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Western Balkan PAR Monitor

NATIONAL
PAR MONITOR
MONTENEGRO

2017/2018

WeBER

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MONTENEGRO

2017/2018

Introduction

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. Administrative reforms in WB region have been implemented 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:

> *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.*

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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 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.

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 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.

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

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 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. Considering 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 evaluating 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 CSOs' 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.

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.

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

• 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 administration in the Western Balkans. 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 administration and identify a set of recommendations for each PAR area, targeting national policy makers.

The Master Methodology document and the detailed indicator tables – all available on the WeBER website[7] – 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.

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

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

• 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 administration 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 framework 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[8*], 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.

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 Montenegro, on a scale from 0 to 5. Immediately after, a brief state of play in Montenegro 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 Montenegro. 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 Montenegro, the national PAR Monitor report proposes actionable recommendations for the responsible government authorities.

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8 / * This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

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, the 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. Official websites of public authorities were used as sources of data and documents for all indicators, except for the ones completely based on survey data. In certain cases, the websites of public authorities were closely scrutinised as they were the key sources of information and units of analysis.

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).

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.

For selection of participants, purposive non-probability sampling was used, targeting CSOs with expert knowledge in the topics concerned.

Focus group conducted in Montenegro

Date/Place	Group	#	PAR Area
12 June 2018, Podgorica	Civil society	9 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 Montenegro, a total of 14 interviews were held within the monitoring period and one focus group with representatives of CSOs for areas of Policy Development and Coordination, Accountability.

Interviews conducted in Montenegro

Date/Place	Interviewees	PAR Area
05 July 2018, Podgorica	Representative of CSO	SFPAR
05 July 2018, Podgorica	Representative of CSO	SFPAR
15 July 2018, Podgorica	Representative of CSO working with vulnerable groups	SD
18 July 2018, Podgorica	Representative of CSO working with vulnerable groups	SD
18 July 2018, Podgorica	Representative of CSO working with vulnerable groups	SD
19 July 2018, Podgorica	Former candidate for a job in central administration	PSHRM
19 July 2018, Podgorica	Former candidate for a job in central administration	PSHRM
20 July 2018, Podgorica	Former candidate for a job in central administration	PSHRM
23 July 2018, Podgorica	Former candidate for a job in central administration	PSHRM
25 July 2018, Podgorica	Senior civil servant (Ministry of Public Administration)	PSHRM
30 July 2018, Podgorica	Senior civil servant (Human Resource Management Authority)	PSHRM
24 July 2018, Podgorica	Senior civil servant (General Director, Ministry of Finance)	PFM
24 July 2018, Podgorica	Senior civil servant (Head of SAI Sector)	PFM
27 July 2018, Podgorica	Civil servant (SAI)	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 representative stratified sampling (primary sampling unit: polling station territories, secondary sampling: households, tertiary sampling unit: household member). It was implemented as part of the regional omnibus surveys conducted in Albania, Bosnia and Herzegovina, Montenegro and Serbia, with ad hoc surveys conducted for Kosovo and Macedonia, from 15 October to 30 November 2017.

For Montenegro, the margin of error for the total sample of 1044 citizens is ± 3.03%, at the 95% confidence level.

Location	Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro, and Serbia
Time	15 October – November 2017
Data Collection Method	F2F (Face to Face) at home, CAPI
Sampling Frame	Entire 18+ population of permanent residents of target countries
Sampling	Three stage random representative stratified sample (PSU: Polling station territories, SSU: Households, TSU: Household member)
Margin of error	Margin of error per country ranges from +3.03-3.08% at the 95% confidence level

Survey of civil servants

Civil servants survey was implemented based on a unified questionnaire targeting civil servants working in the central state administrations of Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia. 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).

In Montenegro, a total of 200 civil servants completed the survey from 02 April 21 May 2018. The questionnaire was sent individually to the secretaries of each of the 17 Ministries to disseminate to civil servants in their institution, as the Ministry of Public Administration rejected our plea to disseminate it centrally, citing lack of jurisdiction.

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,

- accessibility and availability of legislation and explanatory materials,

- 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.

In Montenegro, a total of 49 CSOs completed the survey from 23 April-28 May 2018.

Final survey data were processed statistically with the statistical package SPSS. All percentages are based on the total number of respondents who replied to a given question, rather than the overall number of respondents in the survey.

Chapter 1: STRATEGIC FRAMEWORK OF PAR

WeBER indicators used in the Strategic Framework of PAR and country values for Montenegro

SFPAR_P1_I1: Use of participatory approaches in the development of key strategic PAR documents

0	1	2	3	4	5

SFPAR_P2&P4_I1: Civil society involvement in the PAR monitoring and coordination structures

0	1	2	3	4	5

Results in brief: Strategic Framework of PAR

State of play in the Strategic Framework of PAR

Public Administration Reform Strategy for the period 2016-2020 is the cornerstone of strategic framework of PAR in Montenegro. Its integral part, although developed and adopted as a separate strategic document prior to the adoption of the PAR Strategy, is the Public Finance Management Reform Programme 2016-2020. More detailed measures in the area e-government reform are laid out in the Strategy for Development of Information Society 2016-2020. These three documents cover all the of the six areas of SIGMA's Principles of Public Administration[9] and are chosen the most relevant for this WeBER monitoring report.

Apart from being the year when most of the strategic PAR documents began with implementations, 2016 is also important because of organisational changes in the structures leading PAR efforts. After the 2016 Parliamentary elections, the newly established government introduced the Ministry of Public Administration.[10] It took over some of the competencies of the Ministry of Interior, mainly those related to PAR and NGO registration. It also assumed almost all of the competencies of the Ministry for Information Society and Telecommunications,[11] which ceased to exist. Additionally, certain competencies related to the cooperation with the NGO sector were transferred from the General Secretariat of the Government to the newly formed Ministry of Public Administration. This means that there was a new institution in charge of PAR and coordinating the implementation of both the Public Administration Reform Strategy and the Strategy for Development of Information Society 2016-2020, which caused the first period of their implementation to be marked by organisational adjustment and setting up of internal structures within the Ministry of Public Administration.

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9 / OECD (2017), The Principles of Public Administration, OECD Publishing, Paris, http://www.sigmaweb.org/publications/Principles-of-Public-Administration_Edition-2017_ENG.pdf

10 / Decree on amending the Decree on Organisation and Operation of the Public Administration, adopted by the Government 25/11/2016

11 / Certain competencies of the Ministry for Information Society and Telecommunications have been transferred to the Ministry of Economy.

PAR Strategy for the period 2016-2020 was adopted in July 2016[12] along with its Action Plan, after a process of various public consultations, working group, work with SIGMA and analysis of the achievements of the previous PAR Strategy that stared in late 2014. The Strategy matches the structure of SIGMA's Principles of Public Administration, covering all of the six chapters, referring to the PFMRP under the Chapter 4.5 on PFM, stating that the goals in that area are defined in this document, without repeating them. Additionally, it also covers certain issues related to the local administration level. So far, the Ministry of Public Administration has prepared two reports on implementation of the PAR Strategy's Action Plan, for 2016[13] and 2018.[14]

Public Finance Management Reform Programme 2016-2020 was developed in parallel with the PAR Strategy, though it took a shorter amount of time, considerably less preparatory activities and inclusion of the public in its preparation, save for the formal public consultation process. It was adopted in December 2015[15], then amended in 2017[16] and 2018.[17] It was developed by the working group consisting of representatives of the Ministry of Finance and its administrative bodies (Tax Administration and the Public Procurement Administration), with consultations with the State Audit Institution. CSOs were not invited to take part in the working group, there were no early phase consultations with the public and only the formal public debate was held, with a single NGO contributing. Its third revision, in 2018, was accompanied by a public consultation process.[18] Two reports on the implementation of the PFMRP have been published so far, for 2016[19] and 2017.[20]

Strategy for Development of Information Society 2016-2020 was adopted in July 2016[21]. It is not covered in the SIGMA's 2017 Monitoring Report, where only the PAR Strategy and PFMRP are considered to be the PAR planning documents. The cause might be the overtly technical character of most of the measures contained in this strategy, which focuses on information and communication technology (ICT) in the key development areas. However, it was included in this monitoring report due to chapters on e-Government (meaning e-Services and development of the e-Government portal), open data as well as specific service ori-

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12 / Adopted Strategy and conclusions of the Government from the session held on 28 July 2016, are available at: http://www.gov.me/sjednice_vlade/167 (under point 5)

13 / Report on the implementation of the PAR Strategy Action Plan in 2016/2017, available at: http://www.mju.gov.me/ResourceManager/FileDownload.aspx?rid=287934&rType=2&file=Izvještaj%20o%20implementaciji%20Akcionog%20plana%20za%20sprovođenje%20Strategije%20reforme%20javne%20uprave.pdf

14 / Report on the implementation of the PAR Strategy Action Plan in 2017, available at: http://www.mju.gov.me/ResourceManager/FileDownload.aspx?rid=309010&rType=2&file=Izvjestaj%20o%20implementaciji%20AP%20za%20sprovođenje%20Stategije%20reforme%20javne%20uprave%202016-2020%20za%202017.g..pdf

15 / Adopted version of the PFMRP and conclusions of the Government, at the session of the Government of Montenegro held on 03 December 2018, available at: http://www.gov.me/sjednice_vlade/138 (point 14 in the agenda).

16 / PFMRP was amended so as to include areas of state aid, customs and auditing of EU funds, new version was adopted by the Government of Montenegro at the session held on 30 June 2017, available at: http://www.gov.me/sjednice_vlade_2016/32, (point 9 in the agenda).

17 / Additional amendments to PFMRP were adopted by the Government of Montenegro at the session held on 28 June 2018, available at: http://www.gov.me/sjednice_vlade_2016/83 (point 13 in the agenda).

18 / A ten-day public consultation process was held in June 2018 regarding the revision of PFMRP, without an indication of what are the aims of the revision or any additional information. After the consultations, no report was published. Call for consultations is available at: http://www.mif.gov.me/rubrike/javne_rasprave/185628/Javna-rasprava-povodom.html

19 / Report on the implementation of the PFMPR in 2016 available at: http://www.mf.gov.me/rubrike/Unapredjenje_poslovnog_ambijenta/PFM_strategija/173745/Izvjestaj-o-implementaciji-Programa-reforme-upravljanja-javnim-finansijama-2016-2020-u-2016-godini.html

20 / Report on implementation of the PFMRP in 2017 available at: http://www.gsv.gov.me/ResourceManager/FileDownload.aspx?rid=304246&rType=2&file=9_65_01_03_2018.pdf

21 / Strategy and the conclusions adopted at the session of the Government of Montenegro held on 21 July 2016, available at: http://www.gov.me/sjednice_vlade/166 (point 5 on the agenda).

ented chapters on e-Health, e-Education, e-Inclusion, that deal with the way how the public services should be reformed using the ICT in order to improve their ease of use and make them more citizen-oriented.

Table 1 Availability of monitoring reports online

	PAR Strategy for the period 2016-2020	Public Finance Management Reform Programme 2016-2020	Strategy for Development of Information Society 2016-
2016	YES	YES	NO
2017	YES	YES	NO

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 Montenegro, therefore, the analysis under this indicator included:

- Public Administration Reform Strategy,

- Public Finance Management Reform Programme,

- Strategy for Development of Information Society.

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 second 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.

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 documents are developed	2/4
Consultations with civil society are conducted in an early phase of the development of the documents	2/4
Invitations to civil society to participate in the consultations are open	4/4
Responsible government bodies are proactive in ensuring that a wide range of external stakeholders become involved in the process	0/2
Civil society is provided complete information for preparation for consultations	4/4
Comments and inputs received in the consultation process are considered by responsible government bodies	4/4
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	0/2
Consultations in the development of strategic PAR documents are open to the public	4/4
Total Score	20/30
Indicator Value (scale 0 – 5)1	3

For all the all the key strategic PAR documents formal public consultations were organised, while other forms of consultations with the public were used in the same uniform manner. Early phase public consultations were held for the PAR Strategy and the Information Society Development Strategy 2016-2020, but not for the PFMRP. Additional public consultations (after the formal process of consultations was over) were held only for the PAR Strategy.

Table 2 Overview of public engagement in development of key PAR documents

	Early phase public consultations?	NGOs in the Working Group?	Formal public consultations?	Additional public consultation?
Public Administration Reform Strategy	YES	YES	YES	YES
Public Finance Management Reform Programme	NO	NO	YES	NO
Strategy for Development of Information Society	YES	YES	YES	NO

Early consultations for the PAR Strategy were organised and lasted 20 days. Invitation for NGOs to take part was promoted via the most used NGO forum. No document was shared with the public at this point, although the Ministry of Interior already had developed a draft of priorities for the new strategy. A meeting was organised to present these priorities and gather suggestions from the public. Ministry of Interior also organised the formal consultations that lasted for a considerable amount of time, two months and included a central public event discussion.

Based on the documents obtained from the Ministry of Finance, as well as the web search, no evidence was found that there had been an early phase consultative process during PFMRP's development, other than the formal public consultation process. It, on the other hand, was the shortest of all public consultations for key PAR documents and lasted only 15 days, although the legal deadline on the length of public consultations dictates an obligatory span of 40 days. It is also the only formal public consultation on a PAR document that did not entail a public event.

Early phase consultations were held for the Strategy for Development of Information Society 2016-2020 and lasted 15 days, shorter than the legally prescribed deadline of 20 days for this type of consultations. A report on these consultations was prepared and published, showing that one company and one organisation took part in the process. Formal consultations were also organised, lasting 40 days (the legally prescribed minimum period) and with a central public event organised.

Reaching out to the public – Openness and proactivity

When it comes to openness of calls and invitations for the public to take part in the consultations on key PAR documents, all the calls are as a rule published on the websites of the ministries in charge, as well as on the E-Government portal, on its public consultations section. Other than that, Ministries also use the most popular NGO Forum, maintained by the Centre for Development of NGOs to spread the word among the NGO community. No evidence was found that any Ministry used its social media accounts or other means to increase the visibility of these calls and enhance the participation of public in the consultations. Additionally, there are no on-line forms for applying for participation or providing contributions. The E-Government's segment on public consultations does not have any interactive components, it only duplicates the static content already published by the Ministry sponsoring the document, without the possibility to apply directly for public consultation events or provide suggestions and comments using the portal.

It can be said that the public was provided with complete information for preparation for consultations on key PAR strategic documents, with an important exception of no draft documents being shared in the early phase consultations. Namely, for all of the three analysed documents, the public was provided with Information on the duration of consultation process, Information on the way contributions are to be submitted as well as draft documents for the formal public consultations, but not for the early ones.

It should be noted that the bylaw governing the early phase of public consultations at the time of the preparation of these 3 documents did not foresee sharing any draft document in the early phase consultations. Therefore, the Ministries did not have a legal obligation to provide a draft document in this phase of consultations nor did they exhibit a willingness to move forward the legal minimum requirements. It is seen as a general scoping phase, aimed at gathering initial ideas, and the public is not provided with any kind of document.

Although there some business associations, trade unions, organisations dealing with gender equality and the people with disabilities participating in the consultations during development of the PAR documents, this was not a consequence of a proactive approach by the responsible government institutions towards them. The legal acts that regulated public participation in preparation of laws and strategic documents at the time of the development of the key PAR documents does not foresee a possibility of a proactive approach of the state authorities towards certain groups or associations of citizens on any ground. It does not explicitly forbid it either, but the state authorities that were in charge of preparing these 3 documents (Ministry of Interior, Ministry of Finance, Ministry of Information Society and Telecommunications) have tried to follow these two regulations in a very formalistic way, not going beyond their statutory obligations and have not shown initiative to engage and involve a wide range of stakeholders in the process.

Feedback – Incomplete and vague

In the process of development of key PAR documents, the comments and suggestions coming from the CSOs have mostly been considered, but rarely endorsed in any substantial way. The way that the institutions report on the feedback to suggestions received during the public consultations process was defined in a very broad manner, leaving space for free interpretations and incomplete reporting. Reports from early consultations are rarely produced, but even if they are they do not contain any information on the treatment of the suggestions that have been received. Reports from the formal consultations processes are mostly not comprehensive and do not give feedback on each comment or suggestion received, with those explanations for rejecting a certain suggestion often being vague or unsubstantiated. Minutes or other documentation that would shed light on the manner of work in the working groups for the development of PAR Documents is not made public in any form.

Ministry of Interior published a report after the formal public consultation process on PAR Strategy which indicates that some comments have been accepted while others disregarded. The report does not contain a section on early consultations that were conducted, which was a legal obligation. It outlines who submitted inputs, but the inputs are not published integrally and the feedback is then provided en masse, without clear indication whose comments are being addressed. Ministry also made a selection of comments it wanted to address and publish, choosing not to deal with all of them in entirety. This approach lacks transparency and comprehensiveness, since not all of the comments were addressed, comments were sometimes grouped in a way that was not foreseen by those who sent them and they were

anonymised in the process of providing feedback.

There was a working group formed to draft the PAR Strategy, with one NGO representative as a full-fledged member. There are no official minutes or other documentation available about the work of this working group publicly available. Interview with the NGO member of the working group confirms the finding that the Working group did consider all the proposals that were submitted or tackled during discussions, and that certain more detailed suggestions have been accepted, while other, more substantial ones were rejected. There have been considerable problems in conducting the work of the working group, with officials from the Ministry of Interior presenting various versions of the document as almost final, not eligible for more substantial changes even at the early stages of the working group's activity, hasting the process and denying any more substantial change, as well as conducing parallel consultations with the EC, the outcomes of which were not shared with all the members of the working group.

During the public consultation process on PFMRP (the only method for public participation that was used for this document) only one organisation delivered comments. The response of the Ministry was not published online but sent directly to the organisation (after a reminder to provide the report). The document shows that some of the suggestions have been partially or fully accepted by the Ministry of Finance, and these proposals found their way to the final version of the PFMRP, confirming that they were considered.

Ministry for Information Society and Telecommunications published a report from the (early phase) public consultation process on Strategy for development of information society, but it does not show that any of the contributions were considered or not, it only offers integral versions of comments and suggestions that were provided, without a commentary of the Ministry or any kind of feedback. There was a working group formed to develop the Strategy for development of information society 2016-2020. It included one NGO representative, which indicates that there was space for comments from the NGOs and that they were discussed. Focus group confirmed the existence of an open and participatory approach by the Ministry for Information Society and Telecommunications at the time of developing this strategy, although there are no minutes or any official documents published about the work of this working group. Ministry also prepared a detailed, 80-page report from the formal public consultation process. It contains both the integral comments given at the central public consultation event by the participants, but also integral versions of comments that were received. Although detailed and comprehensive, its structure and formatting are far from clear and precise. Ministry provided its own comments/feedback on how these inputs were treated, whether they were adopted or not, with an explanation if not. These answers are not clear-cut in all instances and are not given for each individual comment, but en masse.

Additional consultations – Form with no substance

When it comes to additional consultations, some form of these consultations were held only for the PAR Strategy. No evidence was found that additional consultations with the public (after the formal public consultation was over) ever took place for the PFMRP or the Strategy for Development of Information Society.

Ministry of Interior organised additional consultations on the PAR Strategy draft, lasting 15 days, after the formal process of public consultations had finished. Additional consultations were not a result of the critical assessment of the previous formal public consultation process and most contested is-

sues that were raised then. These additional consultations were not specifically themed, there was no particular focus on certain issues that the Ministry wanted to have more opinions, comments or suggestions on, they were a repetition of the formal public consultation process in a shorter time span. One of the reasons behind the organisation of these consultations mentioned during the focus group was perceived in the significant volume of comments that were sent during the formal public consultation process and the critical stance towards the existing draft of the Strategy by the European Commission and SIGMA.

The interviews and the focus group with NGOs, as well as the comparisons of the versions of the PAR Strategy before and after the consultations, revealed that this activity had little or no effect on the final contents of the PAR Strategy. NGOs regard it as more of a publicity stunt rather than an earnest effort to engage in additional dialogue about the strategy. NGOs agreed this was a formalistic move, where their comments were given no attention at the public event that was organised, nor was the public report about these consultations ever published.

