



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 the  
year 2018



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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

for The State  
Institutions in Kosovo

For Year: 2018

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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 equal participation in political life, effective decision-making and holding institutions accountable for policies that they conduct. Around the world, institutions undertake specific activities intending to increase 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 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 North 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 on monitoring data and findings, a set of recommendations and guidelines directed towards institutions was developed based on research results. Recommended steps for each category of institutions are done based on 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 the methodology and general project information at the end of this document.

## 2. State Institutions

### 2.1. Executive Power

#### 2.1.1. Office of the Prime Minister of Kosovo

##### Accessibility

Compared to the region, the results of the Office Prime Minister are yet to be satisfactory. However, some positive overview of the institution is that The Office of Prime Minister is updating the official website consistently, were the CV of The Prime Minister CV is available, furthermore, the website contains the full text of the Rules of Law on Government and the Annual work program is published. Press releases of the Government sessions and information about press conferences are published on the government website as well.

The institution, however, lacks on the other hand on publishing the organogram, the website does not contain a description of the government's competences, there is no video or audio transmission of the Government sessions available. Document regarding strategy, policy or procedure and their openness and transparency are not included in the website, furthermore, there is no information on salaries of public officials available.

## Awareness

Kosovo received the second-lowest score on awareness, scoring only 37%, and leaving behind only Serbia, which received a score of 0%. 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. 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 North Macedonia and Bosnia and Herzegovina.

## Integrity

In the integrity area in which the office of the Prime Minister is performing well on, scoring 85% based on the indicators. Kosovo was ranked third, following after Montenegro and Albania. There is a Code of Ethics, as well as published on the website of the official gazette. This is mostly connected with the 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 the state budget. Overall, Kosovo has scored only 41% based on the set indicators. 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. When it comes to transparency in organizational information the website of the Office of the Prime minister 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 in public procurement. 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 guidelines for raising concerns and complaints from the parties in a direct channel on the website
- Build a strategy plan in order to develop civil servant's capacities for social media as a part of official tasks, such as Facebook or Twitter.
- Apply a legal obligation for conducting education in the field of access to public information, open data and other related topics to the needs of public officials. (These trainings are more than needed on topics as the conflict of interest, preventing corruption in case of irregularities)
- Conduct a long-term planning document and/or for a period of mandate of the work of the Government
- Regulate lobbying rules by law
- Publish an integrity plan or internal anti-corruption policy (which entails measures for prevention and elimination of various forms of corruptive and unethical behavior within the institution)
- Publish online their organogram to demonstrate the structure of the government in order to enucleate the representation among the functions
- Ought information on names and contacts of the officials be publicly available on the website
- Audio or video transmissions of Government sessions should be available on the website, so citizens can follow the transmissions adapted to their time
- The government website must contain agendas and materials of upcoming Government sessions so that citizens, Media, and NGOs

can be informed in advance and hold the government accountable for prioritization of issues.

- The website of the Office of the Prime Minister needs to contain descriptions of the government's competence
- Publish salaries of public officials available on the website, for the reason so citizens know how much their officials earn, especially the higher ranking ones.
- Reports of state and government spending and make budgets available on the website
- The Office of Prime minister should secure a list that the convicted companies of bribery to be prohibited from participating in future procurement bids
- Require public authorities in charge of reporting to the government to update lists of their possessions and make them public

### 2.1.3. The Ministries

Ministries of Kosovo fulfill the criteria of openness by 55%, Kosovo made great progress within one year from being ranked second to last in the region, with a score of 27% to ranking second in the region. This is as more Ministries have responded to the questionnaire sent out to them, as well there has been more information available to citizens and other interested parties online. In Kosovo, the most open Ministry for 2018 is the Ministry of Local Government Administration, with a score of 81%, followed by the Ministry of Public Administration, which received a score of 77%. The Ministry, which received the lowest score for openness, continues to be the Ministry of Foreign Affairs, scoring only 20% on the set indicators.

