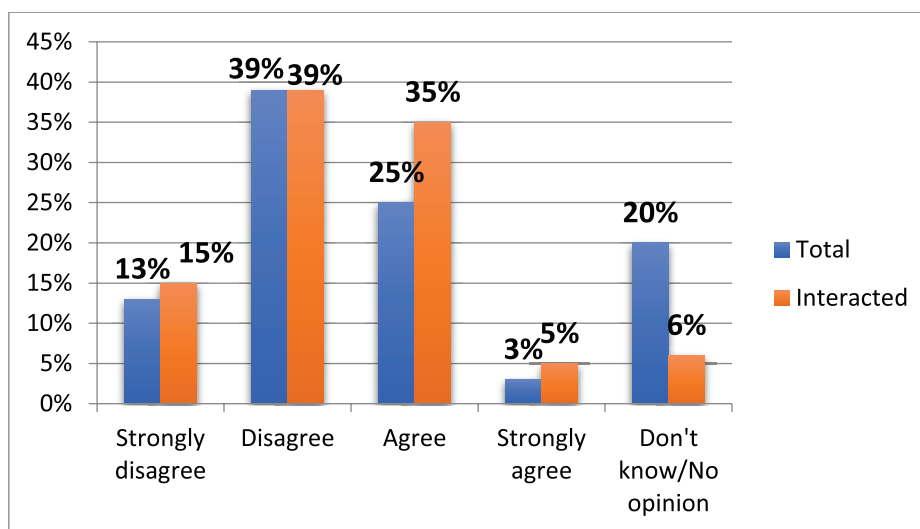
WeBER Platform members' findings

„TI BiH survey reveals that the key sore spots as perceived by citizens include corrupt practices in recruitments of public servants and public finance management, which in turn stem from the mother of all problems in BiH, namely the deep-rooted and all-pervasive corruption. Analysis of the deeper causes of the absence of concrete/tangible results in the public administration reform in a broader socio-economic context must start by looking at how the political system

in the country is set up. In the political system in BiH virtually unlimited power is concentrated in political parties, which operate on the principle of clientelistic networks and without basic intraparty democracy, with the primary interest of bringing under their control budgetary resources and as many public institutions as possible in order to be able to serve the narrow particular interests of their leaders and members. Hence, their paramount interest is to preserve the status quo. Consistent implementation of reforms, such as reducing the number of employees, abandoning the clientelistic-nepotistic recruitments in public administration, and ensuring transparent and accountable budget planning and spending, inevitably carries a high price for the ruling political parties."

[Transparency International BiH \(TI BiH\), 2018.](#)

FIGURE 3: TIME NEEDED TO OBTAIN ADMINISTRATIVE SERVICES HAS DECREASED IN THE PAST TWO YEARS



Note: Results are rounded to the nearest integer.

Due to rounding, percentages may not always appear to add up to 100%. Base: N=1036, N=346

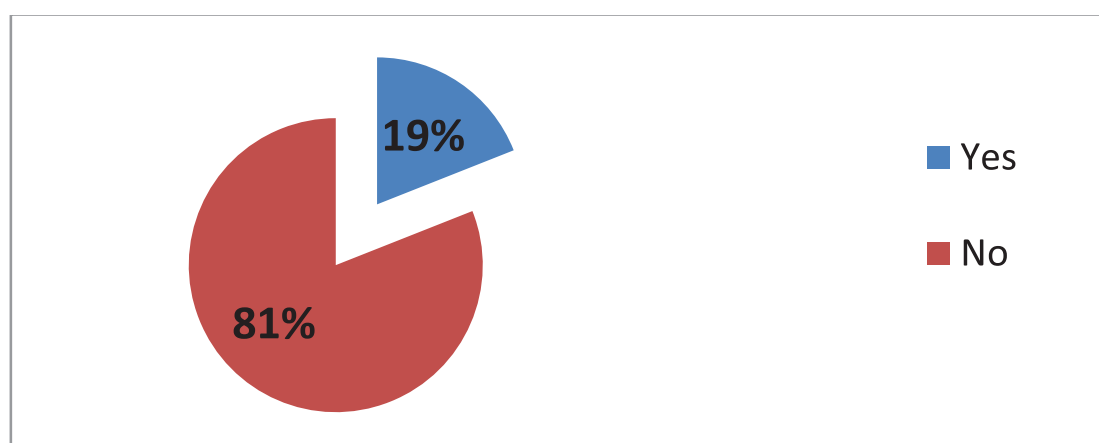
Only 19% of citizens of BiH are aware that e-services are offered in BiH. Yet, out of those who are aware, 49% are mainly informed, while a negligible 3% are completely informed on how to use them. However, utilisation of e-services for the given period is very low, as only 15% of those who are aware and informed have used e-services sometimes or often. When it comes to e-services, three quarters of those who have used e-services think that it is easy or very easy to use them (76%).

WeBER Platform members' findings

„Comparison of the results of the 2014 and 2017 surveys shows no significant changes in the perception of the quality of public administration services. The largest and almost the same percentage of the respondents as in the 2014 survey think that there has been no improvement in the quality of services in the last five years. However, in the 2017 survey, the number of citizens who think the quality of services is somewhat better has increased by almost 7%, accompanied by a decrease in the percentage of citizens who see the quality of services growing worse. Albeit relatively negligent, this improvement in citizens' perceptions of the quality of public services still warrants attention."

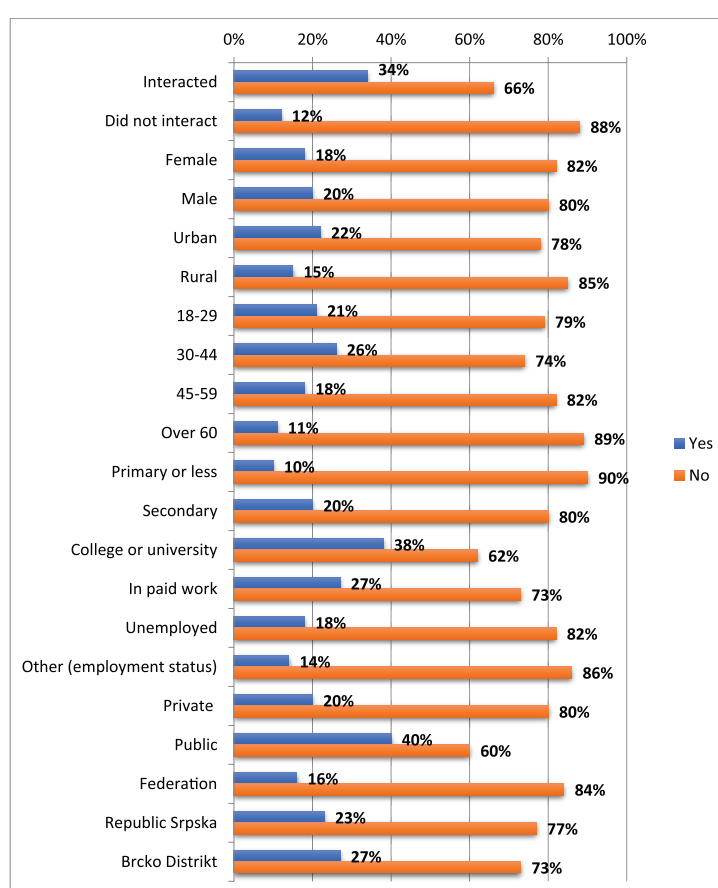
[Transparency International BiH \(TI BiH\), 2017, p.13.](#)

FIGURE 4: AWARENESS ON THE AVAILABILITY OF E-SERVICES



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base: N=1036

FIGURE 5: AWARENESS ON E-SERVICES, BY BACKGROUND FACTORS (%)

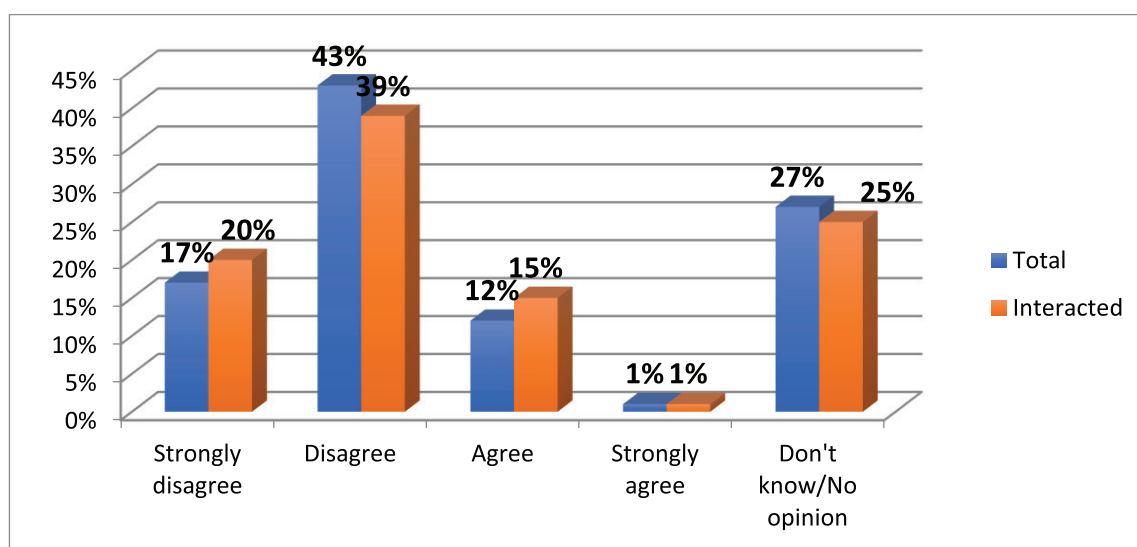


Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base: N=1036

Figure 5 shows level of awareness among different population groups. The usage of e-services is the highest in Brčko District and the lowest in the FBiH. As expected, the age group reflecting working young professionals (30-44 years of age) is the most common to use e-services, particularly those with higher level of education. Yet, overall the usage of e-services in general remains relatively low.

When asked if they think that in the past two years the administration has asked for citizens' proposals on how to improve administrative services, only 13% of citizens agree or strongly agree with the statement (figure 6). Furthermore, 68% of those that confirm that the administration seeks feedback think that the Government has used such proposals to improve the services.

FIGURE 6: ADMINISTRATION SEEKS FEEDBACK



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=1036, N=346

How does BiH do in regional terms?

