REVIEW REPORT

ADDRESSING CORRUPTION: REGULATION VS. PRACTICE

2009-2015

The opinions presented in this Report are those of its Author and do not necessarily reflect positions of the United Nations Development Programme (UNDP).

All words/terms used in this report in the masculine gender are to be understood as including persons of both male and female gender they refer to.

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Introduction: The importance of constant monitoring, research, and assessment of anti-corruption efforts

Corruption is a complex and multi-faceted threat to society that is difficult to eradicate. Although this practice – along with efforts to address it – is as old as human society itself, at the start of the new millennium concerns about the extent and adverse consequences of corruption resulted in a number of global initiatives aimed at addressing this menace through joint efforts and a common and harmonised response by nations at the global level. Summarising the adverse effects of corruption on social development in his foreword to the United Nations (UN) Convention against Corruption, enacted in 2004 by the UN General Assembly, UN Secretary-General Kofi Annan underlines that corruption 'undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish.'[1] Corruption, therefore, jeopardises nearly all civilizational achievements and values it has taken so much time and effort for mankind to attain. Corruption is so omnipresent that it can be found across all societies, great and small, rich and poor, but it particularly affects developing communities, further limiting their already restricted potentials for growth. This is exactly why universal and united action is needed to tackle corruption, as are joint and continued efforts to monitor the state of affairs in this area and respond appropriately to the on-going evolution of the threat. This task cannot be completed quickly and easily, as borne out by the fact that a reduction in corruption has been included as a target in the 2030 Agenda for Sustainable Development, adopted by the UN in September 2015.[2]

The UN Convention against Corruption, ratified by Serbia in 2005, obliges all signatories to 'develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability'(Article 5). Development, implementation, or maintenance of effective and co-ordinated policies cannot take place without various types of research and analysis being undertaken to 1) inform anti-corruption policies, 2) assist in the implementation of these policies, and 3) assess the impact (or lack thereof) of these policies in preventing and addressing corruption. The Convention also calls on the signatories to promote the participation of 'civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption' (Article 13). Civil society and the non-governmental sector are, therefore,

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[1] United Nations Convention against Corruption, Foreword, available at unodc.org/unodc/en/treaties/CAC/index.html

[2] Goal 16: *Promote just, peaceful and inclusive societies*, target 5, *Substantially reduce corruption and bribery in all their forms*. See un.org/sustainabledevelopment/peace-justice/.

indispensable partners to the state in formulating, applying, and monitoring anti-corruption policies. Expert opinions, research, and analysis originating with civil society in the broadest sense of the word are among the key sources of information on the state of efforts to address corruption, as they overcome the ever-present potential bias that can be expected when monitoring is carried out solely by the very government institutions that anti-corruption measures pertain to. Research into corruption especially gains in relevance if it is done continuously and according to consistent methodology, and if it is constructed so that it provides a starting point to monitor trends and changes, and to record progress, stagnation, or deterioration in individual areas that make up the complex field of corruption and efforts to address it.

In 2009, the United Nations Development Programme (UNDP) Serbia initiated benchmarking studies on the issue of corruption,[3] and has together with its partners[4] been conducting them ever since. These surveys have gauged public perceptions of corruption, including its perceived extent, impact, and consequences, and the opinions of key political and social stakeholders taking part in efforts to tackle and fight corruption; and have also explored other issues of importance for understanding the state of play in this field. Each individual benchmarking survey is highly significant not only for analysing general public perceptions of the issue, but also for ascertaining whether members of the public are ready to trust anti-corruption stakeholders, as an absence of such confidence would defeat the purpose of any efforts invested by government bodies. In addition, findings of this research also show what members of the public, the end-users of public sector services, believe to be 'hot-spots of corruption': each stakeholder should view these as the starting points for any action, however much this may be an issue of perception alone. The constancy of particular opinions and views over time indicates that these are more than just temporary perceptions: members of the public hold these views due to their accumulated experience of facing corruption in a number of areas that reaches further back than 2009, when the first of these benchmarking surveys was carried out. This lends the findings of the research additional weight: they provide precious insight into changes to public perceptions of corruption, direct or indirect experiences with corruption, and the persistence of particular views. A comparison of the findings used to track the evolution of public perceptions was provided in the report for the latest (tenth) benchmarking survey, performed in December 2015, which this review is based upon.

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[3] Reports detailing findings of these surveys are available from the UNDP Serbia web site at rs.undp.org/content/serbia/en/home/library/democratic_governance/corruption-benchmarking-survey---february-2013.html.

[4] Of the total of ten research cycles, five each were carried out by Medium Gallup TNS and CeSID. Consistency was ensured through the use of comparable methodology, which remained the same regardless of the agency that actually carried out the survey.

Review methodology

This review, commissioned to mark the tenth benchmarking survey of public perceptions of corruption in Serbia, aims at going beyond a mere comparison of the responses made by members of the public to questions asked in past surveys. This review intends to place the findings of the research into the appropriate social, legal, and political contexts of changes that have taken place in Serbia over the last five years that benchmarking research into public perceptions of corruption has taken place. The review should show whether and how public opinion has reacted to developments in society and changes to anti-corruption policy in the broadest sense. The presence of absence of correlation between public opinion and social and political developments is a major source of information as to whether such measures have had impacts, whether their impacts have failed to materialise, or whether impacts have been present but have simply gone unremarked. All of this information can be useful for anti-corruption stakeholders as it shows whether their initiatives, declarations, or efforts have actually affected the final beneficiaries of public policy, that is, members of the public.

Public opinion surveys should be seen as only one of many possible methods to assess the extent and causes of corruption, as well as measures to prevent and tackle it. Information provided by public opinion polls is limited in terms of how reliably or impartially it reflects developments in the public sphere in any area. Public opinion is often unable to quickly and appropriately recognise issues and articulate responses to them; in some cases, the public lack the data required to form opinions, or operate with inaccurate, partial, and inadequately communicated information. Corruption is an adverse phenomenon that is seldom confessed to and difficult to measure, which lends additional weight to these problems. A review that highlights correlations between *objective* developments and events in this field and *objectivised* opinions, experiences, and expectations of the public can help shed more light on, and prove the value of, public opinion polls as approaches to monitoring and assessing anti-corruption initiatives.

This review will limit its scope only to anti-corruption trends and events that were able to be reflected in the general (representative) body of public opinion. The spectrum of anti-corruption policies and related activities is much broader than what can be captured by a survey of public opinion and what public opinion can recognise and articulate.[5] This review should not be understood as an overview of the state of play of anti-corruption efforts, but, rather, as a summary of an aspect of dealing with this phenomenon that takes into account interactions between members of the public, or public opinion, on the one hand, and, on the other, political and social entities that take particular steps to address and fight corruption.