Part of the sample of measurement were 11 ministries out of 21 as are in total : Ministry for Community and Return; Ministry for the Kosovo Security Force; Ministry of Agriculture, Forestry and Rural Development; Ministry of Environment and Spatial Planning; Ministry of Finance; Ministry of Foreign Affairs; Ministry of Health; Ministry of Internal Affairs; Ministry of Justice; Ministry of Local Government Administration and Ministry of Public Administration.

On the principle of Accessibility which deals with Access to Information, Citizens interaction and public consultations the Ministries of Kosovo experienced a 30% rise, reaching a score of 58% and being ranked second in the region after Montenegro. The Ministries of Kosovo are the leaders on the principle of Awareness in the region with a score of 60%. The Ministry for the Kosovo Security Force, Ministry of Agriculture, Forestry and Rural Development, Ministry of Environment and Spatial Planning,

Ministry of Justice and Ministry of Health all scored 100%. On Integrity alone the Ministries of Kosovo scored 54%, thus placing second on the regional ranking for this principle. The Ministries made significant progress in 2018 from previous years. On Transparency the Ministries of Kosovo continue to score significantly less. The Ministry of Local Government Administration leads on transparency with a 79% score. The least transparent ministry is the Ministry of Foreign Affairs, which scored only 20%.

## 2.1.4. Action steps

**In order to increase its overall score, we recommend the line ministries to undertake the following steps:**

- Form guidelines for raising concerns, complaints and making appeals available on the website
- Publish implemented FOI guide once in a year
- Build a strategic plan to develop civil servants capacities for social media as a part of official tasks, such as Facebook or Twitter
- When developing annual work reports use indicators of performance
- Publish an Integrity plan or any other internal anti corruption policy (which entails measures for prevention and elimination of various forms of corruptive and unethical behavior within the institution)
- Hold training or workshops or other educational activities for its officers on topics such as conflict of interest/preventing corruption/whistleblowing in case of irregularities
- Publish any document (strategy, policy, procedure...) that deals with its openness and transparency
- Make procurement procedures publicly available on the website
- Budgets or financial plans should be available on the website, so citizens can take part and understand upcoming budget plans
- Contain a description of the responsibilities for each organizational unit
- Publish information on salaries of the line ministries on the website
- Develop homepage phrase search, in order to make the website simple and accurate
- Publish the institutional organogram, scope of work, names, positions, and staff resumes, to approach more openness

## 2.2. Parliament

### Accessibility

Kosovo Parliament is ranked at the bottom of 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. 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 executive power institutions and other public institutions. Instituting such practice would simplify the procedure for both the public official and the applicant.

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 on time and accordingly. 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 has the second-highest score in the region when it comes to awareness, which is related to strategic planning and Parliamentary monitoring, as means of Openness. There is now a parliamentary procedure for bringing representatives of the core executive to the Parliament to answer on MPs' questions. Furthermore, the Parliamentary offers a summary and status of oversight activities. However, 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

The indicators of integrity measure codes of ethics, the conflict of interest prevention, lobbying rules - which still are not in place in 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 Parliament and the Law on Declaration, Origin, and Control of Property of Senior Public Officials, and 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 Assembly was carried out by measuring indicators related to organizational information, public procurement, and the state budget. 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. The parliament's website continuously 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.

What is still missing 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, to achieve full organizational transparency.

## 2.2.1. Action steps

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

- Secure an independent oversight body, or information commission that ensures compliance with the right to information rules
- Institutions need to create and update lists or registers of the documents in their possession and make them publicly available in their website
- Create a legal obligation for conducting training/education in the field of access to public information
- Allow civil society/independent experts to participate in the work of parliamentary committees not just as observers
- Create guidelines for raising concerns, complaints and making appeals available on the website
- Form a direct online communication channel available at the website through which citizens can raise concerns, complaints and making appeals
- Establish a mechanism of e-petitions
- Open and maintain a Twitter account
- Further enhance and promote the available information about the access to the parliamentary building (e.g. visitors' center, guided tours, educational visits, visiting hours, access to plenary sessions, etc.)
- Institute a binding nature (via law or regulation) of decisions of an independent oversight body
- 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 assessment of potential impacts of existing or prepared legal acts (including regulatory assessments, RIA)
- Establish participation, transparency and quality evaluation within the RIA process
- Create a Parliament conduct the workshops for civil servants on the concept of open data and instructions for using and publishing open

data

- Regulate lobbyists and lobbying activities by adopting a law for this domain (alone or from the government)
- Strengthen the existing mechanisms for the monitoring of the 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
- Complete the existing rules and procedures to enable unsuccessful bidders to instigate an official review of procurement decisions
- Ensure that plans, calls, decisions, contracts, and annexes related to public procurement are published on its website, and connected with the e-procurement