The public event that was held in the framework of these consultations was devoted almost exclusively for the speeches of the seven representatives of institutions included in the PAR Strategy, while the representatives of the public were given little time to speak. Reactions to those comments and suggestions from the public by the officials were defensive and obstinate. The event therefore, as the overall additional consultations, resembled more a promotion of the current draft of the Strategy, rather than an earnest, focused commitment to gather suggestions and proposals from the public.

Openness for public

The bylaws regulating the public participation in policy-making, use the term "interested public (zainteresovana javnost)" to denote to whom the calls for participation in the public consultation process are addressed to. Only the process of nomination of external members of working groups relies on the number of supports from NGOs, but their candidates do not have to be NGO members, they can be unaffiliated citizens which have the support of NGOs. This was true in time the key PAR strategic documents were developed, as well as currently when the legal framework defining the participation of public in decision-making has been changed.

How does Montenegro fare in regional terms?

Indicator SFPAR_P1_I1: Use of participatory approaches in the development of key strategic PAR documents

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

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

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_I1:

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	2/2
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	4/4
Involvement of CSOs is achieved based on an open competitive process	2/4
Meetings of the PAR coordination and monitoring structures are held regularly with CSO involvement	2/4
The format of meetings allows for discussion, contribution and feedback from CSOs	2/4
CSOs get consulted on the specific measures of PAR financing	1/2
Total score	13/26
Indicator value (scale 0 – 5)2	2

Intergovernmental operational team, formed in January 2018, serves as the administrative structure[22] for PAR coordination. It has 16 members, out of which none comes from the civil society. Union of Municipalities has a representative, and it is formally established as an NGO - however, it is founded through the Law on Local Self-Government, and is de-facto an inter-municipal representative body, formally representing the interests of the municipalities, with presidents of municipalities comprising its board.

When it comes to PFMRP, an administrative structure for coordination and monitoring has been set up. Minister of Finance established the Coordination Group, which is comprised of its officials and representatives of various administrative bodies as well as State Audit Institution and the Parliament of Montenegro (Parliamentary Staff representative of the Budget Committee). This body prepares quarterly and annual reports on implementation of the PFMRP, and the annual ones are adopted by the Government, but are beforehand discussed at the PAR Council.[23] Some of the members of this Coordination Group are also members of the PAR Council (along with the Minister of Finance).

When it comes to the political level coordination and monitoring, Public Administration Reform Council (PAR Council) was established for this purpose in 2016. It has nine members - Deputy Prime Minister and three ministers, heads of General Secretariat of the Government, Human Resource Management Authority and Union of Municipalities as well as two NGO representatives, participating as full-fledged members.

Initially, the Government's decision on PAR Council structure followed the formulation from the PAR strategy, which states that NGO representatives can participate in the work of the PAR Council not as members but "upon invitation".[24] However, during the establishing of the Council, the Ministry of Public Administration launched an open call[25] to NGOs to apply for full-fledged membership in the Council, to which

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22 / WeBER's PAR Monitor Methodology define these administrative structures as "those monitoring and coordination structures (working groups, task forces and other bodies) which comprise civil servants from the various administrative bodies involved in PAR implementation."

23 / The 2017 Report on implementation of PFMRP was the only point on the agenda of the fifth session of the PAR Council, official press release available at: http://www.srju.gov.me/vijesti/182191/Odrzana-peta-sjednica-Savjeta-za-reformu-javne-uprave.html

24 / The initial structure of the PAR Council was quite different, as can be seen the Government's decision: Decision on formation of the Council: http://www.gov.me/ResourceManager/FileDownload.aspx?rId=253385&rType=2 Page 101 of the PAR Strategy describes this structure of the future PAR Council: http://www.mju.gov.me/ResourceManager/FileDownload.aspx?rId=268697&rType=2

25 / Public call, based on the procedure laid out in the Government Decree on the manner and procedure for cooperation of Government and NGO

two candidates were proposed with the support of other organisations.[26] This change of heart happened as a result of advocacy efforts from NGOs and the support of the EU Delegation for such a composition of the Council. At first the Ministry adopted a decision to appoint only one NGO representative, following the logic using the number of backings as the sole criteria for selection.[27] After public protest of the other candidate[28], the Government adopted a decision on formation of the PAR Council with both of the NGO representatives that have applied.[29]

When it comes to CSOs being consulted on the specific measures of PAR financing, members of the PAR Council from the NGO sector have the opportunity to discuss these issues on equal footing with other members in the Council. Review of available documentation on the sessions of the Council confirm that these topics have indeed been on the agenda. At the fifth session of the PAR Council, when the PFMRP implementation report was discussed, issues of financing of EU projects for areas of PFM were on the agenda.[30] At the fourth session of the PAR Council, Action plan for PAR strategy was discussed, that included an estimation of costs for the implementation of activities in a three year period.

An example of positive practice is the fact that PAR Council has its own official website, http://www.srju.gov.me. It contains press releases from the sessions, conclusions and other documentation that was on the agenda of the Council, such as implementation reports and plans. It does not however have the official minutes or transcripts from the sessions, and public cannot have an insight into the deliberation of the documents and contributions from the Council members.

In the first year since it was established, the PAR Council has met seven times,[31] thus overachieving the set criteria of regularity of convening of the PAR Monitor ("at least semi-annually"). NGO representatives in the Council, as full-fledged members are invited to take part at each session. Additionally, an NGO can propose that another member from its ranks takes part in the session, if it is assessed that she/he has more expertise in the points on the agenda (for example, HR expert for HRM issues, or PFM expert when the PFMRP is on the agenda).

When it comes to how the Council works and participation of NGO representatives in the sessions, each meeting of the PAR council is an opportunity for discussion, as its format entails presentation of official documents by representatives of institutions, followed by the discussion by the Council members. There are no limitations to the discussion, and the Chair of the Council has not denied the right to voice an opinion or participate in the debate. Additionally, NGOs can submit their own materials, propose points for the agenda or for convening a new session. For example, at the sixth session of the Council, conclusions proposed by NGO

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sector, available at: http://www.mju.gov.me/vijesti/171470/Javni-poziv-nevladinim-organizacijama-za-predlaganje-kandidata-kinje-za-clana-Savjeta-za-reformu-javne-uprave.html

26 / List of NGO representatives that applied for membership in the PAR Council: http://www.mju.gov.me/vijesti/171971/Lista-kandidata-kinja-za-clana-icu-Savjeta-za-reformu-javne-uprave.html

27 / Decision of the Ministry: http://www.mju.gov.me/vijesti/172553/Odluka-o-izboru-kandidata-kinje-za-clana-Savjeta-za-reformu-javne-uprave.html

28 / More information about the protest regarding the decision of the Ministry is available at: http://www.vijesti.me/vijesti/ia-ministarka-pribilovic-se-pridruzila-progonu-nepodobnih-nvo-940128

29 / Decision on appointing the members of the PAR Council (with two NGO members), 30 June 2017, adopted by the Government, available at: http://www.srju.gov.me/ResourceManager/FileDownload.aspx?rid=288877&rType=2&file=Rjesenje%20o%20imenovanju%20clanova%20SRJU.pdf

30 / Information about the fifth session of the PAR Council available here: http://www.srju.gov.me/vijesti/182191/Odrzana-peta-sjednica-Savjeta-za-reformu-javne-uprave.html

31 / Short press releases outlying the topic and discussion at each of the sessions available at: http://www.srju.gov.me/sjednice_savjeta.

member were adopted and recommended to the Government, which included them in its own conclusions.[32]

However, NGO members object to the way the Council conducts its work in terms of transparency, since official documentation that is published does not report on details from the discussion and whether some members of the council had a minority opinion or objected to certain conclusions.

How does Montenegro fare in regional terms?

Indicator SFPAR_P2&P4_I1: Civil society involvement in the PAR monitoring and coordination structures

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

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32 / Note on the discussion at the sixth session: http://www.srju.gov.me/sjednice_savjeta/182964/U-fokusu-Savjeta-za-reformu-javne-uprave-trans-parentnost-i-bolja-koordinacija-reformskih-aktivnosti.html, conclusions of the Government available at: http://www.srju.gov.me/ResourceMan-ager/FileDownload.aspx?rid=310276&rType=2&file=Zaključci%20%20Vlade%20-%20Savjet%206.sjednica.pdf

Chapter 2: Policy Development and Coordination

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

P5 I1: Public availability of information on Government performance

| 0 | 1 | 2 | 3 | 4 | 5 |

P5 I2: Civil society perception of the Government's pursuit and achievement of its planned objectives

| 0 | 1 | 2 | 3 | 4 | 5 |

P6 I1: Transparency of the Government's decision-making

| 0 | 1 | 2 | 3 | 4 | 5 |

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

| 0 | 1 | 2 | 3 | 4 | 5 |

P11 I1: Civil society perception of inclusiveness and openness of policymaking

| 0 | 1 | 2 | 3 | 4 | 5 |

P12 I1: Perception of availability and accessibility of legislation and related explanatory materials by the civil society

| 0 | 1 | 2 | 3 | 4 | 5 |

Summary results: Policy Development and Coordination

State of Play in Policy Development and Coordination

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 years/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 Government performance information analysed include its understandability, usage of quantitative and qualitative information, presence of assessments/descriptions of concrete results, availability of open and gender segregated data, and online availability of reports on key whole-of-government planning documents.

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 six Western Balkan countries was implemented using an online surveying platform, in the period between second half of April and beginning of June 2018.33 The uniform questionnaire with 33 questions was used in all countries 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 in each country but also through centralised points of contact such as governmental offices in charge for cooperation with civil society.34 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 is representativeness as much as possible, additional boosting was done where needed to increase the overall response. A focus group with CSOs in each country served the purpose of complementing the survey findings with qualitative information.

The third indicator measures transparency of decision-making by the Government, combining survey data on perceptions of civil society with the analysis of relevant governmental websites. Besides publishing of information on the decisions of the Government, 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, and all documents published for each session of the Government within this period are analysed.

The fourth indicator measures if government institutions invite civil society to prepare evidence-based policy documents and if evidence produced by the CSOs is considered and used in the process of policy development. Again, measurement combines expert analysis of official documents and survey of civil society data. In relation to the former, 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 in each country.35

Finally, the fifth indicator, focussing on the quality of involvement of the public in the policy making through public consultations, is entirely based on the survey of CSOs data. is the same is true of the sixth indicator focussing on accessibility and availability of legislation and explanatory materials to legislation,

33 / Survey of CSOs was administered through anonymous, online questionnaire. In Montenegro, survey was conducted in the period from 23 April - 28 May 2018

34 / The data collection method included CASI (computer-assisted self-interviewing). For Montenegro, survey sample was N=49. The base for questions in this indicator was n= 155 respondents.

35 / Policy areas where a substantial number of CSOs actively works and produces research and monitoring reports. For Montenegro, three policy areas selected are environment, anti-discrimination, and anti-corruption.

except for the sub-indicator related to the existence of official online governmental database of legal texts.

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

Indicator elements	Scores
The government regularly publishes written information about its activities	2/4
The information issued by the government on its activities is written in an understandable way	0/2
The information issued by the Government is sufficiently detailed, including both quantitative data and qualitative information and assessments	2/4
The information issued by the Government includes assessments of the achievement of concrete results	0/4
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	1/2
Total score	5/20
Indicator value (scale 0-5)	1

The first indicator in this chapter measures the extent of openness and availability of information about the government's performance to the public. For all elements under this indicator, expert analysis of relevant government websites and published reports was be conducted. The websites to be analysed include: Government (Council of Ministers) website, General Secretariat of the Government.

• Day-to-day reporting on Government's work

In this regard, the way that government publishes written information about its activities the is mostly well assessed. Government published press releases regularly — daily, often with several items per day. Ministries are publishing press releases about their activities, while the website of the Government includes the activities of the Prime Minister and his deputies, as well as selected news from other ministries and agencies. After each Government's weekly session, a press release or more articles (depending on the agenda) are published. Information about the activities of the Prime Minister and Vice Prime Ministers is published daily. There is, however, no practice of publishing information on the sessions or overall activities of the four government's working bodies36, on whose work the public is left completely in the dark.37

Press releases differ in language and style - they often report on adoption of certain documents or legal obligations and therefore have a technical and formalistic content, with occasional information on

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36 / There are four working bodies of the Government: Commission for political system, internal and foreign policy; Commission for economic policy and financial system, Commission for personnel and administrative issues; Commission for Allocation of the Portion of the Budgetary Reserve. Their competencies are numerous and significant, ranging from de facto vetting in the recruitment procedures to discretionary allocation of funds to individuals and legal entities.

37 / Information about their work are not only published proactively, they are declared as classified in some cases. See the example of the Commission for Allocation of the Portion of the Budgetary Reserve: https://institut-alternativa.org/tekuca-budzetska-rezerva-60-miliona-van-ociju-javnosti/

official visits or reactions to allegations that are more direct and informal. Generally, the review showed that the press releases are understandable, although no special effort to make them more citizen-friendly can be noted.

• Reporting on the Government's Annual Work Plan

According to the Government's Rules of Procedure, the General Secretariat prepares quarterly reports on the implementation of the Government's Annual Work Plan38. The reports are prepared and published quarterly, with each containing not only the information of the respective quarter, with the fourth and final quarterly report also having an overview of the entire year until that point in time. This assessment takes into account the reports for 2016 and 2017. The fourth and final quarterly report for 2016 was not prepared. Representatives of the General Secretariat explained that parliamentary elections which took place in October 2016 and the subsequent new Government formation, as well as the reign of the transitional government39 that preceded these events reports, except the Q4 report for 2016 are published.

The existing quarterly reports on the Annual Plan implementation are fairly difficult to find on the Government's website. There is no special section or banner devoted to them on the Government's or Secretariat's website. Apart from general internet search using their exact name, they can be found only by searching the agendas of the Government's sessions when they were adopted, or by searching the "Reports" section of the General secretariat, where all other reports that the Government adopts or verifies are bundled together.

• Citizen-friendliness of annual reports

The quarterly reports are written in a bureaucratic and formalistic style. Although they do contain a part that summarises statistical data in the beginning, as well a graphical representation of the ratio of implemented obligations, on the whole, the information is provided using exclusively and technical bureaucratic terminology. This is also a consequence of the reports being very quantitative — they consist of data on implementation of measures from the Annual plan, with percentages for each institution as well as for the plan as a whole. There is numerical information about how many activities were planned to be implemented and how many have or have not been implemented. However, qualitative information and assessments are completely lacking.

Additionally, reports do not contain any information about the impact or performance of the Government - they stay on the output level and only outline whether an activity has been conducted or not (if a bill, information or strategy has been adopted or not) and do not deal with the outcome or impact dimension at all.

Neither the annual plans nor quarterly reports encompass all the Government bodies, which are the key carriers of certain Government-wide activities. For example, Human Resource Management Authority, as the independent administration bodies, should compile an annual workforce plan for the entire Government, but this obligation is repeatedly left out ftom the Government's annual plan and reports.

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38 / Article 31 of the Rules of Procedure of the Government, Official Gazette No. 003/12, 031/15, 048/17.

39 / Period in mid 2016, during which representatives of opposition parties and independent experts were appointed in the government as ministers and across the public sector, in order to ensure that the parliamentary elections take place in a lawful manner. that took place in 2016.

• Reporting on whole of government strategies and action plans

When it comes to reporting on the practice of reporting on implementation of Government strategies and plans, practice is uneven. Sample of four key strategic and planning documents for the whole of Government40 included Programme of Economic Reforms (PER), Government's Annual Working Plan (GAWP), Programme of Accession of Montenegro to the EU (PPCG), Montenegro Development Directions 2015-2018. In the monitoring period, only PER41 and PPCG 42had regular reporting.

How does Montenegro fare in regional terms?

Indicator 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

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 score	0/16
Indicator value (scale 0-5)	0

The indicator measures to what extent the civil society perceives through its work and experience that the government actively plans, monitors and reports on its work and through those processes achieves the objectives that it has promised to the public. Measurement of all elements of this indicator is based on a widely disseminated online survey of CSOs to collect their perception by choosing one of the six options (strongly disagree, disagree, neither agree nor disagree,

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40 / Reports on sectoral strategic documents and plans are not subject of analysis under this indicator.

41 / Report on implementation of measures from 2016 Programme is an integral part of the PER for the period 2017 - 2019, and can be found on p. 130-148 of that document. Note: The summary does not include the report on implementation, which is bundled into the "Data Summary" section of the document.

42 / There is a practice of quarterly reporting on this document. https://www.eu.me/mn/crna-gora-i-eu/dokumenti/category/218-program-pristupanja-crne-gore-evropskoj-uniji

agree and strongly agree).

Overall results show that CSOs in Montenegro have a very critical view of how the Government agenda is reflected in reality and how the process of reporting on both the agenda and the individual sectoral strategies is taking place.

Only 7.5% of the CSOs In Montenegro think that there is a direct connection between Government's agenda (work plan) and actual developments in specific policy areas, which is the lowest percentage in the region. In the same time, half of respondents (50%) think that there is no connection between the agenda and the actual activities.

Overall perception of "life happening outside of plans" is confirmed by only 15% of CSOs who think that strategies determine the governments' or ministries action in certain areas. Close to half (47,5%) claim the opposite, which is higher than the regional average for this question (36,9%).

Asked whether they think that the Government regularly reports to the public on the progress in the achievement of the objectives set in its work-plan, around one fifth (22.5%) of the CSOs agreed, while close to half disagreed (45%). Even lower percentage of CSOs (15%) think that Ministries regularly publish monitoring reports on their sectoral strategies, with 60% claiming this is not the case - which is the regional record (regional average being 43%).

Only a quarter of CSOs (25%) consider that the EU accession priorities are adequately integrated into the government's planning documents, while even fewer think that government's reports incorporate adequate updates on the progress against the set of EU accession priorities.

No CSO chose to answer any of the six questions from this section with a "strongly agree" option, which is a unique case in the region.

Figure 1 Civil society perception of the Government's pursuit and achievement of its objectives (%)

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

How does Montenegro fare in regional terms?

Indicator 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:

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	0/4
The Government communicates its decisions in a citizen-friendly manner	2/4
The Government publishes adopted documents in a timely manner	2/4
Total score	4/16
Indicator value (scale 0-5)	1

When it comes to the extent of transparency of Government's decision-making process, 43 the results of the perception survey and expert analysis do not match. While the perception survey shows the Montenegrin CSOs as the most critical of this aspect of Government's work in the region, the analysis shows that the Government of Montenegro has established a commendable practice of publishing materials from its sessions.

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=49

• Perceptions of CSOs

Only 7.3% of surveyed CSOs say that Government's decision-making process is transparent, while over half of CSOs claim the opposite (56%). Similarly, a negligible percentage of CSOs (2.5%) say that the exceptions to the requirements to publish Government's decisions are appropriate. This makes Montenegrin CSOs by far the most sceptical in the region, when it comes to transparency of governmental decision-making.

• Publishing of materials from Government's sessions

In 2012, the Government adopted the Decision that regulates how the materials from its sessions are published 44. In accordance with the Decision, there is a special section of the website devoted to sessions of the Government, visible in the main navigation of the governmental website. 45 In this section, each session has its own link and webpage that contains the list of all the points on the agenda. At the each session's webpage, the name of the point of the agenda is published, the document is linked, and the conclusions of the Government related to it are published (if there are any, as some documents are just „verified" or reviewed without discussions, the Government is just being informed and no conclusions are adopted). Minutes of the Government sessions are not published as a separate document, as they are not identified as one of the documents that needs to be published by the Decision.

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43 / Elements of transparency measured by this indicator include: publishing of information on the decisions of governments, their completeness, citizen-friendliness, timeliness, and consistency. Decision-making denotes decisions made by the government (as a collegiate body) and adopted at government' sessions.

44 / Decision on publishing the materials from the sessions of the Government of Montenegro, Official gazette, 80/08

45 / Webpage of the Government's sessions: http://www.gov.me/sjednice_vlade_2016

• Timeliness of publishing

Materials are published in a timely manner. Decision on publishing the materials from the Government's sessions prescribes the deadline of seven days from the adopting of the conclusions from the Government (at the day of the session) for the materials to be published. In practice, all the materials are published at the same day of the session, or the day after at the latest. It is only for certain cases when there are significant technical corrections to be added that a document is published later than this. In certain, rare cases, if there were significant changes to the document as a result of the Government's discussion, the material is published with delay, after the changes are made - these sometimes take several days.46 The Government occasionally publishes the draft agenda ahead of the session, although this practice is often disregarded.