Chart 17: Indicator values¹¹⁹ for 5SD_P1_I1 “Public perception of state administration’s citizen orientation”



Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

Principle 3: Mechanisms for ensuring the quality of public services are in place

WeBER indicator SD P3 I1: Public perception and availability of information on citizens' feedback regarding the quality of administrative services

Indicator elements	Scores
Citizens consider they have the possibility to provide feedback on the quality of administrative services	0/2
Citizens perceive feedback mechanisms as easy to use	2/4
Citizens perceive themselves or civil society as involved in monitoring and assessment of administrative services	0/4
Citizens perceive that administrative services are improved as a result of monitoring and assessment by citizens	4/4
Basic information regarding citizens' feedback on administrative services is publicly available	0/4
Advanced information regarding citizens' feedback on administrative services is publicly available	0/2
Total	6/20
Indicator value (scale 0-5¹²⁰)	1

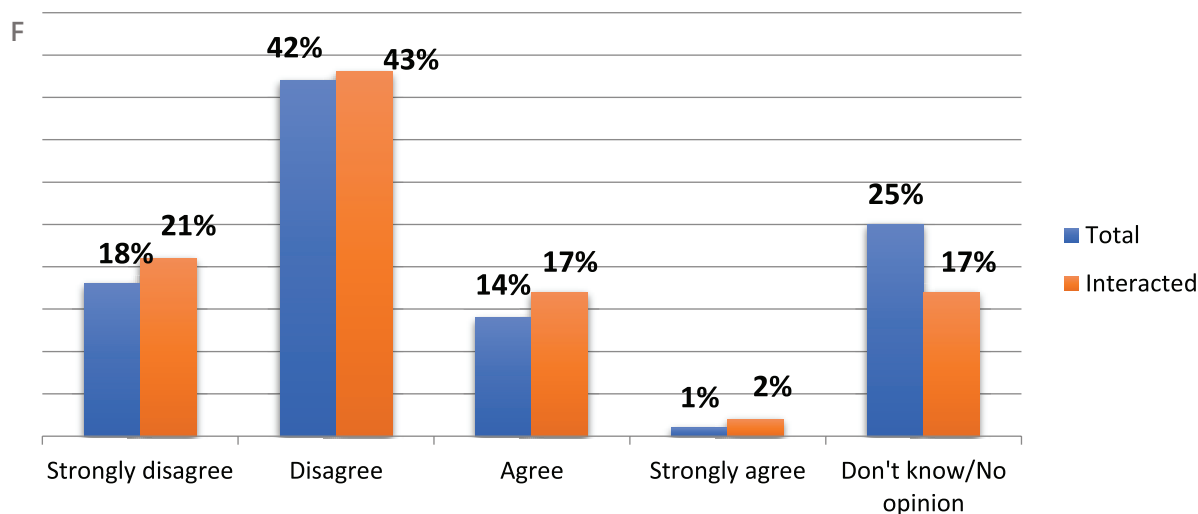
Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

Only 15% of the citizens of BiH agree that they have possibilities to give their opinion on the quality of the individual services that they receive (Figure 7). Still, out of all the citizens who have had the

¹¹⁹ Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

¹²⁰ Conversion of points: 0-4 points = 0; 5-8 points = 1; 9-11 points = 2; 12-14 points = 3; 15-17 points = 4; 18-20 points = 5

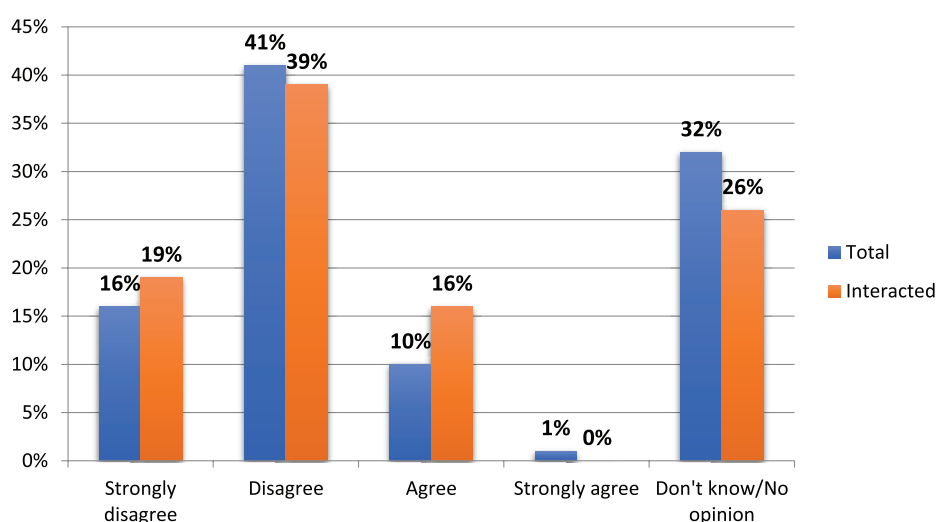
chance to give their opinion on the quality of administrative services in the past two years, 54% find it easy to use the channels for citizens (significantly lower than the regional average of 74%).



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=1036, N=346

Furthermore, only 11% of the BiH population agrees or strongly agrees that citizens or civil society have been involved in the monitoring and assessment of administrative services in the given period. It is of note that 32% of the population answered that they did not know or did not have an opinion regarding this question, but there is a general drop in the percentage of negative perception of the citizens, which may indicate that some improvement has happened when it comes to the new mechanisms introduced or even the quality of the services provided. Out of those who agree or strongly agree that citizens or civil society have been involved in the monitoring and assessment of administrative services in the past two years, 68% think that such practice has led to the improvement of administrative services.

FIGURE 8: INVOLVEMENT OF CITIZENS OR CIVIL SOCIETY IN THE MONITORING OF ADMINISTRATIVE SERVICES



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=1036, N=346

Analysis of web pages for information on citizen feedback on the quality of administrative services included institutions from all levels of government in BiH (State, Entity (RS and FBiH (10 cantons), as well as Brcko District). Findings show that basic information on citizen feedback is publicly available only for services related to tax administration (RS Tax authority website) and issuing of personal documents - IDs and passports (website of Canton 10 – FBiH). Yet, none of the examined pages contains more advanced information, such as information from at least two different credible sources, segregated data based on gender, disability or other relevant factors.

How does BiH do in regional terms?

Chart 18: Indicator values¹²¹ for 5SD_P3_I1 “Public perception and availability of information on citizens’ feedback regarding the quality of administrative services”



Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

■ Principle 4: The accessibility of public services is ensured

WeBER indicator SD P4 I1: CSOs' perception of accessibility of administrative services

Indicator elements	Scores
CSOs confirm the adequacy of territorial network for access to administrative services	0/4
CSOs confirm that one-stop-shops are made accessible to all	0/4
CSOs consider administrative services to be provided in a manner that meets the individual needs of vulnerable groups	0/4
CSOs confirm that administrative service providers are trained on how to treat vulnerable groups	0/2
CSOs confirm that the administration provides different channels of choice for obtaining administrative services	0/2
CSOs confirm that e-channels are easily accessible for persons with disabilities	0/2
Total	0/20
Indicator value (scale 0-5¹²²)	0

Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

¹²¹ Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

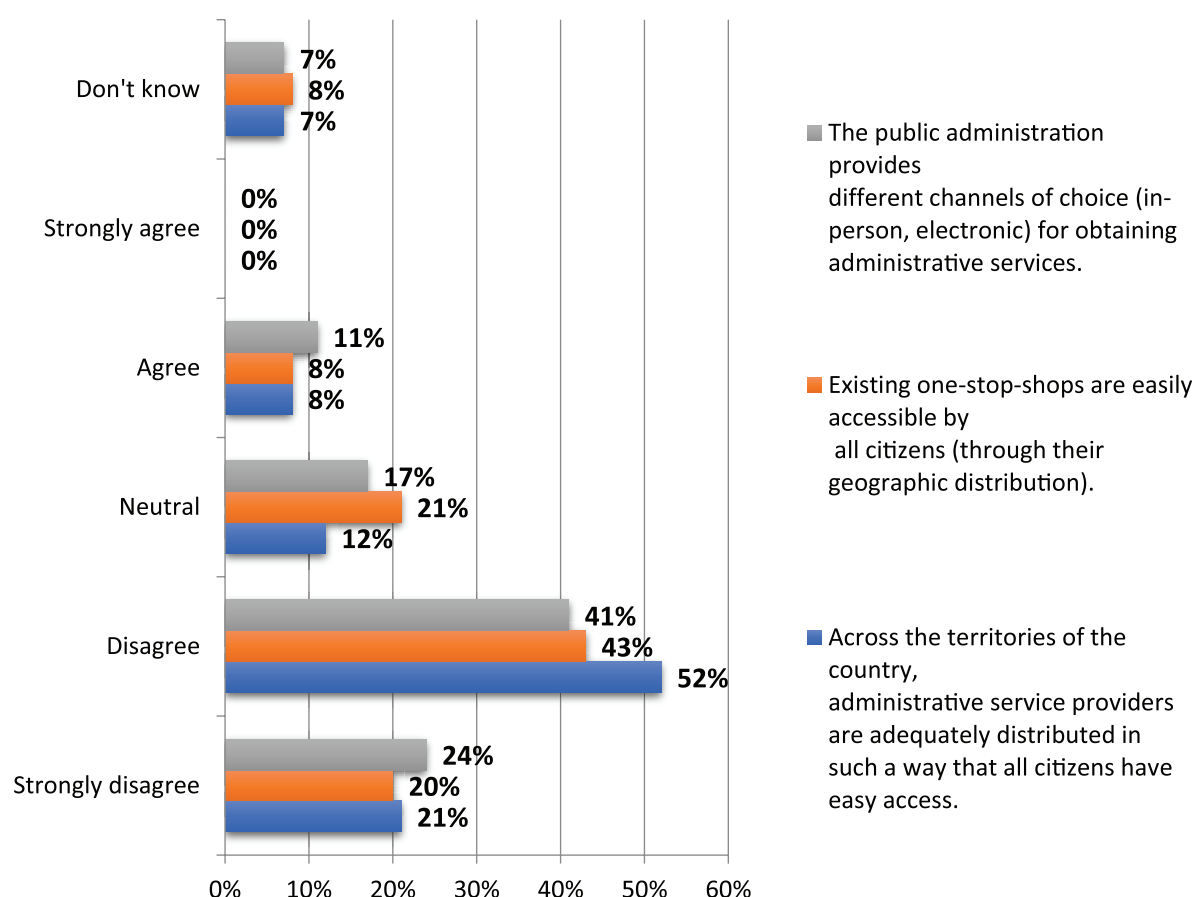
¹²² Conversion of points: 0-3 points = 0; 4-6 points = 1; 7-9 points = 2; 10-12 points = 3; 13-15 points = 4; 16-18 points = 5.

Regarding the territorial distribution of administrative service providers, only 8% of surveyed CSOs agree that they are distributed in such a way to ensure easy accessibility for all citizens. But more than 70% disagree (52%) or strongly disagree (21%). Moreover, when it comes to one-stop-shops, the same number of CSOs (8%) thinks that they are easily accessible by all citizens (through their geographic distribution).

When it comes to the topic of the needs and treatment of vulnerable groups, only 5% of surveyed CSOs agree that service provision is adapted to the needs of vulnerable groups. The majority or 47% disagree, while 28% strongly disagree. Moreover, only 3% of surveyed CSOs think that the staff working on administrative service delivery is trained on how to treat vulnerable groups. Furthermore, the same number of CSOs (3%) agrees that e-channels are easily accessible for vulnerable groups. Some 37% of respondents answered “disagree” and 32% “disagree”.

