

GOOD GOVERNANCE

FOR OPENNESS AND
ACCOUNTABILITY IN POLITICS
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Openness of Judicial Bodies in Kosovo and the Region

Proposals for the improvement of the current state



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INTRODUCTION

Center for Democratic Transition (CDT)

In cooperation with partners from the regional network CSO “ActionSEE”, CDT prepared a policy paper, where we analyze a level of transparency, openness and accountability of judiciary in the region of the Western Balkans.

One of the main goals for our activities is to define a real state in this area and to give recommendations for the improvement through objective measurement of openness of judiciary in the region. The improvement of respecting principles of good governance, in which openness takes a significant place, represents also one of our goals.

Openness of judicial bodies was measured by using basic performance indicators¹. However, the situation in the region is bad i.e. judicial bodies did not adopt a policy of openness, which represents a basis for building of institutions. Regional courts met 48% of performance indicators while prosecutor’s offices met 40%. Such results indicate that urgent action for the improvement of openness is necessary and after the achievement of basic level of openness increasing of requirements, in accordance with standards of openness is highly important.

A level of openness of judicial bodies was measured in the period from October to the end of December 2016 within the Regional Index of Openness of Institutions. The openness was measured on the basis of more than 100 performance indicators, divided into 4 dimensions: transparency, accessibility, integrity and efficiency.

Taking into consideration a low level of public trust into judicial bodies in the region, a strong political will for the improvement of openness is needed, expressed through a proactive approach to publishing of information and improvement of operation of public relations service.

Our policy paper is addressed to decision-makers in courts and prosecutor’s offices in the regional countries. It may be useful for representatives of international institutions and NGO colleagues, who tackle with these issues.

We remain at your disposal for all suggestions, benevolent critics and discussion regarding our policy paper.

¹The differences in the legislative framework in the field of justice in the region, have caused the use of the basic criteria of openness that judicial authorities should fulfil in accordance with international standards and practices.

COURTS AND PROSECUTOR'S OFFICES IN THE REGION

The research has shown that the openness of courts and prosecutor's offices in the region is not at a satisfactory level. On average, courts meet 48% of performance indicators while prosecutor's offices meet 40%.

Courts and prosecutor's offices must have an independent position in a system of power in their work and they must respect basic principles: **impartiality, accountability, efficiency and transparency**.

We have identified several critical points in the work of judicial bodies in the region and all countries must pay a special attention to these points, towards achieving international standards.

COURTS IN THE REGION

Principle of random assignment of cases

The random assignment of cases represents a core of judicial organization since it is related to some of fundamental principles of a fair trial: judicial independence and impartiality², organizational flexibility and efficiency.

One third of regional courts does not respect a principle of random assignment of cases. If courts do not properly organize assignment of cases, the public may have impression that judges are partial and that their own interests are present in their work, which is a suitable ground for the development of corruption. It may have far-reaching consequences when it comes to citizens' trust in judicial system.

Publicity of trials

The principle of publicity of trials, as one of the basic conditions for the fair trial, is respected in more than 90% of courts in the region. However, this principle is significantly limited by the fact that persons with reduced mobility (or "disability"?) cannot approach courtrooms even in a half of regional courts. A limitation of public exists when it comes to spatial terms given that courtrooms in a specific number of courts are not large enough to accommodate all interested public while not disrupting the course of the trial itself in that way.

²Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe, from 4th of November 1950.

Available at: <https://goo.gl/uclfdF>

Accessed: 01.06.2017

Publishing of information and decisions³

The analysis has shown that almost 30% of regional courts does not have active websites⁴. More than a third of regional courts does not publish work reports. Just a half of courts in the region publish other information regarding work: work plans and programs, scope of work, biographies of judges, listings and notifications, etc. The fact that more than a half of regional courts does not publish justified court decisions (or “rationales within the verdicts”?) is of a particular concern. Publishing information regarding work is a guarantee of efficient judiciary and approach to the justice[3]. When the transparency of the work of courts is consistently applied, it can help combating corruption, improving governance and promoting accountability of judicial institutions.