• Key problem - confidential materials

Important caveat in the analysis of government decision-making transparency is tied to confidential materials. It is important to note that, in cases when a material that has been classified with a certain degree of confidentiality is discussed at the session, this material is not published on the Government sessions webpage, neither in its redacted form nor does the agenda even mentioned that it was discussed at all.47 In that way, not only is the document unavailable, but the public does not know that it was even discussed. Because the legal provision defining the confidentiality of data are broad, these exceptions to publishing can be diverse, and they range from an individual contract, decision on economic citizenship, or a reallocation of funds between budgetary units.

• Communication and citizen-friendliness

After each session, a general press release is published that covers more significant points of the agenda.48 It does not outline the details of individual discussions on separate points of the agenda. Immediately after the session, the ministers have their press conferences on more important materials that were adopted (usually, new bills or strategic acts and reports). Press releases are then published on the Government's website (containing video and audio recordings of the statements with a brief summary of what was discussed). Media representatives are allowed to ask questions at the press conference.

Analysis of the press releases from the Government sessions shows very little effort to make the information more "readable" or citizen friendly - the names of the documents are usually copy-pasted and their purpose provided in technical and bureaucratic language.

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

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46 / For example, the Staffing Plan for 2018 was published a week after it was adopted (at the 73rd session of the Government, held on 19 April 2018), due to numerous conclusions that were put forward by the Government, whose implementation required delays in publishing. Plan and conclusions available at the webpage of the 73rd session: http://www.gov.me/sjednice_vlade_2016/73 (point 5 on the agenda)

47 / In September 2016, daily newspaper "Dan" published an article on multimillion budget reallocations that were discussed and adopted at the Government session, but were declared confidential and, therefore, completely absent from that session's agenda on the Government website: "Due to loans to Railroads, there will be no funds for pensions", 12/09/2016, available at: https://www.dan.co.me/?nivo=3&rubrika=Vijest%20dana&clanak=564112&datum=2016-09-12

48 / Example of such a press release: http://www.gsv.gov.me/vijesti/176976/Saopstenje-sa-43-sjednice-Vlade-Crne-Gore.html

Session no.	Date	Agenda	Minutes	Documents	Press release
56	28/12/2017				
55	21/12/2017				
54	14/12/2017				
53	07/12/2017				
52	30/11/2017				
51	23/11/2017				
50	16/11/2017				
49	13/11/2017				
48	10/11/2017				
47	02/11/2017				
46	26/10/2017				
45	19/10/2017				
44	12/10/2017				
43	05/10/2017				
Source: http://www.gov.me/					

How does Montenegro fare in regional terms?

Indicator 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	0/4
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
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 score	1/24
Indicator value (scale 0-5)	0

This indicator focuses on the extent to which government institutions invite CSOs to prepare evidence-based policy documents and the extent to which evidence produced by them (the data collected and research) is consulted and used in policy development process. Measurement combined expert analysis of relevant government documents and an online perception survey of CSOs.

Use of CSOs' work in policy development - Perceptions of CSOs

Perception of Montenegrin CSOs on the use of evidence, created by think tanks, independent institutes and other CSOs, in policy development, signals that civil society is still not recognised as valuable source of evidence among policy making institutions at the central level.

Survey of CSOs in the region shows that Montenegrin CSOs least expect to be invited by the government institutions to prepare or submit policy papers, studies or impact assessments. Only a fifth of surveyed CSOs say they are invited, while 54% disagree with the statement, by far the highest figure in the region for this question (regional average being 35%).

In line with this, barely a quarter of CSOs (24.3%) of respondent CSOs state that relevant ministries invite them to participate in working groups/task forces for drafting policy or legislative proposals, when they have specific evidence-based proposals and recommendations. Only one fifth (21.6%) of respondent CSOs that produce inputs for the decision-making processes at the central level state that relevant ministries consider their policy proposals, in the work of working groups for developing policies and legislation.

In the region, it is the CSOs in Montenegro that claim they receive the least feedback while working in working groups. In cases where CSOs participated in working groups for developing legislation, strategies, action plans, only 8% of CSOs state that relevant ministries give feedback on acceptance or rejection of their evidence-based inputs engagement in the working group. Over 65% of CSOs state this happens never or rarely. Cooperation appears to function better when it comes to participation representatives of relevant government institutions at events organised by CSOs, where 38% of respondent CSOs claim that it is a frequent occurrence.

Figure 3 CSO perception on the use of evidence created by think tanks, independent institutes and other CSOs in policy development (%)

Use of CSOs' work in practice

In practice, frequency of referencing of CSOs findings in the adopted government policy and strategic documents49 is low and shows that ministries do not use the evidence provided by the civil society when developing policy documents in specific policy areas. Three policy areas chosen for the sample, as those in which the largest number of CSOs has been identified as producing research, monitoring and policy reports (anti-corruption, anti-discrimination and environment policy). Researchers analysed a total of 11 government policy documents currently being implemented within three policy areas: anti-corruption, environment and anti-discrimination policy.50 Out of these analysed documents, CSO findings were clearly referenced in only two51, both in the area of environmental policy, while another only mentions that there were CSOs contributing to the document.52 None of the documents analysed in the anti-corruption policy, where the activities of the civil society are particularly intensive, makes any reference to CSOs' findings.

Situation is even worse when it comes to policy papers, ex ante impact assessments or ex post policy analyses and assessments of government institutions, where none of the three documents found has any reference to the work of CSOs.53

How does Montenegro fare 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

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49 / Adopted government documents include strategies, plans, programmes, or other types of documents that are formally adopted, and which can reference information directly.

50 / Documents analysed are the following: Anticorruption: 1. Action Plan for Chapter 23 - Judiciary and Fundamental Rights, 2. Operating document for the prevention of corruption in the areas exposed to special risk, 3. Action Plan for Chapter 24 - Justice, Freedom and Security, 4. Strategy for the reform of judiciary 2014-2018; Environmental protection: 5. National Strategy for Sustainable Development by 2030 (NSSD), 6. National Strategy with Action Plan for transposition, implementation and enforcement of the EU acquis on Environment and Climate Change 2016-2020, 7. National Plan for the Implementation of the Stockholm Convention for the period 2014 - 2020. Anti-discrimination: 8. Strategy for Integration of Persons with Disabilities 2016-2020, 9. Strategy for improving quality of life of LGBT persons 2013 - 2018), 10. Strategy for Social Inclusion of Roma and Egyptians 2016-2020, 11. Strategy on Inclusive Education 2014-2018.

51 / Environmental protection: National Strategy for Sustainable Development by 2030 (NSSD) mentions NGO study on p. 73; National Strategy with Action Plan for transposition, implementation and enforcement of the EU acquis on Environment and Climate Change 2016-2020 mentions NGOs, but in terms of evidence based findings; National Plan for the Implementation of the Stockholm Convention for the period 2014 - 2020 mentioned work of NGOs quoted on p. 57.

52 / Strategy for improving quality of life of LGBT persons 2013 - 2018 — Credits 4 NGOs for contribution to the Strategy although no clear reference to their work is given.

53 / Ministry of Justice, Report on implementation of the plea bargain agreement, November 2017, available at: https://goo.gl/thC8rw; Ministry of Human and Minority Rights - Research into social position and inclusion of Roma and Egyptians, February 2017, available at: https://goo.gl/vKuqRC; - Ministry of Human and Minority Rights - Analysis of the achieving of gender equality by the local self-governments, January 2018, available at: https://goo.gl/5EWX7P

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 score	0/30
Indicator value (scale 0-5)	0

Perception of CSOs' about the public consultation process was measured through an online survey. Results in this area are overwhelmed with values for Montenegro which are the lowest in the region. The survey showed that CSOs in Montenegro have consistently the most critical view of the way the public consultation procedures are set up and implemented.

• Consultations - regulation and practice

In the opinion of CSOs, formal consultation procedures in Montenegro do not provide conditions for an effective involvement of the public policy-making processes. When asked about it, only one quarter (25,6%) of CSOs had a positive stance towards effectiveness of these procedures, which is the lowest score in the whole region (regional average being 35,2% for agree and strongly agree answers).

The lowest regional score for positive answers was repeated when CSOs were asked whether authorities apply these consultation procedures consistently when developing policies within their purview. Only 11,6% of CSOs agreed that they do, again being the lowest percentage in the region.

• Course of consultations

Montenegrin CSOs are also the most critical in the region when it comes the timeliness of providing information about the content of legislative or policy proposals within public consultation processes, with only 12% agreeing it is done in a satisfactory manner (regional average for a positive answer to this question was 18%). Answers are similar when it comes to providing information on the content of legislative or policy proposals within public consultation processes, with only about a fifth of CSOs stating this is done adequately by the authorities.

Few CSOs, only 7% of those surveyed, stated that relevant ministries ensure that diverse interest groups are represented in the public consultation processes (eg. women, minorities, trade unions, employers' associations etc), by any kind of proactive approach towards such stakeholders.

Civil society perception of inclusiveness and openness of policy making (%)

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

• Little feedback and a lot of rejection

Very few CSOs (4,6%) in Montenegro report that their inputs are accepted by the relevant ministries during the public consultation process, again - the fewest in the region. Regarding receiving feedback on rejection or adoption of submitted inputs within the public consultation process, 11.6% of surveyed CSOs stated that they receive it often (9.3%) or always (2.33%). The percentage of CSOs who state that they receive feedback rarely or never is again the highest in the region (67,5%, up from the regional average of 59,3%).

• Advanced forms of consultations

Results of the survey showed an equally critical attitude towards a more advanced form of consultation, those held outside of the formal scope of public consultations. Less than 5% of CSOs stated they were taking place. Although the results for this question were similar for the whole region, they are again the worst in Montenegro, with the highest percentage of CSOs doubting the existence of such consultations.

When it comes to the frequency of conducting "early consultations", process in which the authorities consult the public before the actual draft versions of laws or strategies are produced, less than 5% of CSOs in Montenegro stated they were taking place. An overwhelming majority of 75% state they are happening rarely or never, which is the absolute peak in the region.

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

How does Montenegro fare in regional terms?

Indicator 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	2/4
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 score	8/16
Indicator value (scale 0-5)	2

Troubles with Official Gazette

Online governmental database of legal texts is available on the webpage of the Official Gazette of the Montenegro.54 Individual electronic editions of the Official Gazette are free, database is accessible and search function is one click away from the homepage (after clicking on the banner for the database on the visible central part of the website's homepage). However, the search engine has problems in functioning — date range limitations do not always work, due to faulty indexing the search may not return the items (legislation) with the exact name that was typed in the query or might not filter on the basis of category of the legislation that was requested.

Apart from search-related issues, much more worrying is the commercialisation of the consolidated texts of legislation. The Official Gazette's database does contain consolidated versions of the legal texts but they are not available free of charge. Database of consolidated legal texts is separated from the rest of the website and available only to paid subscribers. Access to these versions of legislation are charged even to

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54 / Internet address of the Official Gazette: http://www.sluzbenilist.me

other state institutions.

Official Gazette, which functions as a public institution, rejected an initiative of the civil society to cease charging access to consolidated legislation.55

The procedure and competencies for preparing the consolidated versions of legislative acts are not regulated at all.56

Figure 6 Perception of availability of legislation by the civil society (%)

Note: Results are rounded to the nearest integer, N=41, N=27

How CSOs use the official legal database

CSOs also use legislation databases created by private companies, assessing that they provide a better service than the one offered by the Official Gazette, even the paid services.

Official Gazette's website is relatively well known among the surveyed CSOs, with 66% of them stating they know where to find access to a database of enacted legislation free of charge (highest percentage of positive answers to this question was among CSOs in Kosovo - 88%). Out of those who are aware of such a database, almost all of them said they have visited the website in the last year (96,3%), which is the highest percentage in the region.

On the other hand, when it comes to explanatory materials (such as administrative guidance, documents, directives, interpretation bulletins or other rules that have practical impact, but do not have the force of law)57 only 12.5% of surveyed CSOs that they are easy to access, and the same percentage states that they written in a manner and style, which makes them easy to understand.

How does Montenegro fare in regional terms?

Indicator 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 administrations is available at: www.par-monitor.org

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55 / More details available at: "State should not charge access to regulations", https://institut-alternativa.org/en/initiative-state-should-not-charge-access-to-regulations/ (last accessed: 02/12/2018)

56 / Law on publishing of laws and other regulations, Official Gazette No. 005/08

57 / Under this principle, SIGMA defines documents as administrative guidance, documents, directives, interpretation bulletins or other rules that have practical impact, but do not have the force of law. See SIGMA Principles of Public Administration, p. 36, available at: http://www.sigmaweb.org/publications/Principles-of-Public-Administration_Edition-2017_ENG.pdf.

Chapter 3: Public Service and Human Resource Management

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

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

| 0 | 1 | 2 | 3 | 4 | 5 |

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

| 0 | 1 | 2 | 3 | 4 | 5 |

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

| 0 | 1 | 2 | 3 | 4 | 5 |

PSHRM_P4_I1: Effective protection of senior civil servants' position from unwanted political interference

| 0 | 1 | 2 | 3 | 4 | 5 |

PSHRM_P5_I1: Transparency, clarity and public availability of information on the civil service remuneration system

| 0 | 1 | 2 | 3 | 4 | 5 |

PSHRM_P7_I1: Effectiveness of measures for the promotion of integrity and prevention of corruption in the civil service

| 0 | 1 | 2 | 3 | 4 | 5 |

Results in brief for Public Service and Human Resource Management

State of play in Public Service and Human Resource Management

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 is 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.

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 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 us-

ing 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. 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. 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 is 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 2017.59 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 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.

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

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	2/4
Published official data on public service is segregated based on gender and ethnic structure	0/2
Published official data is available in open data format(s)	0/1

58 / Surveys were administered through an anonymous, online questionnaire. The data collection method included CASI (computer-assisted self-interviewing). In Montenegro, the civil servants' survey was conducted from 2 April until 21 May 2018, and the CSO survey in the period from 23 April until 28 May 2018.

59 / 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 Montenegro, the margin of error for the total sample of 1044 citizens is ± 3.03%, at the 95% confidence level.

The government comprehensively reports on the public service policy	2/4
The government regularly reports on the public service policy	2/2
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 score	8/ 21
Indicator value (scale 0-5)1	1

This indicator measures the extent and the quality of the information produced and provided by the Government to the public, regarding the number of employees in the public service and its structure. The focus is on the central government public (civil) service, as defined by the relevant legislation (Civil Service Law) as well as other categories of employees in central state administration. Monitoring of the indicator took place in the last quarter of 2017.

• Quality of data pertaining to the public service - what is available to the public?

Human Resource Management Information System (HRMIS), the official database of individual personnel files of all public institutions at the central level, has been assessed as poor by SIGMA.[60] Except the fact that it is not used by all institutions, those that use it do not update their data regularly, while interoperability with the payroll information system has not been implemented and there is limited capacity in the HRMA to verify whether the information is duly updated and complete. Sub-indicator dealing with functional HR database with data on the civil service was awarded with no points (0 out of 4) by SIGMA.

The only document where basic official data pertaining to the public service can be found is the Personnel Plan. As an obligation introduced by the Civil Service Law, the Personnel Plan Should be adopted 30 days after the adoption of the Law on Budget for the current year. It contains data on how many people are currently working in state administration bodies (per institution and according to the basic ranks of the public service), how many jobs and positions are prescribed by the rulebooks on internal organisation and systematisation as well as how many people and in which positions should be recruited this year.

However, In the monitoring period, this document was not regularly published — the Personnel Plan was published in 2016[61] and 2015[62], but not in 2017. Information adopted by the Government in 2017[63] states that the HRMA was not in a position to prepare a plan, inter alia, because certain ministries (Ministry of European affairs, Ministry of Finance, Ministry of Foreign affairs, Ministry of Sustainable Development and Tourism, Ministry of Economy, Ministry of Transport and Maritime Affairs) failed to adopt the rulebooks on systematisation or have failed to align them with the new Decree on the organisation and manner of work of the state administration.

• Quality of data in the Personnel Plans

60 / SIGMA Monitoring Report for Montenegro (2017, p. 52)

61 / Available at: www.uzk.gov.me/ResourceManager/FileDownload.aspx?rId=290190&rType=2

62 / Available at: http://www.gov.me/ResourceManager/FileDownload.aspx?rId=206220&rType=2

63 / Information on the implementation of personnel planning in the state administration and Secretary General, Session No. 17 of the Government, held on 23 February 2017, available at: http://www.gov.me/ResourceManager/FileDownload.aspx?rId=265692&rType=2

The Personnel plan clearly presents data on the structure of civil servants and employees on the basis of indefinite and fixed term. It does not, however, have any data on the number and structure of staff engaged on contracts outside of the scope of civil service law (ugovori o djelu). It also does not contain data on staff (experts) engaged on technical assistance projects (IPA, Twinning, etc) who do not have contracts with the administration/government, but effectively perform civil servant tasks in the administration.

Available data on public service in the Personnel Plans also does not include structure in terms of gender, men and women per institution or type of institution, or ethnic structure. Law on Civil Servants and State Employees does prescribe that the HRMIS entails data on nationality of the civil servants and employees.[64] In accordance with the Rulebook on contents of the HRMIS[65] the personal data on civil servants and employees includes data on their nationality, but only if the employee decides to give this information, since it is not obligatory. Gender is not mentioned as one of the information that is collected in either the law or the bylaws. Outside of the scope of HRMIS and Personnel Plan, there have been other sporadic attempts to look into the gender equality in the overall public administration[66] and specific sectors.[67]

None of the data pertaining to the civil service is made available in any of the so called open formats[68], by HRMA or Ministry of Public Administration. National Statistical Office (MONSTAT), publishes data Public administration and social insurance, in the framework of general employment datasets. This data is available in xls format.[69] Since this data is collected on the basis of different methodology than that of the HRMA, based primarily on the Tax Administration registers, it was not counted as complying to the requirements posed by the methodology for this element.

• HRMA's annual report as the overall civil service report

There is no specific civil service annual report in Montenegro. However, the annual report on the work of the HRMA[70] covers in various degrees of details segments outlined as the that are components of an ideal civil service report. These reports are published regularly, for each year of the monitoring period. They contains information on the following key issues: planning and recruitments,[71] appraisals,[72] trainings (professional development programmes)[73].

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64 / Article 152, Law on Civil Servants and State Employees, Official Gazette No. 002/18

65 / Available at: http://www.uzk.co.me/images/stories/dokumenti/KIS_Uputsva_Pravila/Pravilnik_KIS.pdf

66 / Ministry of Human and Minority rights has prepared an "Information on participation of women in the administration" in 2015, available at: http://www.mmp.gov.me/ResourceManager/FileDownload.aspx?rid=212100&rType=2&file=Jul%202015%20Informacija%20o%20ucescu%20zena%20u%20vlasti%20u%20Crnoj%20Gori.pdf

67 / Research into participation of women in the overall number of employees in the Police Administration has been conducted by the Ministry of Interior and HRMA, and a report has been published, available at: http://www.mup.gov.me/ResourceManager/FileDownload.aspx?rid=329607&rType=2&file=Priru%C4%8Dnik%20Rodna%20ravnopravnost.pdf

68 / For the purposes of this report, publishing data in open format means that official data is: 1) Downloadable by different users; 2) Free of charge; 3) Published in a format which renders this data machine-readable (CSV, XLS, XML, JSON, RDF, TXT etc.).

69 / Available at: https://www.monstat.org/cg/page.php?id=23&pageid=23

70 / Annual reports of HRMA available here: http://www.uzk.gov.me/biblioteka/izvjestaji

71 / Available on page 5 of the HRMA annual report for 2016

72 / Available on page 13 of the HRMA annual report for 2016

73 / Available on page 16 of the HRMA annual report for 2016

Although HRMA's report does extend beyond a simple institutional report and covers some issues that would be a part of a wider civil service policy report, it (or any other annual report or information) does not cover the following topics: career development (promotions and demotions), salaries/wages, corruption/integrity issues and measures, disciplinary procedures and decisions. Regarding the latter, report of the Appeals Commission has some data on the numbers and decisions taken in the cases related to recruitment, appraisals and wages of the civil servants and employees. The reports of the Appeals Commission are also regular and published for each observed year.74

The HRMA's report does not contain qualitative assessments of the state of play in the civil service, assessments of the quality of its work, professionalisation, improvement of capacities or depoliticisation. There is no attempt to cover the outcomes of the implementation of the Law on Civil Servants and State Employees. The only assessments that go beyond listing the activities or statistics are related to technicalities of the HRMIS or general implementation of the law. There is a section devoted to evaluation of the trainings, but no statistics is quoted, and very limited information is provided on the results of the trainings.