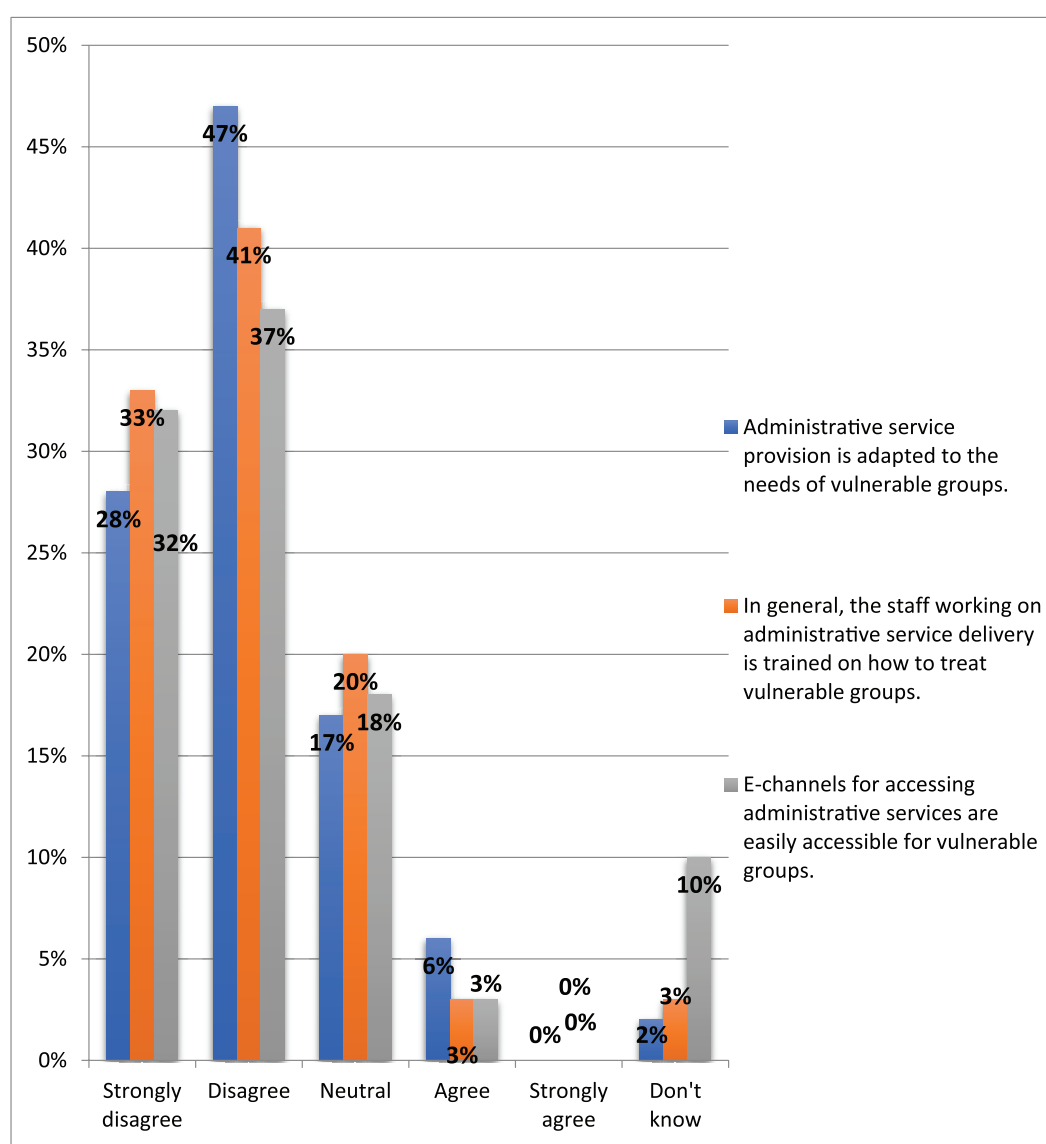
Moreover, regarding availability of different channels of choice for obtaining administrative services, only slightly more than 10% of surveyed CSOs (11%) agree that the public administration provides different channels of choice (in-person, electronic). It is of note that 41% answered “disagree” and 24% “strongly disagree”.

FIGURE 9: STATEMENTS REGARDING GENERAL ACCESSIBILITY



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base: N=122

FIGURE 10: STATEMENTS REGARDING ADAPTION TO VULNERABLE GROUPS



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=122

Based on the interviews with CSOs representatives, it can be concluded that in the municipalities there are no channels adapted for people with disabilities (physically weak and disfigured or visually and hearing impaired), while in some municipalities (rare) there is access for people with wheelchairs.

When it comes to Roma population, a large number do not exercise their respective rights, all because of the lack of information and lack of relevant information flow. There is a significant number of Roma who cannot exercise the right to health insurance because they missed legal deadlines, a large number of Roma who do not own personal documents, whether the documents are lost or they do not know the process of obtaining new documents, and lacking sufficient funds to pay all the accompanying administrative taxes costs. There is a wide range of problems that the Roma

population faces (lack of education, inability to recruitment, poor living conditions, lack of access to health insurance, etc.)

Thanks to Donor interventions (implemented project activities) there is some progress but still invisible due to the large number of complex problems that the Roma population faces on a daily basis. The use of the capacity of Roma mediators (educated, active and certified young Roma people) who primarily enjoy the trust of the Roma community, in which they live, is an excellent mechanism for connecting the Roma community and government institutions, and providing the Roma population with the opportunity to acquire relevant rights. Influence of Roma mediators is particularly reflected in education.

Not all, but necessary information is generally available in electronic form, on the websites of all institutions and other providers, but for example the Roma population, is largely not used to such type of communication. However, municipalities do not work enough on the promotion of the electronic services (accessibility in an easy way) and the information of the cost of the services is not available online.

Territorially, services are not adapted to the people living in rural areas - there are only Registry offices open in rural areas.

One-stop shop services do not exist (only 2 to 5 in the country) and you have to check all the counters to gather a documentation that is needed to complete various jobs.

Civil servants are not fully educated and trained to working with vulnerable groups. There are no adequate trainings (especially at the local level) that would further strengthen and enable administrative staff to work with vulnerable groups.

WeBER Platform members' findings

Availability and accessibility of information about services and how to access them is very important for citizens' overall perception of the work of public administration. The majority of the respondents still keep themselves informed about services by going directly to institutions, and their percentage has grown by more than 20% since the last survey and now stands at 68.2%. As much as this way seems logical at first glance, it implies multiple visits to institutions, first to get the necessary information, then possibly to obtain the required documents, and then yet another visit to finally receive the service. Furthermore, this way of accessing information also affects the efficiency of institutions, which must set aside a time to meet with an individual citizen in every particular case. The best and most effective option is accessing information via the Internet or web applications, where a moderate increase of slightly more than 10% has been observed, which is certainly an encouraging trend.

[Transparency International BiH \(TI BiH\), 2017, p.13.](#)

WeBER indicator SD P4 I2: Availability of information regarding the provision of administrative services on the websites of service providers

Indicator elements	Scores
Websites of administrative service providers include contact information for provision of services	4/4
Websites of administrative service providers include basic procedural information on how to access administrative services	0/4
Websites of administrative service providers include citizen-friendly guidance on accessing administrative services	0/2
Websites of administrative service providers include information on the rights and obligations of users	1/2
Individual institutions providing administrative services at the central level publish information on the price of services offered	2/4

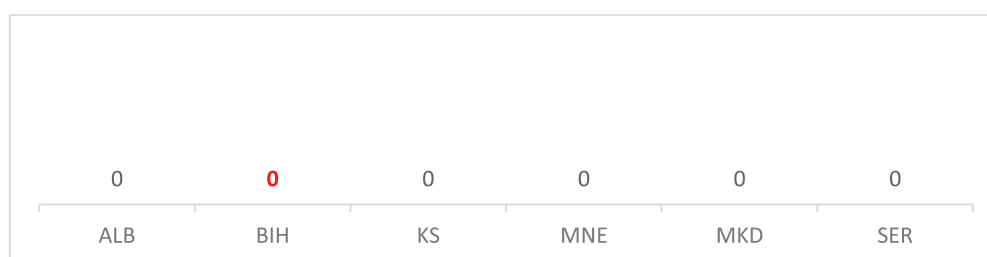
The information on the prices of administrative services differentiates between e-services and in-person services	0/2
Information on administrative services is available in open data formats	0/2
Total	7/20
Indicator value (0-5¹²³)	1

Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

Findings show that almost all websites of administrative service providers include contact information, with the exception of company registration – there is no agency on State level and FBiH level (in FBiH registration is done through numerous Registration/Municipal Courts). However, basic procedural information on how to access administrative services, including description of the service, information on physical location and original forms are fully provided only on the web page of the Tax Agency on the State level (BiH ITA), FBiH tax authority and RS tax authority. Moreover, the same websites include citizen-friendly guidance with audio-visual element, but only on issuing fiscal invoices in general. Other administrative service providers mostly provide guidance on how to obtain the service, but not in a citizen friendly way. When it comes to rights and obligations of users, information is outlined on the website of the administrative service providers for vehicle registration, issuing passports and ID cards, and VAT for companies. Price of administrative services is publicly available for two out of five services (issuing passports AND ID cards, and VAT for companies). It is of note that e-services (free of charge) are available only on FBiH level (FBiH Tax authority). No information on sample services is available in open data format.

How does BiH do in regional terms?

Chart 19: Indicator values¹²⁴ for 5SD_P4_I1 “CSOs’ perception of accessibility of administrative services”



Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

123 Conversion of points: 0-4 points = 0; 5-8 points = 1; 9-11 points = 2; 12-14 points = 3; 15-17 points = 4; 18-20 points = 5.

124 Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

Chart 20: Indicator values¹²⁵ for 5SD_P4_I2 “Availability of information regarding the provision of administrative services on the websites of service providers”



Regional PAR Monitor Report with results for all WB countries is available at:
www.par-monitor.org

VI.4 Summary results: Service Delivery

In general, public perception towards administrative services is very low. Citizens are not aware of government efforts to make administrative procedures simpler for citizens and business in the last two years. Also, low number of citizens of BiH is aware that e-services are offered in BiH. Utilisation of e-services for the given period is very low as well, but three quarters of those who have used e-services think that it is easy or very easy to use them.

Citizens' perception is also low when it comes to possibility to submit feedback on the service quality, and involvement of users (citizen and civil society) in monitoring services. Similarly, administrative service providers rarely publish even basic information on citizen feedback on their webpages. Also, web pages do not contain more advanced information, such as information from at least two different credible sources, segregated data based on gender, disability or other relevant factors.

Civil society perception on a number of accessibility aspects of service delivery in BiH is very low. Regarding the territorial distribution of administrative service providers, more than 70% of CSOs think that they are not distributed in such a way to ensure easy accessibility for all citizens. Perception of CSOs is the same when it comes to availability of different channels of choice for obtaining administrative services (in - person, electronic).

Also, practice of publishing all necessary information for obtaining a service is still average, even low. Complete basic procedural information on how to obtain the service should be improved whereas citizen-friendly guidance is still an exception. Monitoring shows that services are fully obtained electronically only on rare occasions.

¹²⁵ Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

VI.5 Recommendations for Service Delivery

In BiH, some improvements have been made in the legal framework pertaining to the user-oriented administration. Given the awareness about simplifications of procedures as well as availability of e-services is still unsatisfactory, service providers should engage more with citizens to increase their awareness.

