

STATE ADMINISTRATION IN SERBIA

A THORNY ROAD TO EQUAL OPPORTUNITIES AND ACCESS FOR ALL

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The state administration has been reforming for almost two decades, since 2004. With the adoption of the new strategic framework in 2021, it seems that the reform has gained a new momentum, with a greater orientation towards citizens and the economy.¹ Not stopping at such a generally defined goal, the Public Administration Reform (PAR) Strategy offers an even more specific commitment towards the administration as a customer centre, that provides user-oriented services that are reasonably priced, while taking care of minority and vulnerable groups.²

Despite such a far-reaching goal, the available data indicate that there is still a lack of sensibility of the administration for the needs of the citizens, especially for the vulnerable and endangered. Also, the data points to the uneven accessibility of jobs positions in the state administration – an aspect that the PAR Strategy does not deal with. If all citizens do not get the opportunity to access services, information and public facilities, not only the success of the PAR is put into question, but also the existence of an inclusive society and the exercise of human rights.³ Likewise, enabling persons belonging to vulnerable groups to get a job in the civil service, i.e., state administration bodies, should be one of the ways in which the reform can contribute to greater accessibility of the administration to everyone, within the broader social aspirations to reduce discrimination and respect different social needs.

Numerous international obligations and regulations of the Republic of Serbia require equal access and treatment of all persons who perform business with public authorities. The *United Nations Convention on the Rights of Persons with Disabilities*, to which Serbia is a signatory, unequivocally stipulates that states provide equal access to institutions and services intended for the public, that is, promote the possibility of employment, including in the public sector.⁴ Also, according to the current legislation in Serbia, everyone has the right to equal access and equal protection of rights before courts and public authorities, and any discriminatory behaviour by a public official in a public authority is prohibited.⁵ In addition, employers in the public sector are obligated to provide equal employment opportunities for employment regardless of sex, gender and family status, while paying due attention to the equality of vulnerable social groups.⁶ It is particularly important to emphasise that discrimination against persons with disabilities before a public authority is considered to be administrative conduct that prevents or hinders the realisation of rights, as well as that discrimination regarding the availability of services and access to facilities in public use is prohibited.⁷

Although PAR in Serbia is not only a long-term, but also a continuous development process that needs to be constantly adapted to new circumstances, it cannot yet be said that, as a result of this reform, we are closer to the aforementioned normative principles or dispositions, at least when it comes to the accessibility of state administration. This brief presents some of the problems with access to services, facilities, and jobs of the state administration, based on data from the WeBER PAR Monitor 2021/2022, the Commissioner for the Protection of Equality, and other relevant sources.

1 General objective, Public administration reform strategy in the Republic of Serbia for the period from 2021 to 2030, *Official Gazette of the RS*, no. 42/2021-1, 9/2022-54. The reform of public administration includes both state administration bodies and local self-government bodies.

2 V. Provision of services, 2. Special objective, PAR Strategy in the Republic of Serbia for the period from 2021 to 2030.

3 The focus of Goal 16 of sustainable development of the United Nations is the promotion of peaceful and inclusive societies, which, among other things, imply responsive, inclusive, participatory decision-making and promote and implement non-discriminatory regulations and public policies of sustainable development. More at: <https://bit.ly/3iBtVRn>.

4 Articles 9 and 27 of the Convention, available at: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>. The Republic of Serbia became a signatory to the Convention in December 2007, which was confirmed by the Law in July 2019.

5 Law on Prohibition of Discrimination, Article 15, *Official Gazette of RS*, 22/2009 and 52/2021, available at: <https://tinyurl.com/4vzf4t93> (27.09.2022.)

6 Law on Gender Equality, Article 29, *Official Gazette of RS*, no. 52/2021, available at: <https://tinyurl.com/mrnuw5hs> (23.09.2021)

7 Law on Prevention of Discrimination of Persons with Disabilities, Articles 11 and 13, *Official Gazette of RS*, no. 33/2006-3, 13/2016-3. <https://bit.ly/41codXj>

EQUAL ACCESS TO JOBS IN THE STATE ADMINISTRATION – FOR WHOM?

