



Accountability, Technology and  
Institutional Openness Network in SEE

# Roadmap for Good Governance for The State Institutions in Kosovo

Based on the Regional Openness Index

For Year:  
2017



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The “Accountability, Technology and Institutional Openness Network in South East Europe - ACTION SEE” project is implemented by Metamorphosis Foundation, Westminster Foundation for Democracy, CRTA – Center for Research, Transparency and Accountability, Citizens Association Why not?, Center for Democratic Transition, Open Data Kosovo (ODK) and Levizja Mjaft!.





# Road Map for Good Governance

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Kosovo

For Year: 2017

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ACTION SEE (Accountability, Technology and Institutional Openness Network in the South East Europe region) is a network of civil society organizations that jointly work on promoting and ensuring government accountability and transparency in the region of South-East Europe, raising the potential for civic activism and civic participation, promoting and protecting human rights and freedoms on the internet and building capacities and interest within civil society organizations and individuals in the region in using technology in democracy promotion work.

The core members of the network are Metamorphosis from Macedonia, Center for Democratic Transition from Montenegro, Center for Research, Transparency and Accountability from Serbia and CA Why Not from Bosnia. ActionSEE works with partners from Albania MJAFT and from Kosovo Open Data Kosovo, well as partners from other countries in Europe and the world.

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## 1. GENERAL INFORMATION

Openness represents a key condition of democracy - since it allows citizens to receive information and knowledge, necessary for an equal participation in political life, effective decision-making and holding institutions accountable for policies which they conduct. Around the world institutions undertake specific activities with the aim to increasing their transparency and accountability to citizens.

Open government is based on four organizational principles: transparency, accessibility, integrity and awareness. These principles apply to all branches and levels of government, from the central executive to local self-government, parliament and the judicial system.

The Index of Openness is a composite indicator that measures the degree to which governments in the Western Balkan countries are open to citizens and society and is designed in order to define to which degree citizens of the Western Balkans receive opportune and understandable information from their institutions.

The Index of Openness is part of the ACTION SEE – Accountability, Technology and Institutional Openness Network in SEE Project funded by the European Union, implemented by 7 organizations in 6 countries:

Metamorphosis Foundation in Macedonia, CRTA – Center for Research, Transparency and Accountability in Serbia, Citizens Association Why not? In Bosnia and Herzegovina, Center for Democratic Transition (CDT) in Montenegro, Open Data Kosovo (ODK) in Kosovo and Levizja Mjaft! in Albania, and Westminster Foundation for Democracy.

Furthermore, ActionSEE is a network of civil society organizations that jointly work on promoting and ensuring government accountability and transparency in the region of South-East Europe, raising the potential for civic activism and civic participation, promoting and protecting human rights and freedoms on the internet and building capacities and interest within civil society organizations and individuals in the region in using technology in democracy promotion work.

For this purpose, in order to measure the degree of institutional openness, ACTION SEE partners following international standards, recommendations as well as examples of good practice, assessed institutions through special quantitative and qualitative indicators, which evaluate institutions on the basis of: accessibility of information on the official websites of institutions, quality of a legal framework for individual issues, other sources of public informing and questionnaires delivered to institutions.



The responsiveness of institutions to the questionnaires was an additional indicator for their openness. A lot of institutions got negative scores on indicators due to their non-responsiveness, which is also important to mention for two reasons: first, that institutional responsiveness is an indicator for openness itself, and second that institution's non responsiveness has affected their index scores negatively, because they were automatically graded as 0. Additionally, some of the indicators could've been graded positively if only the existing laws were implemented.

The measurement was conducted in the period from October to the end of December 2016. Based on monitoring data and findings, a set of recommendations and guidelines directed towards institutions was developed on the basis of research results. Recommended steps for each category of institutions are done on the basis of indicators that were not entirely fulfilled. Additionally, since some of the categories of institutions were sampled, i.e. executive agencies, local self-governments, courts and prosecutions, for these institutions the recommendations and action steps are general for the whole group of institutions.

Readers can find methodology and general project information at the end of this document.





## 2. STATE INSTITUTIONS

### 2.1. CORE EXECUTIVE

#### 2.1.1 GENERAL RECOMMENDATIONS

##### Access to Information

Even though the infrastructure for access to information is present, and the Law on Free Access to Public Documents, which regulates how the FOI works, is in place, the country still lacks implementation in practice. The institution has a designated person who deals with FOI requests and there is a reasonable minimum time limit for responding to requests. However, the right to access information does not seem to apply to state owned enterprises, public companies, or other entities that are owned or controlled by the Government. The institutions fail to provide a list or register of the available documents in their possession and make them public, even though it is foreseen by the law.

The core executive is also lacking in a more active interaction with citizens; Kosovo, similar to last year, scored the lowest in the region of the Western Balkans on this component. A first step towards improving this aspect of openness would be to switch to more modern ways of interaction with citizens, like Twitter and Facebook.

## Monitoring, Reporting, Strategic Planning

Kosovo received the second lowest score on awareness, scoring only 25%, and leaving behind only Serbia, which received a score of 18%. One of the main elements missing at the level of the Office of the Prime Minister is the overall evaluation and monitoring of projects and policies, on which Kosovo scored 0% based on the indicators. Thus, the country was placed last in the region. A contextual overview shows that Kosovo has been exposed to a lot of donor driven projects and policies. However, there is no mechanism in place for monitoring the performance of these projects and policies and the impact of reform programs and plans. The progress or regress goes undocumented, which poses a great challenge to openness, as well as an inefficiency risk. The only component within Awareness that Kosovo received a score of 100% is the component on Ministry reporting; the country shares this score with Macedonia.