1. **It is necessary to adopt a new Law on Electronic Identification and Trust Services.** Harmonisation between laws on administrative procedures and their legislative amendments needs to be ensured on all levels of government.
2. **Further efforts need to be made in order for a countrywide infrastructure for the delivery of personal documents and a central citizenship register** (on all levels) to be consolidated into single, digital register (easily accessible to all).
3. **Business registration procedures need to be simplified and harmonized at all levels of government** in order to create a core business friendly environment nationwide.
4. **More effort needs to be placed towards the creation and enabling of one-stop-shop systems** in order to cut the administrative backlog and assist the citizens and entrepreneurs.
5. **E-government portals, although existing formally, need to be made fully functional and used as envisaged.**
6. **Monitoring of the service delivery performance needs to be more widespread, allowing for a more concrete citizen, CSO, Business and other inputs.** This would enable the creation of a better quality services and a more responsible and accountable administration. A systematic monitoring of service delivery performance or user satisfaction needs to be carried out at all levels of Government.
7. **Information regarding service delivery needs to be displayed and available in a citizen-friendly format.** Data displayed on government websites need to be up to date and provide all the necessary information, thus enabling avoidance of administrative mistakes and backlogs.
8. **Quality management needs to be fully implemented on all levels.**
9. **There is no digital signature available to citizens or businesses.** Although some progress has been made in this field, this matter remains to be highly politicized, and there needs to be a unified and strong political will in order to conclude this matter. **A countrywide authority is yet to be established to issue qualified digital signature certificates.**

Accessibility stands as fervent issue with regards to service delivery. Whereas some accessibility measures are present, mostly devoted to eliminating physical barriers, perception data analysed earlier highlights the great discrepancy between the needs and the reality. Without addressing properly issue of accessibility of services to all, service delivery policy may unintentionally end up in discrimination and deepening of social disparities.

10. **Accessibility of services needs to be improved.** Although accessibility to services varies in different parts of the territory of BiH, there is a lack of consistency country-wide. Particularity with regard to vulnerable groups. Improvement of such conditions will require changes in service delivery system as well as education and training of service providers in order for them to cater to the needs of the citizens, particularly the vulnerable groups.
11. **As part of the accessibility measures, civil servants in charge for delivery of in-person administrative service should undergo mandatory training courses for communication with and assistance to people with disabilities and other vulnerable groups.** Such training schemes should be considered a part of the obligatory professional development programme and it should cover all service delivery institutions in all municipalities and cities in BiH.

VII. PUBLIC FINANCE MANAGEMENT

WeBER indicators used in Public Finance Management and country values for BiH

P5 I1: Transparency and accessibility of budgetary documents					
0	1	2	3	4	5
P6_8 I1: Public availability of information on public internal financial controls and the parliamentary scrutiny					
0	1	2	3	4	5
P16 I1: Supreme Audit Institution's communication and cooperation with the public pertaining to its work					
0	1	2	3	4	5

VII.1 State of Play in Public Finance Management

Bosnia and Herzegovina has a complex public finance system. It comprises of the State (the institutions at the central government level are governed by the BiH CoM), the two Entities - the FBiH and the RS (each of the two Entities has its own government and extra-budgetary funds), and the BD. Also, the FBiH cantons, with their own respective executive, legislative, and judicial branches have a large fiscal autonomy. The public financial management (PFM) system in Bosnia and Herzegovina (BiH) reflects the provisions of the country's Constitution that was drawn up as part of the internationally agreed 1995 Dayton Peace Agreement. The decentralised and highly complex political and institutional structure of BiH complicates decision-making.

In December 2016, the BiH CoM adopted a new PFM Reform Strategy for BiH. The Public Finance Management Reform Strategy in the institutions of Bosnia and Herzegovina is aimed at ensuring greater functionality, transparency, accountability and efficiency in the management of public funds and thus contributes to the increase in BiH macroeconomic stability. Taken as a whole, this strategy, as well as the public finance management reform strategies in Entities and BD, should contribute to long-term fiscal stability and improvement of the quality of public finances in Bosnia and Herzegovina. This would primarily reflect in stabilisation of public spending, deficit reduction and the creation of fiscal space to increase capital spending.

According to SIGMA Report 2015, budget execution is monitored on a quarterly basis. The annual reports contain only some of the information that an annual report should contain. The reports are audited by the SAIs. There is no composite annual report made to the Parliamentary Assembly covering the State, the Entities and the BD, and none on an ESA standard

basis.¹²⁶ An annual financial report is published by the MoFT at the State level, and audited by the Office for Auditing of the Financial Operations of the Institutions of Bosnia and Herzegovina (SAI BiH).¹²⁷

Budget of the Institutions and International Obligations of Bosnia and Herzegovina is adopted and published by the economic, functional and organisational classification, as well as according to the review of a multi-annual projects. A system of mid-term and annual planning has been established, and the Budget Department of MFT has been involved in the implementation of programme-based budgeting using its own capacities. The process of programme-based budgeting in BiH institutions has been significantly improved by introducing the Guidelines on the Methodology in the Process of Mid-term Planning, Monitoring and Reporting in the Institutions of BiH, which were prepared based on the Decision on the Procedure for Mid-term Planning, Monitoring and Reporting in the Institutions of BiH ("Official Gazette of BiH", No. 62/14). Furthermore, the Financial Management Information System (FMIS) has been upgraded, thus creating the preconditions for monitoring execution by individual programmes. The said system is to be implemented once the normative and legal requirements, i.e. amendments to the Law on Financing of Institutions in BiH, are in place.¹²⁸

The Budget Law only specifies the use of modified accrual accounting; however, there is no requirement that this is compatible with international standards.¹²⁹

The quality of public finance and budget planning remains weak. The programme refers to the importance of improving the quality of public finance management, but fails to mention concrete reform projects and their expected fiscal impact. Medium-term budget planning remains weak and is impeded by fragmented responsibilities across the country's entities.¹³⁰

Bosnia and Herzegovina has not yet achieved sufficient budget transparency. Annual budgets are published, but no consolidated monthly reports exist at any level of administration. The lack of harmonisation on the charts of accounts at state and entity level hampers access to consolidated data. Follow-up on external audit findings needs improvement. There have been initiatives to prepare and plan a citizens' budget, especially for some institutions at the level of the Council of Ministers, but their development needs still to be followed through.¹³¹

Central Harmonisation Unit (CHU) is responsible for development of the PIFC¹³² system at the level of BiH in accordance with the Law on Internal Audit of the Institutions of BiH and the Law on Financing the Institutions of BiH. The CHU was established within MFT BiH, and it published the annual consolidated internal audit reports on the MFT BiH website.

¹²⁶ SIGMA (2015) Baseline Measurement Report, the Principles of Public Administration Bosnia and Hercegovina, OECD Publishing, Paris, pp. 84-95.

¹²⁷ Law on the Financing of the Institutions of BiH, Article 22

¹²⁸ PUBLIC ADMINISTRATION REFORM MONITORING IN BOSNIA AND HERZEGOVINA:

ANALYSIS OF RESULTS IN THE FIELD OF PUBLIC FINANCE 2016, TI BIH, more info: <https://bit.ly/2ohtcFc>

¹²⁹ The State Law on the Financing of the Institutions of BiH, Official Gazette of BiH Nos. 61/04, 49/09 and 42/12, Articles 2 and 19.

¹³⁰ See: <https://bit.ly/2oeK5Av>

¹³¹ EUROPEAN COMMISSION, Bosnia and Herzegovina 2018 Report, more info: <https://bit.ly/2jQZsg5>

¹³² Public Internal Financial Control

Pursuant to the Law on Financing of Institutions of BiH and the Rules on Annual Reporting on the FMC System in the institutions of BiH the CHU MFT BiH prepared its first Annual Consolidated Report on the Financial Management and Control System in the Institutions of BiH 2017.¹³³

The Ministry of Finance of FBiH set up the CHU as a body which coordinates the development of methodology and standards for financial management and control activities. It is also in charge of internal audit, organising training and monitoring the internal financial control system quality. In accordance with the Law on Internal Audit, the CHU prepared the fifth annual consolidated report on the state of internal audit for 2015, which was adopted in October 2016. In practice, there are still instances of institutions which do not have internal audit units in place, or even if they do, the location of those units within the organisation and the description of their activities are not aligned with the relevant regulations.¹³⁴

As stated in SIGMA REPORT 2017 for BiH, the State has had FMC legislation in place long enough to have an established process for monitoring PIFC implementation. CHU of MFT BiH submits the FMC report to the CoM of BiH, then to the Parliamentary Assembly. In response to the 2015 Annual Report, CoM encouraged institutions to accelerate their implementation of FMC, through measures such as developing action plans.¹³⁵ The State gathers information through a 27-page self-assessment questionnaire featuring only 2 questions on how management is implementing FMC within the organisation (e.g. through establishing expert working groups); the remaining 17 questions address each of the elements of the Committee of Sponsoring Organisations of the Treadway Commission (COSO) Framework¹³⁶ (e.g. the control environment) and request evidence to support the assessments made. There is no process for validating the information submitted to the CHU. In 2016, 70 of the 75 State institutions submitted questionnaires to the CHU (compared to 63 out of 74 institutions in 2015); the responses were then compiled, with commentary and recommendations, into the report issued in May 2017.¹³⁷

According to the same report¹³⁸, on all levels of government in BiH, The regulatory framework for IA is adequate, but the implementation of this framework has been slow. Mainly due to budgetary constraints, the organisational capacity to implement the framework is still lagging, resulting in the lack of capacity to provide for CPD and quality assurance.

There are four independent Supreme Audit Institutions (SAIs) in Bosnia and Herzegovina. Their job is to audit the public sector/the public accounts of government and its departments, cantons, municipalities, companies, organizations, funds, agencies, etc.