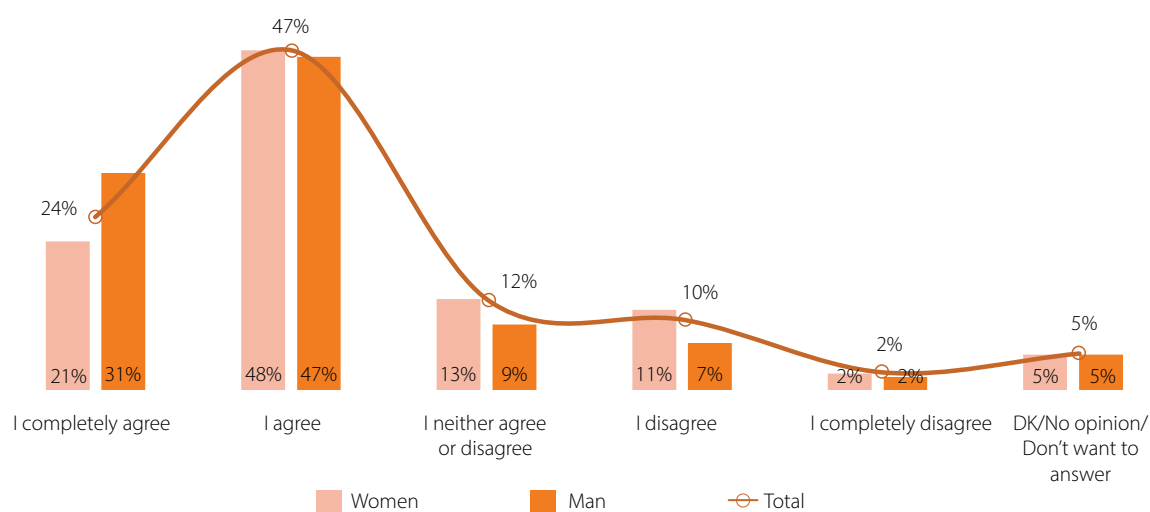
In Serbia, the state is still considered a desirable employer. Over the years, research done by the *Balkan Barometer* suggests that citizens prefer the public over the private sector, citing job security and better working conditions, i.e., less overtime work and fewer workload, as the main advantages.⁸ Despite the majority preference, not all groups in society have the same opportunity to compete for jobs in the state administration.

The position of women on the labour market is still less favourable than that of men. The employment rate of men (ages 20-64) in the overall labour market is 15 percentage points higher than that of women, as is the rate of their work activity.⁹ The latest available survey of the employees in public authorities, conducted by the Commissioner for the Protection of Equality office, confirms these data. Namely, "half of the representatives of the public authorities believe that women are treated unequally on the labour market, that is, they are discriminated against, and the women themselves are more sensitive to discrimination of other women since 60% of female representatives of the public authorities believe that there is discrimination based on gender."¹⁰

Although women are less represented and discriminated against in the general labour market,¹¹ when it comes to access to jobs in the civil service, their position seems to be better. Females make up the majority, almost 56% of employees,¹² and according to the survey of civil servants conducted in Serbia as part of the PAR Monitor 2021/2022,¹³ 71% of those surveyed agree that women and men are treated equally when hiring civil servants. At the same time, a higher percentage of men are convinced that there is equal treatment (78%) than is the case with female respondents (69%). A similar share of respondents (66%) believes that both sexes are equally represented in civil service, to the extent that this is possible. Admittedly, the share of women in relation to the total number of employees is still lower in workplaces traditionally occupied by men. For example, in the Ministry of Internal Affairs, in regional police administrations and in the Police Directorate, the share of women in the total number of employees is below a quarter, while in specialised police units it is even lower.¹⁴ However, on average, all of the above indicates that perception and real data go hand in hand when it comes to access to state administration job positions.