There is however an attempt to go beyond the form of the operational report of an institution, give assessments of certain aspects of HRM where HRMA is not the sole participant, but it is still very technical and output-focused, with no reflection on outcomes or performance of either the institution or the new instruments in the civil service system.

During the last calendar year (2017) in which the monitoring is done, neither HRMA nor other public institutions have been promoting any data related to the civil service issues, either through press releases (adoption of the HRMA's annual report is not followed by a press release or any content on the website of either HRMA or the Government). Review of the government's social media channels returned no results of promotion of the data and information about the public service in the monitoring period.

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	0/4
Civil servants perceive that temporary engagements in the administration are an exception	1/2
Civil servants perceive that performance of tasks characteristic of civil service by individuals hired on a temporary basis is an exception	1/2

74 / Reports available at the following addresses:

2016: http://www.potpredsjednikekon.gov.me/ResourceManager/FileDownload.aspx?rid=271718&rType=2&file=7_21_13_04_2017.pdf

2015: http://www.gov.me/ResourceManager/FileDownload.aspx?rid=232884&rType=2&file=15_151_24_03_2016.pdf

2014 (and 2013): http://www.kzz.gov.me/biblioteka/izvjestaji

Civil servants perceive that appointments on a temporary basis in the administration are merit-based	1/2
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	0/2
Civil servants perceive that contracts for temporary engagements are extended to more than one year	1/2
Total score	5/28
Indicator value (scale 0-5)2	1

This indicator assesses the scope and use of temporary forms of employment in the civil service, as a deviation from the standard civil service regime that is legally regulated and subject to specific merit-based criteria. 75 Its measurement combines legislative analysis, collection and analysis of government data with the results of a survey of civil servants, which is conducted in each country and cuts across the HRM principles and indicators. In contrast to other countries in the region where the questionnaire for the survey76 was distributed centrally to civil servants by the authority dealing with PAR or IT development of the administration, this was not the case in Montenegro. Ministry of Public Administration refused to disseminate the questionnaire centrally to civil servants, despite the existence of technical preconditions for such an activity, claiming it is not within their jurisdiction to do so. Therefore, the researchers were forced to disseminate the questionnaire in a decentralised manner (i.e. by contacting and requesting dissemination from each individual ministry and other administration authority).

• Limits to temporary engagements

The number of temporary engagements for performing tasks characteristic of civil service in the central state administration is not limited by law In Montenegro.

Civil servants and state employees in Montenegro are, as a rule, employed for an indefinite time period.77 Exceptions to this rule include several situations in which a civil servant or a state employee can be employed on a fixed term contract of maximum up to 2 years: replacing an absent employee, conducting tasks with a limited period of duration, helping perform a temporary increase in the workload, traineeship.78

Data of the Ministry of Public Administration (from December 2017)79 shows that out of the total number of employees at the central level (39306), there are 3963 employees with fixed-term contracts and 674 with service contracts (ugovori o djelu). This means that employees with contracts on temporary basis make up 11,79% of the total number of employees at the central level (central level as defined by the Ministry for the purposes of the Plan of Optimisation of the Public Sector, in a way that was criticised by the civil society80).

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75 / Experts and consultants hired and paid from external (technical assistance) projects or contracted through public procurement procedures (consultancy work) are not covered by this indicator. Also, general service employees, as a category stipulated by the public (civil) service legislation, are not covered by this indicator.

76 / See the methodological annex for details about the distribution and sampling of the survey.

77 / Article 52, Law on Civil Servants and State Employees, Official Gazette No. 002/18, also present in the previous version of the law, Article 48, Official Gazette No. 039/11, 050/11, 066/12, 034/14, 053/14, 016/16.

78 / Article 52, Law on Civil Servants and State Employees, Official Gazette No. 002/18

79 / Plan of Optimisation of the Public Sector, July 2018, available at: http://www.mju.gov.me/ResourceManager/FileDownload.aspx?rId=327796&rType=2

80 / Read more about the problems in defining the public sector in "Enchanted Circle of Rationalisation", 2018, Institut alternativa, available at: https://institut-alternativa.org/en/enchanted-circle-of-rationalisation/

There is no limitation in either total number or percentage of the fixed term employees in the public sector in the Law on Civil Servants and State Employees. However, the Plan of Optimisation of Public Sector has a mid-term measure to stop temporary engagements:

"The total number of fixed-term employees (...) should not be more than 10% of the number of permanent employees in the body. Consequently, a body with fewer than 100 employees may have up to 10 persons engaged on this kind of condition."[81]

This measure is supposed to take effect after the temporary ban on all recruitment is over (July 2019, also defined by this Plan), so it has still not entered into force. However, there are interpretations that the Law on Civil Servants and State Employees will have to be amended in order for this provision to take effect.

More than one third of civil servants in Montenegro (34.5%) perceive that temporary engagements in the administration are an exception. Almost a quarter of surveyed civil servants (24.9%) chose the option "Don't know/No opinion/Don't want to answer" for this question - only in Albania was the percentage of this option slightly higher (25.9%).

When they were asked to assess the frequency of the use of this type of contracts for tasks which should normally be performed by civil servants, it was in Montenegro that most respondents thought this was not an issue, out of all other countries in the region. Namely, 37.6% of surveyed civil servants answered that this happens "rarely" (22.5%) or "never or almost never" (15%). However, 28.3% of respondents answered with the "Don't know/ No opinion/ Don't want to answer" option, which is the highest percentage in the region.

• Procedures for recruitment on fixed-term basis

The Law on Civil Servants and State Employees states that the same procedure of employment applies to fixed-term contracts employees, as well as in the general employment (non-fixed term contracts).

This means that the criteria applied to recruitment in general, such as general conditions laid out in the Law[82] to be met by a person in order to be eligible for employment, also apply to persons hired on temporary based contracts.[83]

There is an exception, as defined by the new Law, that can be used by the head of an institution, allowing the recruitment on fixed-term basis without the public call procedure, with a directly chosen person from the registry of the Unemployment Bureau, for replacing an absent employee or solving the temporary surplus of workload. This kind of contract is vaguely limited in terms of duration (up to six months, if another law doesn't allow for longer), but explicitly limited that it cannot be concluded again with the same person.

However, since the recruitment of short-term experts outside of systematisation (ugovori o djelu), is not done on the basis of the Law on Civil Servants and Employees, there is no open and transparent procedure, or any specific criteria determined for the selection of individuals for temporary engagements in the state administration (experts).

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81 / Plan of Optimisation of Public Sector, measure no. 5, page 59, available at: http://www.mju.gov.me/ResourceManager/FileDownload.aspx?rId=327796&rType=2

82 / Article 34, Law on Civil Servants and State Employees, Official Gazette No. 002/18.

83 / Ibid, article 52.

An overwhelming and regional record majority of surveyed civil servants in Montenegro (46.8%) answered "often" (16.8%) or "always" (30.1%) to the statement "when people are hired on a temporary basis, they are selected based on qualifications and skills" (in Macedonia for example, only 17% answered the same). Again, almost all of the remaining respondents chose the "Don't know/ No opinion/ Don't want to answer" option (32.4%), which is also the regional extreme.

When asked whether these rules are applied in practice, civil servants in Montenegro either agree, or avoid to give a clear answer. Namely, almost a half of surveyed civil servants (48.6%) claim that formal rules for hiring people on a temporary basis are being consistently applied in practice. All other countries in the region have scored lower on this question. The remaining respondents in Montenegro (40.5%) answered with the "Don't know/ No opinion/ Don't want to answer" option.

• Duration of temporary engagement contract

When it comes to how long can fixed-term contract actually last, legal limitations to duration do exist, but are too flexible and allow for other laws to extend the deadline if necessary.

Law on Civil Servants and State Employees prescribes several different reasons for allowing temporary contacts, and different time ranges, but none longer than 24 months.[84] The exception concerning temporary engagements for handling increase of the amount of work that can not be done with the existing number of civil servants and employees, it is stated that it can last for a maximum of six months, unless otherwise provided by special law. This limitation is not clear and can be interpreted to leave the space for flexible arrangements or justifications for prolonged engagement on temporary basis.

When it comes to recruitment for temporary engagements without a public call, such recruitments are limited to 6 months in duration, conditioned by a statement on funds secured for that position in the budget. Again, this limitation is not final because it again leaves a possibility that another law may take precedence ("unless another law regulates the matter differently[85]). On the other hand, the Law explicitly limits this procedure, stating that the decision on recruiting a person in this manner can be adopted only once with a specific person. This means that although the time limit is not entirely precise, a manager cannot renew the contract with the same person in this manner.

When asked whether they think that such temporary engagement contract get extended to more than one year, 34.1% of civil servants in Montenegro said this happens rarely or never (down from their counterparts in Albania, where value for these options was 44.3%, and up from the minimum value for these options in Macedonia, 7.2%). However, as the absolute regional record, almost a half of surveyed civil servants in Montenegro (42.8%) avoided a clear answer to this question by choosing the "Don't know/ No opinion/ Don't want to answer" option.

Only 17.3% of surveyed civil servants stated that individuals hired on a temporary basis rarely or never become civil servants after their temporary engagements, the lowest percentage in the region. 37.5% answered with the "Don't know/ No opinion/ Don't want to answer" option, again the regional record of re-

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84 / Among else, the reasons are replacement of a temporarily absent civil servant or employee - maximum of two years;

- execution of project tasks with a certain duration, during the duration of the project - maximum two years. Article 52, Law on Civil Servants and State Employees, Official Gazette No. 002/18.

85 / Article 52, Law on Civil Servants and State Employees, Official Gazette No. 002/18.

spondents who opted for this answer.

How does Montenegro fare in regional terms?

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

Indicator 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 administrations 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	2/4
Public competition announcements are written in a simple, clear and understandable language	0/4
During the public competition procedure, interested candidates can request and obtain clarifications, which are made publicly available	2/4
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	0/4
Information about annulled announcements is made publicly available, with reasoning provided	0/4
Civil servants perceive the recruitments into the civil service as based on merit	1/2
Civil servants perceive the recruitment procedure to ensure equal opportunity	2/2
The public perceives the recruitments done through the public competition process as based on merit	1/2
Total score	8/36
Indicator value (scale 0-5)3	1

The focus of this indicator is on the recruitment into the civil service, more specifically through the analysis of the characteristics of the public competitions, as an open and transparent recruitment method which should ensure that the best candidates get civil service jobs. The methodology is based on the combination of analysis of administrative data pertaining to public competitions for public (civil) service positions and the perceptions of the public, and the civil servants themselves. The main sample for analysis are five most recent, completed public competitions for civil service jobs in each country for the year preceding

the monitoring, from five different state administration authorities.86 Additionally, to better inform the research, five former candidates for civil service jobs who applied to various levels of job positions as external candidates (i.e. candidates who were not already civil servants or hired via contracts in the public administration) were interviewed.

In December 2017, the Parliament of Montenegro adopted the new Law on Civil Servants and State Employees,87 whose implementation began on 1 July 2018. Procedures started before this date needed to adhere to the old law (adopted in 2011 and amended 5 times)88 until their completion. All the procedures examined under this indicator were thus conducted under the old Law on Civil Servants and State Employees.

• Information about public competitions

Broad public availability of the public competitions is established through the central portal of the HRMA. According to the Law on Civil Servants and State Employees that was valid in the period of monitoring, all the information about the public competitions in the state administration are published by the HRMA on its central portal, as well as in a printed media with a national coverage. The institutions that are actually recruiting are not legally obligated to publish the public competition announcements. They are only required to publish internal competition announcements (on their websites and on their physical notice board as well), which are also published on the HRMA's website. The only change brought about by the new Law on Civil Servants and State Employees is the removal of the obligation for the institution that is recruiting to publish the internal competition announcement on its physical notice board as well.89

Those institutions from the sample that have social media accounts (ministries), do not use them to publish public competition announcements. Former candidates confirmed that HRMA's website is the central point for informing about job opportunities in the state administration for them.

• How understandable the public competition announcements are

The language of public competition announcements is sufficiently clear, but no effort was registered to transform the legal and bureaucratic language into a more simple and citizen-friendly tone, and they do not contain job descriptions.

The structure of all public announcements is uniform, there are no variations in content or style between institutions.

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86 / In Montenegro, the sample consisted of the following public competitions:

1. Ministry of Interior: Public competition for the position of an advisor, 09.03.2018, http://www.uzk.e-lavirint.com/oglasi/oglas/show/id/6987

2. Ministry of Sustainable Development and Tourism: Public competition for an advisor, 16.02.2018, http://www.uzk.e-lavirint.com/oglasi/oglas/show/id/6937

3. Ministry of Science: Public competition for the position of the head of a directorate, 02.08.2017, http://www.uzk.e-lavirint.com/oglasi/oglas/show/id/6169

4. Property Administration: Public competitions for three positions of advisors, 20.11.2017, http://www.uzk.e-lavirint.com/oglasi/oglas/show/id/6514

5. Administration for Inspection Control: Public competition for the head of internal audit unit, 14.03.2018, http://www.uzk.e-lavirint.com/oglasi/oglas/show/id/7010

87 / Law on Civil Servants and State Employees, Official Gazette No. 002/18.

88 / Law on Civil Servants and State Employees, Official Gazette No. 039/11, 050/11, 066/12, 034/14, 053/14, 016/16.

89 / Article 42, Law on Civil Servants and State Employees, Official Gazette No. 002/18.

They do not contain job descriptions, save for the titles of the positions and departments within the institution. While these can be self-explanatory in some cases, authorities do not even make an effort to copy the job description already available in the rulebooks on organisation and systematisation.

The requirements for the job are listed mostly clearly, as are the deadlines for submission and testing. The required documentation is listed in bullet points, while some of the items are explained in more detail bellow, and forms/templates for some of the documentation required are hyperlinked directly in the public announcement.

• Possibility of requesting clarifications

The Civil Service Law does not foresee this possibility, and former candidates that were interviewed had no experience in this. There are allegations that General Administrative Procedure Law is used to handle such requests but uniformity of practice is not confirmed. The search of the HRMA's website and the websites of the institutions in the sample returned no indication that there were requests for clarifications or answers to them.

Each vacancy announcement does contain contact details of the competent official from HRMA (name, phone number, time of the day allocated for working with citizens), but it is nowhere indicated that this channel is to be used for clarifications in the recruitment process. Interviews with former candidates could not confirm or deny this as none of them tried to contact the HRMA or the state authority for which they were applying in order to get clarifications.

• Unreasonable barriers and administrative burden for candidates

The analysis of the legal framework and the sample of public competition announcements shows that public competitions a number of "unreasonable" barriers for external candidates, both in the law that was applied until July 2018 and the one that is currently in force.

General conditions for all candidates for civil service jobs prescribe 5 general conditions: citizenship, age, health requirements for conducting the job, level of education, no convictions for criminal charges that would make him/her not worthy of the position).90 It does allow other laws and bylaws to introduce additional requirements for specific job positions, but it also contains an anti-discrimination clause.

The required length of work experience varies, from 1 year for advisors and entry level positions, to 3-5 years for the more senior positions (heads of units, directorates).

Ability to conduct the advertised job in terms of health requirements is necessary to be proven, by a certificate issued by an official health care institution.91

Specific announcements have certain special requirements, in line with the job positions that is advertised. The announcement of the Administration for Inspection Affairs also contains a requirement for the candidates to have passed the certification for internal auditor, which is prescribed by the Law on PIFC

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90 / Article 32, Law on Civil Servants and State Employees, Official Gazette No. 039/11, 050/11, 066/12, 034/14, 053/14, 016/16.

91 / Ibid.

(as the position advertised is the head of internal audit unit).92 The announcement of the Ministry of Interior contains a requirement for the candidate to have passed the exam for public procurement certification, which is prescribed by the Public Procurement Law (and the position advertised is the public procurement officer).93 Also, announcement of the Ministry of Science required a specific level of English language, which is defined by the act of systematisation.94

Regarding administrative and paperwork burden on the candidates, there is no two-phase process of submitting the documentation. HRMA prepares the first list of candidates which are assessed as eligible and fulfilling the conditions of the announcement. The next step is the official testing process, that does not entail submission of any additional documentation. Therefore, the candidates must submit all required documentation upfront and there are no phases in this regard (that would entail submission of additional documentation for candidates that pass a certain threshold).

Regardless of the position that is advertised, a candidate must submit the same documentation. and it is the same regardless of position.95 Some of them belong to state registries (citizenship certificate, state examination certificate), and should, under the new Law on Administrative Procedure, which started implementing in July 2017, be acquired by the administration through ex officio exchange of data.

There is no explicit provision in the Law on Civil Servants and Employees that would allow the right for supplementing documentation after the deadline has passed. Applicants who have failed to submit entire documentation are automatically rejected. HRMA prepares list of candidates, assessed as eligible and fulfilling the conditions of the announcement - those that have "timely submitted complete and orderly documentation"96 Candidates have the right to have an insight into their own documentation and have it returned to them if they are unsuccessful.97 Interview with HRMA representative states that situations where candidates are invited to submit documentation that was omitted do occur, and that the Law on General Administrative Procedure is applied, but this has not been confirmed. Interviews with former candidates confirm they have not been contacted by the HRMA to update or submit information they may have missed to submit in the first place.

• Changes regarding requirements in the new Law on Civil Servants and State Employees

Requirement for a certificate that the candidate has not been sentenced for a criminal act that would make him unworthy of working as a civil servant has been added. It is obtained ex officio, through exchange between institutions, thus not being an administrative burden on the candidate. However, there is a dilemma on what criminal act exactly makes a candidate unworthy of a position, thus leaving a space for discre-

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92 / Administration for Inspection Control: Public competition for the head of internal audit unit, 14.03.2018, http://www.uzk.e-lavirint.com/oglasi/oglas/show/id/7010

93 / Ministry of Interior: Public competition for the position of an advisor, 09.03.2018, http://www.uzk.e-lavirint.com/oglasi/oglas/show/id/6987

94 / Ministry of Science: Public competition for the position of the head of a directorate, 02.08.2017, http://www.uzk.e-lavirint.com/oglasi/oglas/show/id/6169

95 / This list entails: 1. Application form, 2. CV, 3. citizenship certificate, 4. photocopy of the personal id card (if biometric and notarised, no citizenship certification needed), 5. health certificate, 6. education degree, 7. confirmation about no criminal convictions, 8. template for the work experience guarantee, 9. state examination certificate

96 / Article 41, Law on Civil Servants and State Employees, Official Gazette No. 039/11, 050/11, 066/12, 034/14, 053/14, 016/16.

97 / Article 46, Law on Civil Servants and State Employees, Official Gazette No. 039/11, 050/11, 066/12, 034/14, 053/14, 016/16.

tionary decision.98

The state exam is now a hard requirement, option to get the job without it and pass it later has been abolished. Only expeditions are candidates who have already passed the bar exam, and those applying for lower tiers of state employees.

On the other hand, the health certificate is now a requirement only for the first-ranked candidate, who needs to submit it eight days after a decision on recruitment has been adopted.

• Publication of decisions

There is no obligation for the authorities to publish the decision (rješenje) on selection and recruitment of the candidates. There is a practice of publishing the results of the testing process and the list of candidates in ranking order.99 However, due to the discretion of the head of authority to select any of the successful candidates from the list100, this is not an information on who was recruited.

There is no legal obligation for the authorities that are announcing the public competition notice or the HRMA to make the decision on annulment public. The search of the websites of institutions from the sample and HRMA confirmed that annulments of announcements are indeed not published. The previous version of the Law also did not prescribe any conditions under which the announcement should be annulled. The new Law introduces a whole chapter on annulments of announcements, and prescribes when they can be done.101

The procedure, manner and content of these decisions are left to be regulated by a bylaw, which again does not prescribe publishing of these decisions. It only stipulates that the decision is to be delivered only to the candidates that have already applied to the announcement, by the HRMA. The new bylaw, adopted after the new Law has entered into force, also does not envisage publishing of decisions on annulment.102

• Perceptions of the recruitment process - contrast between civil servants and citizens

In general, surveyed civil servants in Montenegro have a high degree of trust in the recruitment process and perceive the recruitments into the civil service as based on merit more than their counterparts in the region. On the other hand, public opinion survey yielded different results.