133 See: <https://bit.ly/2NogX4J>

134 PUBLIC ADMINISTRATION REFORM MONITORING IN BOSNIA AND HERZEGOVINA:

ANALYSIS OF RESULTS IN THE FIELD OF PUBLIC FINANCE 2016, TI BIH, more info: <https://bit.ly/2ohtcFc>

135 Conclusions of the 53rd Meeting of CoM BiH held on 26 April 2016.

136 The COSO develops frameworks and guidance on enterprise risk management, internal control and fraud deterrence.

137 Consolidated Statement of FMC in BiH institutions for 2016, State CHU, May 2017.

138 SIGMA Report for BiH 2017

Audit Office of the Institutions of BiH is external, independent auditor auditing the operations of the institutions of Bosnia and Herzegovina. The Office is the supreme audit institution in Bosnia and Herzegovina established in 2000. The mandate of the Office is defined in the Law on Auditing the Institutions of BiH, generally accepted auditing standards and ISSAI framework.¹³⁹

The internal organization of the Office is established by the Rulebook on internal organization and job classification. Tasks of the Audit Office are carried out within the following organizational units: Office of the Auditor General and Deputy Auditors General, Financial Audit Department, Performance Audit Department, Financial Audit Development, Methodology and Quality Control Department, Performance Audit Quality Control, Methodology and Planning Department and Legal, Financial and General Affairs Department. International Cooperation and Public Relations Department operates within the Office of the Auditor General and Deputy Auditors General. The Office is responsible for: financial audits and compliance audits, performance audit and other specific audits. The competences of the Office include all public institutions of BiH, including: the Parliament, the Presidency, the Council of Ministers and budgetary institutions, extra-budgetary funds provided by law, funds in the form of a loan or a grant to Bosnia and Herzegovina ensured by international agencies and organizations for a certain institution or project in Bosnia and Herzegovina and Funds ensured from the budget for any other institution, organization or body. The main outputs of the Office are its reports, opinions and, in particular, recommendations aimed at improving the management of public funds. The Office may be pleased with the fact that the awareness and need for improvement through accepting and implementing audit recommendations have arisen. Still, we cannot be satisfied with the percentage of recommendations implementation (the average percentage in the last three years has been 40%), especially when compared with the percentage of up to 95% reported in developed countries. Implementation of audit recommendations directly contributes to reduced irregularities in the work of auditees, but, at the same time, it is necessary for the competent persons, bodies and institutions to take a more active part in the process and, in line with their respective competencies, to act properly in order to achieve positive effects for the benefit of the whole community. Over the past years, the Office has achieved significant results in establishing and developing the audit function. However, in order to keep pace with development trends internationally, it is necessary to ensure continuous compliance and implementation of the ISSAIs, updating of audit manuals in that respect, as well as a continuous training of staff, especially in the field of audit (external and internal training).¹⁴⁰

The Office has developed Strategic Development Plan 2014 - 2020, and it serves to continue the development of the Office in accordance with the Strategic Development Framework of Supreme Audit Institutions of Bosnia and 2013-2020 adopted by the Coordination Board.

According to SIGMA Report for BiH 2017, SAI Law on state level, as well as laws on other levels of government of BiH¹⁴¹ ensure the financial independence of the SAIs, have a sufficiently broad mandate and are empowered to carry out financial, compliance and performance audits. But in the same Report is stated that BiH citizens do not have much trust in the political independence of the SAIs. Only 16% of citizens who responded to the 2017 Balkan Barometer survey¹⁴² totally agreed or tended to agree that the SAIs are independent of political influence.

139 The framework of International Standards of Supreme Audit Institutions

140 Audit Office of the Institutions of Bosnia and Herzegovina – Strategic Development Plan 2014 - 2020

141 SAI Laws: Articles 5 (the State and the FBiH) and Article 25 (the RS); the BD SAI (Article 5) will have to submit its draft budget to the Finance Directorate

142 Balkan Barometer, annual survey conducted by the Regional Cooperation Council (RCC), <http://www.rcc.int/seeds/results/2/balkan-opinion-barometer>

VII.2 What does WeBER monitor and how?

Monitoring of the Public Finance Management area is performed against four SIGMA Principles.

Principle 5: Transparent budget reporting and scrutiny are ensured;

Principle 6: The operational framework for internal control defines responsibilities and powers, and its application by the budget organisations is consistent with the legislation governing public financial management and the public administration in general;

Principle 8: The operational framework for internal audit reflects international standards, and its application by the budget organisations is consistent with the legislation governing public administration and public financial management in general

Principle 16: The supreme audit institution applies standards in a neutral and objective manner to ensure high-quality audits, which positively impact on the functioning of the public sector.

As these Principles are thoroughly assessed by SIGMA, WeBER approach incorporates and enhances elements of transparency, and accessibility of information, external communication but also proactive and citizen-friendly approach to informing the citizens.

WeBER monitoring is based on three indicators, one per each PFM sub-area covered: annual budget policy, PIFC, and external audit. Firstly, transparency and accessibility of budgetary documents is assessed, measuring how accessible are key budget documents to the citizens (annual state-level budget and budget execution reports), but also to what extent is budgetary information presented and adapted to the needs of citizens and civil society. To this end, web presentations of ministries in charge of finance and data available thereon were analysed as the primary online source, but also official portals of governments and open data portals depending on country-specific practices.

Secondly, public availability and communication of essential information on PIFC (consolidated reporting, IA quality reviews, FMC procedural information) to the public and other stakeholders is also measured by analysing official websites and available documents of government institutions in charge of PIFC policy. However, for availability of specific FMC related information the websites of all ministries are analysed, and also official parliamentary documentation for the measurement of regularity or parliamentary scrutiny of PIFC.

Lastly, in the external audit area, indicator approach considers supreme audit institutions' external communication and cooperation practices with the public. It covers existence of strategic approach, means of communication used, citizen-friendliness, use of data visualisation, existence of channels for reporting on issues identified by external stakeholders, and consultations with civil society. For this purpose, combination of expert analysis of SAI documents and analysis of SAI websites is used but complemented with semi-structured interviews with SAI staff to collect additional or missing information.

VII.3 WeBER Monitoring Results

Principle 5: Transparent budget reporting and scrutiny are ensured

WeBER indicator PFM P5 I1: Transparency and accessibility of budgetary documents

Indicator elements	Scores
Enacted annual budget is easily accessible online	4/4
In-year budget execution reports are easily accessible online	2/4
Mid-year budget execution reports are easily accessible online	0/4
Budget execution reports (in-year, mid-year, year-end) contain data on budget spending in terms of functional, organization and economic classification	4/4
Annual year-end report contains non-financial information about the performance of the Government	0/2
Official reader-friendly presentation of the annual budget (Citizen Budget) is regularly published online	0/4
Budgetary data is published in open data format	1/2
Total	12/24
Indicator value (0-5)¹⁴³	2

Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

The Law on Budgets of the Institutions of BiH for 2017 and 2018 are available and easily accessible on the web page of BiH Ministry of Finance and Treasury. Budget Documents that on annual basis provide information are available with just one click, easily accessible and downloadable.

However, there is no monthly reporting of data, which would serve for up to date information through the year. As stated in the previous sentence, in-year monthly budget execution reports are not available but quarterly reports about execution budget are easily accessible on the web page (3 reports available for 2017). Mid-year budget execution reports (half a year budget) is available online only for 2016 and it can be found at the Parliament's website. But it is of note that there are delays in completing and presenting the reports so the information is not available to the public in timely manner.

Table 1 Online accessibility of in-year budget reports

	In-year reporting	Mid-year reporting
Type ¹⁴⁴	Monthly, quarterly	6 months
Easily accessible	✓	X ^{★145}

¹⁴³ Conversion of points: 0-4 points = 0; 5-8 points = 1; 9-11 points = 2; 12-14 points = 3; 15-17 points = 4; 18-20 points = 5.

¹⁴⁴ For in-year reporting, last six months prior to monitoring are taken into consideration (does not have to be within the same fiscal year). For mid-year reporting, reports for the current and last fiscal year, or for the last two fiscal years were considered, depending on the legal deadline for publishing of the mid-year budget report in each country.

¹⁴⁵ Mid-year budget report for 2017 available on the Parliament's website: <https://www.parliament.ba/act/ActDetails?actid=1018>

Year-end report for 2016 contains economic, organisational and functional classification. This report does not contain non-financial performance data, either by organisation unit or otherwise. Report has a lot of text and explanations but there is no performance information.

State-level MoFT in Bosnia and Herzegovina is the only ministry in the region, publishing all budget execution reports (quarterly, mid-year, and year-end) with budget spending data according to three expenditure classifications.¹⁴⁶ Despite the good practice, mid-year budget reports in Bosnia and Herzegovina are only available from the website of the Parliament, and the Ministry, as the main policy-making authority for finance does not publish it.

Lastly, official citizen-friendly annual budget is not available online and no data in open format can be found on the web page of the Ministry.

WeBER Platform members' findings

It is worth noting that the reports of the public sector audit offices have consistently revealed a large number of irregularities in budget spending. However, even if audit reports have continued to uncover the same irregularities year after year, law enforcement agencies and the judiciary have, for the most part, failed to hold those responsible to account, and the governments and parliaments have shown no readiness to contribute to transparent and accountable spending through institution of systemic solutions.

[Transparency International BiH \(TI BiH\) 2018](#)

Table 2 Data comprehensiveness in budget reporting

Data type	In-year reporting	Mid-year reporting	Year-end reporting
Economic	✓	✓	✓
Functional	✓	✓	✓
Organisational	✓	✓	✓
Performance			✓*

How does BiH do in regional terms?

Chart 21: Indicator values¹⁴⁷ for 6PFM_P5_I1 "Transparency and accessibility of budgetary documents"



Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

¹⁴⁶ Examples of Mid-year report: <https://www.parlament.ba/act/ActDetails?actId=1018>, Year-end report: <https://bit.ly/2txJDAG>, and quarterly reports: <https://bit.ly/2wNYliQ>, <https://bit.ly/2jFZibm>, <https://bit.ly/2NnbvLL>

¹⁴⁷ Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

Principle 6: The operational framework for internal control defines responsibilities and powers, and its application by the budget organisations is consistent with the legislation governing public financial management and the public administration in general;

Principle 8: The operational framework for internal audit reflects international standards, and its application by the budget organisations is consistent with the legislation governing public administration and public financial management in general

WeBER indicator PFM P6_8 I1: Public availability of information on public internal financial controls and the parliamentary scrutiny

Indicator elements	Scores
Consolidated annual report on PIFC is regularly produced and published online	4/4
Quality reviews of internal audit reports are regularly produced and published online	0/2
Ministries publish information related to financial management and control	0/2
CHU proactively engages with the public	1/2
The Parliament regularly deliberates on/reviews the consolidated report on PIFC	1/2
Total	6/12
Indicator value (scale 0-5¹⁴⁸)	2

Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

The Law on Financing of the Institutions of Bosnia and Herzegovina defines the obligations of publishing quarterly, semi-annual and annual reports on PIFC. For Internal audit (IA), there is no clear deadline for the preparation of the consolidated annual report in Law on Internal Audit of BiH. Also, the Law on Financing of the Institutions of BiH does not have a clear deadline for the CHU to prepare the consolidated FMC report. Although there are no strict deadlines prescribed by these two laws, but the Ministry has been consistent in publishing them in March each year, for the last three years.

Consolidated annual reports on PIFC are produced and published online, at the website of the Central Harmonisation Unit of the Ministry of Finance. Available reports cover time period between 2011 and 2017. However, quality reviews of internal audit reports are not regularly published online.

As for the publishing of the information related to financial management and control, there is a lack of proactive approach of the ministries. Such information is not available on line.

148 Conversion of points: 0-4 points = 0; 5-8 points = 1; 9-11 points = 2; 12-14 points = 3; 15-17 points = 4; 18-20 points = 5.