Graph 1. Perception of civil servants about the position of men and women in the civil service

a) In the process of hiring civil servants, women and men are treated equally



n=1142 civil servants in the Republic of Serbia. Due to rounding, the total percentage may be higher than 100%.

8 Balkan Barometer, *Employability and Labour Market* indicator, available at: <https://www.rcc.int/balkanbarometer/results/2/public>.

9 European Commission, *Serbia Report 2022*, available at: https://neighbourhood-enlargement.ec.europa.eu/serbia-report-2022_en (28.11.2022.)

10 Office of the Commissioner for the Protection of Equality (2019), *Special Report of the Commissioner for the Protection of Equality on Discrimination in the Field of Work and Employment*, Belgrade: Commissioner for the Protection of Equality, p. 120, available at <https://tinyurl.com/znvb7exn> (23.09.2022).

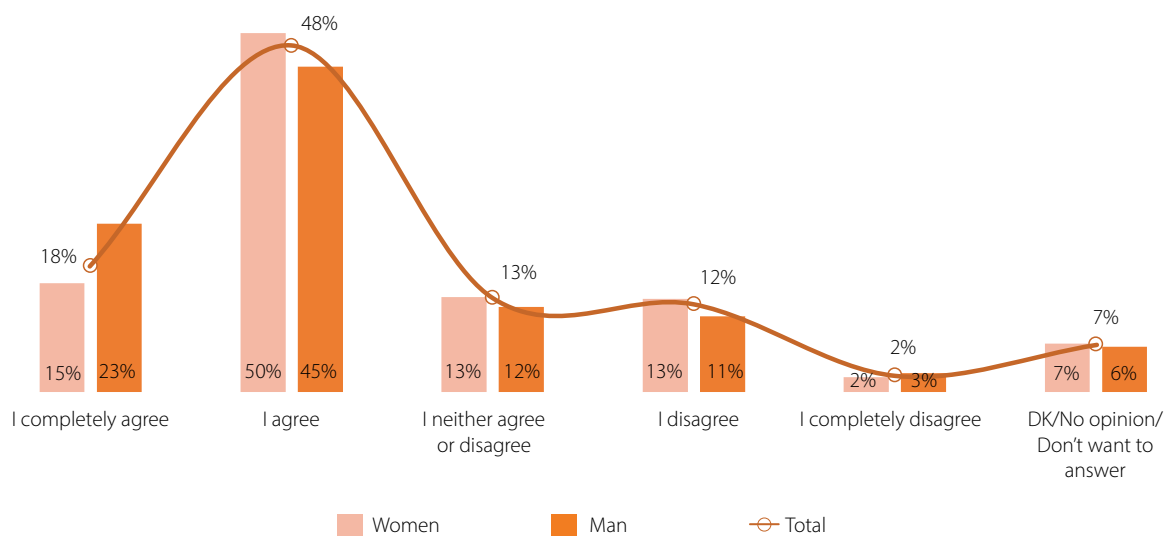
11 The same report of the Commissioner for the Protection of Equality provides a wealth of information on the problems in achieving and protecting against discrimination in the field of work and employment.

12 Data obtained through the response to the request for free access to information sent to the Human Resource Management Service of the Government of the Republic of Serbia, received on June 14, 2022. The following data is excluded from the data on the representation of women – professional military personnel in the Ministry of Defence, police officers in the Ministry of Internal Affairs and data on employees of the Security and Information Agency.

13 Survey of civil servants in Serbia, conducted in the period 18.04-20.05.2022, total number of respondents *N*= 1440. The survey was conducted online, using the self-survey method on the Survey Monkey platform.

14 6% in the Gendarmerie, 15% in the Helicopter unit, 4% in the Special anti-terrorist unit. Data obtained through the response to the request for free access to information addressed to the Ministry of internal affairs, number 1589/22-2.

b) In practice, women and men are equally represented in the civil service, to the extent possible



n=1142 civil servants in the Republic of Serbia. Due to rounding, the total percentage may be higher than 100%.