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[5] For instance, it would make sense to track changes to anti-corruption policy in public procurement only if a targeted survey was carried out of the experiences and opinions of a particular group of stakeholders, such as economic operators or contracting authorities.

1. Before 2009: Social and political context at the start of the benchmarking effort

The benchmarking surveys we will review in this report, along with their relationships to social and political trends, commenced in October 2009. Between that time and the latest survey, carried out in December 2015, significant changes took place in the strategic, legal, and institutional framework to address corruption, as well as in the opinions of this issue held by both stakeholders and members of the general public. This is why it is important to briefly analyse the pre-2009 context, as is largely affects the interpretation of the polls (in particular the first one, administered in 2009), as well as of the subsequent changes.

In the first decade following the year 2000, anti-corruption policies were in the main pursued unsystematically; the strategic frameworks for their implementation were either absent or insufficiently clear and applicable. Anti-corruption policies were adopted primarily due to commitments stemming from international instruments in this area, including the Council of Europe (CoE) Criminal Law Convention on Corruption (ratified in 2002 and 2005), the UN Convention against Corruption (UNCAC, ratified in 2005), and the CoE Civil Law Convention on Corruption (ratified in 2007). The first major anti-corruption initiative was the creation in late 2001 of the Government of Serbia's Anti-Corruption Council, which was from the very outset marginalised and which managed to survive mainly due to support from the public.[6] Laws to create and regulate the independent watchdog bodies and regulators key to anti-corruption efforts were first enacted in 2002, starting with the Public Procurement Law and the creation of the Public Procurement Review Commission. In 2004, the Law on Conflicts of Interest in the Exercise of Public Authority established the National Conflicts of Interest Committee; the same year saw the enactment of the Freedom of Information Law and the appointment of a Commissioner for this area. The Anti-Corruption agency became operational as late as 2010, although Serbia had undertaken to set up this body when it ratified the UNCAC five years before. During their first year of operation, the role of independent watchdogs and regulators, the 'fourth branch of government', was subject to a great deal of misunderstanding; their relationships with other areas of government were ill-defined; and these bodies faced marginalisation, and, at times, even open obstruction.[7] The first national anti-corruption strategy was enacted in 2005, with the action plan for its implementation following suit nearly one year later.

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[6] In its first annual report, released in 2004, the Council complained about how the Government ignored both the Council and the issue of corruption in general. These comments make interesting reading, in particular as the practice continued in later years. See antikorupcija-savet.gov.rs/content/cid1018/godisnji-izvestaji-o-radu, p. 11 [in Serbian].

[7] The preface to the *Guide to the Freedom of Information Law* by Freedom of Information Commissioner Rodoljub Šabić is instructive in this regard (see poverenik.rs/images/stories/Dokumentacija/16_cdok.pdf , p. 1 [in Serbian]). Other independent watchdogs fared no better in their early years.

This document was almost universally ignored as there were no appropriate mechanisms to monitor its implementation, nor was there any accountability for non-compliance.[8] These are just some of the reasons why efforts to fight corruption remained sporadic and chaotic at this time, with anti-corruption initiatives lacking clear will or knowledge and experience of what corruption was, how much it jeopardised social development, and which measures needed to be taken to prevent and tackle it.

This approach to corruption does not mean that no corruption was in evidence at the time, or that it was negligible. Simply, there was insufficient awareness and readiness to admit to corruption, identify it and recognise it as a serious threat to society. One of the reasons for this is that the period after 2000, and especially from 2004 to 2008, was characterised by relatively stable economic growth, and in such bullish times corruption is not usually seen as a major obstacle to development. The political parties that won the May 2008 general election and went on to form the government received public support in light of accelerating European integration and optimism that was present at the time. Any mention of corruption in the new government's agenda was mainly general, and limited to principled intention not to tolerate and to suppress this practice. However, with the emergence of the global downturn in late 2008, growth and development slowed, and major economic problems appeared: these increased public awareness of the fact that systemic corruption was a major cause of the issues facing the country, contributing to 'capture' of the state and society[9]. Corruption had, by this time, grown beyond the scope of the (criminal or civil) liability of any individual and had begun to seriously affect the living standards and quality of life of the general public. In 2012, the mounting wave of public discontent resulted in a change of government. The issue of corruption dominated the election campaign, and, on the strengths of their manifestos, parties previously in opposition – primarily the Serbian Progressive Party, or SNS – came to power. The SNS was able to place the fight against corruption in the context of economic development, an issue of paramount importance for voters. Additionally, the SNS was able to harness growing feelings of injustice and a sense in public that some segments of society had amassed wealth through illicit dealings. From the

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[8] For more details, see the Strategy's monitoring reports, the first of which was prepared only in 2010 following establishment of the Anti-Corruption Agency. Available online at acas.rs/wp-content/uploads/2011/03/Aneks_1_-_Izvestaj_o_sprovodjenju_Strategije_i_Akcionog_plana-Spojen_sa_naslovnom.pdf, pp. 1-2 [in Serbian].

[9] Warnings about the phenomenon of 'state capture' were at the time made mainly by civil society organisations. The term, in brief, means that all or most key processes in a country involve corruption or crime to a greater or lesser degree. For more details, see, for instance, 2010's „Gvozdeni zagrljaj novca i politike" ['The iron embrace of money and politics'], available online at transparentnost.org.rs/index.php/sr/aktivnosti-2/press-clipping/2973-[in Serbian].

outset, the public had high hopes that the new administration would do more to address corruption.[10]

It is in this context that findings of research into public perceptions of corruption should be studied. The findings of ten research cycles can be neatly divided into two parts: those dating from October 2009 to June 2012, and those dating from December 2012 to December 2015. According to opinions of the Serbian public, the first period, from 2009 to June 2012, is characterised by plummeting trust in institutions; lack of institutional will to stand up to growing corruption; declining living standards; and rising economic problems, manifested primarily in the form of greater unemployment, more economic insecurity, and restricted opportunities for young people.

Public perceptions were markedly different over the second period, which began with the 2012 election and has spanned five research cycles, from December 2012 to December 2015. Confidence in institutions was slowly rebuilt, with members of the public becoming increasingly aware of the issue of corruption and its consequences for society as a whole. This period is also characterised by some stagnation in the optimism seen in late 2012.

The following chapters will examine in greater detail a number of survey findings (that have exhibited some variation or have remained constant throughout), and will endeavour to analyse these findings in the context of multiple preventive and repressive anti-corruption measures that variations in public perception can be directly or indirectly attributed to. This review will not analyse all findings, but will, rather, focus only on those that best indicate and represent public perceptions of corruption and the relationship between these perceptions and anti-corruption policy.