TABLE 3 PUBLISHING INFORMATION RELATED TO FMC BY MINISTRIES

	Ministry	FMC information	1 for YES, 0 for NO
1	BiH Ministry of Foreign Affairs	1/Risk register	0
		2/Book of procedures	0
		3/FMC manager	0
2	BiH Ministry of Security	1/Risk register	0
		2/Book of procedures	0
		3/FMC manager	0
3	BiH Ministry of Defence	1/Risk register	0
		2/Book of procedures	0
		3/FMC manager	0
4	BiH Ministry of Finance and Treasury	1/Risk register	0
		2/Book of procedures	0
		3/FMC manager	0
5	BiH Ministry of Justice	1/Risk register	0
		2/Book of procedures	0
		3/FMC manager	0
6	BiH Ministry of Foreign Trade and Economic Relations	1/Risk register	0
		2/Book of procedures	0
		3/FMC manager	0
7	BiH Ministry of Communications and Transport	1/Risk register	0
		2/Book of procedures	0
		3/FMC manager	0
8	BiH Ministry of Human Rights and Refugees	1/Risk register	0
		2/Book of procedures	0
		3/FMC manager	0
9	BiH Ministry of Civil Affairs	1/Risk register	0
		2/Book of procedures	0
		3/FMC manager	0

There is evidence of proactive engagement with the public – the CHU has made several press releases and public appearances on PIFC matters. However, publishing leaflets or active social media activity is lacking. Summaries of reports produced by the CHU are available online but the text is a very technical and bureaucratic.

The analysis of the Parliament website and the available documents reveals that the Parliament deliberates on the consolidated report on PIFC, but not regularly.

How does BiH do in regional terms?

Chart 22: Indicator values¹⁴⁹ for 6PFM_P6_P8_I1 “Public availability of information on public internal financial controls and the parliamentary scrutiny”



Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

Principle 16: The supreme audit institution applies standards in a neutral and objective manner to ensure high-quality audits, which positively impact on the functioning of the public sector

WeBER indicator PFM P16 I1: Supreme Audit Institution's communication and cooperation with the public pertaining to its work

Indicator elements	Scores
SAI develops a communication strategy for reaching out to the public	0/4
SAI has dedicated at least one job position for proactive communication and provision of feedback towards the public	4/4
SAI utilises various means of communication with the public	0/2
SAI produces citizen-friendly summaries of audit reports	0/4
Official channels for submitting complaints or initiatives to SAI by external stakeholders are developed (wider public, CSOs)	0/2
SAI consults CSOs and their work for the purpose of identifying risks in the public sector	1/2
Total	5/18
Indicator value (scale 0-5¹⁵⁰)	1

Note: Scale for point allocation is 0-2; weight for every element is 1 or 2, total score is calculated by multiplication of point allocation and weight

¹⁴⁹ Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

¹⁵⁰ Conversion of points: 0-4 points = 0; 5-8 points = 1; 9-11 points = 2; 12-14 points = 3; 15-17 points = 4; 18-20 points = 5.

Audit Office of the Institutions of BiH (AOI BiH) operates within the Strategic Development Plan 2014 – 2020 that serves to continue the development of the Office in accordance with the Strategic Development Framework of Supreme Audit Institutions of Bosnia and Herzegovina 2013-2020 adopted by the Coordination Board. The Plan contains four Strategic objectives. Strategic objective 1: Preserving and strengthening the Office's independence; Strategic objective 2: Strengthening the impact of audit in society actively contributing to the efficiency, economy and effectiveness of public administration; Strategic objective 3: Strengthening institutional (professional and organizational) capacities; Strategic objective 4: International role and cooperation with local institutions and organizations. It also contains Strategic programs. Interview with AOI staff member reveals that the Coordination Board has also adopted a Communication Plan in 2006 (updated in 2016) which defines target audiences and manners of communication with them. The practice recognizes the need for a more detail definition of communication approach towards specific target groups such as media and NGOs as well as other relevant stakeholders. The Office is currently collaborating with SIGMA on a project targeting improvement of communication practices with the goal of creating a comprehensive communication strategy of the Office.

Development and fostering communication, coordination and cooperation with appropriate bodies in BiH (the Parliament, the media, the public) will contribute to strengthening of the role and significance of audit in the society. There is information online under the section International Cooperation and Public Relations Unit indicating contact person - Head of the International Cooperation and Public Relations Unit.

Interview with AOI staff representative reveals that so far, the Office has practiced mainly the one-sided (one-way) communication with relevant stakeholders by publishing its reports and other information on its website and thus making them publically available. However, the Office has not requested any type of feedback or inputs from relevant external stakeholders. There is no available information that any press conference was held, AOI does not have any active social media account, and there are no promo videos published. They only have NEWS-LETTER section where someone can subscribe for receiving notifications from Audit Office via e-mail. The primary manner of communication with the public is the website of the Office and direct contact with the media.

As for the audit reports, for 2017 there are 78 reports available on the AOI website (only financial and performance audit reports). None of the financial audit reports contains a summary. All financial audit reports follow the same format, where in the first part the report elaborates on legal framework for reporting and methodology used for forming the opinion of the auditors. A short review is given of the implementation of measures from previous reports (those that have been implemented, those in the process of implementation and those that have not been implemented). They also offer a short review of internal control systems and budgets (such as expenditures, salaries, compensations, and other) as well as financial information and public procurements review. All financial audit reports are written clearly, and although slightly technocratic, they are still written in a user-friendly language. Even though they contain no summary as such, all of them are rather concise, and can serve as a summary on their own (their length usually not exceeding 25 pages).

Performance audit reports (5 in total) do have citizen friendly summaries. However, summaries of these reports are quite generic and short.

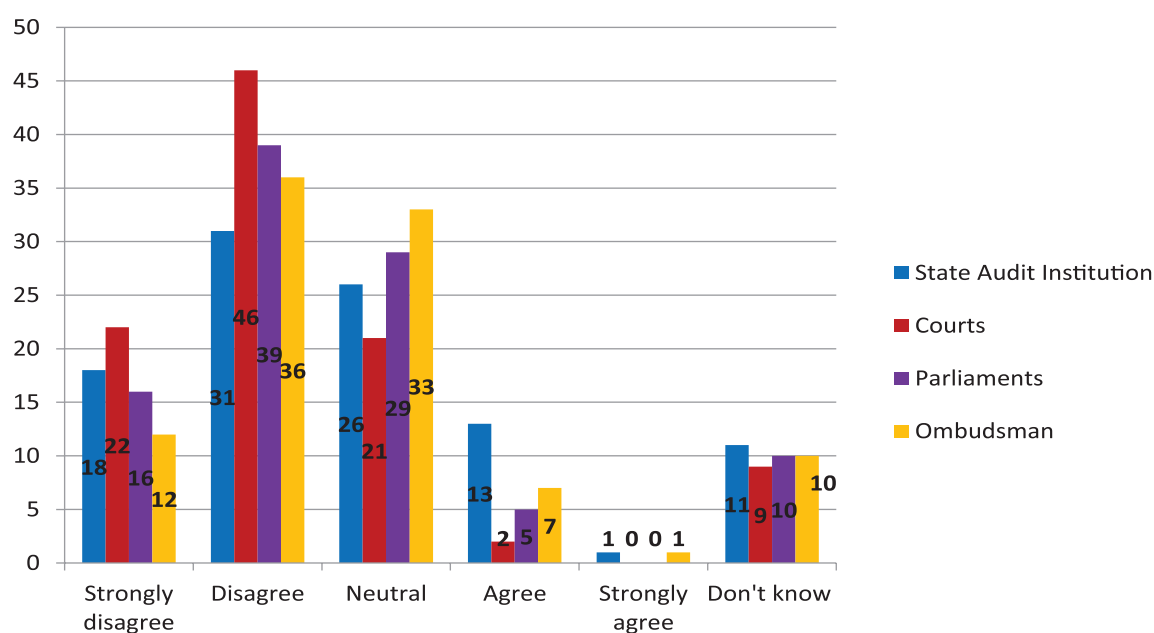
No existing functional channels for submitting complaints or initiatives to AOI by external stakeholders (wider public, CSOs) are identified by searching AOI website or by reviewing available documentation, including annual activity report for 2017, AOI Rules of procedure, Information Booklet.

Interview with AOI staff representative reveals that the Office enables the reception of letters or e-mails containing different public requests and complaints, which are, as much as the mandate of the Office allows, taken into account in the work of the Office. The project AOI is implementing with SIGMA will account for the introduction of a mechanism or a tool through which the public will be able to directly contact the Office with questions, suggestions, initiatives and other.

Interview with AOI staff representative reveals that the practice so far has only enabled consulting the available and published reports and CSO analyses in the process of drafting of the performance audit reports. The project implemented with SIGMA also implies the introduction of additional consultations with NGOs in the process of drafting of the audit action plans. In June this year, two focus groups were held within the project, with representatives of the media and civil society, with the aim of improving communication.

Finally, based on survey of civil society, only 14% of surveyed CSOs in BiH agree ("agree" and "strongly agree") that the SAI's oversight of administration bodies is effective, while more than 40% of them think the opposite ("strongly disagree" and "disagree").

FIGURE 4 EFFECTIVENESS IN OVERSEEING THE WORK OF THE STATE ADMINISTRATION (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. **Base:** N=97

How does BiH do in regional terms?

Chart 23: Indicator values¹⁵¹ for 6PFM_P16_I1 “Supreme Audit Institution’s communication and cooperation with the public pertaining to its work”



Regional PAR Monitor Report with results for all WB countries is available at:

www.par-monitor.org

VII.4 Summary results: Public Finance Management

Annual budget documents (Law on Budget of the Institutions of BiH) are easily accessible at the official website of the BiH Ministry of Finance and Treasury, the same as quarterly reports about execution budget. However, the in-year monthly budget execution reports cannot be found at the website.

Furthermore, mid-year budget reports are not published at the website of the Ministry. Although half a year budget execution report for 2016 is available online, it is only accessible from the web-page of the BiH Parliament’s website.

Moreover, year-end report for 2016 contains economic, organisational and functional classification. Yet, non-financial performance data, either by organisation unit or otherwise is not being reported on. BiH Ministry of Finance and Treasury does not publish citizen-friendly version of the annual budget and no data can be found and downloaded in open format.

Central Harmonisation Unit (CHU) produces and publishes consolidated reports on public internal financial control (PIFC). Consolidated reports on PIFC available at the CHU website cover reporting periods between 2011 and 2017. BiH has an interesting practice of consolidated reporting in two separate documents, on IA and FMC. It is of note that there are no strict deadlines prescribed for the CHU to prepare the consolidated FMC report, but the Ministry has been consistent in publishing them in March each year, for the last three years. However, quality reviews of internal audit reports are not published online.

Moreover, there is a lack of proactive approach of the ministries on the state level of BiH when it comes to publishing of the information related to financial management and control (FMC). Risk registers, book of procedures or information on the appointed FMC managers are not avail-

¹⁵¹ Scale 0-5 (where 0 is the lowest and 5 is the highest value for country)

able online. However, evidence of proactive engagement with the public is visible through several press releases and public appearances on PIFC matters with lack of publishing leaflets or active social media activity.

Lastly, BiH Parliament deliberates on the consolidated report on PIFC, but not regularly.

Strategic Development Plan 2014 – 2020 of the Audit Office of the Institutions of BiH (AOI BiH) serves to continue the development of the Office in accordance with the Strategic Development Framework of Supreme Audit Institutions of BiH 2013-2020 adopted by the Coordination Board. It contains four Strategic objectives, as well as Strategic programs. Moreover, Coordination Board has also adopted a Communication Plan in 2006 (updated in 2016) which defines target audiences and manners of communication with them. However, The Office is currently collaborating with SIGMA on a project targeting improvement of communication practices with the goal of creating a comprehensive Communication strategy of the Office, due to the need for a more detail definition of communication approach towards specific target groups such as media and NGOs.