ACCESS TO CIVIL SERVICE JOBS FOR MEMBERS OF NON-MAJORITY COMMUNITIES AND VULNERABLE GROUPS

On the other hand, although the state has ratified several international conventions, and the position of persons with disabilities (PWD) is regulated by a legal and strategic framework,¹⁵ they represent one of the most vulnerable groups in Serbia, which also applies when it comes to employment. Data from October 2020 shows that there were 12,628 unemployed PWDs on the records of the National Employment Agency, actively looking for work, 44% of which were women.¹⁶ During 2021, more than a fifth of complaints addressed to the Commissioner regarding discrimination of PWDs were only in the field of work and employment (21%),¹⁷ and the Commissioner's research confirms the opinion of actors on the labour market that PWDs are the most discriminated group.¹⁸

In such circumstances, the situation does not seem significantly better when it comes to their employment in the civil service. According to the mentioned survey of civil servants from 2022, the share of consent among the respondents that PWDs have equal opportunities to be employed in the civil service is only 40%, with 26% of those who did not have an opinion or did not want to answer, and 18% neutral respondents.¹⁹ Despite the fact that the highest share of respondents believe that such a possibility exists, i.e. of the share of those who disagree is below a fifth of respondents (17%), this perception suggests that, in practice, the state still does not sufficiently promote the employment of PWDs in the public authorities, although it is obliged to do so.²⁰ In addition, 37% of the civil servants do not agree that the institutions in which they work has an adapted workplace for PWDs, while 34% of the surveyed believe that it is.²¹ Such a clear division on the issue of workplace adaptability suggests, at the very least, an uneven approach that contributes to the fact that PWDs are still a category that is difficult to employ, both in state administration bodies and in the labour market as a whole.

15 The Strategy for Improving the Position of Persons with Disabilities and the Law on Professional Rehabilitation and Employment of Persons with Disabilities. The strategy aims to improve the position of PWDs and their equal participation in society, by removing obstacles in the areas of accessibility, participation, equality, employment and other aspects that contribute to inclusion, while the mentioned law regulates the issue of employment of this vulnerable group in the state administration and incentives related to employment under equal conditions.

16 Report on the work of the National Employment Agency for 2021, p. 9, available at: <https://bit.ly/3ZrTHZ2>.

17 Regular annual report of the Commissioner for the Protection of Equality for 2021, p. 207, available at: <https://tinyurl.com/3wu8zbr9>.

18 80% employers, 70% employed and 66% unemployed. Commissioner for the Protection of Equality, *Discrimination on the labour market*, 2019, p. 23.

19 Survey of civil servants in Serbia, conducted in the period 18.04-20.05.2022.

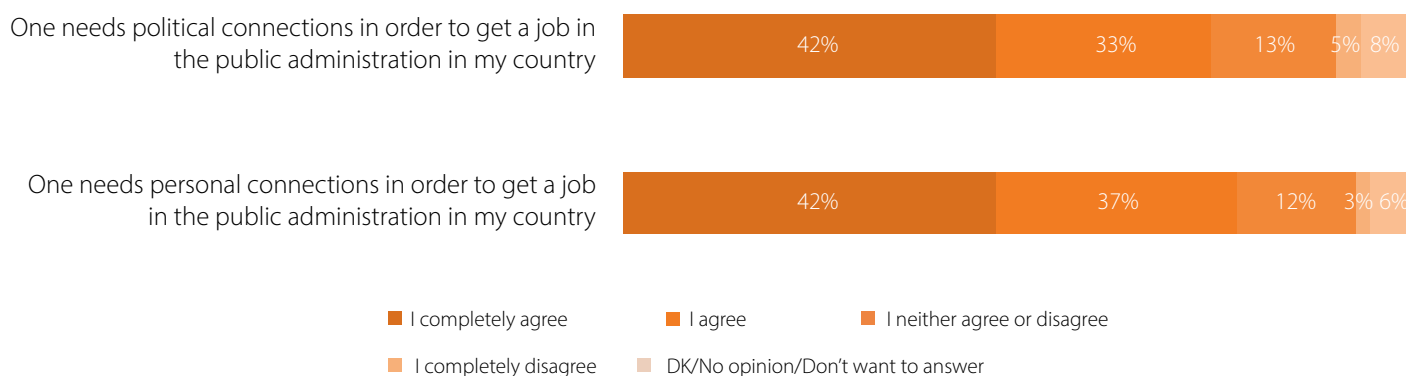
20 The Institution of the Commissioner for the Protection of Equality – the Commissioner issued a warning to all employers "to comply with the provisions of the Law on Employment and Professional Rehabilitation of Persons with Disabilities and to employ a certain number of persons with disabilities, depending on the total number of employees, bearing in mind that this creates significant prerequisites for improving the position of persons with disabilities and achieving equality for all citizens of Serbia." *Special Report of the Commissioner for the Protection of Equality on Discrimination in the Field of Work and Employment*, p. 189.