More than a half of surveyed civil servants (55.7%) either agreed or strongly agreed that the recruitment process is fully merit-based, grounded on assessment of qualifications and skills. The only country where this percentage is higher is Albania (63.7%), with the regional average being 36%.

Almost a half of surveyed civil servants in Montenegro (45.3%) disagreed with the statement "Politi-

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98 / Articles 34-35, Law on Civil Servants and State Employees, Official Gazette No. 002/18.

99 / Example: http://www.uzk.gov.me/Oglasavanje/Rezultati_provjere_sposobnosti/190520/Rezultati-sa-postupka-provjere-sposobnosti-Ministarst-va-finansija-postavljeno-13-09-2018.html

100 / Article 45 in the old Law and Article 47 in the new Law on Civil Servants and State Employees.

101 / Article 43, Law on Civil Servants and State Employees, Official Gazette No. 002/18.

102 / Article 4, Rulebook on Contents, Annulment, Correction of the Announcement for Competition for a Position and the Manner of Conducting Insight into Documentation of the Competition, Official Gazette No. 041/18.

cal or personal connections are necessary to get a civil service job in my country's administration". This is a highest percentage of trust in the integrity of the recruitment process by the civil servants in the region.

Another regional record is the staggering 69.3% of surveyed civil servants who perceive that the recruitment procedure for civil servants in ensures equal opportunity for all candidates, regardless of gender, ethnicity, or another personal trait which could be basis for unfair discrimination.

On the other hand, majority of the public perceives that the public servants are not recruited through merit-based public competitions. Namely, 56% of citizens do not think that the best candidates will get the jobs, while 32.7% trust that they will, i.e. that the merit system is applied.103

How does Montenegro fare in regional terms?

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

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

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

WeBER Indicator PSHRM_P4_I1:

Effective protection of senior civil servants' position from unwanted political interference

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	1/2
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	0/2
Civil servants consider that senior civil servants would not implement and can effectively reject illegal orders of political superiors	1/2
Civil servants consider that senior civil service positions are not subject to political agreements and "divisions of the cake" among the ruling political parties	1/2
Civil servants perceive that senior civil servants are not dismissed for political motives	1/2

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103 / Data from the WeBER's public opinion survey, done in the period from 15 October to 30 November 2017, on the sample of 1044 citizens; details on methodology available in the annex.

Civil servants consider the criteria for dismissal of senior public servants to be properly applied in practice	1/2
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	0/4
Total score	8/40
Indicator value (scale 0-5)4	1

- Vetting and deliberation procedures on appointments outside of the scope of the civil service legislation

The Civil Service Law prescribes a procedure for appointment of senior manager, that includes public competitions, testing and preparation of a ranking list, with a proposal for the Government104. However, after this procedure is over, the Government is not obliged to appoint the first-ranked person indicated by the process.

Although this is not specified in the Law on Civil Servants and State Employees, Government's Commission for Personnel and Administrative Issues, as its permanent working body, has the competencies in regards to appointments and dismissals, giving the consent on those appointments that are by law determined to be under the jurisdiction of the Government.105 This is also valid for candidates for acting positions.

In practice, it is the Government's Commission for Personnel and Administrative Issues that checks the proposal of the head of an authority (minister) who is proposing to appoint an acting manager.

Its work is regulated by the Rules of Procedure of the Government in a very broad manner, without precise overview of the procedure for checking the proposal of the decision on appointment and no transparency in deliberation.

Review of the Government decisions on the senior-level appointments in the period 01 July 2017 - 01 July 2018, showed that out of the total number of appointments (112) during the examined period, 57 were conducted with a public competition procedure, or 50.9%. This means that 49.1% of appointments were done without previous competition:

- there were 54 decisions appointing acting senior managers (without the previous competition)

there were 58 decisions appointing senior managers, out of which 1 was conducted without competition. Out of 57 that were done with the competition procedure, all of them were public.

According to the Law on Civil Servants and State Employees which was in force at the time of monitoring, the heads of authorities within ministries and independent authorities, were not civil servants, and therefore were not counted in the assessment. A large number of Government appointments also refers to

104 / Articles 56-59, Law on Civil Servants and State Employees, Official Gazette No. 002/18.

105 / Article 17, Rules of Procedure of the Government of Montenegro, Official Gazette No. 003/12, 031/15, 048/17. See more about the lack of transparency of its work in chapter on Policy development and coordination.

state-owned enterprises as well as the appointments of state secretaries, which are also outside the scope of civil service.

• Perceptions of appointment of senior civil servants

Majority of civil servants in Montenegro (48%) consider that the procedures for appointing senior civil servants do ensure that the best candidates get the jobs. This is the regional record for this option. Another regional record is that more than one fifth of respondents in Montenegro decided to opt for "Don't know/No opinion/Don't want to answer" to this question.

Furthermore, a quarter of surveyed civil servants in Montenegro (26.9%) perceive that senior civil servants are not appointed based on political support. This the second highest percentage of such answers to this question, with only Albanian civil servants having a higher percentage (32.7%), while BiH is on the other end of the spectrum, with only 4% of civil servants believing that political support plays no role in the appointment of senior civil servants. Montenegro's civil servants once again are the most likely to avoid the answer, with 31% opting for the "Don't know/No opinion/Don't want to answer".

However, when the CSOs in Montenegro were asked whether they think the procedures for appointing senior civil servants ensure the best candidates get the jobs, there were no answers for either "agree" or "strongly agree" option, making this the lowest score in the region for this question.

• Acting positions

The new Law on Civil Servants and State Employees that entered force on 01 July 2018 recognises and regulates acting positions in the state administration. Review of practice of these appointments showed a tendency of extending the mandate of the acting position senior manager by adopting a new decision on appointment after the current one expires.106

The new Law prescribes that in the case that the senior manager's mandate has ceased, person can be appointed in the acting position for the period of up to six months.107 This however allows for the decision to be renewed, and the practice of extending this deadline to be made lawful simply by adopting a new six-month appointment after the current expires. This person can be an employee from the institution, from the public administration in general that fulfils the criteria for prescribed for the senior manager s/he is replacing (only the central administration, as defined by the Law108). However, if no such persons can be found in the institution or wider administration, a person from outside the civil service can be hired, again, if s/he fulfils the criteria109, though without any selection procedure.110

The Law on Civil Servants and State Employees does not specify the procedure for checking are there civil servants who can be appointed as acting managers, but the HRMIS (Centralna kadrovska evidencija) is

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106 / Read more about this practice in IA's report "Toward a better administration in Montenegro: Good progress or modest preparation?", June 2018, p. 29, available at: https://institut-alternativa.org/en/toward-a-better-administration-in-montenegro-good-progress-or-modest-preparation/

107 / Article 61, Law on Civil Servants and State Employees, Official Gazette No. 002/18.

108 / Article 3, Law on Civil Servants and State Employees, Official Gazette No. 002/18.

109 / These criteria for senior managers (starješine organa i visoki rukovodni kadar) are prescribed in articles 22 and 24 of the Law on Civil Servants and State Employees, Official Gazette No. 002/18.

110 / Article 61, Law on Civil Servants and State Employees, Official Gazette No. 002/18.

the only resource available to conduct this check up, and it is proven to be an unreliable source.111

Additionally, Administrative inspectorate has the mandate to, among else, check the legality and procedure of appointments (not precisely specified that acting position appointments are included), and if irregularities are registered, and then not corrected by the head of the authorities, the Appeals commission can annul the decision on appointment.112 However, sanctions prescribed by the Law on Civil Servants and State Employees do not cover the acting positions appointment procedure.

• Perceptions of integrity of senior civil servants

There is an overwhelming positive attitude among the surveyed civil servants about the independence and integrity of their senior colleagues. Asked whether they think that senior civil servants would implement illegal actions if political superiors asked them to do so, more than half of civil servants in Montenegro disagreed (51.9%). Only 6.3% thought that they would, which is the regional low. Almost one third (31%) said they either don't know or have no opinion.

When civil servants were asked can a senior civil servants reject an illegal order from a minister or another political superior, without endangering their position, in Montenegro 44.4% agreed that they could. Only 11.3% stated an illegal order could not be rejected without endangering of position, which is the lowest percentage in the region. Again, the rate of those who chose "Don't know/No opinion/Don't want to answer" was among highest in the region, 31.9%.

• Dismissal

When it comes to dismissal of senior civil servants on political basis, 46.2% of surveyed civil servants perceive that this does not happen in Montenegro. This is higher than the regional average (37,70%). Almost the percentage (40%) opted for "Don't know/No opinion/Don't want to answer". Additionally, majority of civil servants in Montenegro (45%) perceive that the criteria for dismissal of senior public servants are properly applied in practice, which is a regional record (regional average being 29.6%). The same percentage of civil servants, opted for "Don't know/No opinion/Don't want to answer".

• Political interference

Montenegrin senior civil servants are the least likely in the region to participate in electoral campaigns, as perceived by the surveyed civil servants. Almost 37% of respondents stated that this happens never (22%) or rarely (15%). Almost 40% chose the "Don't know/No opinion" option.

Civil servants in Montenegro were divided when asked whether they think that senior civil service positions are subject of political agreements and "divisions of the cake" among the ruling political parties. One third agreed, one third disagreed and one third said they "Don't know/No opinion/Don't want to answer". All these values are well away from regional averages, with civil servants in Montenegro being the ones who are most likely to avoid answering the question, and also the most likely to express an attitude that there is no politicisation and corruption in the civil service.

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111 / HRMIS was assessed very poorly in SIGMA's 2017 report: Existence of a functional HR database with data on the civil service sub-indicator was scored with 0 out of 4, read more about the findings on HRMIS in chapter on: _____

112 / Articles 155-156, Law on Civil Servants and State Employees, Official Gazette No. 002/18.

Again, there is a sharp contrast on how CSOs perceive the same issues. When CSOs in Montenegro were asked whether they consider senior managerial civil servants to be professionalised in practice, there were no CSOs who answered that is the case, making this the lowest score in the region for this question. Along with Kosovo where the result was the same, this is the lowest result in the region.

How does Montenegro fare in regional terms?

Indicator PSHRM_P4_I1: Effective protection of senior civil servants' position from unwanted political interference

Regional PAR Monitor Report with results for all WB administrations 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 transparent

WeBER Indicator PSHRM_P5_I1:

Transparency, clarity and public availability of information on the civil service remuneration system

Indicator elements	Score
The civil service remuneration system is simply structured	2/4
The civil service salary/remuneration system foresees limited and clearly defined options for salary supplements additional to the basic salary	2/4
Information on civil service remuneration system is available online	0/6
Citizen friendly explanations or presentations of the remuneration information are available online	0/2
Discretionary supplements are limited by legislation and cannot comprise a major part of a civil servant's salary/remuneration	0/4
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	1/2
Total score	**5/22**
Indicator value (scale 0-5)[5]	**1**

Structure of the remuneration system

The civil service remuneration system, as defined by the Law on Wages in the Public Sector is assessed as partially simply structured.113

Article 22 of the Law on Wages of the Public Sector Employees114 has a chart with clearly provided coefficients or other numerical values per public service rank/position. However, there are notable exceptions, such as Article 27 on exceptional staff, which are left very vague and no criteria is provided by the Law. As a

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113 / Simple structure of a remuneration system is defined so as to entail a table with clearly provided coefficients or other numerical values per public service rank/position and a clear and limited set of rules and formulas for calculating supplements (both statutory and discretionary).

114 / Law on Wages of the Public Sector Employees, Official Gazette, No. 016/16, 083/16, 021/17, 042/17, 012/18, 039/18, 042/18.

result of the Article 27 provision, the overall system is assessed as partially simply structured.

Review of the website of the Ministry of Public Administration and the central governmental portal returned no results for any kind of citizen-friendly or simplified presentation of the remuneration system in general. The website of the Ministry of Public Administration only contains the Law on Wages in the Public Sector (in an outdated version)115 and the list of its own public officials (significantly lower number than employees in total) and their wages.116 Also, job announcements do not provide information on the salary.

Supplements

The civil service salary/remuneration system does not foresee clearly defined options for salary supplements additional to the basic salary.

The Law on Wages prescribes 5 types of supplement pay,117 prescribing limits to some of them and leaving some to be regulated by collective bargaining agreements. In this sense, the law gives superiority to the collective bargaining agreements, instead of prescribing the limits that these agreements should then be based on.

Supplement pay for performing work in certain job positions can amount to 30% of the base salary. Special supplement pay for positions in the sector of fighting organised crime and corruption, money laundering, war crimes persecution can be awarded, and is regulated by a special bylaw. It is not limited explicitly as such, but article 19 states that this supplement combined with the one on certain job positions cannot be greater than 45% of the base salary. This is a significant addition to the base salary which it is left to be decided to by the bylaw of the Ministry. In the same time, there is a similarity with other types of supplements (Supplement pay for performing work in certain job positions; Special supplement), which makes the same employees eligible for both automatically).

Additionally, the Law does not specify the mutual exclusiveness of some of these types of supplement pay, which combined can alter the base salary in a significant way, making the remuneration system less transparent.

Perception of supplement pay by the civil servants

On the other side, civil servants in Montenegro consider that discretionary supplements are non-partially used for stimulating and rewarding performance, leading in the region by the percentage of positive attitudes towards the implementation of supplement pay.

Namely, 39.16% of surveyed civil servants answered "agree" (27.71%) or "strongly agree" (11.45%) with the statement "In my institution, bonuses or increases in pay grades are used by managers only to stimulate or reward performance", which is by far the highest percentage of such answers in the region. In all other

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115 / The version of the Law on Wages on the website of the Ministry has in the meantime been amended three times: http://www.mju.gov.me/ResourceManager/FileDownload.aspx?rid=291902&rType=2&file=Zakon%20o%20zaradama%20zaposlenih%20u%20javnom%20sektoru.pdf

116 / In accordance with the obligations on proactive publishing of information, as defined in the article 12 of the Law on Free Access to Information, Official Gazette, 044/12, 030/17.

117 / These are: 1) Supplement pay for night work, work during state or religious holidays and overtime; 2) Supplement pay for performing work in certain job positions; 3) Special supplement; 4) Supplement on the basis of length of service (years of work); 5) Supplement for duty work (dežurstvo) and state of alert (pripravnost). Article 15, Law on Wages of the Public Sector Employees, Official Gazette, No. 016/16, 083/16, 021/17, 042/17, 012/18, 039/18, 042/18.

countries, civil servants are much more critical of the supplement system implementation. Another record value for Montenegro is the highest percentage in the region of those who chose the "Don't know / No opinion" option (34.2%).

When asked whether political and personal connections help employees to receive bonuses or increases in pay grades, surveyed civil servants in Montenegro adamantly denied - 42.77% of surveyed civil servants answered "rarely" (12.65%) or "never or almost never" (30.12%). This almost a double value of the regional average (25.7%), with the remainder of respondents opting for the "Don't know / No opinion" option, again setting a regional record (31.7%).

How does Montenegro fare in regional terms?

Indicator PSHRM_P5_I1: Transparency, clarity and public availability of information on the civil service remuneration system

Regional PAR Monitor Report with results for all WB administrations 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 PSHRM_P7_I1:

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.	2/4
Integrity and anti-corruption measures for the civil service are implemented in the central administration.	0/4
Civil servants consider the integrity and anti-corruption measures as effective.	1/2
CSOs consider the integrity and anti-corruption measures as effective.	0/2
Civil servants consider that the integrity and anti-corruption measures are impartial.	1/2
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 sore	4/18
Indicator value (scale 0-5)6	1

This indicator combines SIGMA expert assessments on the anti-corruption measures for the public service with perception-based elements, relying on the perceptions of civil servants and the civil society.

Formal integrity and anti-corruption measures are in place in the civil service, but their implementation remains deficient. According to SIGMA 2017 Monitoring Report, Montenegro scored 5 out of 5 for "Completeness of the legal framework for public sector integrity" and 0 out of 4 for "Existence of a comprehensive public sector integrity policy and action plan" claiming that "while the legal and institutional framework to ensure integrity in the civil service has been completed (...) a multi-annual anti-corruption policy does not

exist".118

Majority of surveyed civil servants in Montenegro (51.3%) consider the integrity and anti-corruption measures in their institution119 to be effective, with over a quarter (26%) choosing the "Don't know/No opinion/Don't want to answer" option. In a sharp contrast, CSO survey results on the same question had no positive answers. There were no CSOs who agreed or strongly agreed to the statement "integrity and anti-corruption measures in place in the state administration are effective in achieving their purpose".

The interpretation of CSOs seems to be closer to SIGMA's view, which scored the sub-indicator Implementation of public sector integrity policy with 0 out of 3 possible points.120

Results are similar when it comes to impartiality of the implementation of integrity and anti-corruption measures, where 55.2% of surveyed civil servants agreed that they are applied impartially, while the same percentage chose not to give a precise answer.

On the other hand, when the CSOs in Montenegro were asked the same question, only 2.6% of them agreed that integrity and anti-corruption measures in place in the state administration are impartial.

In accordance with other answers of civil servants in Montenegro, when asked would they feel protected if they were to become whistle-blowers, 19.5% answered positively. Although the percentage by itself is not high, it is by far the highest in the region. Again, more than a third of respondents in Montenegro opted for the "Don't know/No opinion/ Don't want to answer" option, making another regional record.

How does Montenegro fare in regional terms?

Indicator 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 administrations is available at: www.par-monitor.org

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118 / SIGMA's 2017 Monitoring report for Montenegro, p. 74

119 / These measures may include codes of ethics, disciplinary measures related to ethics and integrity of civil servants, integrity plans, provisions for dismissal related to integrity, etc.

120 / SIGMA's 2017 Monitoring report for Montenegro, p. 74

Chapter 4: ACCOUNTABILITY

WeBER indicators used in Accountability and country values for Montenegro

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

0	1	2	3	4	5

P2 I2: Proactive informing of the public by public authorities

0	1	2	3	4	5

Results in brief

In the area of accountability, as measured by WeBER, Montenegro is well behind other countries in the region, sharing the last place with Macedonia based on the overall scores for two indicators.

Civil society perception of the quality of legislation and practice of access to public information in Montenegro reveals considerable problems in this area.

Only around a fifth of NGOs perceive that the administration is recording and documenting sufficient information for exercising the right to access to information. Quality of FOI legislation is perceived as particularly poor, especially when compared to regional results. Montenegrin NGOs are the most critical of the exceptions to the public character of information in the region, both in how they are regulated in the law and applied in practice. Deadlines for answering a FOI request are most often broken in Montenegro, where NGOs also seem to be paying the most for accessing the information.

Situation is somewhat better when it comes to the format in which the answer is received, with most of NGOs agreeing it is provided in the requested format. Also, the principle that administration should not inquire into reasons for requests for information, seems to be applied the most consistently in Montenegro.

Responses of NGOs are also positive when it comes to how the authorities are dealing with releasing information marked as classified or containing personal data, though most of NGOs are suspecting foul play when only portions of classified materials are released.

NGOs in Montenegro were especially and consistently critical about the work of the Agency for Personal Data Protection and Free Access to Information, which is the supervisory institution for FOI whose work is assessed most poorly in the region. NGOs are especially critical of Agency not setting sufficiently high standards of the right to free access to information, as well as to the effectiveness of its soft measures and sanctions.

When it comes to proactive informing of the public, research revealed problems extending beyond non-compliance to legal requirements in this area. Information on lines of accountability of the institutions is lacking for the entire sample. Most of the sample institutions have sections containing relevant policy documents and legal acts, although they vary greatly in how much they make sure that the available documents are the latest versions. On the other hand, publishing of analytical materials is much scarcer, with the

most notable lack of publishing of regulatory impact assessments by the ministries.

Annual reporting is regular and easily accessible, although there are significant exceptions in subordinate institutions. Budgetary information are usually not published on the websites, and even where they are, updates are not regularly made following budget amendments. Organigrams presenting the structure of the institutions are not systematically available, and when they are, they are not always updated to the latest version of the institution's rulebook on organisation and systematisation.