BUDGET TRANSPARENCY

Budget transparency represents an obligation of state institutions to enable the entire public (citizens) to become familiar with a type and scope of budget revenues and expenditures. It is equally important to publish data on public procurements and disposal of financial assets. The annual budget of regional courts is available only in one third of countries. Data regarding public procurements in courts in the form of plans, decisions, contracts and annexes to contracts are not available in more than three quarters of regional institutions. In most countries salaries of judges and asset cards are not published.

Public prosecutions in the region

Accessibility of information related to work

A half of prosecutor's offices in the region does not have websites. It is a very common practice that only the highest prosecutorial instance has a website, on which even a list of other institutions is not provided. If we analyse a content of existing websites, only a half (one quarter of a total number of institutions) publishes basic information related to work, scope of work, annual reports as well as work plans and programmes. The existing situation does not contribute to the trust of public in the work of prosecutor's office. A practice of obligation regarding proactive publishing of information is accepted as an indispensable part of openness and transparency of institutions in the region. A proactive approach refers to the obligation of institutions to make available to citizens, media and public information about work⁵ in a timely and self-initiative manner. A right on access to information is limited by the fact that only a half of institutions publishes contact information of a person responsible for free access to information.

³.Magna Carta of Judges, Consultative Council of European Judges (CCJE), Strasbourg, 2010.
Available at: <https://goo.gl/PCNBkW>
Accessed: 01.06.2017

⁴.The analysis of websites of regional courts has shown that there is a different structure of publishing data. Some countries have websites only for the highest judicial instances, there are examples of portals where within the same website there are information per each judicial institutions on sub-websites. In some countries websites exist selectively i.e. only for specific courts or prosecutions.

⁵.Darbshire,Helen, Proactive Transparency: *The future of the right to information? A review of standards, challenges, and opportunities*, Washington, 2010

6. Declaration on the provision of information through the media in relation to criminal proceedings (2003), adopted by the Committee of Ministers on 10 July 2003 at the 848th meeting of the Ministers' Deputies; Recommendation Rec (2003) 13 of the Committee of Ministers to member states on the provision of information through the media in relation to criminal proceedings – adopted by the Committee of Ministers on 10 July 2003, at the 848th meeting of the Ministers' Deputies; Recommendation Rec(2000)7 on the right of journalists not to disclose their sources of information, adopted by the Committee of Ministers on 8 March 2000; European Convention for the Protection of Human Rights and Fundamental Freedoms from 4th of November 1950.

7. Association of Public Prosecutors and Deputy Public Prosecutors of Serbia, Partners for Democratic Change Serbia, Transparency, Privacy and Presumption of innocence, prosecutor's office-media-citizens, 2017.

Available at: <https://goo.gl/u7q3kX>
Accessed: 15.06.2017;

Center for Democratic Transition, Civic Alliance How media report on the work of the State Prosecutor's Office? Analysis of media reporting, 2016.

Relations with media and public

A way of media reporting also defines the closure of prosecutorial institutions and inadequate communication with public. The most common problems, violating international standards and principles of reporting in criminal proceedings⁶, are the following: one-sided media reporting, violation of privacy and presumption of innocence, "information leakage" from prosecutor's office and police, publishing of confidential information in the phase of investigation⁷.

Only one third of regional countries has precise guidelines for media about the way of reporting. Such type of manual for media is significant because it indicates phases of criminal proceedings when information may be delivered to media, while not jeopardizing the course of the proceeding and investigation. The fact that around two thirds of prosecutor's offices does not monitor the way of media reporting related to their work particularly concerns.

Control of work of public prosecution offices

Two thirds of regional countries have established mechanism of control and monitoring of work of public prosecution offices by higher instance. However, the functioning of these mechanisms in practice is questionable. In a half of countries competent institutions do not perform a regular control of the work of prosecutor's offices. Less than half of prosecutorial institutions has delivered to competent authority a work report for previous year.