21 With accessible entrances and ramps, corridors and elevators of appropriate dimensions, platform elevators for vertical access to different levels and handrails, etc.

On the contrary, it should be mentioned that a more positive attitude of civil servants was recorded regarding the openness of civil service positions for members of national minorities. Almost two-thirds of those surveyed in 2022 (61%) agreed that members of minority communities have equal opportunities to be employed as civil servants, while nearly one-third of them did not express their opinion (30% neutral or those who did not know or wanted to answer). Nevertheless, similar to the case of PWDs, according to the results of the *Balkan Barometer 2022*, the majority of the population in Serbia believes that the Government should continue to work on affirmative measures for equal access when applying for a job in the public (but also private) sector.²² Regardless of that, the perception of the civil servants suggests a slightly more accessible administration for national minorities.

Finally, the prevailing opinion among the Serbian public is that personal and/or political connections are essential for a job position in the civil service. The public opinion poll from 2022, within the framework of PAR Monitor, confirmed that this is a large part of the population – almost 80% of citizens believe that a job in the civil service requires personal acquaintances (family ties and friendships), while 75% consider that a political connection is necessary (membership in a political party and personal party acquaintances).²³ There are no significant differences in the perception of women and men when it comes to the necessity of connections for employment in the civil service, with a slightly more pronounced perception of the male population that political connections are more important (78%, compared to 72% of women). The results of a survey of civil servants from the same year show that citizens are not alone in such attitudes – almost half of the respondents believe that political and personal connections, taken together, are important for getting a job (48%),²⁴ and the Commissioner points to the same problem.²⁵ Given that multiple independent sources point to the impact of nepotism and politics on employment and advancement in civil service and beyond, it is reasonable to assume that certain parts of the population, such as PWDs or other vulnerable groups, face not only one, but potentially multiple forms of discrimination.

Graph 2. Public opinion on the importance of personal and political connections for getting a job in the public administration



n=1005 citizens in the Republic of Serbia. Due to rounding, the total percentage may be higher than 100%.

PHYSICAL AND ELECTRONIC ACCESSIBILITY OF ADMINISTRATION – TO WHAT EXTENT?

The other side of equal opportunities refers to access to administrative facilities and services. Whether it is about services or information provided in the premises of the authority, or electronically, one of the prerequisites for citizens to exercising their rights and obligations equal conditions is to ensure adequate accessibility. And in this context, in PAR process, special attention should be paid to endangered and vulnerable groups.

Speaking of PWDs, there are several indications that they encounter difficulties in the first step of contacting state administration. First of all, when it comes to the general accessibility of state administration bodies for users, which as a minimum includes the accessibility of lobbies and entrances to office premises, agreement among state administration employees is 41%.²⁶ The Commissioner's data indicates that the view of civil servants is closely related to reality. In the Commissioner's practice a large number of received complaints refer to the difficult access of PWDs to facilities, services and information. For example, in 2021, 38% of complaints due to discrimination based on disability were in proceedings

²² 64% in 2022 and 76% in 2021. *Balkan Barometer*, indicator *Jobs for national minorities*.

²³ Public opinion survey conducted in the period 20-22 May 2022. years, N=1005, marginal error +/- 3.16 for a 95% confidence interval.