There is a sharp contrast between ministries and subordinate institutions in the way the information on how they cooperate with civil society and other external stakeholders (including public consultation processes) is presented.

Regarding open data, except for Ministry of Finance, none of the observed institutions has published any databases in machine-readable formats.

In general, most of the key documentation required for measuring this indicator has met the conditions of accessibility, but in measuring the degree of efforts of authorities to present their data and documents in a citizen-friendly way, little or no initiative has been registered.

State of Play in Accountability

In the area of accountability, focus of the monitoring is on the regulation and practice of the right to access public information, relying on civil society perception and measurement of proactive public informing by administration bodies.

In its latest report, European Commission expressed concern over authorities' "increasing tendency to declare information as classified" and urged public institutions to improve implementation of the law and comply promptly with access to information requests, especially in areas where there is a risk of corruption.[121] SIGMA's assessment points out to significant deficiencies in implementing the Law on Free Access to Information, especially in monitoring proactive transparency and imposing sanctions for non-compliance. Montenegro is worst ranked in the region according to the Global Right to Know Rating, scoring 89 out 150 possible points, with lowest results in the areas of appeals, sanctions, protection and exceptions.[122]

According to the registry of the Agency for Personal Data Protection and Free Access to Public Information, total number of requests received by the authorities in 2017 and delivered to the Agency was 5,877; out of that number almost one third was rejected (1,951), 2,642 were granted and 451 partly granted.[123] The Agency received 1 086 complaints of which it upheld 356. Majority of cases before the Agency were those of administrative silence, i.e. cases where the requests remained unanswered by the public institutions. However, there are significant problems both in excessive duration of proceedings as well as in ineffective enforcement of decisions of both the Agency and Administrative Court on access to information.[124]

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121 / European Commission's Montenegro Report 2018, available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-montenegro-report.pdf (last accessed 01/12/2018)

122 / Results available at: https://www.rti-rating.org (last accessed 01/12/2018).

123 / Report on the state of affairs in the area of personal data protection and free access to information in 2017, available at: http://www.azlp.me/me/izvjestaji (last accessed: 02/12/2018)

124 / SIGMA's 2017 Monitoring Report for Montenegro

Although SIGMA commends the legal framework, marking it 10 out of 10125, the 2017 amendments of the Law introduced significant restrictions to access to information. At first, they consisted only of provisions regarding re-use of public sector information. In a last-minute intervention, MPs of the ruling party introduced additional articles dealing with restrictions to access to information.126 Also, due to changes in the Article 1 and the scope of the Law, state authorities are not required to apply the harm test before declaring data confidential anymore. Additionally, authorities can now restrict access to information or a part of information if it constitutes a "trade" or "tax" secret. This provision in particular has the potential to be misused, and prevent access to highly relevant data. Experience of NGOs suggests that institutions such as Ministry of Finance, Tax Administration, local public revenues office in particular started rejecting access to information by referring to these grounds.127

When it comes to proactive disclosure of information, the Law prescribes a wide array of information to be published by the public authorities128 but implementation of this provision is poor, as stated by SIGMA129 and the CSOs130.

Apart from the sporadic controls done by the Agency regarding proactive transparency, the preparation and maintenance of official websites is under no other oversight. Official Guidelines for Development and Management of Internet Presentations131 are not obligatory and have more of an educational character. The Law on e-Government132, that regulates the procedures of creation of new websites, does not allow for a meaningful control function of the Ministry of Public Administration (successor of the Ministry for Information Society and Telecommunications) during the website preparation that would ensure enforcement of these Guidelines. On the basis of this Law, a Rulebook was adopted that regulates the appearance, management, functioning, access, functioning and other issues related to the governmental websites,133 but in a very broad manner, without any provisions on accessibility, user-friendliness, completeness or up-to-datedness. Amendments to the Law on e-Government that, among else, tackled these problems, were prepared and submitted to the Parliament in January 2018.134 These amendments entailed a series of improvements in this area, ranging from obliging public authorities to publish their email addresses on their websites, and introducing sanctions for breaching this and other provision, as well as vesting the power of approving the IT solution onto the Ministry of Public Administration, and installing a tighter oversight over the design and

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125 / SIGMA's 2017 Monitoring Report for Montenegro, p. 86.

126 / Committee report on deliberation of four amendments proposed by the MPs available here: http://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/102/1379-9029-23-3-17-2-5.pdf

127 / Read more in IA's report "Reform of public financing and tax secrecy: through the lens of municipal debts", July 2018, available at: https://institut-alternativa.org/en/reform-of-public-financing-and-tax-secrecy-through-the-lens-of-municipal-debts/ (last accessed on 01/12/2018).

128 / Article 12 of the Law on Free Access to Information, Official Gazette of Montenegro No. 044/12, 030/17.

129 / SIGMA's 2017 Monitoring Report for Montenegro, p. 85.

130 / In August 2017, IA conducted a detailed and advanced search of the webpages of state administration authorities, 10 out of the 18 ministries (61%), had published the lists of employees, as one of the items subject to proactive disclosure under Article 12. See more in: IA's report: "Toward a better administration in Montenegro: Good progress or modest preparation?" May 2018, available at: http://institut-alternativa.org/ka-boljoj-upravi-u-crnoj-gori-dobar-napredak-ili-skromna-priprema/

131 / Prepared by the Ministry for Information Society and Telecommunications in March 2016, available at: http://www.mju.gov.me/ResourceManager/FileDownload.aspx?rId=291140&rType=2

132 / Official Gazette of Montenegro, No. 032/14

133 / Rulebook on the web-portal and sub-portals of the Government of Montenegro, Official Gazette of Montenegro, No. 045/14

134 / The bill on amending the Law on E-Administration available at: http://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/350/1637-10272-10-2-18-1.pdf

content of the individual websites of the institutions. However, these amendments were abruptly withdrawn from the procedure by the Government two months later, without an explanation of this decision.135

Regarding open data, 2018 measurement of public data openness, Open Data Barometer, ranked Montenegro among the three last countries in Europe as 83rd on the list of 115 countries with 15 of possible 100 points in the questionnaire, with poor results in the field of transparency of public data and the use of new technologies in the transparency of its administration.136 Amendments to the Law on Free Access to Information from 2017, introduced the obligation not only to share the data with public, but also to produce new and digitise existing databases, as well as to create an open data portal as the central address for publishing of public databases.137 The law contains a number of shortcomings, such as introduction of strict restrictions on access to information, broad basis for rejecting requests for re-use, high costs of the procedure for re-use of information.

When it comes to the availability of primary and secondary legislation, citizens do not have free access to the official database of consolidated texts of regulations prepared by the Official Gazette. Individual electronic editions of the Official Gazette are free, but access to the texts of consolidated legislation is commercialized and charged, even to state institutions. Official Gazette, which functions as a public institution, rejected an initiative of the civil society to cease charging access to consolidated legislation.138

What does WeBER monitor in Accountability and how?

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

Principle 1: 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 transparency of administration and holding it accountable by the civil society and citizens, but also from the view of safeguarding the right-to-know by the general public as the precondition for better administration. WeBER approach to the Principle does not consider assessment of regulatory solutions embedded in free access to information acts it strongly relies on practice of reactive and proactive information provision by administration bodies. More specifically, the approach considers the experience of civil society with the enforcement of the legislation on access to public information but is at the same time based on direct analysis of the websites of administration bodies.

Monitoring is performed by using 2 WeBER indicators, the first one entirely focusing on civil society perception of the scope of right to access public information and if enforcement is enabling civil society to exercise this right in a meaningful manner. To explore perceptions, survey of civil society organisations in six Western Balkan countries was implemented using online surveying platform, in the period between

135 / Government's memo on withdrawing the amendments available at: http://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/350/1637-10428-10-2-18-1-2.pdf

136 / Only Bosnia and Herzegovina (100th position) has been ranked lower in the region, while Serbia (65), Kosovo (63), Croatia (58), Albania (50) and Macedonia (48) have been ranked better. See the full results here: http://opendatabarometer.org/3rdedition/report/

137 / Open Data Portal is now live and available at: https://www.data.gov.me/

138 / More details available at: "State should not charge access to regulations", https://institut-alternativa.org/en/initiative-state-should-not-charge-access-to-regulations/ (last accessed: 02/12/2018)

second half of April and beginning of June 2018.139 The uniformed questionnaire with 33 questions was used in all countries ensuring 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 in each country but also through centralised points of contact such as governmental offices in charge for cooperation with civil society.140 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 is representativeness as much as possible, additional boosting was done where needed to increase the overall response. Focus group in each country served the purpose of complementing the survey findings with qualitative findings.

Second indicator has proactive public informing by administration bodies in its focus, particularly by monitoring comprehensiveness, timeliness and clarity of information disseminated through official websites. In total, 18 pieces of information are selected and assessed against two groups of criteria: 1) basic criteria, including completeness, and if information is updated, and 2) advanced criteria, on accessibility and citizen-friendliness.141 Search of information is conducted through 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 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.142

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	0/2
CSOs confirm that information is provided free of charge	1/2
CSOs confirm that the person requesting access is not obliged to provide reasons for requests for public information	1/2

139 / Survey of CSOs was administered through anonymous, online questionnaire. In Montenegro, survey was conducted in the period from 23 April - 28 May 2018.

140 / The data collection method included CASI (computer-assisted self-interviewing). For Montenegro, survey sample was N=49. The base for questions in this indicator was n=43 respondents, and n=31 CSOs that answered "yes" to the question "Have you sent a FOI request in the past two years?".

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

142 / For Montenegro, the sample formed based on these guidelines included: Ministry of Interior, Ministry of Sustainable Development and Tourism, Ministry of Science, Ministry of Finance, Secretariat General of the Government, Forest Administration, Property Administration.

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	1/2
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

• Is enough information recorded?

The first question in the survey for CSOs in Montenegro regarding free access to information attempted to gather their perception of the basic precondition for exercising this right - is amount of information produced and recorded by public authorities sufficient for proper use of the right to access public information. As a rule, FOI request can only be sent to ask for information which already exists in some recorded format (written, audio, video, etc.). Hence, if certain information is not recorded, the right to access that information cannot be fulfilled.143

In Montenegro, 18.6% of surveyed CSOs agree that the public authorities do record sufficient information to enable the public to fulfil the right to free access to information, while 37,2% disagree. A relatively high number of indecisive respondents (32% of CSOs were neutral, neither agreeing nor disagreeing on this question, while 11,6% opted for "don't know" option), could be justified by the fact that this dimension of the problem is not often mentioned in public discourse regarding FOI in Montenegro as an issue. This does not mean that the authorities record sufficient information, but that the NGOs have not approached the problem of rejection of FOIs from that perspective. The impression of CSOs is that the rule on authorities rejecting a FOI request that entails creating a new information is overzealously used, even if the requested information is simply a compilation of data that is already produced.

• Exceptions to the public character of information

Asked whether they think that the exceptions to the public character of information are adequate, as defined in the Law on Free Access to Information, only 16.28% of surveyed CSOs in Montenegro answered positively, which is the lowest percentage in the region (in Albania for example, 46% agreed with the statement).144 There were no "strongly agree" answers to this question. Consistent with this, Montenegro has the highest response rate of CSOs who disagree with the notion that the exceptions are adequate, as 41,9% of respondents gave a negative answer.

Situation is even worse when it comes to application of these exceptions in practice. Again, the highest percentage of CSOs in the region who perceive that exceptions to the public character of information are not adequately applied is in Montenegro, with almost half of NGOs (48,8%) opting for this option.

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143 / Article 29, Law on Free Access to Information, Official Gazette of Montenegro, No. 044/12, 030/17

144 / The integral results of the CSO survey for all countries of the region are available on WeBER's website: www.par-monitor.org

Experiences of CSOs in implementation of the Law

Situation is a bit better when it comes to format of the answer to the FOI request. 41.93% of surveyed CSOs that had exercised their right to information agreed that information is provided in the requested format. On the other hand, only 16,1% disagreed with this statement (meaning that they received answers in formats that they have not requested), which is the lowest in the region.

Survey shows that CSOs in Montenegro are waiting for responses to FOI requests the longest in the region. Only a quarter (25.81%) of surveyed CSOs agrees that the information is provided within prescribed deadlines, which is the lowest percentage in the region (regional average being 41,2% for the positive answer).

Apart from waiting the longest for the answer, Montenegrin CSOs also seem to be paying the most for access to information. Although more than half (51.62%) of surveyed CSOs that had exercised their right to information agreed that the information is often or always provided free of charge, this is lower than the regional average of 74,8% and lowest in the region. In the same time, 22,6% said that it never happens that the information is provided free of charge, which is again the highest in the region and up from the regional average of 10,1%

On the other side, the principle that administration should not inquire into reasons for requests for information, seems to be applied the best in Montenegro, with more than half of CSOs (58%) answering that this happens rarely or never (regional average being 41,6%). Consequently, the highest rate of CSOs who answered that this "never" happens is in Montenegro - 35,5%, with the regional average being 21,6%.

According to the survey, it is the CSOs in Montenegro that send the most FOI requests in the region. Almost 75% of Montenegrin NGOs included in the survey answered positively when asked have they sent a FOI request, considerably more frequent than the regional average (57,5%).

Figure 8 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%, N=49. Only CSOs who answered they sent a request for free access of information in the past two years were asked these questions.

• Access to classified and personal data

Responses of CSOs are more positive when it comes to dealing with information marked as classified or containing personal data. A quarter of CSOs in Montenegro confirm that, in practice, the non-classified portions of otherwise classified materials are released when requesting information, which is the highest value in the region.

Additionally, 41.9% of surveyed CSOs answered positively to the statement "When requesting access to information that contains personal data materials, portions not containing personal data of these materials

are released", which is above the regional average and lower only than Macedonian CSOs responses (42,9%).

However, when asked whether they think that when only portions of classified materials are released, it is not done to mislead the person requesting the information, CSOs in Montenegro are most suspect of foul play on the part of authorities, with only 9.7% of CSOs confirming the statement. This is another regional low, with the average being 19,1%.

• Perception of Agency's work

CSOs in Montenegro were especially and consistently critical about the work of the Agency for Personal Data Protection and Free Access to Information, which is the supervisory institution for FOI whose work is assessed most poorly in the region.

Only 9,7% of CSOs agreed that the Agency has, through its practice, set sufficiently high standards of the right to free access to information. No CSOs opted for the "strongly agree" answer to this question. As much as 45% answered negatively (stating that the Agency has failed to set the high standards) setting a record compared to its regional counterparts, considerably higher than the regional average of 21,2%.

Figure 9 Civil society perception on the work of the Agency for Personal Data Protection and 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%, N=49 Only CSOs who answered they sent a request for free access of information in the past two years were asked these questions

Only 9,7% of CSOs consider the soft measures issued by the Agency as the supervisory authority to be effective, while almost sixty percent (58%) disagree, which is the highest percentage in the region and considerably up from the regional average (28,5%). Additionally, only 3,2% CSOs consider that the supervisory authority's power to impose sanctions leads to sufficiently grave consequences for the responsible persons in the noncompliant authorities, while a vast majority of 71% disagree with that statement (both values being highest in the region and far from the regional average).

How does Montenegro fare in regional context?

Indicator 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

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	0/2
Websites of public authorities contain complete and up to date information on accountability (who they are responsible to)	0/4
Websites of public authorities contain complete and up to date information on relevant policy documents and legal acts	2/4
Websites of public authorities contain accessible and citizen friendly information on relevant policy documents and legal acts	0/2
Websites of public authorities contain complete and up to date information on policy papers, studies and analyses relevant to policies under competence	0/4
Websites of public authorities contain accessible and citizen-friendly information on policy papers, studies and analyses relevant to policies under competence	0/2
Websites of public authorities contain complete and up to date annual reports	2/4
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
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	0/2
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	0/4
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	0/2
Public authorities proactively pursue open data policy	0/4
Total	12/56

The sample of institutions that were examined consisted of: Ministry of Interior, Ministry of Sustainable, Development and Tourism, Ministry of Science, Ministry of Finance, Secretariat General of the Government, Forest Administration, Property Administration. Monitoring was done during December 2017.

In general, most of the key documentation required for measuring this indicator has met the conditions of accessibility, being less than three clicks away from the homepage of the institution. This is due to the template structure of the governmental websites and a multitude of options in the main navigation as well as additional banners on the homepage, which can be confusing in their own regard. In measuring the degree of efforts of authorities to present their data and documents in a citizen-friendly way, little or no initiative has been registered. The sampled institutions do not strive to provide documents in a manner that would be more clear or understandable to ordinary citizens, in either the way the documents are presented on their websites, or the way the documents themselves are written. There is a sharp contrast between ministries and subordinate institutions in how much information is provided to citizens, and in which manner.

• Scope of Work - Strictly legal

In explaining their scope of work, institutions mainly satisfy the criterions of completeness. Out of the seven institutions from the sample, only 2 do not have either complete or up to date information on the scope of their work. Other institutions have this information, although the way the information is presented is not unified; the location of the information on the websites is on various points for different institutions, and the structure of the information varies, from general descriptions of the institutions to details on the competencies of its sectors. Accessibility is applied almost uniformly well. All the institutions that have information on their scope of work, have it at either one or two clicks way from the homepage. However, there are no traces of citizen-friendly definitions. None of the institutions make no effort to use formulations other than those from the legal acts that and formal definitions of their work from bylaws copied in verbatim.

• No visible lines of accountability

Information on lines of accountability of the institutions is taken for granted in Montenegro, as if there is no need to explain to whom the institution is responsible to directly. This information is lacking for the entire sample as none of the state authorities have information on accountability. Information on lines of accountability are especially important for citizens in the cases of authorities within institutions or independent agencies, whose status keeps changing, as the Decree on Organisation and Operation of the Public Administration has been amended 16 times in six years since it has been adopted.

• Policy documents and legal acts

As part of the standard template of the websites of institutions, most of the sample institutions have sections containing relevant policy documents and legal acts, entitled "Library", although they vary greatly in how much they make sure that the available documents are the latest versions, as several cases of outdated legal acts have been found. The sections containing the policy documents and legal acts are always in the main navigations of the websites, and therefore one click away from the main page. Thus, all of the institutions have earned points (except for the Forest Administration, whose section is accessible, but does not contain any document). None of the institutions have earned points for citizen-friendly dimension, as no effort has been made to explain the contents of the "Library" sections, except for the titles of the acts.

• Policy papers, studies and analyses

On the other hand, publishing of analytical materials is much scarcer, with the most notable lack of publishing of regulatory impact assessments by the ministries. Good example is the Ministry of Sustainable Development and Tourism.[145] It has, among else, an Analysis of the current situation and adaptation of the museum's offer for tourists, comparative analysis of urban parameters, Analysis of the achievements and challenges of the ecological state, etc. Another good example is the Ministry of Interior, which publishes its documents and has documents such as Analysis on risks for corruption which covers several areas of its work and Analysis of public announcement for stateless persons.[146] General secretariat publishes all the materials adopted or discussed by the Government, but no documents pertaining to its own competences, analysis or studies.

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145 / Ministry of Sustainable Development and Tourism publishes regular publications in this section: http://www.mrt.gov.me/rubrike/publikacije.

146 / Available here: http://www.mup.gov.me/vodici/publikacije?pagerIndex=2 and http://www.mup.gov.me/vodici/publikacije. For example, Ministry of Interior

Ministries usually keep these documents in different subsections of the Library section (such as Other Documents, Documents...) where it is not easy to find them among all other documents. Good example in this regard is the Ministry of Finance, which has a special section, "Publications", which is visible on the home page and easily accessible. It is also the only Ministry that earns points in the citizen friendliness dimension, since its reports have an introduction, text explaining the topic of the reports or its key findings.147 All of the other institutions have only hyperlinks on the titles of the documents.

• Annual reports - uneven practice

Annual reporting of the institutions is mostly regular and easily accessible148, there are exceptions in the subordinate institutions, which fail to publish annual information on their work and results or even re-publish the reports of the Ministries that they are a part of.

For example, the information on the work of the Forestry Administration is the integral part of the Report of Ministry of Agriculture for 2017,149 and it contains much less information on Forest Administration's work than the separate report for 2016, produced at the time when this body was an independent institution. Good practice in this institution is the publishing of the section of the Ministries annual report devoted to Forestry Administration on its own website as well.150 This is not a uniform practice - annual reports of Property Administration are integral part of Ministry of Finance's reports151, but they are not available on the website of Property Administration.