Also, persons not satisfied with the work of state prosecutors do not have procedures for complaining at disposal even in half of countries.

KOSOVO

The justice system in Kosovo has been systematically criticised for inefficiency, political partiality, and insufficient capacities at all levels, to name just a few causes for concern raised by local and international observers.

The present research on the accessibility, awareness, integrity and transparency of Kosovo's courts system and the Kosovo Judicial Council (KJC) underscores the need for improvement in these areas. From a regional perspective, Kosovo finds itself at the lower end of the spectrum, surpassed by Montenegro, the leader among the Western Balkan countries, by more than thirty percentage points (74,6%). With just 43,7% of the studied criteria fulfilled, only Serbia's (35,5%) and Albania's (33,4%) courts fare worse than Kosovo's. Comparatively, the KJC does worse still; only Albania (45,2%) achieved a lower score in the assessment of its highest oversight body of the judicial system. All other countries attain a better result than Kosovo (52,4%), with Montenegro leading the pack again with almost 80% of the examined criteria satisfied. However, when assessed against the backdrop of the overall institutional system in Kosovo, the KJC is the third best institution (52.4%), after the Core Executive (60.8%) and the National Assembly of Kosovo (60.5%). The young country's courts are doing worse in both absolute and relative terms, taking a fifth place in the overall institutional ranking with 43.7% of criteria satisfied. This underscores the dire situation of Kosovo's justice system.

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. In order to be able to devise appropriate interventions aimed at increasing the accessibility, awareness, integrity and transparency of the institutions of Kosovo's justice system, the following sections undertake a deeper analysis of each of the four areas under evaluation.

The institutions included in the assessment are the Court of Appeals, the Special Chamber of the Supreme Court, the Supreme Court of Kosovo, the Basic Court of Gjakova, the Basic Court of Mitrovica, the Basic Court of Peja, and the Kosovo Judicial Council.

Accessibility

The Kosovo Judicial Council is by far the least accessible of all Court Councils in the region of Western Balkans. While Albania ranks first with a score of 73.7%, Kosovo managed to rack up a mere 28.95%. 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. 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. These three areas thus constitute the fields of intervention decision-makers should focus on in order to improve the Council's accessibility.

Overall, the KJC is very much shielded from public scrutiny, with inevitable impacts on the access to justice in Kosovo.

When compared to the other Western Balkan countries, accessibility of Kosovo's courts is in the middle of the range (41.3%), very close to Bosnia (42.2%), outstripped by Macedonia (57.9%) and Montenegro (70.2%), but followed by Albania (37.6%) and Serbia (34.2%). Disaggregation based on subdomains (access to justice and public proceedings) shows that the overall score is being pulled down by a low fulfilment of the criteria related to public proceedings. In this area Kosovo comes second to last with just over one third of benchmarks met (36.8%). While the Court of Appeals (58.5%) and the Supreme Court of Kosovo (50%) are the most accessible of the assessed courts, the Basic Court of Gjakova (25.6%) and the the Basic Court of Mitrovica (31.7%) are the ones lagging behind the most. Most of the difficulties relate to lack of access to information on court proceedings and verdicts, absence of complaint mechanisms, limited access for vulnerable groups and lack of procedures regarding the use of minority languages.

Awareness

Awareness is another area in which the Kosovo Judicial Council finds itself at the very bottom of the regional ranking. While the court councils of Bosnia and Montenegro fulfil 100% of the criteria, KJC scores lower than half of that (47.4%). Similarly, Kosovo's courts occupy the last position (31.3%), the closest to it being Albania with 46.8% and the furthest Montenegro with 90.9%. The collected data therefore indicate that Kosovo's justice system is not only a regional laggard when it comes to awareness, but that the distance from the levels found in other countries of the region is significant.

However, despite the feeble performance of the justice institutions, they are far from the tail of the assessment. Line ministries, executive agencies, local self-government and the Office of the Chief State Prosecutor fare even worse in terms of awareness.