2. 2012: Change in perceptions of corruption and anti-corruption initiatives

As already mentioned above, 2012 was the turning point in public perceptions of corruption: in July of that year the new administration came to power and declared corruption its key priority. Numerous indicators show the magnitude of this change, at its most visible in findings of the December 2012 opinion poll. Corruption was at that time seen as the greatest problem in society by as many as 15 percent of those

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[10] According to a review of election manifestos, SNS maintained that 'successfully tackling systemic corruption' was 'the foundation of recovery from the economic crisis', an issue recognised as key by the public. For more details, see Siniša Atlagić, *Ključne izborne poruke i obećanja političkih partija u kampanji za izbore u maju 2012.* [*Key messages conveyed and promises made by political parties in the May 2012 election campaign*], BIRN, March 2012. Available online at meravlade.rs/wp-content/uploads/2013/12/Klju%C4%8Dne-izborne-poruke-i-obe%C4%87anja-politi%C4%8Dkih-partija-IZBORI-20121.pdf [in Serbian].

polled, the greatest number to date. These findings also captured a drop in the extent of direct and indirect experiences of corruption by the Serbian public: whilst in late 2009 the percentage of respondents aware of corruption through contacts with their relatives or friends had stood at 38 percent, three years later, in December 2012, this number had declined by nearly 20 percentage points. The percentage of respondents reporting personal experiences of corruption saw a similar drop, from a record 15 percent in 2009 to eight percent in late 2012. Moreover, whilst in December 2009 as many as 24 percent of those polled had reported being ready to pay a bribe if asked for one, three years later the number had dropped to 15 percent, with an attendant increase in the number of respondents willing to report attempted extortion (from 16 to 24 percent). December 2012 also saw major changes in the perceived efficiency of anti-corruption initiatives: whilst in June 2012 as many as 35 percent of those polled had felt the government was completely ineffective in this regard, six months later the figure had plummeted to a mere nine percent, signifying greatly increased confidence in the intentions of the government of the day to address the problem.

There are several approaches that can be taken when analysing these changes, and each of them will shed light on both activities of institutions and public opinion. Firstly, although the majority of anti-corruption laws and institutions have been in place by late 2012[11], they have had no bearing on public opinion of anti-corruption stakeholders or measures. The negative trend in public perception was suddenly reversed only with political impetus. The conclusion that can be inferred here is that *public opinion does not react (or reacts only very slowly) to institutional and legislative policies; rather, it reacts to political moves, or to stated 'political will' translated into action.* In addition, public perceptions are affected to a much greater degree by repressive and punitive action than by preventive measures, which are less visible, slower in deployment, and result in tangible impacts only after some time. Public opinion is much readier to support the *fight against corruption*, rather than *prevention of corruption*, primarily due to the visibility of its results – or, rather, the visibility of that which is revealed to the public as the result, or what the public believes the result to be. The best example in support of this assumption is a step the authorities took in 2012 – the hitherto-unimaginable arrest of Miroslav Mišković, the owner of Delta Holding. This arrest was presented and perceived as the key proof of the state's readiness to tackle corruption,[12] and was seen as a step towards redressing the

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[11] For instance, the Law on the Anti-Corruption Agency had been enacted in 2008, but the Agency itself had been constituted only in 2010. Other independent watchdogs, including the State Audit Institution, Freedom of Information Commissioner, and Ombudsman were operational in 2012. The Law to Prevent Money Laundering and Financing of Terrorism had been adopted in 2009; the Law on Funding of Political Activities had been enacted in 2011; and corruption had been made a criminal offence under criminal codes enacted several years previously.

[12] It would later emerge that Mr Mišković had been charged with abuse of authority during the privatisation of road maintenance businesses and tax fraud, rather than with corruption-related offences. See, for instance, an interview with Nemanja Nenadić, Programme Director at Transparency

supposed injustice that allowed someone like Mr Mišković to accumulate far greater wealth than the average citizen. In this context, the reaction of the public, faced as they are with economic problems and poor living standards (as evidenced by findings of all ten polls), is only expected and understandable.

Another key conclusion that can be drawn from these developments is that *public opinion reacts to certain changes and activities much more slowly than what their objective pace is.* Thus, although many anti-corruption mechanisms had been available even before 2012, they did not elicit the appropriate positive reactions and changes in public opinion, for a variety of reasons. For one, the existence of these mechanisms is not and cannot in and of itself be a guarantee of change if their impacts cannot be monitored and measured, or if its impacts are absent or not well communicated to the public (even if present). The lack of consistent public policy impact monitoring and measurement is an issue that falls beyond the scope of this review, but certainly affects the state of affairs in any given area, regardless of whether the changes in question have actually taken place or whether shifts have merely occurred in public opinion. A particular problem is the fact that some of these impacts are actually absent, or are not appropriately presented to the public. A good example of this is the National Anti-Corruption Strategy. The current Strategy and its accompanying Action Plan were adopted in 2013, and this was presented both in Serbia and abroad as a major anti-corruption measure that should systemically address a number of corruption hot-spots. A number of public opinion surveys on corruption were carried out during the term of the Strategy, and their findings have revealed no change in the perception of strategic efforts to address particular issues. By way of an example, let us take a look at a comparison of findings of the 2009 and 2015 polls, disregarding for the moment any changes that may have occurred in the intervening period. In 2009, 27 percent of those polled had felt that 'political leaders lacked the will to control corruption', whilst the figure stood at 29 percent in 2015 – a negligible difference. In 2009, a total of 26 percent of all respondents had believed that 'poor legislation or mild penalties for offenders' hindered the fight against corruption, whilst in 2015 28 percent felt the same. In 2015, one-third of those polled felt that 'corruption was present in authorities that should address this issue', compared to an only slightly higher figure of 38 percent in 2009. Other responses to this battery of questions also show that public perceptions of some systemic indicators of efforts to address corruption have remained constant – including views of issues such as poor legislation, mild penalties, and corruption in law enforcement. In this sense, public opinion is relatively compatible with the actual state of implementation of the strategic framework that aims at addressing these and similar issues (e.g. improving legislation or strengthening anti-corruption bodies and enhancing their resilience to corruption). The 2014 implementation report for the Strategy shows that indicators had not been achieved for as many as 49 percent of activities envisaged under the

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Serbia, and Miroslava Milenović, member of the Anti-Corruption Council, available online at pescanik.net/da-li-je-vuciceva-borba-protiv-korupcije-prazna-prica/ [in Serbian].