General Secretariat of the Government is a special case in this regard - it does not have reports on its work at all, explanation being that the Secretariat is preparing the quarterly reports on the work of the Government,152 which are taken to be the reports on its work as well. These reports however do not contain a separate section that would document the work of the Secretariat. Its special department, Office of the Montenegro's Representative to the European Court for Human Rights has its own annual report, in accordance with the special bylaw.153 Other competencies are not reported on anywhere, although General Secretariat has within its aegis a number of important issues, such as policy coordination.154

The annual reports of institutions are generally not hard to find and are mostly one or two clicks away from the homepage. However, none of the reports entail any effort to make them more citizen-friendly. They are made up of exclusively of bureaucratic terminology, without executive summaries in plain language, graphs or other means aimed to present the information about their last year's achievements in a format

147 / Ministry of Finance publishes its analysis and reports on budgetary and fiscal issues regularly, under the section "Publikacije", available at: http://www.mf.gov.me/rubrike/prezentacije/

148 / See the example of the Ministry of Finance: Ministry of Finance: http://www.mf.gov.me/rubrike/spi/izvjestaji/170738/Izvjestaj-o-radu-i-stanju-u-upravnim-oblastima-Ministarstva-finansija-za-2016-godinu.html

149 / Annual report for 2017 available at: http://www.gov.me/ResourceManager/FileDownload.aspx?rId=305279&rType=2&alphabet=cyr Part about the Forestry Administration starts at p. 169.

150 / Annual reports of the Forestry administration available at: http://www.upravazasume.me/display.php?id=104&main_id=3

151 / See the 2017 Annual report of the Ministry of Finance, available at: http://www.mf.gov.me/rubrike/spi/izvjestaji/184015/Izvjestaj-o-radu-i-stanju-u-upravnim-oblastima-Ministarstva-finansija-za-2017-godinu.html - Report of the Property Administration starts at p. 156.

152 / The reports on the implementation of the Government's Annual Agenda, an example for the first quarter of 2018 can be seen here: http://www.gsv.gov.me/ResourceManager/FileDownload.aspx?rid=324579&rType=2&file=1_86_19_07_2018.pdf

153 / Report available at: http://www.predsjednik.gov.me/ResourceManager/FileDownload.aspx?rid=313511&rType=2&file=5_76_10_05_2018.pdf

154 / Competencies available at: http://www.gsv.gov.me/organizacija

that would be easily understandable to ordinary citizens.

• Sparse info on budget

Except for the Ministry of Interior and Ministry of Finance, no other institution in the sample has any information about its budget published on its website. Ministry of Interior has complete and up to date collection of budgetary information published, promoted with a banner on the homepage.155 At the time of monitoring, Ministry of Finance had the budget for 2016, but without the amendments that were adopted in the second half of the year, and did not have the 2017 budget published. In these two institutions, budgetary information was simply extracted from the annual budget law, not processed in any way - there are no graphs, charts or citizen-friendly explanations.

• Contact data visible and complete

In each of the sample institution's websites, the contact data is present (address, telephone and email) and their validity was confirmed.156 Also, since all institutions are following the same template for the website, they all have the "Contact" field banner in the main navigation on the homepage, thus earning points for accessibility. This (sub)section on the website presents the contact information directly, user does not have to open and search through document(s) to obtain contact information, making it citizen-friendly.

• Organigrams

Organigrams presenting the structure of the institutions are not systematically available, but when they are, they are usually updated to the latest version of the institution's rulebook on organisation and systematisation. In most of the cases, they are not easy to find, being more than three clicks away from the homepage but usually available for download in some of the common formats.157

• Cooperation with CSOs

Only the Ministries in the sample have the required data on ways in which they cooperate with civil society and other external stakeholders, including public consultation processes. They are usually under the sections "Cooperation with CSOs" that entail data on calls for participation in working groups or similar bodies (also including contacts of persons for cooperation with NGOs) or in the "Public Consultations" section, which contains calls for public to provide comments regarding laws or strategic acts.158 Other institutions from the sample that are not ministries do not have these sections. None of the institutions in the sample has the information which explains briefly and simply with which external stakeholders the institution cooperates and in which fields. The closest thing is the FOI guide,159 but it only outlines the data of the institution that can be requested, contact points as well as the procedure for requesting information. Institutions

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155 / Available at: http://www.mup.gov.me/rubrike/Budzet_i_zavrsni_racun

156 / Researchers conducted test phone calls in each of the sample institutions to check the validity of the data presented on the website.

157 / See the example of the Ministry of Interior, available at: http://www.mup.gov.me/ResourceManager/FileDownload.aspx?rId=275748&rType=2

158 / Example of Ministry of Interior: http://www.mup.gov.me/ministarstvo/Javne_rasprave/

159 / E.g. http://www.mup.gov.me/vodici/vodici/153269/Vodic-za-slobodan-pristup-informacijama-u-posjedu-Ministarstva-unutrasnjih-poslova.html

from the sample also have website sections entitled "cooperation with NGOs"160 but these only contain specific calls for applications for membership in working bodies.

• Open data

When it comes to open data, the sample firmly upheld the conclusions of the Open Data Barometer monitoring for Montenegro. Even the somewhat low threshold for awarding points set in the PAR Monitor for this area161 was not satisfied. Out of the observed institutions, only the Ministry of Finance has some data in open format.162

Indicator 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
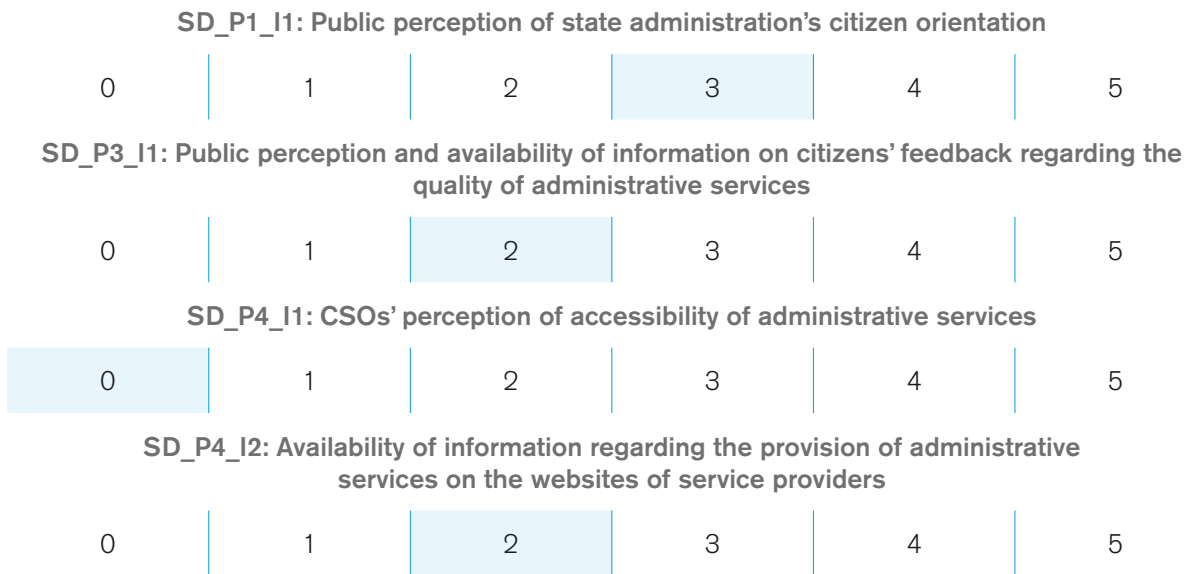
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160 / E.g. http://www.mrt.gov.me/rubrike/saradnja-sa-nvo

161 / To award points, the minimum requirements in this element of the PAR Monitor were: Publishing online at least one comprehensive dataset pertaining to the competence of the institution, in an open format; Publishing at least one document relevant from the FOI aspect in an open format (detailed contact list, employees lists, state officers and data on their salaries, rulebook on internal organization, public procurement plan, financial plan).

162 / Such as the in-year budgetary and GDDS reports in .xls format, available here: http://www.mf.gov.me/rubrike/prezentacije/

Chapter 5: SERVICE DELIVERY

WeBER indicators used in the Service Delivery and country values for Montenegro

SD_P1_I1: Public perception of state administration's citizen orientation

0	1	2	3	4	5

SD_P3_I1: Public perception and availability of information on citizens' feedback regarding the quality of administrative services

0	1	2	3	4	5

SD_P4_I1: CSOs' perception of accessibility of administrative services

0	1	2	3	4	5

SD_P4_I2: Availability of information regarding the provision of administrative services on the websites of service providers

0	1	2	3	4	5

Results in brief

State of Play in Service Delivery

According to SIGMA, Montenegro is performing bellow regional average in both ensuring citizen-oriented service delivery as well as existence of enablers for public service delivery, while outperforming other countries when it comes to fairness and efficiency of administrative procedures.[163] It is recognized that the Government has developed a strategic framework for reforming citizen-oriented service delivery. In 2016, the Government has adopted a new PAR Strategy which includes a chapter on service delivery, dealing with measuring user satisfaction, introducing quality management, reducing administrative burden, creating new digital services and developing a government-wide interoperability framework. However, there are major challenges related to its implementation.[164]

SIGMA is particularly critical about the lack of progress on administrative simplification and administrative procedures requiring paper-based submission of information already available to the administration. According to SIGMA, Government has made little use of enabling tools to improve service delivery. There is no central mechanism to monitor user perceptions or service delivery performance or to assist line ministries in the transformation of service delivery arrangements or government-wide interoperability framework yet to support further digitisation and simplification of administrative procedures.

It is also assessed that the policy framework for accessibility of services for people with disabilities is

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163 / SIGMA Monitoring Report for Montenegro (2017, p. 98)

164 / See IA's monitoring reports on the implementation of the PAR Strategy in Montenegro: Toward a better administration in Montenegro: Good progress or modest preparation? (2018) and Public Administration Reform – How Far Is 2020? (2017) at https://institut-alternativa.org/en/ia/publications/

quite comprehensive, but the Government faces major challenges in its implementation. At the local level, results of a recent mystery shopping survey applied to institutions in eight municipalities[165] showed that majority of institutions do not have appropriate access facilities for persons with disabilities.[166]

Currently available public opinions surveys show that citizens are divided with regard to their general satisfaction with the work of public administration, i.e. delivery of public services. They mainly state they are moderately satisfied (36%) or moderately unsatisfied (34%), similarly to last year's opinion poll, when almost identical shares of citizens stated they were satisfied (33%) or unsatisfied (32%) with the public services.[167] As reasons for their discontent with service delivery, citizens mainly stated long queues, irresponsible civil servants, as well as inefficiency and delays in handling requests. The problems identified by the citizens as the key challenges in public administration reform are corruption and relying on personal connection in finding employment were followed by impolite staff and inefficient institutions/cumbersome procedures.[168]

At the end of 2017, 45% of the services on the e-government portal (113 out of the total of 249), related to information and belonged to levels 1 and 2, which entail access to information or downloading of forms. Total number of requests submitted to the e-government portal during 2017 was 8369, out of which a great majority (7646) is based on only two services - student loan services and applications for the vocational training program for higher education students.[169]

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,

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165 / Ipsos Agency for the purposes of the Institute Alternative, Građani na šalteru: Iskustva tajnih posjetilaca, April 2018, available at: https://institut-alternativa.org/gradjani-na-salteru-iskustva-tajnih-posjetilaca-2/

166 / Visited institutions were regional units of Ministry of Interior in eight local self-governments as well as regional units of Ministry of Agriculture and Rural Development or local secretariats responsible for agriculture, regional units of Real Estate Administration or local secretariats responsible for urbanism

167 / More information in: Ipsos Agency for the purpose of the Institute Alternative, Perception of public administration, February 2018, available at: https://institut-alternativa.org/razlike-u-percepciji-javne-uprave-2017-i-2018-godine/

168 / Ibid.

169 / Ministry of Public Administration, Informacija o korišćenju portala e-uprave za 2017. godinu, Pogorica, March 2018, available at: http://www.mju.gov.me/biblioteka/izvjestaji.

online availability and accessibility of information on services.

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.[170] 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,[171] 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.[172] Finally, the websites of providers of the same sample of services were analysed to collect information on accessibility and their prices.

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	1/2
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	2/4
Citizens confirm that time needed to obtain administrative services has decreased	2/4
Citizens consider that administration is moving towards digital government	2/2
Citizens are aware of the availability of e-services	1/2
Citizens are knowledgeable about ways on how to use e-services	2/2
Citizens use e-services	0/4
Citizens consider e-services to be user-friendly	2/2
Citizens confirm that the administration seeks feedback from them on how administrative services can be improved	1/2
Citizens confirm that the administration uses their feedback on how administrative services can be improved	4/4
Total score	21/32
Indicator value (scale 0-5)1	3

This indicator measures public perception about the implementation of the citizen-oriented service delivery in prac-

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170 / 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.

171 / The survey of civil society organisations was administered through an anonymous, online questionnaire. The data collection method included CASI (computer-assisted self-interviewing). In Montenegro, the survey was conducted in the period from 23 April to 28 May 2018. The survey sample was N=49.

172 / 1) Property registration, 2) company (business) registration 3) vehicle registration 4) issuing of personal documents: passports and ID cards 5) value added tax (VAT) for companies.

tice, covering various aspects of awareness, efficiency, digitalization and feedback mechanisms, based on the results of the public opinion survey.

The survey shows that almost a half of Montenegrin citizens (46%) are aware that there have been efforts or initiatives by the government to make administrative procedures simpler for citizens and businesses in the past two years. Out of that percentage, an overwhelming majority (85.5% of citizens that are aware of government administrative simplification initiatives) think that such have led to an improved service delivery in the past two years.

However, the percentage of citizens who think that dealing with the administration has actually become easier in the past two years is only 38%, which is the second worst result in the region (only in BiH is the result worse, with only 27.6% opting for the same option). There is high level of undecided respondents - almost a third of the respondents (29.7%) replied with "don't know/no opinion" answer, which is the highest among the countries that were included in the survey.

Although a majority of respondents in Montenegro (41.5%) think that the time needed to obtain administrative services has decreased in the past two years, this is lower than the regional average (45.5%). Again, the score is characterised by the highest number of respondents in the region who replied with "don't know/no opinion" answer to this question - 28%.

Majority of citizens (63.8%) think that the government has increasingly been moving towards digitalisation in the past two years. However, only 30.6% of Montenegrin citizens are aware that the e-services are offered in Montenegro. Out of this percentage, 69.3% confirmed that they are informed on hot to use them. Out of those that have used e-services, most agree that they are easy to use (80.7%)

The percentage of citizens who confirm that the administration has asked for citizens' proposals on how to improve administrative services in the past two years is 32.9%. 82.8% of those that confirm that the administration seeks feedback report that the Government has used such proposals to improve the services.

How does Montenegro fare in regional terms?

Indicator SD_P1_I1: Public perception of state administration's citizen orientation

Regional PAR Monitor Report with results for all WB administrations 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	1/2
Citizens perceive feedback mechanisms as easy to use	4/4
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	9/20
Indicator value (scale 0-5)2	2

This indicator measures public perception towards the awareness, practice and usefulness of feedback mechanisms for administrative services. It also analyses whether and to what extent the data and information regarding the citizens' feedback to the quality of administrative services is publicly available.

Almost a third of the population (31.3%) state that they have the opportunity to give an opinion about the services they receive from the administration, while majority (66.3%) of them state that the feedback mechanisms are easy to use, which is somewhat below the regional average (74.1%). Just about one quarter of the population (26.2%) thinks that the citizens or civil society have been involved in the monitoring and assessment of administrative services, with most of them (82.8%) claiming that such activities have resulted in improvement of administrative services.

Out of the observed services[173], there is some basic information about user feedback only for those provided by the Tax Administration. It had contracted an external polling agency to conduct a public opinion survey among the citizens on the work of Tax Administration, that includes feedback on various aspects of the services it provides.[174] When it comes to more advanced feedback data on these services, such as information from at least two different credible sources, segregated data based on gender, disability or other relevant factors, cross-analyses of data from various sources, research came up with no results.

How does Montenegro fare in regional terms?

Indicator SD_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 administrations is available at: www.par-monitor.org

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173 / Observed services, in accordance with the methodology, were: 1) Property registration, provided by the Property Administration, 2) Company (business) registration, provided by the Tax Administration's Central Registry of the Business Entities, 3) Vehicle registration, provided by the Ministry of Interior, 4) Issuing of personal documents, passports and ID cards, provided by the Ministry of Interior, and 5) Declaration of value added tax (VAT) for companies, provided by the Tax administration.

174 /. The report was made available after IA requested it by FOI request, at: http://www.poreskauprava.gov.me/ResourceManager/FileDownload. aspx?rId=294084&rType=2

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 the 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	0/18
Indicator value (scale 0-5)3	0

This indicator measures the perceptions of CSOs towards the accessibility of administrative services for persons with disabilities, persons in remote areas and minority groups, and other vulnerable groups of population, through a survey of CSOs.

There is almost a consensus among the CSOs that across the territory of the country, administrative service providers are not distributed in such a way that all citizens have easy access. Only 7.89% of surveyed CSOs "agree" that the distribution is adequate, while not a single CSO answered with the "strongly agree" option to this question. The situation is even worse when it comes to accessibility of one-stop shops, where only 5.26% of surveyed CSOs agree with the statement that they are accessible to all citizens through their geographic distribution.

Only 2.63% of surveyed CSOs think that administrative service provision is adapted to the needs of vulnerable groups, and the same percentage "strongly agrees" with the statement that the staff working on administrative service delivery is trained on how to treat vulnerable groups. There were no "agree" answers to this question.

Only 7.89% of surveyed CSOs think that administrative service provision is adapted to the needs of vulnerable groups. Additionally, 5.26% of CSOs think that channels for accessing administrative services are easily accessible for vulnerable groups.

To several questions, there were no CSOs that chose "strongly agree" option to support a positive statement about a certain aspect of accessibility of services, which is an additional indicator of their opinion about the current state of affairs in this area.

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	2/4
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	2/2
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	10/20
Indicator value (scale 0-5)4	2

This indicator measures the extent to which information on the provision and accessibility of administrative services is publicly available and if prices of administrative services are presented in an accessible manner and if information provides relevant price breakdown and transparency.

Websites of administrative service providers that were a part of the sample[175] monitored provide contact information for provision of services in entirety. When it comes to providing basic procedural information on how to access administrative services, only those provided by the Tax Administration (2 out of 5 observed services in total) satisfy the requirements for awarding points, with the biggest problem being forms required for the service not available to download. When it comes to providing citizen-friendly guidance on how to access administrative services, again the only attempt can be found at the website of the Tax Administration.[176]

Great majority of the websites of administrative service providers include information on the rights and obligations of users. However, when it comes to the costs of the services, except for the Ministry of Interior which is transparent when it comes to the costs of services of vehicle registration and issuing IDs and passports,[177] no other service provider publishes this information. This is particularly important for the Tax Administration, which advertises the use of its e-portal for companies but fails to mention that a precondition for using it is the digital certificate provided at a significant price (110€ basic package).[178] The service is not charged by the Tax Administration, but in order to use its e-system for declaration of VAT, a digital certificate is needed. There is no clear and accessible information on the website of the Tax Administration that mentions that the digital certificate is not free or how much it costs.

How does Montenegro fare in regional terms?

175 / Services that were analysized included 1) Property registration (Property Administration), 2) Company (business) registration (Tax Administration - Central Registry of the Business Entities), 3) Vehicle registration (Ministry of Interior), 4) Issuing of personal documents: passports and ID cards (Ministry of Interior), 5) Declaration of value added tax (VAT) for companies (Tax administration).