## 2.3. Judiciary

The Kosovo Judicial Council was ranked third after Montenegro (79%) and Bosnia and Herzegovina (63%) of the fulfillment of the set indicators. This is an advancement in ranking for the level of openness, compared to the last measurement. On the other hand, the Courts scored 47% an increase of 4% of set indicators from last year's measurement but were still ranked third. With the new websites which have been presented among the courts in Kosovo, they have managed to increase their online presence and share information with the public. To be able to devise appropriate interventions aimed at increasing accessibility, awareness, integrity, and transparency. The institutions involved in the assessment are the Basic Court of Ferizaj, Basic Court of Gjilan, Basic Court of Mitrovica, Basic Court of Peja, Court of Appeals and the Supreme Court of Kosovo.

### Accessibility

Progress has been made regarding the establishment of a public affairs office and the publishing of the contacts of the person responsible for access to information of public importance on the website. However, based on the response received, all the public official responsible for communication highlighted that only one person responsible for communication is not enough, as it is responsible for all tasks including but not limited to conducting press releases, managing websites and facebook pages, publication of verdicts, maintaining official court email etc.

## Awareness

There has been significant progress considering last year's placement. Mostly since all courts and the council have cases assigned to judges through an impartial system to protect against "judge shopping". Besides, the Basic Court of Gjilan, the Basic Court of Peja, the Supreme Court as well as the Court of Appeals all submitted their reports on time to the competent authority. The Court of appeals and the Judiciary Council also included information about disciplinary measures as well as complaints towards judges on their annual report.

## Integrity

This year's score reflects a drop from last year's measurements and is mainly since none of the institutions has an integrity plan or any other internal anti corruption policy in place, which would entail measures for prevention and elimination of various forms of corruption and unethical behavior within the institution. Nor did they conduct training for its officers on topics such as conflict of interest or preventing corruption or whistleblowing.

## Transparency

On the principle of Transparency, prescribes that organizational information, budget and procedures of public procurements are publicly available and published. Kosovo has demonstrated significant progress from last years second-to-last position.

Similar to the previous year, Kosovo continues to struggle with the publication of organisational structure for the court personnel mostly, programs and plans of individual basic courts. Furthermore to name just some of the missing information there are no contact information on judges or salaries to be available on the website. Moreover, KJC still has not adopted any policy in place that will deals with its openness and transparency, which would directly increase the citizens trust in the judicial system.



## Kosovo Judicial Council

### 2.3.1. Action steps

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

- Choose a contact person responsible for access to information of public importance available on the website
- Form guidelines for raising concerns, complaints and making appeals available on the website
- 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
- Publish work programs, plans, and information regarding the personnel (including names and positions), salaries, contacts to Council members, the institutional scope of work, organogram, and staff resumes, as well as a 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.
- Publish annual work programs and plans on the website for the reason so citizens can in detail follow up their work
- Establish a practice of conducting surveys about citizen trust in the judicial system
- Ensure that it reviews all implementation reports submitted by the courts and clearly defines obligations and deadlines for reporting by the courts
- Institute a mandatory ethics training for judges; identify internal and external, including foreign, sources of funding for ethics training
- Publish information on salaries of members of Court Council on website
- 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
- 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

## Courts of Kosovo

### 2.3.2. Action steps

**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 from all judges
- Make possible for citizens to follow the progress of their case online
- Institute a procedure regarding the usage of minority languages and scripts
- Establish a training and guidance system to enable court employees to assess records, datasets and other information assets for the disclosure and to undertake their obligations in line with ROI
- 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
- Publish on their website the Code of Ethics for judges and court personnel out the rules for behavior and provides the groundwork
- Publish information on salaries of judges published on the website
- 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 a public complaint mechanism concerning the work of judges and civil servants