Action Plan,[13] which reveals that institutions are insufficiently committed to tackling corruption at the highest and strategic levels. At the same time, not even the 50 percent of measures actually implemented have had much of an impact on public perception. Civil society has of late been voicing serious concerns about this issue,[14] as has the European Union, which in 2015 singled out anti-corruption policy for criticism as one of the most poorly performing areas of the Serbian administration, in part due to inadequate implementation of the Strategy and Action Plan.[15] In this case, therefore, there is clear correlation between poor implementation of the strategy document and its impacts, assessments by the civil sector,[16] and public perception of systemic root causes of corruption and associated problems that have consistently been identified in the surveys.

A third conclusion that can be inferred based on the findings of the benchmarking surveys is that *public opinion does not always reflect developments to the statutory and political frameworks; rather, the public react to events by adjusting their positions and behaviour to current anti-corruption initiatives, taking their cue from messages delivered by officers of institutions and political leaders*. This conclusion is borne out by data that show a major decrease in reports of direct and indirect experiences with corruption between 2009 and 2012. Moreover, if we consider the findings of surveys carried out within just six months of one another, with the 'anti-corruption' government taking power in the intervening period, we will be able to see changes that indicate public opinion has 'adjusted' to the altered circumstances. Thus, as many as 35 percent of those polled in June 2012 had claimed to have had indirect experiences with corruption (meaning being aware that someone from their immediate social circle had given a bribe in cash or as a gift over the preceding three months), whilst 14 percent had reported having directly bribed a public or civil servant. These figures were dramatically lower a mere six months later: 20 percent of those polled reported indirect experiences with corruption, with eight percent claiming to have had direct experience with this practice. Can behaviour truly change so much over the span of six months, or can these findings be attributed to dissimulation and fear of admitting to corruption, given that public discourse has grown markedly intolerant of corrupt practices? By way of a comparison, benchmarking data collected from 2009 to June 2012 show nearly unchanging figures, with indirect experience ranging from 33

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[13] Report on the implementation of the National Anti-Corruption Strategy of the Republic of Serbia, 2013 to 2018, and the 2014 Action Plan for its implementation, p. 11. Available online at acas.rs/izvestaji/godisnji-izvestaj/?pismo=lat [in Serbian].

[14] For more details, see transparentnost.org.rs/index.php/sr/aktivnosti-2/pod-lupom/8176-strategija-za-borbu-protiv-korupcije-zaboravljeni-dokument [in Serbian].

[15] European Commission, Serbia – 2015 Progress Report, Chapter 23: Judiciary and fundamental rights, p. 51.

[16] See, for instance, *Alternativni izveštaj o sprovođenju Nacionalne strategije za borbu protiv korupcije* [*Alternative Report on implementation of the National Anti-Corruption Strategy*], Beogradski centar za bezbednosnu politiku, Beograd, 2016. Available online at bezbednost.org/Sve-publikacije/6021/Alternativni-izvestaj-o-sprovodjenju-Nacionalne.shtml [in Serbian].

percent to 39 percent, and direct experience from 11 to 16 percent. Both factors likely had an impact on the changes, but this is very difficult, or well-nigh impossible, to determine by research. However, there is some justification for the assumption that public opinion has been moulded by the government's declared intention and readiness to suppress, prevent, and consistently penalise corruption, and that this is the reason why members of the public were more reluctant to admit their own or others' participation in corrupt activity. In addition, at this time of increased focus on corruption, some government officials may have been less willing to engage in corruption for fear of the state actually taking a consistent stance against the practice. What are these assumptions based upon? Seemingly, on the fact that the system had not changed over such a short period of time, as this was, in the end, impossible. For instance, December's statutory and practical framework for the healthcare services was identical to that of June; permits, certificates, and other administrative documents were issued in the same way; public finances were managed according to the same rules; public procurement was pursued under the same law; and so on. All these processes pose high risk of corruption or are frequently the focus of such activity, and could not have changed much over a mere six months.

And yet, although in all likelihood there could have been no real decrease in the extent of corruption over such a short time, as the benchmarking surveys indicate, the sudden decline in perceived experiences of corruption holds a different sort of significance. It shows that respondents are much less willing to accept corruption or admit to having engaged in it. Although the extent to which the public engage in corruption may have remained the same (as evidenced by survey data about bribes given to doctors, for instance, where no changes were recorded), unwillingness to admit being part to corruption is one of the first steps of what is sometimes termed the 'socialisation stage' of anti-corruption activity, where the public have clearly understood that corruption is an unacceptable and punishable form of behaviour.[17] Data from later cycles of research bear out the fact that public opinion has permanently shifted in this regard: in no survey carried out between December 2012 and December 2015 did the number of respondents claiming to have had direct or indirect experiences with corruption return to the levels seen in, say, June 2012 or before (indirect experiences hovered around the 20 percent mark between 2012 and 2015, with direct experience standing at around eight percent). Refusal to admit participation in corruption can be expected, over time and with various systemic, preventive, educational, repressive, and deterrent measures, to transform into true empowerment of the integrity of the general public (as well of civil servants): it can

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[17] For a more detailed discussion of stages in addressing corruption and the significance of socialisation and changes in public perceptions of this issue as a necessary precondition for an appropriate and efficient anti-corruption initiative, see *Borba protiv korupcije u Srbiji - Alternativni izveštaj* [*Addressing Corruption in Serbia – Alternative Report*], Biro za društvena istraživanja, Beograd, 2013, available online at birodi.rs/borba-protiv-korupcije-alternativni-izvestaj-2012 [in Serbian].

grow into genuine refusal to engage into corruption in the knowledge that it is harmful and will be uncovered and penalised.

The assumption that public awareness of corruption has changed for the better since the first benchmarking study (meaning that the public are better informed and less tolerant of corruption) is also borne out by answers to questions seeking to find out which practices can be considered corrupt. For instance, in 2009 as few as 38 percent of those polled felt that 'giving of gifts during an election campaign' constituted corruption, with this figure rocketing to 72 percent in 2015. Further, in 2009, 55 percent of those polled felt that 'giving gifts to teachers or doctors' was a corrupt practice, as opposed to 80 percent six years later. The number of respondents holding the belief that 'using public office to help friends and relatives' was a corrupt practice rose from 51 to 81 percent, and the number of those agreeing that 'use of public office to obtain gifts and money' constituted corruption increased from as few as 48 percent to as many as 81 percent. If we consider the trends in the findings of surveys carried out between these two bookend studies of the six-year research project, we will be able to see that slight positive changes took place from one year to the next, but that the key change occurred in 2012, and that the trend established in that year has essentially remained in evidence ever since.