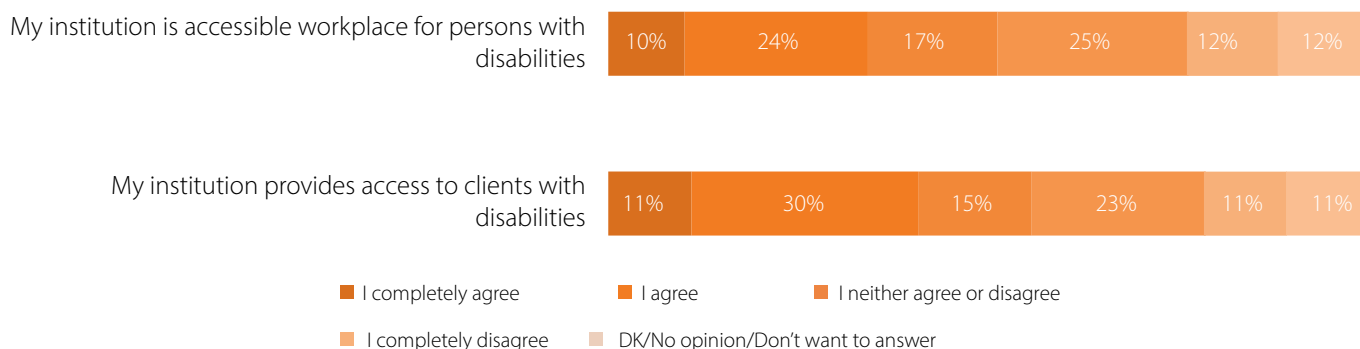
²⁴ Survey of civil servants in Serbia, conducted in the period 18.04-20.05.2022.

²⁵ Discrimination on the basis of membership in political organisations is put first by over 90% of actors on the labour market, including the unemployed, and over 90% of employed women, under the age of 45, employees with primary and higher education, with less work experience, from Belgrade region, Šumadija and Western Serbia, and there is a high agreement that progress in business is reserved for members of the ruling political parties. *Discrimination in the labour market*, p. 18.

²⁶ Survey of civil servants in Serbia, conducted in the period 18.04-20.05.2022.

before public authorities and in the provision of public services or in the use of facilities and areas.²⁷ From all of the above, one thing is unquestionable: the unequal conditions faced by PWDs are multidimensional and relate to both work and elementary access to administration building,, regardless of whether they are employees, job candidates or only service users.

Graph 3. Perception of civil servants on the physical accessibility of the administration



n=1142 civil servants in the Republic of Serbia. Due to rounding, the total percentage may be higher than 100%.

Inseparable from the previous one is the question of the territorial presence of the administration, that is, its services, since residents of remote, rural areas or those with poor mobility may be discriminated against due to the inadequate distribution of the administration offices. Representatives of civil society organisations (CSOs) in Serbia, that often provide social protection services in local communities,²⁸ share a strong opinion that administrative services are not evenly distributed (only 8% agree that they are), that is, that single administrative points (*jedinstvena upravna mesta*), which are being increasingly established in cities and municipalities,²⁹ are not easily accessible in terms of their geographical distribution (7%).³⁰ Reports of the relevant state bodies also confirm that “equalising the availability and distribution of all services [...] is the next step in improving the provision of services at the local level”,³¹ and in this case, too, one can say that perceptions show a realistic picture.

In addition to the ubiquitous digitisation, the electronic provision of services needs to be adapted to the specific conditions in which different social groups live. A recent survey by the International Telecommunication Union showed that only 47% of state administration bodies, 36% of local self-government units and 46% of bodies in autonomous provinces complied with the criteria for e-accessibility of services.³² In the same survey, PWDs expressed their objections to the adaptability of eGovernment, such as the lack of more clear instructions, requirements for a personal visit before using digital services, and excessively demanding registration procedures. Also, through all the previous cycles of the PAR Monitor, the opinion of CSOs that the channels for accessing e-services are difficult to access for the vulnerable has pervaded. For example, in 2022, only about 8% of them agreed that these channels were easily accessible. Thus, despite the undoubted benefits of digitisation, it is not enough just to provide access to services via the Internet, but it is necessary to use it as a starting point for further work on raising the level of accessibility.