## 2.4. Prosecution Council

### Accessibility

Compared to last year's measurement where access to information was the Achilles' heel of Prosecutorial Council of Kosovo. The Prosecutorial Council 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 the decisions of the Prosecutorial Council on its website. In addition the implementation of guidelines or strategies regarding cooperation with media and their reporting on the work of Prosecutorial Council would help towards fulfilling the indicators and make the council more accessible for the citizens

### Awareness

Prosecutorial Council of Kosovo fares better on awareness in absolute terms. The highest score the Kosovo Prosecutorial Council scored within awareness and variables where obligations and deadlines for reporting of the Prosecution Offices towards to competent authority defined in the law/regulations, the obligation for the Prosecution Council to submit a report on its work, and the annual report include disciplinary measures, complaints towards prosecutors.

## Integrity

There is a Code of Ethics for prosecutors and the staff which is available on the website of the Council. According to this Code ethics training for prosecutors is mandatory since a prosecutor shall maintain and improve the highest standards of professionalism and legal expertise, and, for that purpose, engage in continuing legal education and training whenever available. Yet, this Code fails to fully regulate issues on conflict of interest, use of state property, gifts and favours. The two benchmarks that pull the Prosecutorial Councils 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

Regarding transparency of organisational information the Prosecutorial Council of Kosovo is failing only on publishing information on salaries of Members of Prosecutorial Council, but is giving information on personnel such as, names, positions and contacts of prosecutorial council staff. Nevertheless, the Prosecutorial Council is consistent on updating the official website. The website also contains the organogram, a description of Court Council's competence, the CV of the Chief of Institution and the decisions of the court council. Annual work programs, plans and reports are published on the website as well as current strategies. Information on Members of Prosecutorial Council, such as names and contacts as well as information regarding the selection process of prosecutors and the selecting criteria is also available. Of high relevance is the fact that this Council has implemented a regulation that deals with its openness and transparency.

### 2. 4. 1. Action steps

**In order to increase its openness, the Kosovo Prosecutorial Council should undertake the following steps:**

- 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
- Publish information on salaries of Members of Prosecutorial Council on the website
- Publish public procurement plans published on the website
- 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
- 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
- Ensure that plans, calls, decisions, contracts, and annexes related to public procurement are published on its website

## 2. 5. Office of the Chief State Prosecutor in Kosovo

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### Accessibility

A good practice provided by the Office of Chief State Prosecutor is that there are guidelines for cooperation with media and communication with the public regarding their reporting on the work of the prosecution. Yet, the institution failed to conduct training in the field of access to public information or on the concept of open data and instructions for using and publishing that data, in order to be able to improve the information and communication to the citizens. As such citizens are not aware of the kind of information should be available to them because the institutions, failed to publish lists of registers of the documents it possesses.

## Awareness

The Office of Chief State Prosecutor sent a report on its work for the past year to the competent authority within a legal deadline. These reports included indicators of performance of the activity of prosecution office, such as the number of resolved cases, number of gained verdicts and so on. Yet, the annual report did not include information about disciplinary measures, complaints towards prosecutors. Every year the Council of prosecution conducts oversight of the work of the Basic State Prosecution Office.

## Integrity

There is a Code of Ethics for prosecutors and the staff, which is published on the website and there is a mechanism for the allocation of cases implemented. However, no Integrity plan or any other internal anti corruption policy (which entails measures for prevention and elimination of various forms of corruption and unethical behaviour within the institution) is published. Furthermore, there does not exist trainings/workshops or other educational activities for its officers on topics such as conflict of interest/preventing corruption/whistleblowing in case of irregularities.

## Transparency

There has been an increased level of transparency in budgetary and public procurement affairs. However the budget and final accounts on budget spending are not still published on the website, and neither are procurement plans, calls, decisions, contracts, and annexes. Transparency of organization information could further be increased by focusing on the publication of full organogram, the scope of work, resumes, work programs and plans, and personnel information being published online, as well as by making all data available on the notice board as foreseen by the law.