The causes of this change in mind-set ought to be viewed as the products of gradual institutional and law-making activity to establish a system to deal with corruption, as well as the reflections of actions – primarily repressive ones – that have constituted concrete expressions of political will to change the state of affairs in this area. The steady construction of the anti-corruption system, enactment of laws, establishment of institutions, evolution of public discourse, anti-corruption outreach, and the like, were all necessary, but not in and of themselves sufficient, preconditions for the shift in public opinion. The public needed confirmation that the system would start working, and the confirmation was delivered in 2012. Of course, the proverbial pendulum could just as quickly swing the opposite way, reversing the positive changes as easily as they had come about, if it turns out that results are not forthcoming and that anti-corruption measures and actions remain unfinished. The pendulum seems to have remained rooted in place since 2012; the absence of subsequent changes in public perceptions and indications that some deterioration could be in store (an assumption already borne out by some survey findings) will be covered in greater detail in the next section.

3. 2013-2015: Unchanged expectations and cautious optimism

The encouraging trends captured by the 2012 survey did not continue unabated in the following cycles of research, carried out from 2013 to 2015, although the findings remained far better than they had been before 2012. In short, it seems that some expectations, positive opinions of the anti-corruption effort, and confidence in stakeholders first seen in 2012 have stagnated ever since, as well as that the public are somewhat more cautious in voicing their optimism with regard to perceptions of

corruption, and in particular when it comes to actual anti-corruption efforts. This section will cite survey findings that bear out this assumption, as well as provide likely interpretations of this state of affairs with reference to the actual state of anti-corruption policy and practice.

Firstly, public optimism has declined when it comes to expectations that the year ahead would see less corruption. Thus, the number of respondents expecting less corruption stood at 41 percent in the December 2012 survey, only to fall to 37 percent one-and-a-half years later, in June 2014, and decline to as few as 25 percent in December 2015. Moreover, the government is increasingly perceived as lacking efficiency in tackling corruption: as of the latest survey, the aggregate number of respondents believing that the government was either 'mostly' or 'completely' inefficient in this regard stood at 40 percent. Although the figure is far lower than the record 58 percent seen in 2009, it has nevertheless increased since, say, the 27 percent seen in June 2013. Finally, the public are increasingly suspicious of the honesty of the government's desire to stamp out corruption: in the 2015 survey, 78 percent of those polled voiced suspicion as to there actually being willingness to eliminate corruption in Serbia, an increase of as much as 13 percentage points when compared to the previous survey of July 2014.

A look at the actual events will reveal a number of likely reasons for this state of public opinion. Let us start with the issues that have caused the greatest mistrust in the honesty and seriousness of the anti-corruption effort since 2012: enforcement of anti-corruption laws, and extent of penalties handed down to offenders. Findings of the surveys lead to the conclusion that members of the public are not satisfied with the reach of the 'long arm of the law', meaning actual trials resulting from corruption investigations. Investigations of the now infamous 24 dubious privatisation procedures, the poster cases for corruption after the year 2000, which the SNS had promised to review as part of their campaign pledge in the 2012 election (as a symbol of their anti-corruption credentials), never resulted in convictions. According to data available as of mid-2015, trials had begun in only five cases, whilst the remaining ones were still at the investigation stage. No offences had been found to have been committed in four cases.[18] Moreover, the public were likely disappointed when Miroslav Mišković, whose arrest was regarded as another symbol of the anti-corruption efforts in evidence since 2012, was released on his own recognisance in July of 2013. As a final fillip, his detention was recently ruled unconstitutional, meaning that he will likely be handed back the 12 million euro bail he had posted. The public have also been rocked by news of acquittals of well-known individuals expected to be indicted of corruption, which, however, never occurred.[19] Although

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[18] See javno.rs/istrazivanja/sporna-24-slucaja-pitanja-bez-odgovora [in Serbian].

[19] The most prominent amongst these are Stanko Subotić and Mihalj Kertes. According to the Serbian press, Mr Kertes was acquitted only two days after he joined the SNS, which could significantly hurt the governing party's currently rather spotless anti-corruption credentials in public. See blic.rs/vesti/politika/kertes-usao-u-sns-pa-ga-oslobodili-dva-dana-kasnije/6yqddb9 [in Serbian].

the government, which makes anti-corruption policy, can always claim it does not interfere with judicial independence, this is small consolation and a weak argument in the court of public opinion, as the government ultimately holds key responsibility for increasing the efficiency of all public policies, including those affecting the justice system. At any rate, the prominence of the government's responsibility in this area is borne out by the European Commission's 2015 Progress Report for Serbia, which has seriously criticised the country for not having amended and effectively implemented the economic and corruption crimes section of the Criminal Code, in particular the article on 'abuse of position of a responsible person',[20] meaning that the judiciary is left without the tools it needs to appropriately deal with corruption cases. In this context, whether or not the public are aware of this piece of information, their discontent is understandable. If to this we add the scandals involving in various ways the very people who had proclaimed themselves champions of the anti-corruption cause in 2012, the caution shown by the public and the levelling off of the anti-corruption euphoria are only to be expected.[21] All of this has resulted in a major decline in the number of respondents who believe the government should be the key anti-corruption stakeholder, from 46 and 47 percent in 2013 and 2014, respectively, to 36 percent in 2015. This is one of the least favourable developments to date, and is likely the result of the public recognising that the judiciary ought to act in these cases. The finding should serve as a wake-up call for the government, as it may lead to additional erosion of confidence in and support for anti-corruption efforts in general.

There has been some stagnation in preventive, legislative, and institutional anti-corruption activities. The public may have been slower to recognise this than the more visible repressive measures, but reports pointing out the lack of progress have nonetheless been circulated, especially amongst civil society organisations and international institutions. Issues in this respect include the poor implementation of the Anti-Corruption Strategy and Action Plan; Serbia's failure to enact a new Law on the Anti-Corruption Agency intended to enhance this authority's powers; absence of a long-awaited Proceeds of Crime Law; refusal to apply UNCAC provisions on illicit enrichment; and the like. Findings of the benchmarking surveys do not contain explicit confirmation of this, meaning we can only infer conclusions based on the above results, which do in fact reveal that public opinion has remained unchanged, and that members of the public are now much more reluctant to trust institutions a priori than they were in 2012.

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[20] European Commission, Serbia – 2015 Progress Report, Part 2.3 – Rule of law, Fight against corruption, p. 14. Available online at ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_serbia.pdf.

[21] Such as the potential conflict of interest of the Mayor of Belgrade and the Minister of Defence; the Anti-Corruption Council's reports on the state of the media and abuses perpetrated by DIPOS, the state-controlled real estate management firm; unresolved assaults against anti-corruption activists and advocates Ivan Ninić and Miroslava Milenović, and the like. For a detailed discussion, see krik.rs/kljucni-dogadaji-u-vezi-sa-kriminalom-i-korupcijom-u-2015 [in Serbian].