The most problematic aspects of the current situation in the justice sector are the lack of impartial system that prevents 'judge shopping' (the practice of judges selecting the cases they will adjudicate based on their preferences), lack of information on number of received, dealt with and pending cases, and absence of reporting of the courts to a higher authority. The overall score of the awareness of the justice institutions is weighed down by the Court of Appeals which received 0% across all criteria under scrutiny.

Integrity

The availability of information, guidelines and procedures related to the integrity of the justice system is the strongest point of Kosovo's judiciary. The KJC attains the second highest mark in the region (78.2%) and Kosovo courts top the ranking with 100%. However, it needs to be noted that the criteria fulfilment 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 three Basic Court, the Supreme Court, the Court of Appeals and the Special Chamber all meet all the set benchmarks (whether the Code of Ethics exists and is published). Only the KJC fails to fulfil some of the criteria, namely the existence of procedures for filing complaints against alleged unethical behaviour, 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, organisational information and public procurement. The overall transparency of information provided by the KJC is low, Kosovo comes second to last (43.4%), followed only by Albania with 20.7%. The ranking is topped by Montenegro (73.1%) and Serbia (63.5%). However, performance varies significantly from subdomain to subdomain. While transparency of KJC's public procurement is assessed at 0%, budgetary transparency is at 21.3% and organisational information at 74.5%. 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 Kosovo's courts perform worse than the KJC in absolute terms, attaining the score of 37.5%, they do relatively better compared to the other Western Balkan countries. They arrive in the third place in transparency, overtaken by Bosnia's (45.6%) and Montenegro's (69.2%) courts. Within the Kosovo's institutional system, transparency of courts is very close to the overall level of transparency observed across all studied institutions (38.3%). This indicates that while serious shortfalls exist in court transparency, this is not an unusual occurrence in the institutional landscape of Kosovo. The worst performers are the Basic Courts of Gjakova (28%) and Mitrovica (25.9%), whereas the Court of Appeals leads with just about half of the transparency benchmarks met. Greatest problems are encountered in the publication of organisational structure, strategies, work programs and plans, and personnel information. Addressing these defects falls into the category of the less complex challenges. Responsible public officials would therefore be advised to deal with them promptly so as to strengthen the transparency of Kosovo's court system.

Prosecution

This section examines the accessibility, awareness, integrity and transparency of prosecutorial institutions in Kosovo, namely the Prosecutorial Council, the Public Prosecution and the Office of Chief State Prosecutor. Prosecution is a central jigsaw in the puzzle of rule of law institutions that ensure impartial, equal and correct application of law, a check on lawlessness, criminality and abuses of power. The state of prosecutorial institutions therefore impacts profoundly the state of rule of law in a country. The collected data suggest that although Kosovo's prosecution is not the weakest in the region of Western Balkans, it is plagued by deficiencies that stay in the way of upholding the rule of law in an effective and efficient manner.

The Prosecutorial Council of Kosovo

Looked at from a bird's perspective, Kosovo's Prosecutorial Council leans towards the regional middle in terms of its performance, it fulfils 44.8% of the measured indicators. It is followed by Macedonia's (38.2%) and Albania's (11.2%) councils, but falls behind the councils in Serbia (55.6%), Bosnia (66.9%) and Montenegro (67.8%).

From a national vantage point, the Prosecutorial Council is the most successful of prosecutorial institutions in Kosovo and is some 8% above the national all-institution average, despite the fact that it does not meet half of the set benchmarks.