## 2. 5. 1. Action steps

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

- Build direct online communication channel available at the website through which citizens can raise concerns, complaints and making appeals
- Establish a training and guidance system to enable court employees to access records, datasets and other information assets for the disclosure and to undertake their obligations in line with FOI
- Institute a procedure regarding the usage of minority languages and scripts in the documents
- Establish a practice of reporting on monitoring of media outputs regarding the work of the prosecution
- 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.)
- 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)
- Publish the institutional organogram, scope of work, and staff resumes
- Publish programs and plans, list of registers of documents in its possession on the Office's website, as well as other legally required information
- Ensure that plans, calls, decisions, contracts, and annexes related to public procurement are published on the Office's website
- Ensure to Include annual report information about disciplinary measures, complaints towards prosecutors

## 2. 6. Municipalities

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. The functioning of local self governments is thus a good indicator of the commitment of political representatives to serve the public interest. The local self-governance among others responsible for their safety, planning, growth water system, fire protection, parks, garbage, roads, and sidewalks.

### Accessibility

Municipalities have not published FOI guidelines for citizens to address request, moreover the reports of the requests for access to public documents are not available in most of the municipalities. On the other hand Most of the Mayors in Kosovo have established hourly consultations with citizens which is a great step towards increased direct communication. Moreover, most of the Municipalities have opened facebook accounts in order to have a digital presence with the citizens. In regard to the news that the public discussion has been held, there are no reports which contain written explanations and provided answers to the comments and suggestions received. It is proposed that municipalities have a separate section for public debates whereas they would put the calendar of public discussion, information about the debate and agenda and reports.

### Awareness

Kosovo, municipalities under Law on Self-Governance which have set all legal obligations of the municipality in regard to their structure and reporting. However, apart of municipalities in Kosovo have not published their annual work plans or annual reports of the work, divided into the part for the Assembly and Mayor. The ones who have published the work-plans and annual plans, have not published for across the past years, but just recently since their websites have been updated.



## Integrity

Indicators have shown that most of the municipalities have not hold educational training to their staff on conflict interest prevention, moreover have not published any guidelines on how citizens can raise concerns or inform the municipalities for potential conflict of interest and/or corruption. Disaggregating at the municipal level uncovers uniformity across Kosovo's local governments. The only criterion fulfilled by all municipalities in the public availability of the asset cards of officials. All the other criteria, such as the existence of public mechanisms for reporting of illegal practices, existence of anti-corruption plans/procedures, and concomitant implementing body of the latter, are unmet by all.

## Transparency

The areas found the most problematic by many local governments are the publication of information concerning the municipal debt, conduct of consultations on the draft budget and publishing results of such consultations, timely submission of budgets to Assemblies, and publication of the Citizens Budget. Moreover, The indicators in this category relate to the publication of procurement plans, calls, decisions, contracts, and annexes of local governments. The lack of budgetary transparency should be addressed by municipalities as a matter of priority, for transparent use of public finance is an essential precondition for the delivery of public services and trust between constituents and their representatives. Great diversity can be observed in Kosovo's municipalities in relation to the transparency of information on public procurement.

## 2.6.1. Action steps

**In order to increase its overall score, the municipalities should undertake the following steps:**

- Municipalities should focus on strengthening interaction with citizens as they are the first door of cooperation with public institutions
- Promote a call for civic participation in public consultations on budget creation on their websites
- Build a strategy plan to develop civil servants capacities for social media as a part of official tasks, such as Facebook or Twitter
- Share a municipality monthly newsletter, to inform citizens what kind of questions municipalities are working with
- Improve communication with citizens via social networks, publish monthly newsletters for citizens about municipalities' work.
- 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 need to adopt the national plans on integrity or any other internal policy on the fight against corruption
- 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.
- 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
- Publish the Annual Work Programme of the municipal assembly on the website

## 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 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 the 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. Concerning 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, the 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 based on 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 the 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 civil 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 mobilizes 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 a 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.



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