## Integrity

This is an area in which the office of the Prime Minister is performing well on, scoring 82% based on the indicators. Kosovo was ranked as second, following after Montenegro. This is mostly connected with declaration of wealth via asset cards, managed by the Anti-Corruption Agency, which in our study falls under the category of Integrity. Integrity indicators are related to the declaration of wealth, code of conduct, and conflict of interest; in all three, processes are regulated and give this institution a high ranking.

## Transparency

Transparency is measured within three components: organizational information, public procurement, and budgetary transparency. Overall, Kosovo has scored only 29% based on the set indicators, therefore is ranked last in the region. One of the biggest pitfalls of Kosovo's Office of the Prime Minister is budgetary transparency. The official website does not contain the budget expenditure and the final accounts. There is no information on the level and composition of public debt, debt servicing, and how the debt is being managed. Ministry of Finance website contains the overall budget that covers the overall spending of Kosovo institutions. However, the website of the Office of the Prime Minister fails to provide accessible, understandable and comprehensive information on the planned budget and government spending.

When it comes to transparency in organizational information, The Office of the Prime Minister of Kosovo scored 36% based on the set indicators ranked last in the region once again, which shows a drop when compared to last year's measurement on which Kosovo scored 63%. The website is generally well populated with press releases of Government sessions, official documents, reports, strategies, annual work plans, and, to some extent, information on civil servants. However, there is a problem with the consistency and organization of such documents within the website.

The information is not always presented in the country's two official languages, which is a condition within the Constitution, and the reports are scattered around and do not follow a specific pattern. Public Procurement The major problem when it comes to transparency is public procurement. Kosovo is ranked last in the region, and falls behind Montenegro, Serbia, Bosnia and Herzegovina, and Macedonia, with a score of only 32% based on the set indicators. The website of the Office of the Prime Minister fails to provide procurement plans and results. An effective way of significantly improving the transparency score would be to publish procurement regulations, plans and results on the website in a way that can be accessed by the citizens.

## 2.1.2 ACTION STEPS

In order to increase its overall score, we recommend the Office of the Prime Minister to undertake the following steps:

- Create and update lists of registers of documents they have in their possession, and to make them publicly available
- Ensure that the government has active Facebook and Twitter accounts for communication with the public
- Design a plan or strategy for developing skills and capacities of civil servants for social media use as part of their official duties
- Extend the right of access to state owned enterprises by making the change in the relevant legislation or regulations
- Regulate lobbyists and lobbying activities by adopting a law for this domain
- Establish a mechanism through which citizens are able to challenge decisions that were taken through an appropriate process
- Create a framework and a set of indicators for the monitoring of performance and effectiveness of policies, and the impact of reform programs and plans (during implementation and ex post); draft an internal document that regulates and guides monitoring and evaluation of programs and projects
- Establish a procedure for reporting of achievements and shortcomings of policies to the OPM by the line individual ministries
- Strengthen the existing mechanisms for the assessment of potential impacts of existing or prepared legal acts (including regulatory assessments, RIA)
- Create a body within the Prime Minister's Office charged with strategic planning of government policies
- Establish clear mechanisms for the implementation of the Code of Ethics
- Further develop and specify procedures within the Code of Ethics for dealing with violations of the Code
- Ensure that understandable and comprehensive information about budgets and final accounts on budget spending is published on the OPM's website (including tables and verbal explanations), publish a mid-year report on budget spending
- Ensure that the draft law on the budget and the supporting budget documentation include costs that are differentiated by spending units, functional and economic classification

- Institute the practice of releasing In-Year reports on actual debt to the public
- Develop a legal basis for a transparent budgeting process including public participation in the preparations of the state budget
- Create and Publish a Citizens Budget
- Publish the annual work program, information regarding the personnel (including names and positions), salaries, contacts, institutional scope of work, organogram, staff resumes and work reports, as well as list of registers of documents in its possession on the website
- Ensure publication of press releases on government sessions and information about press conferences following cabinet meetings on the OPM's website
- Publish agendas of upcoming government sessions and minutes from them on the government website
- Make the required amendments in the law in order to institute prohibition on participation of companies convicted of bribery in future procurement bids
- Ensure that contracting information is publicly available on the OPM's website
- Ensure that plans, calls, decisions, contracts and annexes related to public procurement are published on its website
- Complete the existing rules and procedures in order to enable unsuccessful bidders to instigate an official review of procurement decisions