Accessibility

Access to information is the Achilles' heel of the Prosecutorial Council of Kosovo, fulfilling only 18.2% of the criteria. It does better than Albania and Macedonia whose Prosecutorial Councils do not satisfy any of them and effectively receive an accessibility score equal to 0%. On the other hand, these results should not serve as an excuse for Kosovo, as the rest of the countries of the Western Balkans perform significantly better, Bosnia ranking first with a respectable 72.7%. The result is low even for Kosovo standards, only two institutions are marked lower than the Prosecutorial Council, the Public Prosecution (14.6%) and the executive agencies (16.7%). 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 neighbouring countries. It occupies the second to last spot with 39.1%, with Albania hitting the rock bottom 0% and Montenegro scoring a full 100%. It is in the better half within the Kosovo institutional landscape where the average awareness rate is 25%. 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. It boasts a score of 80.7% and occupies a third position regionally, following Montenegro (91.2%) and Bosnia (89.5%), and leaving behind Macedonia (71.9%), Serbia (59.7%) and Albania (38.6%). While this is a respectable score, a quick look at other institutions in Kosovo suggests existence of space for further improvement, a number of institutions achieving the same or higher score, including three reaching a full 100% on integrity. 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, with 34.1% of met criteria it is followed by Macedonia (27.1%) and Albania (1.7%), but outperformed by Montenegro (47.0%), Bosnia (54.2%) and Serbia (55.4%). Scrutinising the results deeper below the surface brings to light the stark differences between the transparency of budget, organisational information and public procurement. Whereas the Prosecutorial Council of Kosovo boasts the second highest transparency of organisational information (71.2%), it fails utterly in budgetary and public procurement transparency (0%). With regards to the budgetary transparency, the Prosecutorial Council does not make budgets available online and the final accounts on budget spending are not published on the website. In a similar vein, plans, calls, decision, contracts and annexes related to public procurement are not published on the Council's website, earning it a grade of 0. Finally, the organisational information transparency could further be increased by a more complete publication of organisational structure, personnel information, work programs and plans.

Public Prosecution

The fact that public prosecution faces serious challenges across the entire Western Balkan region is reflected in Kosovo occupying the third place despite fulfilling only 36.7% of the relevant benchmarks. Macedonia (25.7%), Serbia (25.3%) and Albania (0.8%) all trail behind Kosovo. Bosnia and Montenegro are ahead of the group by a large margin, the former scoring 63.6% and the latter 73.8%. The public prosecution assessment includes the basic prosecutions in Ferizaj, Gjakova, Gjilan, Peja and Prizren.

Accessibility

In the access to information, Kosovo public prosecution is falling behind its Western Balkan counterparts. It scores only 14.6%, which places it ahead of the very poorly performing Albania (1.7%) but far behind the leading Montenegro (74.2%) and Bosnia (72.7%). Even within the Kosovo institutional environment it does inadequately, it is the most inaccessible institution of all. There is a remarkable uniformity of results among the basic prosecutions, all earning a score of 18.2% to the exception of the Basic Prosecution in Peja that does not meet a single benchmark. According to the collected data, the critical elements in improving the access to information of public prosecution in Kosovo should be conducting monitoring of media reporting on the work of the prosecution, publishing the lists of registers of the documents in possession of the prosecution, enabling access to the prosecution premises to the interested public and creating a notice board in the prosecution.

Awareness

Kosovo's public prosecution performs somewhat better with regards to awareness - it fulfils 46.5% of the criteria, which places it in the middle of the regional ranking. Disaggregated to the level of basic prosecutions, the Basic Prosecution in Ferizaj tops the list with a score of 71.0%, followed by Gjakova, Prizren and Gjilan with just above 50%, leaving behind the Basic Prosecution in Peja that does not deliver on any criteria (0%). The main challenges reside in lack of annual reporting to the competent authority and oversight of the Basic Prosecutions.

Integrity

Kosovo's public prosecution fares particularly well with respect to integrity, it comes second after Montenegro (100%) in the regional comparison with the overall grade of 80%. This figure is primarily caused by the failure of the Basic Prosecution in Peja to meet any of the benchmarks, whereas the remaining basic prosecutions satisfy them fully. It needs to be noted, however, that what this assessment measures is the existence and publication of the Code of Ethics for prosecutors. It does not, in any way, measure the actual levels of integrity within the prosecutorial staff and should therefore not be interpreted as such. In order to further improve the prosecution's integrity score, the Basic Prosecution in Peja should develop and publish a Code of Ethics for prosecutors as did the other basic prosecutions.