²⁷ Regular annual report of the Commissioner for the Protection of Equality for 2021, p. 207.

²⁸ According to the list of the Ministry of Labour, Employment, Social and Veteran Affairs, 76 CSO licenses were issued for the provision of social protection services, available at: <https://www.minrzs.gov.rs/sr/dokumenti/predlozi-i-nacrti/sektor-za-brigu-o-porodic-i-socijalnu-zastitu/usluge-socijalne>.

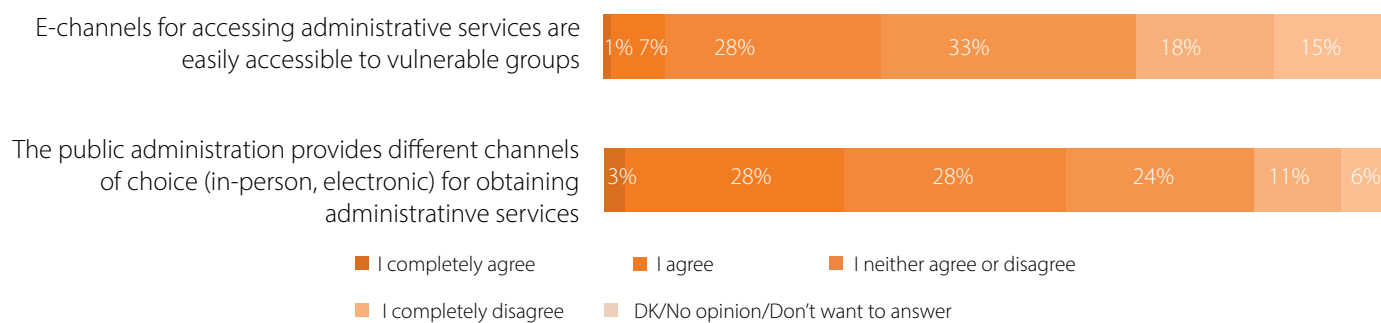
²⁹ Single administrative points, in Serbian: jedinstveno upravno mesto (JUM)

³⁰ Survey of civil society organizations in Serbia, conducted in the period 28.03-13.06.2022, total number of respondents N= 150. The survey was conducted online, as self-survey method using the Survey Monkey platform.

³¹ Republic Institute for Social Protection, *Report on social protection services at the local level provided by licensed service providers in 2021*, p. 73, available at: <http://www.zavodsz.gov.rs/media/2454/izvestaj-lplu-2021.pdf>.

³² International Telecommunication Union (ITU) 2021, *ITU Study on the evaluation of digital accessibility policies in the Republic of Serbia*, Belgrade: Government of the Republic of Serbia, available at: <https://tinyurl.com/r9wkaed3> (23.09.2022)

Graph 4. CSOs' perception of the accessibility of services



n=120 representatives of civil society in the Republic of Serbia. Due to rounding, the total percentage may be higher than 100%.

All things considered, there is a real need for training civil servants to work with sensitive categories of the population, especially bearing in mind the application of one of the fundamental principles of the general administrative procedure, which concerns assistance to parties. The results of the PAR Monitor survey point to such a conclusion: 63% of the interviewed representatives of CSOs believe that the personnel in charge of providing services are inadequately trained for such work, while only 2.5% believe the opposite, and more than a fifth are neutral or those who cannot answer.³³ Such findings suggest not only the need for additional professional training but, in practice, also cast doubt on the possibility of applying the principle of helping citizens as clients, especially when it comes to vulnerable categories of the population.³⁴

ACCESSIBILITY OF STATE ADMINISTRATION A STEP BEHIND REFORMS – HOW TO STEP FORWARD?