The Office has indicated contact person for International Cooperation and Public Relations. The primary manner of communication with the public is the website of the Office and direct contact with the media.

Furthermore, none of the financial audit reports contains a summary. All financial audit reports follow the same format, where in the first part the report elaborates on legal framework for reporting and methodology used for forming the opinion of the auditors. Performance audit reports (5 in total), do have citizen friendly summaries (very clear, concise and they give the reader a brief overview of main findings). However, summaries of these reports are also quite generic and short.

Additionally, the data provided by searching AOI website or by reviewing available documentation showed no existing and functional channels for submitting complaints or initiatives to AOI by external stakeholders (wider public, CSOs). It is noteworthy that the project implemented with SIGMA also implies the introduction of additional consultations with NGOs in the process of drafting of the audit action plans.

VII.5 Recommendations for Public Finance Management

MoF publishes certain amount of information on budget spending on its website in a regular manner. For the public to have a full benefit of the disclosed information, a comprehensive and enhanced presentation is essential. In that sense online transparency of budget, spending can be increased in different ways.

1. **BiH MoF** has a a single place on its website for ALL information on executed budget (quarterly, mid-year, annual), listing separately different budget execution reports, but **it should be better organized and easily accessible**;
2. **Publishing of budget execution data should be as comprehensive as possible, for better understanding of external stakeholders and greater transparency.** Meaning, besides “business as usual” publishing information by economic categories, each report should allow for accessing execution data by functions of the Government, and individual budget users’ execution for the whole public sector (state budget, local self-governments, social security organisations, state-owned enterprises);
3. **Year-end budget report should provide performance information of the Government.** Firstly, this information should be disclosed in concise and citizen-friendly way explaining achievements by the Government in terms of budget execution, and

secondly, more detailed information can be provided by disclosing information on programme-budget indicators at the level of programmes of all budget users, at least;

4. BiH MoF should proactively publish citizen-friendly version of the annual budget. These kinds of reports are not available at the website of BiH MoF, and if MOF decides to publish them, it should consider increasing the quality of their contents and making data more telling, by e.g. placing highlight on functions/purpose of budget spending, on key budget projects and measures planned for the year, on possibilities for citizen participation in budget formulation at different levels, but also on advanced data visualisation - to keep data simple and understandable but still increasing their visual appeal;
5. **MoF should pursue open data policy to the fullest, by publishing ALL budgetary data in preferably more than one open format**, in line with the open data standards. This should also entail making datasets easily accessible and clearly visible website banner/section.
6. **MoF CHU should regularly produce and publish online quality reviews of internal audit reports.**
7. **MoF CHU should improve external communication, by publishing materials for explaining PIFC and highlighting important developments in the public sector to the citizens**, using simple language and examples from practice. This can be done through various means such as infographics, videos, or brochures, or via social media channels.
8. **Ministries on the State level, but also other levels of government should dedicate an easily accessible, single website section for updates on FMC within the organisation.** It should at least include mission and goals of the organisation, responsible persons for implementing the PIFC, business procedures, information on risk management, reported irregularities. Beyond descriptions and static information, this section should be regularly updated with results of PIFC implementation in daily functioning of the organisation.

Finally, SAI of BiH has invested noteworthy efforts in terms of better communication of its work to the public. However, SAI can consider multiple options for enhancing further dissemination of its work results to external stakeholders, but also for strengthening two-way communication with citizens.

9. **SAI should aim to produce citizen-friendly summary for each audit report published, regardless of the audit type.** As the good starting point, short and concise summaries produced for performance audit reports can be replicated;
10. **On specifically dedicated website location, SAI should clearly promote information on receiving, and procedure of handling citizens' inputs, tips, and complaints.** Increased visibility and promotion of this practice can positively affect citizens' engagement in reporting irregularities as well as government accountability;
11. **SAI should definitely adopt communication plan or strategy.** By adopting it and making it public (together with the action plan for implementation), SAI approach to external communication, and planned involvement of civil society in its work, becomes more transparent and predictable, and SAI credibility strengthened;
12. **SAI should consider using as many citizen-friendly tools as possible for communication of its work.** Possible options include but are not limited to infographics, videos, or brochures, and social media.

Methodology Appendix

PAR Monitor Methodology was developed by the research and expert team of WeBER and widely consulted among all relevant WeBER associates. Overall, the methodology is based on the selection of 21 SIGMA Principles within six key areas of PAR, and selected Principles are monitored through 23 compound indicators that focus on different aspects of PAR.

PAR Monitor methodology (master) document provides details on the overall approach of WeBER PAR monitoring, the process of developing the methodology, the selection of the Principles which the WeBER project monitors and the formulations of indicators with the basic methodological approaches. Detailed information needed for the measurement of each indicator is provided in separate detailed indicator tables. Each detailed indicator table contains the formulation and focus of a specific indicator, as well as the following information for each of the indicator elements: formulation, weigh, data sources, detailed methodology, and point allocation rules.

PAR Monitor methodology, and detailed indicator tables are available at the following link: <http://www.par-monitor.org/pages/par-monitor-methodology>

For producing this National PAR Monitor report, following research methods and tools were used for data collection and calculation of indicators:

- Analysis of official documentation, data and official websites
- Requests for free access to information
- Focus groups
- Interviews with stakeholders
- Public perception survey
- Survey of civil servants
- Survey of civil society organisations.

Analysis of Official Documentation, Data and Official Websites

Monitoring heavily relied on the analysis of official documents publicly available on the websites of administration bodies and on the data and information contained therein. Documents which were analysed to this end include:

- Legislation (laws and bylaws);
- Policy documents (strategies, programmes, plans, action plans, etc.)
- Official reports (implementation reports, public consultation reports etc.);

- Analytical documents (impact assessments, explanatory memorandums to legislation, policy concepts, policy evaluations etc.);
- Individual legal acts (decisions, conclusions etc.);
- Other documents (agendas, meeting minutes and reports, announcements, guidelines, directives, memorandums etc.);

In some instances, responsible authorities were directly contacted by researchers for missing documents and data. In BiH, the documentation needs for calculating indicators for the Strategic Framework of PAR were directly communicated with the the Public Administration Reform in BiH Coordinator's Office and BiH Ministry of Finance and Treasury.

Additionally, official websites of public authorities were used as sources of data and documents for all indicators, but the ones completely based on surveys. However, in certain cases websites of public authorities were closely scrutinised as they were key sources of information and units of analysis. In Policy Development and Coordination, for monitoring transparency of governmental decision-making and reporting, following website was analysed:

1. The Council of Ministers of Bosnia and Herzegovina - <http://www.vijeceministara.gov.ba/>.

In the Public Service and Human Resource Management Area, for the monitoring of openness, transparency and fairness of recruitment into the civil service (PSHRM_P3_I1), and for public availability of official data and reports about the civil service and employees in central state administration (PSHRM_P2_I1), the following websites were analysed:

1. BiH Civil Service Agency - <http://www.ads.gov.ba>
2. The Council of Ministers of Bosnia and Herzegovina - <http://www.vijeceministara.gov.ba/>
3. BiH Ministry of Human Right and Refugees - <http://www.mhrr.gov.ba>
4. BiH Ministry of Civil Affairs - <http://www.mcp.gov.ba>
5. BiH Ministry of Foreign Trade and Economic Relations - <http://www.mvteo.gov.ba>
6. BiH Institute for Accreditation - <http://www.bata.gov.ba>
7. BiH Directorate of Civil Aviation - <http://www.bhdca.gov.ba>

In the Accountability area, for monitoring proactive informing of the public by public authorities (ACC_P2_I2), the following websites were analysed:

1. BiH Ministry of Foreign Trade and Economic Relations - <http://www.mvteo.gov.ba>
2. BiH Ministry of Justice - <http://www.mpr.gov.ba>
3. BiH Ministry of Defence - <http://www.mod.gov.ba>
4. BiH Ministry of Finance and Treasury - <http://mft.gov.ba>
5. BiH Directorate for European Integration - <http://www.dei.gov.ba>
6. BiH Food Safety Agency - <http://www.fsa.gov.ba>
7. BiH State Investigation and Protection Agency - <http://www.sipa.gov.ba>

In the Service Delivery Area, for monitoring availability of information regarding the provision of administrative services on the websites of service providers (SD_P5_I2), the following websites were analysed:

1. Entity level agencies for property registration (RS RAGPA, FBiH AGRPA) - www.rgurs.org; <http://www.fgu.com.ba>, BD government - <http://www.bdcentral.net>
2. Intermediary Agency for IT and financial services (APIF) RS - <https://www.apif.net>; Brcko District Registration Court - <https://ossud-brckodistriktbih.pravosudje.ba>
3. Agency for Identification Documents, Registers and Data Exchange - <https://www.iddeea.gov.ba>; FBiH cantonal MOIs, RS MOI, BD government - <http://www.bdcentral.net>, www.mup.vladars.net; www.mupusk.gov.ba; http://www.zupanijaposavska.ba/ministarstvo_unutarnjih-poslova; www.mup.tk.ba; www.mupzdk.gov.ba; <http://www.bpkg.gov.ba>; www.mupsbk-ksb.gov.ba; <http://www.mup.hnk.ba>; <http://mup.ks.gov.ba>; www.mupk10livno.com
4. Tax Agency on the State level (BiH ITA) - <http://www.new.uino.gov.ba>; FBiH Tax Authority - <http://www.pufbih.ba>; RS Tax Authority - <https://www.poreskaupravs.org>

In the Public Finance Management area, for monitoring transparency and accessibility of budgetary documents (PFM_P5_I1), public availability of information on public internal financial controls and the parliamentary scrutiny (PFM_P6&8_I1), and supreme Audit institution's communication and cooperation with the public (PFM_P16_I1), the following websites were analysed:

1. BiH Ministry of Finance and Treasury - <http://mft.gov.ba>
2. BiH Ministry of Foreign Affairs - <http://www.mvp.gov.ba>
3. BiH Ministry of Security - www.msb.gov.ba
4. BiH Ministry of Defence - <http://www.mod.gov.ba>
5. BiH Ministry of Justice - <http://www.mpr.gov.ba>
6. BiH Ministry of Foreign Trade and Economic Relations - <http://www.mvteo.gov.ba>
7. BiH Ministry of Communications and Transport - www.mkt.gov.ba
8. BiH Ministry of Human Rights and Refugees - <http://www.mhrr.gov.ba>
9. BiH Ministry of Civil Affairs - <http://www.mcp.gov.ba>
10. Audit Office of the Institutions of BiH - <http://www.revizija.gov.ba>

Requests for Free Access to Information (FOI)

As the PAR Monitor methodology strongly relies on the analysis of public availability of information and data, usually based on the websites of public authorities, FOI requests were not comprehensively sent out for each area of the Principles of Public Administration or every indicator. Requests were sent in cases where monitoring focus was on the proper identification of certain practice within administration, rather than public availability of information. Hence, where specific indicator requires online availability of information on specific websites, FOI request were not sent.