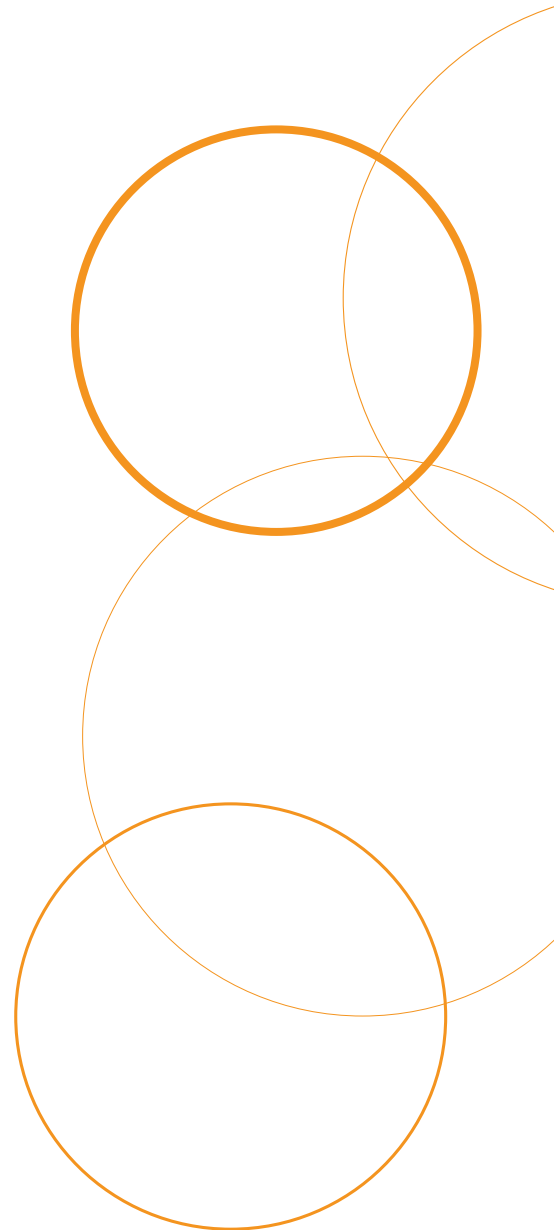
## 2.2 PARLIAMENT

### 2.2.1 RECOMMENDATIONS

#### Accessibility

Kosovo Parliament scored 47.73% on the aspect of Accessibility. This score puts Kosovo Parliament at the very bottom of the list compared to the other regional countries in the Western Balkans. In the index scoring, Kosovo appears quite high when it comes to the existing infrastructure for freedom of information, embodied by the Law on Access to Public Documents. The institution has a designated person who deals with Freedom of Information (FOI) requests and there is a reasonable minimum time limit for responding to requests. However, the right of access to information does not seem to apply to state owned enterprises, public companies, or other entities that are owned or controlled by the state. One other aspect that is preventing proper implementation of this law is the failure to publish a list of registers and documents in its possession, as required by law. This is similar to the situation in the executive power institutions and other public institutions. Instituting such practice would simplify the procedure for both the public official and the applicant. Similar flaw is commonly found in all countries of the region, but is relatively simple to remedy and would immediately increase the institution's openness score.

Another flaw in this regard is that there is no independent oversight body or information commission, which would ensure that the Law on access to public documents is being implemented within the Parliament and all the requests are being treated in a timely manner and accordingly. It is proposed that the Parliament of Kosovo should also have a direct channel of communication on the website which would be available to citizens to raise concerns, complaints and make appeals on the work of the Parliament. This small remedy would immediately increase the institution's openness score. Another basic problem of the accessibility of the Parliament is the search feature on the homepage. On the official web page of the Parliament, this feature does not work and it makes it impossible for the citizens to check any available document on the web page.



## Awareness

Kosovo scored 16% when it came to awareness, which is related to strategic planning and Parliamentary monitoring, as means of Openness. This is the lowest score in the region, while all other parliaments in the region have scored above 50% on these indicators. Kosovo's Parliament fails to evaluate the awareness and impact of its laws, whether those are being prepared or are already in force. The Parliament of Kosovo has not adopted any documents whether they are strategy, policy or procedure ones that deal with this issue, which would increase openness and transparency. An impact evaluation is important, for it enables the Parliament to spot instances of ineffective policy and law making. Ways on how to measure the impact of laws should be contemplated, and then employed systematically.

## Integrity

Kosovo scored 69% on the integrity component, this percentage shows a drop from 83%, which was the score that Kosovo received in the last measurement. However, the country still stands second behind Montenegro, which received a score of 97%. The indicators of integrity measure codes of ethics, the conflict of interest prevention, lobbying rules - which do not apply to Kosovo, and asset declaration by the Members of Parliament. All of these aspects are regulated by the Law on the Rights and Privileges of Members of the Parliament and the Law on Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of all Public Officials. These two laws provide a good basis for developing parliamentary integrity but lack the development of the regulation of the code of ethics of the MPs within the parliament, despite the chapter in the Law on the Rights and Privileges of MPs. Because of the non-adoption of this regulation, another three indicators based on the mechanism of monitoring this code, procedures to deal with the violation, and an online version of it receive a score of zero.

## Transparency

The assessment of the level of transparency of the Kosovo Parliament was carried out by measuring indicators related to organizational information, public procurement, and state budget. In these categories, Kosovo scored 48%, which is a drop from the score of 60% that the country received the last time. Therefore, from being ranked second in the last measurement, this year Kosovo was ranked last in the region. The country that was ranked first in the component of Transparency is Montenegro, scoring 78% based on the indicators.

Overall, Kosovo's Parliament received a good score regarding organizational information – a component that looks at the quality and quantity of information on the functioning of this institution. The official website of the Parliament is populated with all the laws, law amendments, draft legislation, regulations, strategies and work reports. Another feature, which is contributing to the Parliament's transparency, is the online platform Legislative Tracking System that enables citizens to see which stage of adoption each law is in.

The Parliamentary sessions are regularly broadcasted, agendas are published in advance, and the website is consistently updated. What is still missing, which was a recommendation from last year's measurement as well, is the record of attendance of MPs, as well as more information on public officials that are working in this institution. The aim should be to publish information on the different departments, including: public officials who work there, their resumes, and salary information, in order to achieve full organizational transparency.