This stagnation can also be a consequence of the public's greater expectations of the government. The survey findings clearly indicate that members of the public are now much more aware of what corruption is. Such awareness drives increased expectations, which, in turn, requires greater effort on the part of the government to actually demonstrate its readiness to respond to public needs, and to maintain such readiness at an appropriate level. Yet this is not always easy, which is why the public can sometimes be reserved and uncertain.

4. Perceived corruption in particular areas: A possible indicator of contradictory views of corruption and the anti-corruption effort

In this section we will present the actual state of play and a subjective assessment of areas shown in the surveys to be among the most prominent in terms of perceived corruption. We will limit the review to a few areas that are also significant due to the interaction between public policies and public opinion that takes place there, and that also demonstrate the dynamics and character of this interaction. We will, firstly, take a look at how Serbia's public opinion perceives corruption in **political parties** and how this matters for regulating this important field of anti-corruption effort.

Political parties have since 2009 regularly scored high on the perceived corruption scale. The figure has never stood at below 70 percent – in other words, at least seven out of ten respondents believed that political parties were corrupt, which is an exceptionally large number. And, whilst the percentage has gradually declined over the past six years for other entities, primarily public institutions, this was never the case with political parties, and even if any improvement has indeed taken place it was only to a limited extent. For instance, whilst in 2009 healthcare had been perceived as more corrupt even than political parties (78 vs. 76 percent), in the 2015 survey the tide had turned dramatically in favour of healthcare (59 vs. 70 percent). If we discount the 'does not know' responses, it can be concluded that the number of respondents who believe there is no corruption in political parties is probably equal to that of these parties' own activists, or at least those who directly or indirectly depend on political parties. Everybody else, including large numbers of the parties' voters, believe that political parties and the people who make them up are corrupt. All of this indicates that there is a serious deficit of trust in political parties, a major pillar of modern democracy. A comparison of voter turnout in elections and perceived corruption in political parties reveals that a large number of voters take parties 'warts and all' and support them, although they generally view them as corrupt. Findings showing the perception of corruption in political parties should be taken seriously, as it also affects perceived corruption in institutions and confidence in public authorities, mostly led by party members who take office already saddled down by the apparent corruption of their respective parties.

One positive development is the change in which practices by political parties members of the public perceive as constituting corruption. For instance, in 2009 somewhat more than one-half of those polled (56 percent) felt that 'funding a

candidate's election campaign in expectation of personal benefits if the candidate wins' was a form of corruption. There has been a near-constant increase in this percentage over the past seven years, with as many as 88 percent of all respondents agreeing with this statement in 2015. Similarly, seven years ago 53 percent of those polled believed that 'using government (public) office to promote the interests of a political party' was a corrupt practice, as opposed to as many as 85 percent feeling the same in December 2015.

When it comes to public policy and its application in this area, major developments have taken place over the past several years. The first law governing political party funding was enacted in Serbia as far back as 2003, but this piece of legislation fell far short of providing expected standards of transparency and accountability in the field.[22] The Law on Funding of Political Activities, enacted in 2011 and amended in 2014, has regulated these issues much more thoroughly, assigning responsibility for audits of party finances (the key anti-corruption mechanism in the field) to watchdog institutions the Anti-Corruption Agency and the State Audit Institution. Public interest in greater control of party funding and actions taken by these watchdogs have resulted in an ever-increasing number of court cases and other procedures being brought to establish party accountability for financial irregularities;[23] these have included criminal cases in addition to misdemeanour charges. Although it is important to continually monitor the impacts of regulations in this area and improve them as weaknesses are discovered, as well as to enhance capacities of watchdog bodies, the field in general can now be said to be much better regulated than before.

Have the public reacted to these changes to the statutory and institutional frameworks aimed at uprooting corruption in political parties? There are two answers to this question. Public policy has thus far been successful in enhancing awareness of the issue of corruption in political parties: it has, to be exact, allowed the public to better understand that particular types of behaviour by party officers, especially those involving misappropriation of public resources, do constitute corrupt practices. This is clearly borne out by the changes in perceptions of what constitutes corruption. The media played a crucial role in making this progress possible: media outlets have been ready to report on this issue and acquaint the public about individual offences and court cases. And yet all of this has not caused the public to feel that political parties are today less corrupt than before the law was adopted. What does this mean, exactly? In this case, the public seem to need much more evidence of the impact of a law or other regulations to change their

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[22] For more details, see *Finansiranje političkih partija – Između norme i prakse* [*Political party funding: Regulation vs. practice*], CeSID i Fond za otvoreno društvo, Beograd, 2008. Available online at cesid.org/lt/articles/izdanja/posebna-izdanja [in Serbian].

[23] More information about how the Anti-Corruption Agency and the State Audit Institution audit political party finances can be found in their reports, which are available online at acas.rs/odrzana-panel-diskusija-o-finansiranju-politickih-stranaka-u-srbiji/?pismo=lat and dri.rs/mediji/Finansiranje-politickih-stranaka-u-Srbiji-%E2%80%93-efekti-kontrole.n-180.107.html [both in Serbian].

perceptions. Official public policy is much more effective, at least in the short or medium term, in educating and informing the public than in affecting or altering perceptions. This assumption is borne out particularly well by perceptions of corruption in political parties. It seems that institutions will have to devote more time to presenting impacts of legislation to the public before perceptions can change and before public opinion feels that major improvements in this area have occurred. Exactly how much time is required will depend on whether and when impact assessments are made, how they will be communicated, and the like.

Healthcare is perceived as the second most corrupt field in Serbia. Numerous contradictions in survey findings can be identified in this area as well and require a more detailed analysis. We have already noted that healthcare has, in general, improved its perceived corruption rating. Whilst in 2009 as many as 78 percent of those polled had felt that corrupt practices were commonplace across the healthcare system, in December 2015 the figure had declined by nearly 20 percentage points (to 59 percent). However, other indicators do not give as much cause for optimism. A major concern is the rising number of respondents who report having had personal experiences with corruption in healthcare: in 2012 (the year that saw the greatest level of public trust in anti-corruption institutions), as few as 25 percent of those polled reported such experiences, with the figure rising dramatically three years later, in December 2015, to 44 percent. In addition, findings that show doctors are perceived as the most corrupt healthcare workers, and that corruption is seen as the most common in secondary and tertiary healthcare facilities (hospitals and clinical centres), have remained nearly constant across the entire span of the benchmarking surveys.