That said, the researchers used FOI requests as a data collection tool in three areas: Policy Development and Coordination (indicators PDC_P6_I1, PDC_P10_I1), Public Service and Human Resource Management (PSHRM_P3_I1, PSHRM_P2_I1), and Accountability (ACC_P2_I2). In BiH, a total of 33 FOI requests were sent in the monitoring period from October 2017 to September 2018.

Focus groups

Focus groups were conducted for collecting qualitative, in-depth inputs from stakeholders for a selection of indicators - for the ones either fully based on survey data to complement them, or for those that relied on otherwise collected information that needed to be corroborated by focus group participants. The PAR Monitor methodology envisaged focus groups for:

- Strategic Framework of PAR, with civil society organisations (for indicators SFPAR_P1_I1, SFPAR_P2&4_I1);
- Policy Development and Coordination, with civil society organisations (covering PDC_P5_I2, PDC_P6_I1, PDC_P10_I1, PDC_P11_I1, PDC_P12_I1)
- Public Service and Human Resource Management, with former candidates who previously applied for a job in central state administration bodies (for indicator PSHRM_P3_I1);
- Accountability, with civil society organisations (for indicator ACC_P2_I1), and
- Service Delivery, with civil society organisations specifically dealing with accessibility issues, vulnerable groups and persons with disabilities (for indicator SD_P4_I1).

For selection of participants, purposive non-probability sampling was used, targeting CSOs with expert knowledge in the topics concerned. In BiH, 1 focus group with former candidates who previously applied for a job in central state administration bodies and 2 focus groups with civil society organisations were conducted. Instead of a focus group with civil society organisations specifically dealing with accessibility issues, vulnerable groups and persons with disabilities and for SFPAR area, interviews were organised as an alternative, due to the low response rate of focus group invitees.

Table 1: Focus groups conducted in BiH

Date/Place	Group	#	PAR Area
13 June 2018, Sarajevo	Former candidates	5 participants	Public Service and Human Resource Management
27 July 2018, Sarajevo	Civil society	8 participants	Policy Development and Coordination, Accountability

Interviews with Stakeholders

Interviews were conducted to collect qualitative, focused and in-depth inputs from stakeholders on monitored phenomena. For a number of indicators, interviews are envisaged as data sources according to the indicator tables. Nonetheless, they were additionally used in the research to complement and verify otherwise collected data and findings.

Interviews were semi-structured, composed of set of open-ended questions, allowing for a discussion with interviewees and on-the-spot sub-questions rather than strictly following a predetermined format. Selection of interviewees was based on purposive, non-probability

sampling, targeting interlocutors based on their expertise and relevance for the topic.

In BiH, a total of 13 interviews were held within the monitoring period. Interviewees were given full anonymity in terms of personal information and institutional/organisational affiliation, in order to ensure higher response rate and facilitate open exchange.

Table 2: Interviews conducted in BiH

Date/Place	Interviewees	PAR Area
13 July 2018, Sarajevo	Representative of CSO	SFPAR
13 July 2018, Sarajevo	Representative of CSO	SFPAR
23 July 2018, Sarajevo	Representative of CSO	SFPAR
20 July 2018, Sarajevo	Representative of CSO working with vulnerable groups	SD
19 July 2018, Sarajevo	Representative of CSO working with vulnerable groups	SD
20 July 2018, Sarajevo	Representative of CSO working with Roma population	SD
24 July 2018, Sarajevo	Expert interview	PSHRM
27 July 2018, Sarajevo	Expert interview	PSHRM
25 July 2018, Sarajevo	Senior civil servant	PSHRM
30 July 2018, Sarajevo	Senior civil servant	PSHRM
24 July 2018, Sarajevo	Senior civil servant	PSHRM
24 July 2018, Sarajevo	Senior civil servant	PSHRM
1 August 2018, Sarajevo	Executorial level civil servant	PFM

Public Perception Survey

The public perception survey is based on a questionnaire targeting the general public (aged 18 and older) of 6 Western Balkan countries. The survey was conducted through computer-assisted personal interviewing (CAPI), using a three-stage random stratified sampling. It was implemented as part of the regional omnibus surveys conducted in Albania, Bosnia and Herzegovina, Montenegro and Serbia (ad hoc surveys were conducted for Kosovo and Macedonia) during 15 October - 30 November 2017.

For Bosnia and Herzegovina, the margin of error for the total sample of 1036 citizens is $\pm 3.05\%$, at the 95% confidence level.

Table 3: Survey sample breakdown

Key groups	Frequency	%
Gender		
Male	502	48.5
Female	534	51.5
Age		
18-29	210	20.2
30-44	271	26.2
45-59	291	29
60+	265	25.6
Educational attainment		
Primary school or less	349	33.7
High school	537	51.8
University degree or higher	150	14.5
Employment status		
In paid work	288	27.8
Unemployed	389	37.6
In education	68	6.6
Permanently sick or disabled	7	0.7
Retired	231	22.3
Employment sector		
Public	96	33.5
Private	192	66.5
Area of residence		
Rural	447	43.2
Urban	589	56.2

Survey of Civil Servants

The questionnaire was translated and adapted to local languages with a total of 21 question within five sections covering: recruitment of civil servants, temporary engagements in the administration, status of senior civil servants, salary/remuneration, and integrity and anti-corruption. Data collection was conducted using a self-administered questionnaire on SurveyMonkey platform (web SAQ) and Google Docs platform.

For BiH, 137 civil servants completed the survey from March 26th – April 30th, 2018. The Public Administration Reform Coordinator's Office (PARCO) facilitated the dissemination of the survey. In BiH, due to technical problems that the respondents were experiencing while accessing the SurveyMonkey platform from their office computers, the researchers prepared an identical survey on a different platform and disseminated the survey again to all institutions where problems with access were encountered, to ensure a maximum response rate. The two datasets were later merged.

TABLE 4: BREAKDOWN OF THE SAMPLE FOR SURVEY OF CIVIL SERVANTS

Key groups	Frequency	%
Civil service position		
Senior managerial level (head of authority)	9	7.5
Senior managerial level (not head of authority)	24	20
Managerial level	69	57.5
Professional level	10	8.3
Administrative level	2	1.7
Other	6	5
State administration institution		
Ministry	15	12.9
Subordinate agency	22	19.0
Centre-of-government institution (PM office, government office, government service)	32	27.6
Autonomous agency within the central state administration	47	40.5
Gender		
Male	52	43.3
Female	59	49.2
Don't want to answer	9	7.5
Years working in the administration		
Mean= 8.8 years; SD=5.8; Range=0-35 years		
Sector worked before joining the administration		
Local or regional administration	20	17.4
Other branch of power	4	3.5
Public services	14	12.2
International organisation	14	12.2
Non-governmental organisation	13	11.3
Media	7	6.1
Private sector	37	32.2
This was my first job	6	5.1
Other	0	0

TABLE 5: MARGIN OF ERROR PER QUESTION AT THE 95% CONFIDENCE LEVEL

Question	Q1_1	Q1_2	Q1_3	Q2	Q3_1	Q3_2	Q3_3	Q3_4	Q3_5
Margin of error	3.36-8.13	2.76-8.20	3.58-8.02	4.36-8.29	5.08-8.21	5.53-8.09	5.38-8.12	4.91-7.88	4.91-8.06
Question	Q4_1	Q4_2	Q4_3	Q4_4	Q5_1	Q5_2	Q5_3	Q5_4	Q5_5
Margin of error	2.14-8.33	3.65-7.65	3.65-7.81	3-8.33	1.52-8.33	4.18-8.39	N/A	2.61-8.46	4.18-8.55
Question	Q6	Q7	Q8_1	Q8_2	Q8_3	Q9	Q10		
Margin of error	3.65-8.46	3.93-8.52	4.25-8.39	5.11-8.27	3.06-8.59	4.25-8.31	3.99-7.13		

Survey of Civil Society Organisations

CSO survey results are based on a unified questionnaire targeting representatives of CSOs working in Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia. The questionnaire included nine sections covering:

- CSOs involvement in evidence-based policy-making,
- participation in policy- and decision-making,
- exercising the right to free access of information,
- transparency of decision-making processes,
- CSO's perceptions on government's planning, monitoring and reporting on its work,
- effectiveness of mechanisms for protecting the right to good administration,
- integrity of public administration, and
- the accessibility of administrative services.

Data collection was conducted using a self-administered questionnaire on SurveyMonkey platform (web SAQ).

For BiH, a total of 122 CSOs completed the survey from 23 April - 04 June 2018. The Center for Civil Society Promotion (CPCD - Centar za promociju civilnog društva) supported the dissemination of the survey.

TABLE 6: BREAKDOWN OF THE CSO SURVEY SAMPLE IN BiH

Key groups	Frequency	% (of cases)
Type of organization*		
Policy research/Think-tank	20	16.39
Watchdog	10	8.20
Advocacy	42	34.43
Service provider	43	35.25
Grassroot	47	38.52
Other	23	18.85
Field of operation*		
Governance and democracy	18	14.75
Rule of law	26	21.31
Human rights	62	50.82
Public administration reform	16	13.11
European integration	24	19.67
Gender issues	33	27.05
Children and youth	58	47.54
Environment and sustainable development	44	36.07
Education	63	51.64
Culture	43	35.25
Health	22	18.03
Media	22	18.03
Economic development	34	27.87
Civil society development	60	49.18
Social services	43	35.25
Other	15	12.30
Year of registration		
Mean= 1995; SD=13.6; Range=1945-2018		
Position of the respondent in the organization		
Senior-level management	78	63.93
Mid-level management	13	10.66
Senior non-management	9	7.38
Mid-level non-management	3	2.46
Other	19	15.57
Years working with the organization		
Mean= 10.44 years; SD=5.91; Range=0-26 years		

*Multiple response questions. Calculating frequency totals may add up beyond the sample size (183), or total percentage of cases may add up beyond 100%.



Public administration reforms (PAR) have been implemented in the Western Balkans for over a decade now, with varying degrees of success. Since 2014, PAR is acknowledged as one of the fundamental areas of reform on any country's path to EU membership and a set of principles was prepared for the accession countries to follow and comply with in this area in order to become successful EU member states.

This PAR Monitor report, produced by the WeBER project, provides detailed monitoring results and recommendations for Bosnia and Herzegovina, based on a comprehensive, year-long research focused on PAR. The PAR Monitor adopts the EU principles of public administration as the main building block of the entire endeavour, to allow for regional comparability, peer learning and peer pressure. This also allows WeBER to guide the administrative reforms in the direction of compliance with EU standards and requirements. The WeBER monitoring focus also rests strongly on the citizen-facing aspects of public administration, particularly examining issues of transparency, information provision to the public, citizen participation, accountability, equal opportunity and integrity.

The Western Balkans Enabling Project for Civil Society Monitoring of Public Administration Reform – WeBER – is a three-year project aiming to increase the relevance, participation and capacity of civil society organisations and media in the Western Balkans to advocate for and influence the design and implementation of public administration reform. WeBER is implemented by the Think for Europe Network (TEN), composed of six EU policy-oriented think tanks in the Western Balkans, and in partnership with the European Policy Centre (EPC) from Brussels.

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