## 2.2.2 ACTION STEPS

In order to increase its overall score, and address the previously stated issues, the Kosovo Parliament should undertake the following steps:

### Accessibility

- Create mechanisms for obtaining public comments on draft legislation
- Create a regular practice of requesting public comments on laws/strategies/declarations/other acts and documents
- Ensure that the Parliament has active Facebook and Twitter accounts for communication with the public
- Establish an e-petitions mechanism and create a communication policy/plan for its promotion
- Start to actively promote the e-petition mechanism on its website or social media
- Create obligation for public authorities to create and update lists of registers of the documents in their possession, and to make them public
- Establish a training and guidance system to enable court employees to assess records, datasets and other information assets for disclosure
- Further enhance the available information about the access to the parliamentary building (e.g. visitors' centre, guided tours, educational visits, vesting hours, access to plenary sessions etc.)
- Strengthen the existing mechanisms for the assessment of potential impacts of existing or prepared legal acts (including regulatory assessments, RIA)
- Regulate lobbyists and lobbying activities by adopting a law for this domain
- Institute a mandatory existence of a register of lobbyists and place an independent body in charge of managing the register
- Strengthen the existing mechanisms for the monitoring of implementation of the Code of Ethics for the Members of Parliament
- Devise procedures for making public information on the final results of investigations into charges of unethical behavior
- Institute a binding nature (via law or regulation) of decisions of an independent oversight body

- Establish an independent oversight body or information commission to ensure compliance with right to information rules
- Complete the existing oversight documentation for the past period (particularly the past 2 years)
- Strengthen the accountability of the audit office to the parliament
- Publish documentation and voting records for the committee sessions
- Publish transcripts and voting records of the plenum on the website
- Publish the institutional organogram, scope of work, resumes, personnel names, positions, salaries, contacts, list of registers of documents in its possession, annual work plan on the website
- Improve broadcasting of audio and video transmissions of its working bodies
- Improve broadcasting of audio and video transmissions of plenary sessions
- Provide regular information of attendance of MPs in committee and plenary sessions
- Establish participation, transparency and quality evaluation within the RIA process
- Establish policies and procedures that govern the Parliament's publications and relations
- Make the required amendments in the law in order to institute prohibition on participation of companies convicted of bribery in future procurement bids
- Ensure that plans, calls, decisions, contracts and annexes related to public procurement are published on its website
- Complete the existing rules and procedures in order to enable unsuccessful bidders to instigate an official review of procurement decisions
- Complete the existing legal framework in order to ensure competitive bidding in major procurements (>0.5% of GDP)
- Define specific conditions for sole sourcing (situation in which a supplier is the only source of a skill or technology)
- Ensure that the government budget proposal is discussed in a sufficient number of committee sessions
- Ensure that the draft law on the budget and the supporting budget documentation include costs that are differentiated by spending units, functional and economic classification
- Ensure that budget and final accounts on budget spending are published on the Parliament's website, publish a mid-year report on budget spending
- Create a practice of the State Audit Office conducting audit of the final accounts
- Publish a Citizens Budget

## 2.3 JUDICIARY

### 2.3.1 RECOMMENDATIONS

#### Judicial Council and Courts

Kosovo Judicial Council and Courts Kosovo Judicial Council (KJC) underscores the need for improvement in these areas. From a regional perspective, KJC finds itself at the lower end of the spectrum same as in the last measurement, surpassed by Montenegro, the leader among the Western Balkan countries, by more than thirty percentage points (79%). KJC scored just 41% of set indicators compared to last measurement whereas scored 43%, of the studied criteria fulfilled, only Albania has scored less by 1% of set indicators courts, but we have to bear in mind that Albania has ongoing the reform of judicial system so the results of Albania from last measurement was 45% which is much better than Kosovo in the last measurement. Compared to the Judicial Council, Courts of Kosovo are ranked third in the region with a score of 43% of indicators, after Montenegro which leads the region with 56% of set indicators and Albania with 45% of the indicators. Kosovo leaves behind Serbia and Macedonia which has scored 39% and the last place is Bosnia and Hercegovina which has scored in the level of openness by 25%. Kosovo by ranking fifth in the last measurement has climbed places and ranked third in this year's measurement. This by courts have worked towards publication of their work and updated their presence online. While the degree to which Kosovo lags behind the rest of the Balkan states is significant, a closer look reveals that some areas are particularly neglected, whereas others fare relatively well.

#### Accessibility

Accessibility as a mean of openness is measured with access to information, access to justice and public proceedings. The Kosovo Judicial Council is by far the least accessible of all Court Councils in the region of Western Balkans, which has left behind only Albania. While Montenegro ranks first with a score of 79%, Kosovo managed to rack up a mere of 18% compared to last measurement where it scored 28%. This mediocre result is attributable to a number of factors. First, the Kosovo Judicial Council does not have a mechanism for interacting with the media, who are not allowed to attend the KJC sessions (except in cases with exception). This is despite the fact that the Council has established a dedicated Public Information Office.

Second, the KJC lacks a public complaint mechanism that would enable citizens to raise complaints regarding the work of judges and civil servants. Third, a training and guidance system that would equip the court employees with the skills to assess information for disclosure and thus fulfil their obligations under the RTI law is absent.