Transparency

Although Kosovo public prosecution's performance on transparency is mediocre, the even worse performance of its neighbours places it behind Montenegro (56.9%) and Bosnia (53.1%). All the other countries score between 0% and 2% on the ears of transparency. The most transparent of all Basic Prosecutions is the one in Ferizaj with 58.4% and the least transparent is the Basic Prosecution in Prizren with 23.8%. The most problematic areas are the publication of strategies, annual reports, work programs and plans, staff information and regular updating of the website content. These should therefore be the target areas for future interventions.

Office of Chief State Prosecutor

The Office of Chief State Prosecutor trails behind almost all equivalent institutions in the region. Barely passing the one third mark (37.1%), it falls more than forty percentage points behind Montenegro (80.1%). Only Albania's supreme state prosecution office receives a lower overall mark (18.9%). It is also one of the weaker institutions in Kosovo.

Accessibility

The overall ranking is reflected in the one focusing on accessibility. Kosovo's Office of Chief State Prosecutor comes second to last with 27.3%, but the gap between it and the leading Montenegro is a yawning 50%. The main reasons for this is the lack of media monitoring on the work of the prosecution, absence of a notice board, failure to publish lists of registers of the documents it possesses, lack of access to the prosecution premises by the public and absence of a procedure for the use of minority languages.

Awareness

The Office of Chief State Prosecutor meets just about one third of the assessed benchmarks related to awareness, 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.

Integrity

Kosovo's Office of Chief State Prosecutor meets all criteria within the integrity domain and thus occupies a rarer first place in the regional comparison, accompanied by Montenegro. Yet again, however, it is important to point out that the only criteria against which the institution is assessed here in terms of integrity are the existence and publication of a Code of Ethic for prosecutors. This therefore does not reflect the actual state of affairs with regards to integrity within the Office.

Transparency

The Office of Chief State Prosecutor does not stand out for its mark for transparency, it satisfies roughly a third of the criteria and falls behind all countries but Albania. The reasons for this can be found in the complete lack of transparency in budgetary and public procurement affairs, for both of which the Office receives a 0%. Only with regards to the organisational information the matters are more optimistic, scoring 59.7% and following behind Serbia (77.8%) and Montenegro (74.2%). The budget and final accounts on budget spending are not published on the website, and neither are procurement plans, calls, decision, contracts and annexes. Transparency of organisation 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.

RESEARCH METHODOLOGY

The openness is a key condition of democracy since it allows citizens to receive information and knowledge about an equal participation in a political life, effective decision-making and holding institutions responsible for policies they conduct.

A number of countries undertakes specific actions towards increasing their own transparency and accountability to citizens. The Regional Index of Openness of judiciary is developed in order to define to which extent citizens of the Western Balkans receive timely and understandable information from their institutions.

The Regional Index of Openness measures to which extent judicial bodies are open for citizens and society based on the following four principles:

1. transparency,
2. accessibility
3. integrity and
4. awareness.

The principle of **transparency** includes the fact that organizational information, budget and public procurement are publicly available and published. **Accessibility** is related to ensuring and respecting procedures for a free access to information and strengthening interaction with citizens as well. **Integrity** includes mechanisms for ensuring the independence of the judicial bodies and conducting codes of ethics. The last principle, **awareness**, is related to monitoring and evaluation of policies which are conducted.

Following the international standards, recommendations and examples of good practice, these principles are further developed through quantitative and qualitative indicators, which are estimated on the basis of information availability on official websites, legal framework's quality for specific questions, other sources of public informing and questionnaires delivered to institutions. Through more than 100 indicators we have measured and analyzed openness of the judicial bodies. The measurement was conducted in the period from October to December 2016. Based on the research results, this set of recommendations and guidelines, directed towards institutions, was developed.

About ActionSEE

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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