State administration, often seen as a desirable employer, does not restrict access to workplaces, facilities, information and services, at least not legally. On the contrary, the position and treatment of different social groups is regulated by the domestic legal framework, and international obligations, while the current PAR process tends to transform the administration towards a service for the citizens. However, this brief has shown that despite years of reforms, the chances and opportunities for access to state administration have become difficult in the opinion of various social actors, which is repeatedly confirmed by competent domestic institutions, such as the Commissioner.

The PAR Monitor 2021/2022 findings on the public perception and perception of other key actors show that access to the administration is out of reach for the vulnerable ones, such as PWDs, for whom there are problems in employment on the general labour market too. On the other hand, the improved provision of services in the previous period, created, among other things, as a result of digitisation, and accelerated during the coronavirus pandemic, can provide a strong incentive behind initiatives for greater accessibility. However, the same findings inform about the necessity to take equal care of the accessibility of both digital and face-to-face services, and that digital accessibility is not enough.

In this regard, the general course of action for responsible institutions is certainly to continuously work on enabling better and easier access to the administration – its services, information, and workplaces. Such an approach must focus on all important aspects for building a culture of accessibility, from infrastructure, through education, to proactivity and the promotion of opportunities and possibilities for all. More specifically, it is necessary to:

- Promote and encourage equal employment opportunities in the civil service (state administration) of traditionally less represented, endangered and vulnerable groups, in accordance with the domestic legal framework and assumed obligations.
- Adapt workplaces and administration facilities for PWDs and other groups for which there is such a need, through concrete infrastructure building measures, both physical and IT.
- Accounting for the diversity of potential users (elderly, illiterate, socio-economically disadvantaged, minority groups, etc.), accessibility issues should be approached comprehensively and strategically in order to reduce social exclusion.

³³ The National Academy for Public Administration in the General Training Program for Civil Servants for 2022 predicts that civil servants should acquire knowledge about the importance of the availability of public services to vulnerable social groups and persons with disabilities, as well as about anti-discriminatory work principles and respect for gender equality. Online training *The concept of good governance*, available at: <https://tinyurl.com/bdfev76d>.

³⁴ Law on General Administrative Procedure, *Official Gazette of RS*, no. 18/2016 and 95/2018, Article 8, available at: <https://tinyurl.com/yeyp3zfp>.

- When developing services, apply an approach that is focused on people and their needs. In other words, it is essential to apply human-centric design of services and to consult the representatives of PWDs and other vulnerable groups in order to pave the way for uninterrupted provision of services and reduce discrimination.
- Establish the practice that civil servants in charge of providing services and communicating with clients, both in the state administration and local governments, attend mandatory trainings within the professional development program for dealing with citizens belonging to PWDs and other vulnerable groups.
- It is especially important to organise trainings on the use of electronic services for endangered and vulnerable categories of the population.

Finally, it should always be emphasised that the importance of the problem of equal opportunities for access to administration goes beyond the issue of achieving the goals of the PAR or other reforms. This issue is directly related to opportunities for everyone to exercise basic rights and fulfil obligations when in contact with the state. In this sense, the problem is multidimensional, present at every moment and in every place in our community, and that is how it should be approached – thoroughly and without delay. Regardless of regulations or strategic goals, if there is a lack of sensitivity on the one hand, and insufficient efforts on the other, administration in Serbia will have a hard time getting closer to something that resembles a people-oriented service centre, but, on the contrary, it will only contribute to or continue with the existing forms of discrimination and endangering the rights of citizens.

Improving the accessibility of administration is complex, but also a necessary process of adaptation to the needs of modern European society, which directly affects the quality of life and the possibility of developing human potential. Despite the strategic objectives which underline that people are in the focus of PAR in Serbia, the accessibility of administration is still not high on the list of priorities, at least not in practice. For tangible progress, a change of paradigm is needed, that is, stronger cooperation with citizens, but also with CSOs and other social actors traditionally recognised as providers of services and other types of assistance to those who need it most. Not only are the best possible solutions developed in this inclusive way, but such joint projects for the improvement of accessibility, that are often expensive, can be proposed for financing in the process of European integration through the instrument for pre-accession assistance.

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