### Awareness

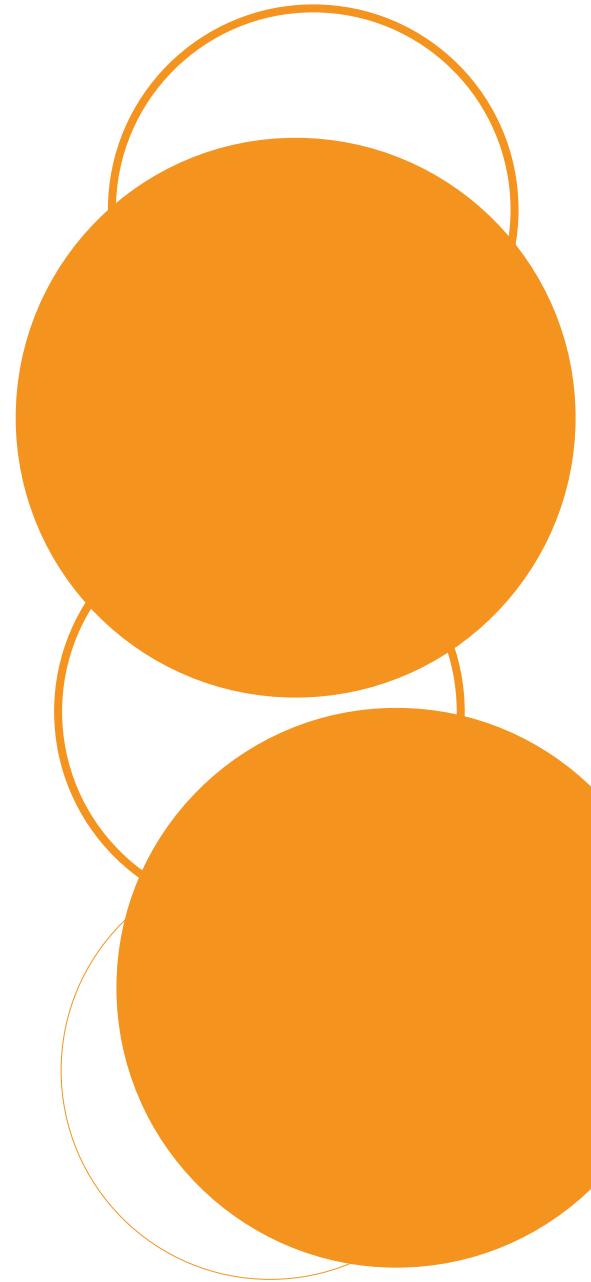
Awareness is another area in which the Kosovo Judicial Council finds itself at the very bottom of the regional ranking same as in the last measurement. While the court councils of Bosnia and Montenegro fulfil 100% of the criteria, KJC scores only 34% which is a drop on points compared to the measurement where Kosovo scored 47%. Compared to KJC, Kosovo's courts have improved in position and increasing their score from the last measurement from where scoring 31% of set indicators from last measurement this year they have 58% thus ranked third in the region. The collected data therefore indicate that Kosovo's court have worked on awareness which includes the monitoring and evaluation of the work of the judges and their performance.

### Integrity

The availability of information, guidelines and procedures related to the integrity of the justice system in the last measurement was the strongest point of Kosovo's Judiciary Council scoring 82% of set indicators. While on this year's measurement KJC has dropped on scoring now 61% of set indicators. Leaving behind only Macedonia with 57% of set indicators and Albania with 1%. However, it needs to be noted that the criteria fulfillment of which is evaluated here related to a mere existence of Codes of Ethics for judges and court personnel. They do not, in any way, reflect the actual levels of integrity in Kosovo's justice system. The justice system in Kosovo fails to fulfill some of the criteria, namely the existence of procedures for filing complaints against alleged unethical behavior, surveys to assess citizen trust in the justice system and need for a mandatory ethic training for judges.

## Transparency

Three subdomains are examined within the 'Transparency' domain - transparency of budgetary information, organizational information and public procurement. The public procurement and budgetary transparency are thus major obstacles to KJC's better performance overall and should constitute one of the priority intervention areas for decision-makers. Specifically, efforts to improve performance should focus on ensuring that procurement plans, calls, decisions, and contracts are published on the Court's website, as well as budgets and final accounts on budget spending. While KJC has a lot of problems in regard to transparency, Courts of Kosovo attaining the score of 46% compared to last year's measurement where they scored 37.5%. Within the Kosovo's institutional system, transparency of courts is very close to the overall level of transparency observed across all studied institutions. This indicates that while serious shortfalls exist in court transparency, this is not an unusual occurrence in the institutional landscape of Kosovo.



### 2.3.2 Action Steps

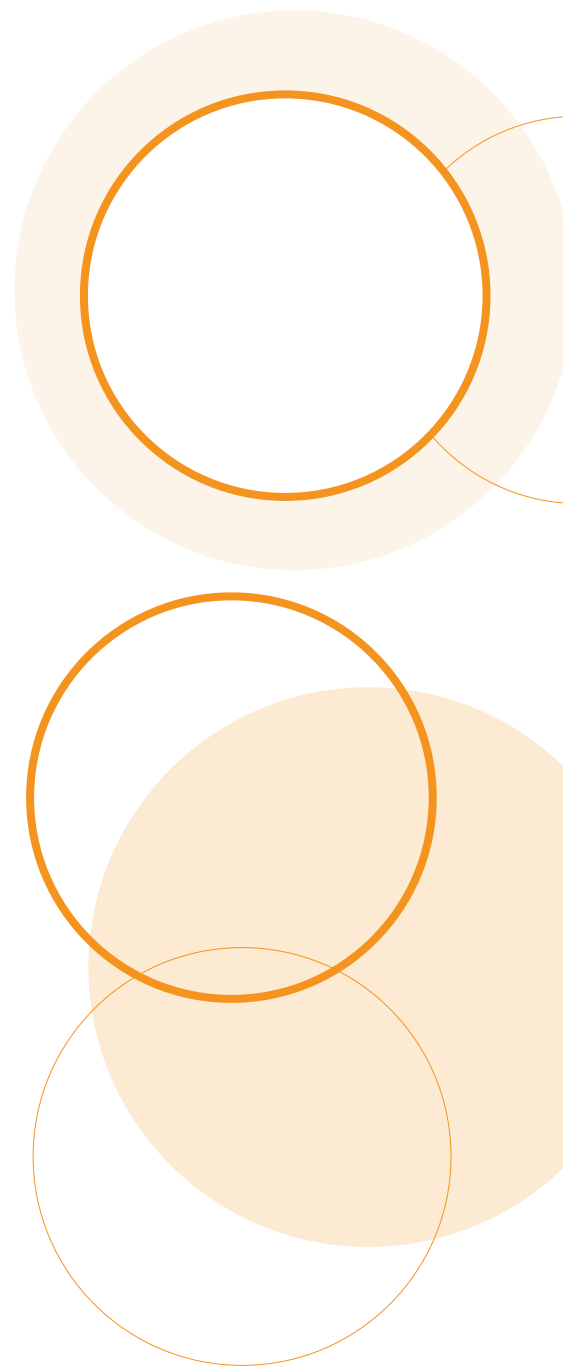
In order to increase its overall score, the Kosovo Judicial Council Should undertake the following steps:

- Develop dedicated press guidelines setting out rules and principles governing the relationship between the Council and the media, and enable media representatives to attend the Council sessions subject to necessary exceptions
- Establish a practice of conducting surveys about citizen trust in the judicial system
- Establish a training and guidance system to enable court employees to assess records, datasets and other information
  - Ensure that it reviews all implementation reports submitted by the courts and clearly defines obligations and deadlines for reporting by the courts
  - Allocate separate budget lines of the Council's budget to building maintenance, operation and costs, investments in new buildings, legal aid, training and education of judges, and computerization (equipment, investments and maintenance)
- Establish a procedure for filing of complaints against alleged unethical behavior and in regards to the work of judges and civil servants, and make the relevant information available on the Council's website
- Institute a mandatory ethics training for judges; identify internal and external, including foreign, sources of funding for ethics trainings
- Ensure that budgets and final accounts on budget spending are published on its website
- Ensure that plans, calls, decisions, contracts and annexes related to public procurement are published on its website
- Publish work programs, plans, and information regarding the personnel (including names and positions), salaries, contacts to Council members, institutional scope of work, organogram, and staff resumes, as well as list of registers of documents in its possession on the website. The Council should ensure that the website is regularly and consistently updated with the current information.

### 2.3.3 ACTION STEPS Courts

In order to increase its overall score, the Courts of Kosovo should undertake the following steps:

- Ensure that judicial proceedings are conducted in public, excluding specific, well-defined and justified exceptions
- Ensure verdicts include rationales for decision
- Publish the institutional organogram, scope of work, names, positions, salaries and staff resumes, current judiciary strategies, work programs and plans, the list of registers of documents in the Court's possession, records from hearings (subject to limited exceptions), statistics on the volume of cases received, clearance rates, duration of the pending cases (by court and by judge), anonymized verdicts in cases against juveniles on the Court's website. Consistently and regularly update the website with this and other legally required information.
- Issue a general prohibition against the public participating in cases against juveniles
- Establish safeguards against delay (performance standards, normal times for stages in the judicial proceedings)
- Further strengthen the obligation to send a report to the competent authority
- Make possible for citizens to follow progress of their case online
- Institute a procedure regarding the usage of minority languages and scripts
- Establish a public complaint mechanism concerning the work of judges and civil servants
- Establish a training and guidance system to enable court employees to assess records, datasets and other information assets for disclosure and to undertake their obligations in line with ROI





## 2.4 PROSECUTION COUNCIL

### 2.4.1 RECOMMENDATIONS

Kosovo's Prosecutorial Council same as in the last year's measurement leans towards the regional middle in terms of its performance, it fulfills 48% of the measured indicators. It is followed by Macedonia's with 20% and Albania's with 0% of indicators, but falls behind the councils in Serbia with 51%, Bosnia with 62% and Montenegro with 62%. From a national vantage point, the Prosecutorial Council is the same successful as other prosecutorial institutions such as Public Prosecution and the Office of Chief State Prosecutor.

#### Accessibility

Compared from last year's measurement where access to information was the Achilles' heel of the Prosecutorial Council of Kosovo, fulfilling only 18.2% this years this measurement have scored 42% of set indicators thus ranked third in the region. The PC owes its low score to the failure to make available contact information of the responsible person for FOI, establish a public complaint mechanism regarding the work of the prosecution, and lack of guidelines that regulate media reporting and that enable prosecution employees to assess information and undertake their obligations under the RTI law. The only benchmark satisfied is to publish decisions of the Prosecutorial Council on its website.

#### Awareness

While the Prosecutorial Council of Kosovo fares better on awareness in absolute terms, it does relatively worse as compared to the neighboring countries. It occupies the second to last spot with 50%, with Albania hitting the rock bottom 0% and Bosnia and Hercegovina scoring a full 100%. Kosovo Prosecution Council scores 100% in the subdomain of monitoring of work but fails to monitor itself with only 39% of set indicators. The drawbacks are mainly found in reporting where there is no obligation and deadline for reporting of the Prosecution Office towards the competent authority, there is a lack of regulations specifying the content and forms of PC's reports and the Prosecution Office does not report problems that occur in the work report. The only satisfied criteria are the requirement of the PC to submit a report on its work and for those reports to include disciplinary measures for prosecutors.

## Integrity

The Prosecutorial Council performs significantly better on integrity than on the previous two variables. But considering to last year's measurement where it scored 80% of indicators and occupies the third position regionally, this year it scored 59% of the indicators, thus ranked fourth leaving behind Macedonia and Albania. Prosecution Council in Kosovo has the high score on having the code of ethics (75%) and Independency of work (62%) fails to conduct any type of document which prevents conflict of interest whereas Kosovo has scored 0%. The two benchmarks that pull the PC's integrity score down are the absence of surveys assessing citizens' trust in the prosecutor's office and lack of a formal disciplinary system concerning complaints against prosecutors.