Why this discrepancy between the general, on the one hand, and the individual, personal, and specific, on the other? The perceived corruption in healthcare has gone down, apparently due to a number of factors. One of them is the generally lower perception of overall corruption, whilst the second factor may be linked to attempts by political stakeholders to initiate anti-corruption efforts in healthcare. So, whilst on the one hand the obligations undertaken in accordance with the National Anti-Corruption Strategy and Action Plan have not been taken seriously enough, a number of ad hoc measures have been put into place that are more 'media-friendly' and as such more useful to the authorities, and these have in all likelihood led the public to believe that serious developments are underway in this field. For instance, when it comes to the Government's obligations stemming from anti-corruption strategic documents, only one-quarter (five out of 20) of activities scheduled for implementation in 2014 have actually been undertaken; ten have remained outstanding, whilst insufficient data are available for another five.[24] On the other

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[24] Izveštaj o sprovođenju Nacionalne strategije za borbu protiv korupcije u Republici Srbiji za period od 2013. do 2018. godine i Akcionog plana za njeno sprovođenje za 2014 [Report on implementation of the National Anti-Corruption Strategy, 2013-2018, and the 2014 Action Plan to implement the Strategy], available online at acas.rs/izvestaji/godisnji-izvestaj/?pismo=lat [in Serbian].

hand, the Ministry of Health has put into motion a number of measures well supported by media outreach, including the creation of working groups to cut waiting lists, the key driver of corruption in healthcare[25] (although both the remit and the performance of these working bodies remain unknown) and a central Ministry of Health Anti-Corruption Working Group[26] (this body's duties, remit, objectives, and relationship with other existing anti-corruption entities have, similarly, remained a mystery). The state has, therefore, been sending contradictory messages when it comes to corruption within the healthcare system: it has, on the one hand, been ignoring its own strategic obligations, whilst on the other hand it has been making moves whose role and place in the overall context of the declared intent to address corruption in this field remain unclear. Thus, the contradictory findings of the benchmarking surveys come as no surprise: they show us that the public notice something has been happening in terms of the fight against corruption in healthcare, but that these initiatives take place far from the patient-doctor context, where not much has changed of late. Bribery remains nearly regular practice in medical treatment, as borne out by findings of public opinion surveys.

Finally, let us also consider **education**, also covered in great detail in the benchmarking surveys, as this field has over the past six years consistently been perceived as highly corrupt.

The Serbian public now believe the education sector is less corrupt than in, say, 2014. Relative to that year's research cycle, there has been a ten percentage point drop in the number of respondents who believe the education system is corrupt. However, those polled still believe that corruption in education has been having an exceptionally adverse impact on the future of the Serbian education sector. Seventy percent of those polled in December 2015 blamed poor performance of the education system on the lack of reforms and continuing inefficiency in this area, whilst 62 percent of all respondents felt systemic corruption at all levels was responsible.

How can these contradictory findings of corruption in education be linked with anti-corruption policies and activities in the field? First of all, education is a complex system, encompassing a multitude of levels, from pre-schools to universities, all differing from one another in the causes, forms, and ways of tackling corruption. Therefore, no action or policy can be applied across the board. The perceived drop in corruption in the education sector can (probably) be attributed to actions taken by the Ministry of Education, which has in a number of areas and individual cases shown readiness to get to grips with corrupt practices. For instance, the Ministry has revealed itself willing to regulate the purchase of textbooks and other teaching aids, not only by enacting legislation,[27] but also by calling to account a senior Ministry

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[25] See zdravlje.gov.rs/showelement.php?id=7626 [in Serbian].
[26] See zdravlje.gov.rs/showelement.php?id=9662 [in Serbian].
[27] The Textbooks Law was enacted in August 2015.

officer suspected of conflict of interest involving the sale of textbooks.[28] Moreover, the vicious circle of corruption with school field trips was broken when schools were forced to apply public procurement rules, rather than, as before, negotiating directly with tour operators, a practice highly prone to corruption.[29] These actions have certainly had an impact on both the actual and perceived level corruption in primary and secondary schools, as evidenced by findings of the benchmarking surveys.

However, indicators of corruption at universities paint a much more serious picture. Many scandals involving plagiarism of doctoral theses, lack of accreditation for colleges and universities, conflict of interest,[30] etc. remain unresolved, and this has been both jeopardising anti-corruption initiatives in education and contributing to the public's greater perception of corruption in this field. Members of the public are clearly aware of all of this: survey findings show that the public believe corruption is present to a much lesser extent amongst teachers at primary schools (as reported by six percent of those polled) or secondary schools (16 percent) than amongst college and university professors (as much as 46 percent). These findings, dating from 2015, are nearly identical to those of all earlier benchmarking surveys. The public, therefore, clearly see and recognise hotbeds of corruption and education and form their views accordingly. And the differing policies and their impacts on the various levels and sectors of the education system have certainly had a hand in dividing public opinion and causing contradiction, with public perceptions improving in some areas and deteriorating or remaining unchanged in others.

5. Perceptions of anti-corruption efforts and stakeholders

Monitoring and analysis of the benchmarking surveys has revealed a number of interesting findings, trends, and instances where views of anti-corruption stakeholders have shifted. This bears out the assumption that the public now believe a much wider spectrum of institutions are responsible for addressing corruption, as well as that awareness has been growing of the fact that corruption can only be tackled by a broad range of measures that multiple authorities are responsible for.

We have already described the possible causes for the decline in the perception of the government as the key anti-corruption stakeholder. At the same time, the belief that the judiciary should play a crucial role has gained traction (with a slight increase in

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[28] This is the case of Velimir Tmušić, head of the Education Inspectorate at the Ministry of Education, who was relieved of duty in September 2014 after it was revealed that his son owned a publishing company that distributed textbooks. For more details, see vesti.rs/Vesti/Verbic-smenio-nacelnika-Tmusica.html [in Serbian].

[29] The Ministry of Education and the Public Procurement Office have adopted a binding opinion according to which the organisation of all school field trips has since September 2013 had to follow public procurement rules. For more details, see roditeljsrbija.com/dacke-ekskurzije-po-propisu/2/ [in Serbian].

[30] Numerous such cases are presented at meravlade.rs/borba-protiv-korupcije-u-prosveti-2/ [in Serbian].

the number of respondents who believe so, from 37 to 41 percent). In particular, the public increasingly believe that anti-corruption efforts should be led by independent watchdog institutions, primarily the Anti-Corruption Agency (an increase from 26 to 39 percent), the Ombudsman (from two to eight percent) and the Freedom of Information Commissioner (from as little as one to four percent). These findings can be attributed to the growing visibility of these institutions, as evidenced by the fact that the Anti-Corruption Agency grew consistently more recognisable from 2010 (when the figure stood at 60 percent) to 2015 (86 percent). If we take a look at the Agency's performance (e.g. the rising number of procedures to assess non-compliance or identify conflicts of interest, as well as misdemeanour and criminal charges brought[31]), we will be able to see that the increase in the Agency's efficiency has been directly reflected in its public perception, as borne out by the view that this body should play a more prominent role in efforts to tackle corruption.