176 / Tax administration: value added tax (VAT) for companies —video guides available at: http://www.poreskauprava.gov.me/rubrike/Novosti_i_informacije_za_poreske_obveznike/175844/Podnesite-poresku-prijavu-elektronskim-putem-video-uputstvo

177 / Orices of services for issuing passports available here: http://www.mup.gov.me/rubrike/izdavanje-dokumenata/85195/159612.html Prices of services for issuing ID cards available here: http://www.mup.gov.me/rubrike/izdavanje-dokumenata/85194/159611.html Prices of vehicle registration available here: http://www.mup.gov.me/rubrike/izdavanje-dokumenata/85191/VOZAcKA-DOZVOLA-I-REGISTRACIJA-VOZILA.html

178 / This certificate is issued by the Post Office of Montenegro: http://www.postacg-ca.me/Cjenovnik

Indicator SD_P4_I1: CSOs' perception of accessibility of administrative services

Indicator SD_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 administrations is available at: www.par-monitor.org

Chapter 6: PUBLIC FINANCE MANAGEMENT

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

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 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

Results in brief

State of play in Public Finance Management

Limitations in the area of public finance management in Montenegro include lack of budgetary transparency and data availability, absence of systemic efforts to make budgets more citizen-friendly as well as absence of efforts to ensure accountability for managing the public funds. Recent public opinion poll conducted by IPSOS Agency for the applicant IA in February 2017, revealed that 57% of citizens in Montenegro think that public money is not spend in efficient manner for the originally intended purposes.[179] European Commission in the 2016 Report on Montenegro, In the last report, the EC warned that the quality and comprehensiveness of key budgetary documents needs to be improved, and urged Montenegro to further enhance budget transparency, echoing the messages from the previous report that emphasized the need to make the budget more understandable and accessible to the public by improving its presentation and readability.[180]

In December 2015, the Government adopted Programme for the Reform of Public Financial Management 2016-2020, a roadmap for budget transparency and oversight reforms as well as the plan for redesign of the entire PFM system. The report on its implementation indicate significant delays, with the formal justification being that it is conditioned by the start of large EU-funded projects which have themselves been delayed.

According to the Open Budget Survey, Montenegro scored 44.43 out of possible 100 in the Open Budget Index, therefore being classified as a country with limited budget openness and overall belonging to the group of countries with insufficient budget transparency.[181] Key weakness identified in the component measuring Comprehensiveness of the Executive's Budget Proposal is related to the lack of non-financial in-

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179 / More information in: Ipsos Agency for the purpose of the Institute Alternative, Perception of public administration, February 2018, available at: https://institut-alternativa.org/razlike-u-percepciji-javne-uprave-2017-i-2018-godine/

180 / European Commission's Montenegro 2018 Report, p. 11, available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-montenegro-report.pdf

181 / Open Budget Survey for Montenegro was conducted by Institut alternativa with the approval from the International Budget Partnership in Washington, which has delivered the 2017 methodology and provided assistance in the calculation of rankings. The Montenegro OBS report has been peer reviewed by OBS experts from Macedonia (CEA) and Croatia.

formation and performance targets associated with budget proposals, that are used to assess the success of a given policy. Another particularly weak spot is the comprehensiveness, in terms of inclusion of all government activities that may have an impact on the budget in the budget proposal. Other important shortcomings are related to the absence of prior-year information in the budget proposal, as an important benchmark for assessing the proposals for the upcoming budget year.

When it comes to Public Engagement in the Budget Process, the score is the lowest with almost no opportunities of participatory budgeting, and the explicit exclusion of the annual law on budget from the possibility of public debate. Unlike the process of preparing the budget proposal at the local level, where the local authorities are required by the law to conduct a public discussion on the Draft Budget, organizing such discussions and other forms of public consultation on the Draft Budget at the central government level is not possible under current systemic Law on Budget.

Problems in transparency are illustrated by individual cases where Government has declared confidential all the information on spending, such as those pertaining to allocation of the current budgetary reserve and the work of its Commission for allocation of funds from budgetary reserve.[182]

Key mechanism for ensuring efficient and lawful spending of citizens' money – budgetary inspection, has been dysfunctional for over four years. Position of the Chief budgetary inspector has been vacant since December 2016, and the two remaining positions for inspectors were never occupied – and even while active, former inspector filed no misdemeanour charges in three years.

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, the WeBER approach considers and enhances the elements of transparency and accessibility of information, external communication, but also a 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

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182 / For more information, see IA's press release "Current budgetary reserve – 60 millions out of sight" https://institut-alternativa.org/en/current-budgetary-reserve-60-millions-out-of-sight/

policy, PIFC, and the external audit. The first indicator assesses transparency and accessibility of budgetary documents, measuring how accessible key budget documents are to the citizens (annual state-level budget and budget execution reports), but also to what extent budgetary information is presented and adapted to citizens and civil society. To this end, the primary online sources are the web presentations of ministries in charge of finance and the data available thereon, but also official portals of governments and open data portals.

The second indicator measures the public availability and communication of essential information on PIFC to the public and other stakeholders (consolidated reporting, IA quality reviews, FMC procedural information). The analysis considers official websites and the available documents of government institutions in charge of PIFC policy. However, the websites of all ministries are analysed for availability of specific FMC-related information, while official parliamentary documentation serves for the measurement of the regularity of parliamentary scrutiny of PIFC.

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

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, organisational and economic classification	0/4
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 score	7/24
Indicator value (0-5)1	1

Covering key budgetary documents (annual budget, and budget execution reports – monthly, mid-year, and year-end) this indicator focuses on their availability as well as transparency and quality of data they contain, through the prism of citizen-friendliness, performance information and open data.

Budget laws for 2017 and 2018 are available on the website of the Ministry of Finance,[183] in the Library section, the aggreged laws library section that has all the legislation related to the work of the Ministry.[184] However, there is no special section dedicated to budgetary documentation at the website of the Ministry, that would, among else, list all enacted annual budget laws (and their amendments) in one place. [185]

Monthly or any kind of in-year budget execution reporting by the Ministry of Finance is not a legal obligation in Montenegro (it is not regulated by the Law on Budget and Fiscal Accountability). However, as part of the participation in IMF General Data Dissemination System (GDDS), Ministry of Finance issues monthly GDDS charts, that among else, contain data on budget revenues and expenditures, on a monthly basis.[186] However, out six months observed (May, April, March, February, January and December 2017), only the reports for four months were available at the time of monitoring (June 2018), with reports for May and April still missing.[187] The data for the same period is also available in the quarterly budget reports, for both the central and the local level.[188] There are also irregular monthly reports on macroeconomic indicators, that do not contain detailed budget execution information, except for the aggregated data on total revenue, expenditure, debt and balance of payments.[189] Additionally, there are also irregular, ad hoc budget reports, that tend to emphasise a particular success or overachieving of the plan.[190]

There is no legal obligation for the Ministry of Finance to prepare mid-year reports either, nor is there a practice of producing such reports by the Ministry. There are only quarterly budget reports, for both the central and the local level, which are also not a legal obligation but are produced anyway, and only published on the website, not formally delivered to the Parliament. For 2014, the Parliament had adopted the conclusion by which it has obliged the Government to prepare a semi-annual budget execution report, which was (with the delay of almost a month) prepared and submitted to the MPs. That was the first and the last time that the MPs had this kind of information during the fiscal year.

When it comes to classifications present in these documents, out of functional, organizational and economic classification, none of them has them all. Year-end reports have economic and organisational, but no functional classification. The codes for functional classification are present besides each budget line, but there is no aggregated presentation of expenditures in accordance with the functions of the state, nor a legend for the codes, which renders their presence in the budgetary data useless. GDDS monthly reports only contain economic classification, as do the quarterly budget reports.

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183 / Budget for 2018: https://goo.gl/XjsjJ4; Budget for 2017: https://goo.gl/ZxN1m8

184 / Available at: http://www.mf.gov.me/biblioteka/zakoni

185 / The homepage has a banner that says „Budget of the Ministry“ but it leads to a section where only the budget of the Ministry of Finance itself is available: https://goo.gl/6J6JoV

186 / These reports are available in the section „Publications“, whose banner is on the homepage sidebar navigation: http://www.mf.gov.me/rubrike/prezentacije/

187 / December 2017: http://www.mf.gov.me/rubrike/prezentacije/181238/Vladine-mjere-fiskalne-konsolidacije-u-prvoj-godini-primjene-dale-pozitivne-rezultate.html; January 2018: http://www.mf.gov.me/rubrike/prezentacije/182850/SAOPsTENJE-GDDS-tabela-sa-fiskalnim-i-podacima-o-javnom-dugu.html; February 2018: http://www.mf.gov.me/rubrike/prezentacije/184534/SAOPsTENJE-GDDS-tabela-sa-fiskalnim-i-podacima-o-javnom-dugu.html; March 2018: http://www.mf.gov.me/rubrike/prezentacije/184529/SAOPsTENJE-GDDS-tabela-sa-fiskalnim-i-podacima-o-javnom-dugu.html

188 / First quarterly report for 2018 available at: http://www.mf.gov.me/rubrike/prezentacije/184966/Analiza-javnih-finansija-I-kvartal-2018.html

189 / Example of one such report can be seen here: http://www.mf.gov.me/rubrike/prezentacije/178578/Mjesecni-makroekonomski-indikatori-septembar-2017.html

190 / Example for April 2018, when only a report on revenues, but not expenditures was published: http://www.mf.gov.me/rubrike/prezentacije/184627/Saopstenje-Ostvareni-izvorni-prihodi-Budzeta-Crne-Gore-za-period-od-1-janara-do-30-aprila-2018-godine.html

Year-End Budget Reports contain some nonfinancial performance data in the accompanying rationale, but it would be too far-fetched to claim that actual non-financial information about the performance of the Government is available.[191] As there are no performance targets or goals, there are also no precisely defined indicators or comprehensive data on the impact of expenditures. What exists is sporadic data on the activities (outputs) of the institutions, such as the number of decisions adopted or reviewed by a certain institution, the number of organised trainings, summarised information about the activities of the institutions within their programs. It should be noted that Year-End Budget reports are not available at the website of the Ministry of Finance at all, except in bill form and scattered throughout the website, with no special section devoted to it, accessible only through advanced search of the website

When it comes to reader-friendly presentation of the annual budget, the only official attempt is the visualisation of certain components of the 2014 Annual Budget.[192] It is outdated and there have been no other effort to present the citizens with a reader friendly version of the annual budget, although this obligation is a part of the PFM Programme, as an activity awaiting donor support to be conducted.

Budgetary data is not regularly published in open data format. There is no open data policy of the Ministry of Finance and annual budget or the year-end report are not published in any open data format, but in .pdf. However, monthly budget reports (GDDS) are published in a machine readable format[193] as are the quarterly reports (Analysis of consolidated public spending).[194]

How does Montenegro fare in regional terms?

Indicator PFM_P5_I1: Transparency and accessibility of budgetary documents

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

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

191 / As seen in the example of the 2016 Year-End Budget report available at the website of the Parliament: http://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/260/1543-9675-33-17-5.pdf

192 / Available at: http://budzet.sntcg.com

193 / Available at: http://www.mf.gov.me/rubrike/prezentacije/184529/SAOPsTENJE-GDDS-tabela-sa-fiskalnim-i-podacima-o-javnom-dugu.html

194 / Example - http://www.mf.gov.me/rubrike/prezentacije/184966/Analiza-javnih-finansija-I-kvartal-2018.html

Ministries publish information related to financial management and control	0/2
CHU proactively engages with the public	0/2
The Parliament regularly deliberates on/reviews the consolidated report on PIFC	0/2
Total score	4/12
Indicator value (0-5)2	1

The indicator measures availability and communication of essential documents and information on public internal financial control (PIFC) to the public and other stakeholders, and if reports on PIFC implementation are discussed in the Parliament.

According to the Law on System of Internal Financial Control in the Public Sector, the Central Harmonisation Unit (CHU) prepares a consolidated report and delivers it to the Government by the end of March of the current year for the previous year. Both the 2016 and 2017 reports were adopted in June of the their respective consecutive years,[195] which suggests a 2-month delay from their delivery to the Government (according to the law) and their official adoption. It is important to note that these reports are not available on the website of the Ministry of Finance at all, and that there is no special section of the website devoted to them. The website of the CHU itself is an integral part of the Ministry of Finance website, with no special sections/features of its own. Therefore, the consolidated PIFC reports are available only on the central portal of the Government, at the webpages devoted to the sessions of the Government when they were on the agenda and adopted. This makes their accessibility significantly limited as the effort required to reach them is considerable.

When it comes to the availability of the quality reviews of internal audit reports, website review returned no results for quality review reports. There are special bylaws regulating the quality review for both the FMC and IA respectively.[196] They are somewhat detailed in outlying the methodology (through annexes) but do not foresee publication of results, other than the delivery of the reports to the head of the budget user that was the target of quality review and the head of CHU.

The consolidated reports for 2016 and 2017 contain several paragraphs that state the quality reviews were done for both FMC and IA, with a few sentences on the problems registered. This is done more in the overall context of reporting on the work done by CHU, and less with the intention of presenting the results of the quality review process.

Analysis Information related to how much of the information on financial management and control[197] is publicly available returned a very low result in all of the Ministries. Out of 17 Ministries, it is only the Ministry of Sustainable Development and Tourism that has the Risk Register and Book of Procedures published, while the Ministry of Human and Minority Rights has the Book of Procedures as well, with others having none of the three required items published.

CHU does no proactively engage with the public: in the reporting period, there were no press release

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195 / Consolidated report on PIFC for 2017 available at: http://www.gov.me/ResourceManager/FileDownload.aspx?rId=320323&rType=2; Consolidated report on PIFC for 2016 available at: http://www.gsv.gov.me/ResourceManager/FileDownload.aspx?rid=279138&rType=2&file=17_31_22_06_2017.pdf

196 / Rulebook on the methodology of quality review of internal audit in the public sector, Official Gazette, No. 11/13; Rulebook on the methodology of quality review of financial management and control in the public sector, Official Gazette, No. 26/13.

197 / These information was interpreted to include: 1. Risk registers; 2. Procedure registry/Book of procedures; 3. Information on who is the appointed FMC manager.

published, no media appearance by the CHU representatives, no booklets, leaflets, and other info material were produced, there were no reader-friendly digests or summaries of reports produced by the CHU or any promotional activity on the social media.

The Parliament has no involvement in monitoring of the PIFC system whatsoever. The analysis of website of the Parliament and available documentation as well as the legislative framework, showed that the Parliament does not deliberate on the consolidated report on PIFC at all.

How does Montenegro fare in regional terms?

Indicator PFM_P6&P8_I1: Public availability of information on public internal financial controls and parliamentary scrutiny

Regional PAR Monitor Report with results for all WB administrations 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	
SAI develops a communication strategy for reaching out to the public	2/4
SAI has dedicated at least one job position for proactive communication and provision of feedback to the public	2/4
SAI utilises various means of communication with the public	1/2
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	0/2
Total score	5/18
Indicator value (0-5)3	1

The indicator considers elements of SAI's communication and cooperation with external stakeholders.

SAI does not have a separate communication strategy, but here is a clearly defined communication goal, with activities and indicators, within a broader development strategy. In its Strategic Plan of Development 2018-2022,[198] one of the goals is entitled "Strengthening the integrity of the institution both domestically and abroad", under which there is a sub-goal entitled "Strengthening the cooperating with civil sector

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198 / SAI's strategic plan for the period 2018-2022 available at: http://www.dri.co.me/1/doc/Strateški%20plan%20razvoja%20DRI%20za%20period%20%202018%20-%202022%20.%20godine.pdf

and media", that has communication related activities[199] and indicators[200].

Regarding personnel for communication with external stakeholders, situation is better on paper than in practice, as not all the planned positions are filled.[201] The Rulebook on Internal Organisation and System-atisation of Positions in the SAI envisages the establishment of a "Department for international cooperation and standards, strategic development, and relations with the Parliament, Government, and the public" with-in Sector I. The Rulebook envisages three positions, but only one position — that of the manager — has been actually filled. The two vacant positions are: Adviser for Relations with the Public, Parliament, Government, and the Non-Governmental Sector, and 2) Adviser for Development, International Standards, and Interna-tional Relations. The job description of the Public Relations Adviser (Adviser for Relations with the Public, Parliament, Government, and the Non-Governmental Sector) includes some standard tasks, such as coop-eration with the media, communication with the Parliament, Government, NGOs, preparing press releases, organising media conferences, etc. However, it also includes some technical tasks, such as proof-reading all audit reports and other SAI written materials, updating the SAI website, preparing international visits, protocol, etc. Answering citizens' questions and queries related to the SAI scope of work and Handling and forwarding citizens' complaints, tips, and inputs regarding the utilisation of public funds are not listed in the job description of this position.

In the 12 months preceding the measurement, apart from publishing its audit reports and other infor-mation on its website, SAI has also used press conferences as a mean of communication with the public.[202] However, SAI does not use social network accounts, it had no promo materials (information brochures, leaf-lets, videos,[203] multimedia presentations or similar) prepared, nor did it use public campaigns or interactive data presentation and visualisation.

In the monitoring period (July 2017 - July 2018), SAI published 59 audit reports. The analysis of each individual report, shows that out of that number only 8 reports (13%) fulfil the criteria of having a citi-zen-friendly summary.[204] The structure of the audit reports is defined by the Methodological guidelines on conducting the compliance and financial audit.[205] It does not foresee the preparation of an executive summa-ry or a citizen-friendly overview of the key findings. SAI does produce a text for its website that accompanies publishing an audit report, however it is not an original content, but a copy-paste of introductory part of the audit report itself.

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199 / Some of the activities are: Preparing the Communication Strategy, Organising press conferences on the occasion of the annual report of SAI, Organising press conferences on the occasion of individual audit reports, Regularly inform the public about the audits that are conducted via press releases, Establish the practice of keeping the press clipping on SAI, it work and areas of interest.

200 / Among the indicators for this overall goal, there are several items close to communication efforts: Communications strategy adopted, Holding of press conferences about the annual report of the institution, Number of press releases held on the occasion of individual audit report, Number of press releases, Statistics of media presence and the number of published media articles [about the SAI].

201 / More detailed analysis of some aspects of SAI's communication efforts is available in IA's 2017 paper: "Visibility of the State Audit Institu-tion's Work: Elements for a Communication Strategy", at: https://institut-alternativa.org/en/visibility-of-the-state-audit-institutions-work-ele-ments-for-a-communication-strategy/

202 / In the monitoring period, it has held three press conferences: Presentation of the Strategic Plan of Development 2018-2022, 12/04/2018, Pre-sentation of the consolidated audit report on political parties, 07/03/2018, Presentation of the findings from the performance audit on "Planning of public procurement of medical equipment in Montenegro", 28/09/2017.

203 / The only video produced by the SAI dates back from February 2015: https://www.youtube.com/watch?v=bpkIojWS1gU

204 / Citizen-friendly summaries of audit reports are interpreted to mean shortened and concise explanation of the main findings, results and con-clusions of conducted audits, free of highly technical language.

205 / Available at: http://www.dri.co.me/1/doc/Uputstvo%20o%20metodologiji%20vrsenja%20finansijske%20revizije%20i%20revizije%20pravilnosti.pdf

There are no channels for submitting complaints or initiatives to SAI by external stakeholders (wider public, CSOs). The SAI does receive complaints, initiatives from various stakeholders (MPs, media, citizens, organisations) through archive or official email addresses, but does not have a dedicated web or other kind of channel for receiving these materials, nor does it have a prescribed procedure to deal with them (in its internal acts).

When it comes to cooperation with CSOs (that would go beyond simple answering of FOI requests), monitoring shows no effort on SAI's part. There have been no consultation events organised either by the SAI, or by a CSO and then attended by SAI representatives, in the last two years preceding the measurement (July 2018).[206] No audit report published in the last 2 years mentions any kind of CSO paper or analysis in any context. Annual reports of SAI confirm that CSO papers are not used in the risk identification phase. Internal acts of SAI[207] also do not foresee the usage of CSO papers in any phase of the audit process.

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206 / The only example is the consultation with CSOs organised by IA with SAI in 2015: http://www.dri.co.me/1/index.php?option=com_k2&view=item&id=213:održan-okrugli-sto-"saradnja-civilnog-društva-sa-državnom-revizorskom-institucijom-crne-gore---zajedno-na-istom-zadatku"&lang=sr

207 / Such as the Rulebook (http://www.dri.co.me/1/doc/Poslovnik-Drzavne-revizorske-institucije.pdf) and Methodological Guidelines (http://www.dri.co.me/1/doc/Uputstvo%20o%20metodologiji%20vrsenja%20finansijske%20revizije%20i%20revizije%20pravilnosti.pdf)

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 monitoring results and recommendations for Montenegro, 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.