## Transparency

The score of the Prosecutorial Council of Kosovo on transparency is subpar, is with 44% of set indicators while last year was 34% of met criteria. Scrutinizing the results deeper below the surface brings to light the stark differences between the transparency of budget, organizational information and public procurement. Whereas the Prosecutorial Council of Kosovo boasts the first place in transparency of organizational information with 78% of indicators, it fails utterly in budgetary and public procurement transparency where it scored 0%.

## 2.4.2 ACTION STEPS

In order to increase it's the openness, the Kosovo Prosecutorial Council should undertake the following steps:

- Establish guidelines regulating the media reporting on under the Council's review
- Make public the contact information of the person responsible for FOI in the prosecution office
- Establish a training and guidance system to enable prosecution employees to assess records, datasets and other information
- Define obligations and deadlines for reporting by the Prosecution Offices towards competent authority, and set out regulations specifying the form and content of such reports
- Create an obligation for the Council to submit reports on its work
- Allocate separate budget lines of the Council's budget to building maintenance, operation and costs, technical infrastructure, legal aid, training and education of prosecutors
- Establish a practice of conducting surveys about citizen trust in the prosecutor's office
- Establish a public complaint mechanism and a formal disciplinary system for complaints against prosecutors, and their work
- Ensure that plans, calls, decisions, contracts and annexes related to public procurement are published on its website
- Publish work programs, plans, list of registers of documents in its possession, information regarding the personnel (including names and positions), salaries, contacts to Council members

## 2.5 OFFICE OF THE CHIEF PROSECUTOR

### 2.5.1 RECOMMENDATIONS

The Office of Chief State Prosecutor trails behind almost all equivalent institutions in the region. Thus ranking the last in the region for the openness scoring only 30% of set indicators. This is a worrying result since the Office of Chief prosecutor has not worked towards openness from the last measurement where it was ranked second last, even that it was improvement on the score still could not catch up with the other states.

#### Accessibility

The Office of Chief State Prosecutor meets just about 10% of the assessed benchmarks related to accessibility, which places it in the penultimate position in the regional ranking. This is mainly due to the fact that only on two indicators it earns a full 100% - inclusion of disciplinary measures and complaints against prosecutors into the annual reports and existence of an oversight mechanism of the Basic State Prosecution by the Hight State Prosecution. The gaps to be filled are: including indicators of performance e.g. number of resolved cases into the annual report, creating a mechanism for the allocation of cases and ensuring oversight of the Office by a competent authority.

#### Awareness

The Office of Chief State Prosecutor meets 53% of assessed benchmarks related to awareness, which places it in the first position in the regional ranking. This is mainly due to the fact of inclusion of disciplinary measures and complaints against prosecutors into the annual reports and existence of an oversight mechanism of the Basic State Prosecution by the Hight State Prosecution. The gaps to be filled are: including indicators of performance e.g. number of resolved cases into the annual report, creating a mechanism for the allocation of cases and ensuring oversight of the Office by a competent authority.

## Integrity

Comparing to last year's measurement where Kosovo's Office of Chief State Prosecutor met all criteria within the integrity domain and occupying the first place in the regional comparison, on this year's measurement they are ranked last with 10% of set indicators. Kosovo's Office of Chief State Prosecutor last year met all criteria within the integrity domain and thus occupied a rare first place in the regional comparison, accompanied by Montenegro.

## Transparency

The Office of Chief State Prosecutor does not stand out for its mark for transparency, even that. is satisfies 39% of the criteria and is ranked second. The reasons for this can be found and increased level of transparency in budgetary and public procurement affairs. The budget and final accounts on budget spending are not still published on the website, and neither are procurement plans, calls, decision, contracts and annexes. Transparency of organization information could further be increased by focusing on publication of full organogram, scope of work, resumes, work programs and plans, and personnel information being published online, as well as by making all data available on a notice board as foreseen by the law.

## 2.5.2 ACTION STEPS

In order to increase its overall score, the Office of the Chief State Prosecutor should undertake the following steps:

- Create a notice board in the prosecution and publish on it all legally required information
- Ensure free access of the public to the prosecution's offices
- Establish a practice of reporting on monitoring of media outputs regarding the work of the prosecution
- Institute a procedure regarding the usage of minority languages and scripts
- Establish a mechanism for a systematic allocation of cases
- Ensure that the report on the work undertaken in the previous year is sent to the competent authority, and that the report includes indicators of performance for the activity of the Office (number of resolved cases, number of delivered verdicts etc.)
- Conduct regular oversight of the work of the Basic State Prosecution Office establish the required processes and allocated personnel capacities
- Ensure that understandable and comprehensive information about budgets and final accounts on budget spending is published on the Office's website (including tables and verbal explanations)
- Ensure that plans, calls, decisions, contracts and annexes related to public procurement are published on the Office's website
- Publish the institutional organogram, scope of work, staff resumes, work programs and plans, list of registers of documents in its possession on the Office's website, as well as other legally required information
- Establish a training and guidance system to enable court employees to assess records, datasets and other information assets for disclosure and to undertake their obligations in line with FOI

## 2.6 MUNICIPALITIES

### 2.6.1 RECOMMENDATIONS

#### Main conclusions

Local self-governance is a crucial element in bringing political representatives closer to their constituencies and forging strong links between citizens and public institutions. This connection makes it possible for officials to understand the problems and concerns of local communities, design policy solutions that maximize social wellbeing and provide services that respond to citizens' needs. Functioning of local self governments is thus a good indicator of the commitment of political representatives to serve the public interest. In the regional comparison of local self-governments, Kosovo is ranked last in the region scoring only 23% of the set indicators; if compared to the last measurement, where Kosovo was ranked last with 26% of criteria met, there is a slight drop. In general, all Western Balkan states have scored between 23-28% of the set indicators at the local level, except for Montenegro which has scored 48%.