And yet, is an institution's better performance sufficient for the public to believe that the institution is more effective and is attaining its objectives? Here the public are much more cautious: for instance, answers to the question of 'To what extent has the Anti-Corruption Agency contributed to tackling corruption in Serbia' show no major shifts in public opinion. For instance, 26 percent of all respondents felt the Agency's contribution in that regard was 'significant' in December 2012, with the figure remaining virtually unchanged – at 25 percent – three years later. This is yet another proof of the view, voiced above, that public authorities (such as the Anti-Corruption Agency) rarely make the public aware of the impacts of their activities, including the attainment of their objectives, reductions in the extent of adverse practices, or positive developments.

6. Recommendations

The above comparison of benchmarking findings collected to date, as well as between these findings and actual measures taken by anti-corruption stakeholders, will be used in this section to provide a number of recommendations for improving public opinion surveys that constitute an important source of information about the state of the fight against corruption in Serbia.

1. Firstly, the benchmarking surveys first commenced in 2009 can and must continue; in addition, the databases and reports of their findings should be kept up-to-date with a view to continued monitoring of any changes (or lack thereof) in public perceptions of corruption. Especially important are changes with regard to *public awareness and views of corruption*, as well as *public perception of anti-corruption institutions, policies, and activities.* These data will allow: 1) foundations to be laid for additionally enhancing public awareness of the damaging effects of corruption and strengthening the 'socialisation' of public opinion so as to reduce its tolerance to

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[31] For more details, see e.g. the Anti-Corruption Agency's 2014 Annual Report, available online at acas.rs/wp-content/uploads/2011/03/Izvestaj-o-radu-za-20141.pdf [in Serbian].

corrupt practices (e.g. through outreach efforts); and 2) systematically assess to what extent the visibility, impacts, and effects of anti-corruption entities and their actions affect public opinion. Given the wealth of significant information collected to date, subsequent benchmarking surveys, as well as reviews and interpretations of their findings, ought to particularly focus on the interplay of results over time. Moreover, interpretation should be enhanced by means of an assessment of the state of play of official anti-corruption policy as initiated in this review.

2. So as to ensure that the benchmarking surveys can be used to evaluate public policy, more survey questions could – and, indeed, should – pertain to: 1) the recognisability of individual anti-corruption documents, entities, activities, or developments in this area; and 2) public perceptions of, or trust in, the topic of the research. In that regard, topics should be identified that, hypothetically, affect (or should affect) as broad a target audience as possible, so that it will make sense to pose these questions to the relatively limited sample of respondents used in the surveys. It would, for instance, be interesting to find out whether employed respondents, which always make up a statistically-relevant segment of the sample, are aware of the enactment of the Whistleblowers Law; what the rights and obligations of their employers are in this respect; what their own rights as potential whistleblowers are; whether they have confidence in this new piece of anti-corruption legislation; how they would react if their employer were found to have engaged in corruption; and the like. Whatever the results, they can be of importance for understanding whether the public are aware of this public policy and what their perceptions of it are – and this information would be important for assessing how effective the authorities were at promoting the policy. Secondly, the surveys could gauge public reaction to government moves when corruption is uncovered, including, for instance, how effective and appropriate the moves are, how serious does the government appear in endeavouring to fully investigate the issue, and the like. All of these recommendations would entail selecting a set of topical issues immediately before a survey was to take place, as well as exploring options for how the issues could be captured in the survey.

3. Given that trends show some views of corruption held by the public have become well-nigh constant, as well as since corruption is a very complex phenomenon that can become apparent in a multitude of ways, modes ought to be explored for extending the survey to cover previously un-investigated issues. For example, it is already clear that the public believe certain behaviours by political parties, careless handling of public resources by public officers and officials, or giving gifts and bribes in exchange for services all constitute corruption. Thus it may not be necessary (at least not for the foreseeable future) to needlessly weigh down questionnaires with issues that have already been amply identified and confirmed. It would, however, be very interesting to design survey instruments and questions aiming at capturing public perceptions of other, equally widespread and damaging, forms of corruption that are not yet clearly seen as corrupt practices. These include, for instance, conflict

of interest (in all the myriad shapes and forms it comes in); trading in influence; undue influence; abuse of power; political corruption; and other issues.[32] Of course, it might be more straightforward to design questions and anticipate answers so as to assess views of, say, bribery than those of other, more complex forms of corruption.

4. The next recommendation would be to alter the sample so as not to cover the entire breadth of public opinion, but rather only members of the public who had recently had direct contacts with public services or authorities. In other words, the opinion poll would target beneficiaries of public institutions, such as the judiciary, healthcare, tax administration, customs, the police, etc.; these members of the public would probably have different – and, in all likelihood, more objective – views of the problems involved, including any corrupt practices. Alternatively, if the general sample were to be retained, respondents could in succeeding surveys continuously be asked whether they had had contacts with institutions prone to corruption over the preceding three, six, or 12 months; their responses would then be processed separately (again with regard to their statistical relevance) and compared with those of the general, representative sample of public opinion. This would not only result in a deeper and more objective appraisal of the potential for corruption in these institutions, but would also evaluate broader public opinion for an understanding of whether views are based on perceptions alone or reflect real experiences. Hypothetically, the extent of corruption in healthcare could be found to be the same, lesser, or greater if we were to compare answers based on personal contact with doctors, on the one hand, with, on the other, those from the general sample, where respondents may not have been to see a GP in years. This would produce a more objective picture and would ensure a more critical approach to reviewing and assessing the benchmarking surveys. Obviously, for such surveys to be justified and statistically relevant, this approach could only be used for institutions that a 'critical mass' of respondents comes into contact with.

5. In conclusion, benchmarking surveys on a representative sample of the public remain unable to capture perceptions of a major segment of anti-corruption policy. Perhaps the best example of this is public procurement, seen as a particularly important area for anti-corruption efforts. The need and justification should be explored for carrying out occasional targeted surveys only of participants in public procurement (with, for instance, two samples, economic operators and contracting authorities) to gain insight into the quality of regulations, practice, issues, and potential drivers of corruption.

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[32] A list of such practices, with practical examples that can aid in recognition, can be found in *Rečnik korupcije* [*A Dictionary of Corruption*], ANEM, Beograd, 2014, available online at anem.org.rs/sr/aktivnostiAnema/AktivnostiAnema/story/16167/%E2%80%9ERE%C4%8CNIK+KORUPCIJE%E2%80%9C.html [in Serbian].

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roditeljsrbija.com

vesti.rs

meravlade.rs

javno.rs

blic.rs

krik.rs

zdravlje.gov.rs

pescanik.net