## 2.6.2 ACTION STEPS

- Municipalities need to publish plans on public procurements, decisions, contracts, annexes to contracts as well as other municipal expenditures
- Municipalities need to provide more information on their websites starting from organizational structure to procurement procedures
- Municipalities should focus on strengthening interaction with citizens as they are the first door of cooperation with public institutions
- Improve communication with citizens via social networks, publish monthly newsletters for citizens about municipalities' work.
- Municipalities need to adopt the national plans on integrity or any other internal policy on fight against corruption
- there is a lack of announcements on organizing public debates for citizens on issues of local interest,
- Municipalities' websites should include information on organizational structure, operational budget and information on public procurements, public procurement plans for the current year in particular, decisions, contracts and annexes thereto concluded on open public procurements as well as other municipal expenditures.
- Additionally, adopted budgets and final accounts should be published in open formats, which make searching easier.
- Municipalities need to publish public procurement plans, decisions, contracts, and annexes to contracts as well as other municipal expenditures.
- Developmental strategies with clearly determined developmental goals,
- Uniformed transparency strategy among municipalities
- Promote a call for civic participation in public consultations on budget creation on their websites





### 3. METHODOLOGY

The “Regional Index of Openness” is a composite indicator that measures the degree to which governments in the Western Balkan countries are open to citizens and society. Openness is a key condition for democracy because it enables citizens to obtain the information and knowledge they need to participate as equals in public debates, to take enlightened decisions and to hold governments accountable. Openness also supports good government because it allows governing elites to consider and draw on ideas and expertise dispersed in society. Open government is based on four organizational principles: transparency, accessibility, integrity and awareness. These principles apply to all branches and levels of government, from the central executive to local self-government, parliament and the judicial system.

The principle of transparency means that a government provides clear and relevant public information about what it is doing. This information relates to the organization and work of government institutions and in particular to budgeting and public procurement procedures. Transparency enables citizens and the public to understand and assess the government’s work. However, governmental transparency may be constrained by obstacles that prevent citizens and the public from accessing the information they perceive as important. An open government should also seek to remove such obstacles and to accommodate the concerns and demands of citizens and society. Openness therefore requires that public authorities strive to provide all opportunities and procedures for access and to enhance their accessibility.

There are two additional, internal obstacles to a transparent and open government. Firstly, officeholders may have incentives to abuse their public office in order to further private interests. While openness itself reduces such incentives, private interests could lead officeholders to hide or manipulate the information they are expected to provide to the public. Secondly, state institutions may be locked in a culture of secrecy that prevents them from accumulating knowledge about themselves – the informational basis needed for transparency in public. To address these internal obstacles, open government should incorporate the principles of integrity and awareness. Integrity rules and mechanisms discourage officeholders from the pursuit of private interests.

Awareness denotes the availability and provision of information and knowledge within government. This principle is particularly relevant for the executive since this branch of government is entrusted with the exercise of state power. Liberal constitutions have therefore assigned powers to the legislative and judicial branches that allow them to monitor and review the policies and actions of the executive. With regard to the parliament and the courts, awareness is thus conceived as the capacity of these institutions to monitor the work of the executive. But awareness also refers to the availability of knowledge within the central executive, that is, to the exchange of information between different ministries and the arrangement of institutions that constitute the core executive – cabinet, general secretariat or prime minister’s office, prime minister and other coordinating institutions, for example units drafting legislation.

While transparency towards the public, accessibility, integrity and organizational awareness promote accountability, they do not cover accountability completely, since accountability also includes the ability of citizens or their representatives to sanction an incumbent government that they view as violating its responsibilities. The Openness Index does not include this dimension of accountability; it is focused on the informational and knowledge conditions of meaningful democratic accountability. The four principles are further disaggregated into individual questions that are assessed on the basis of websites, other public information sources and interviews. The Openness Index assesses how these four principles are realized in the following institutions or sets of institutions: core executive; line ministries; executive agencies; parliament; local self-government; courts; public prosecution. Since these institutions perform different functions in the process of governing or policy-making, individual questions are adapted to match the profiles of the respective institutions.

## 4. PROJECT

Good governance is key to rule of law. And while issues of corruption, transparency, rule of law and good governance are always in the spotlight, there remains a lack of understanding and systemic problems that hardly receive sufficient coverage. The “Accountability, Technology and Institutional Openness Network in South East Europe - ACTION SEE” project aims to raise awareness of such challenges by facilitating cooperation among civic organizations and consolidated strategic efforts for representation.

ACTION SEE provides a platform for dialogue and a concrete tool to measure the degree to which state institutions uphold principles and standards of open governance (Openness index).

The project aims to increase the inclusion of civic society and media organizations in decision making processes and the creation of public opinion and policies, as well as to raise the capacity of civic societies to address sensitive issues.

### Specific project goals:

- ☞ Promote a dynamic civic society which effectively mobilises citizens for active participation in issues related to the rule of law and good governance and affects policies and decision making processes at a national and regional level.
- ☞ Strengthen mechanisms for dialogue between civic organisations and government institutions and influence good governance and public administration reforms.
- ☞ Stimulate civic and media organization networking at local and EU level, allowing the exchange of know-how, skills and connections, as well as increase the influence of their representation efforts.

## 5. READ MORE

Here we can link to all findings and results (excel sheet) for each country and the region, policy papers for each country and the region, link to road map for other countries and the region, and general road map that would be produced as a general guideline for all Western Balkan countries. Presumably, all of this would be published on Action SEE website before we publish the Road Maps.

