

# ANALYSIS OF THE OPENING OF THE KOSOVO **ASSEMBLY**

PROPOSALS FOR IMPROVING THE  
CURRENT SITUATION

## **ABOUT THE PUBLICATION**

*This Document was developed as part of the project 'Boost Good Governance 2.0', supported by the National Endowment for Democracy (NED), and implemented by Open Data Kosovo (ODK).*

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### **LANGUAGE VERSIONS**

ALB, ENG, SRB

*Finalized in February, 2022 © ODK*

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## **INTRODUCTION**

The analysis conducted by ODK over the years, which have monitored and evaluated the openness and transparency of the work of the Assembly in Kosovo, clearly reveals that legislative transparency in a democracy can improve the performance of parliamentarians. In a democracy, the impetus for performance improvement is created by continuous communication and cooperation with citizens. Therefore, this analysis has been compiled in order to highlight the level of transparency, institutional openness, and responsibility of the Kosovo Assembly during 2020.

By using the Analysis practices developed for the Opening of the Kosovo Assembly during 2019, the analysis of the practical policy proposal is again the result of an extensive research based on the scientific methodology conducted by Open Data Kosovo in recent months. The purpose of this comprehensive research is to provide a detailed overview of the situation in Kosovo, and to contribute to the implementation of the public administration reform. This document also aims to strengthen the principles of good governance and help institutions implement them more effectively in their work.

Following an assessment of the goal proposed last year, respectively in 2019, this paper presents the analysis of the level of openness and recommendations for improvement for 2020. The methodology and its indicators have been continuously improved and adapted to the requirements of the respective year. This policy document also produces a comparative element where ODK has drafted an analysis, including the progress shown over the last two years.

Institutional openness should be the policy of all governments in the region and must be formulated and treated equally as other important policies. Such a policy should maintain its objectivity in this matter, and should not be influenced in any case by current political decisions or other political elements.

This policy proposal document is addressed to the Assembly and decision makers who can benefit from this document, if they carefully consider its results and recommendations. The document can also be useful for representatives of international organizations, and colleagues from the NGO sector dealing with these issues.

ODK has observed the principles of research transparency and presented all its details and results to the institutions. ODK remains open to any suggestions, constructive criticism, and discussion regarding this policy document.

## RESEARCH METHODOLOGY

This analysis tracked the level of obtaining information from the Regional Openness Index, which measures the extent to which institutions of the Western Balkan countries are open to citizens and society, and is based on the following four principles:

🔍 **transparency,**

🕒 **accessibility,**

🤝 **integrity and**

🧠 **awareness.**

By following international standards, recommendations, and examples of good practice, these principles are further developed through specific, quantitative and qualitative indicators. Such principles are assessed on the basis of: access to information on the official websites of institutions, the quality of the legal framework for specific questions, other sources of public information and questionnaires submitted to the institutions. Following the data collection, a data verification model was utilized, which resulted in a standard error of +/- 3%. The evaluation was performed from the period of May 2021 until the end of October 2021. A set of recommendations for institutions was developed based on the results of the research.

The principle of **Transparency** requires that organizational information, budget, and public procurement procedures are made available to the public, as well as published and updated regularly. **Accessibility** relates to ensuring and adhering to procedures for free access to information, improving the availability of information through public debates, and strengthening interactions with citizens. **Integrity** incorporates the elements of preventing corruption, enforcing the code of ethics, and lobbying. The last principle, **Awareness**, refers to monitoring and evaluation of policies implemented by institutions.

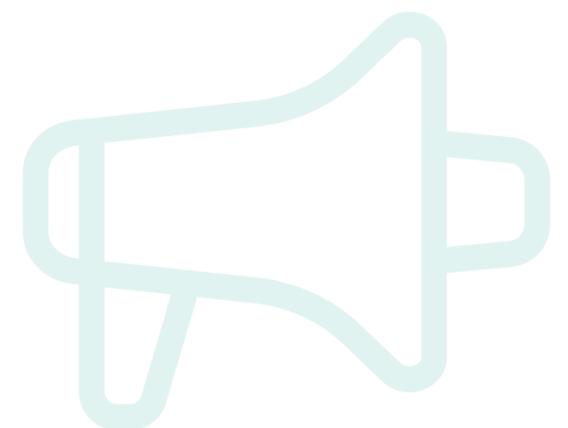
The availability of information on government policies and actions, a clear feeling of organizational responsibility and an assurance that governments are administered efficiently and without systemic corruption, are important components of transparent governance. Therefore, all four of the above-mentioned principles, as part of the Regional Openness Index, assist in defining, presenting, and evaluating work and good political will towards transparency.

## **OPENING OF THE ASSEMBLY IN 2019**

The Assembly of Kosovo scored an overall result of 80.5% in terms of opening in 2019. Such a result shows great improvement of this institution over the years. As there is always room for improvement, this result indicates that the Assembly has increased its openness over the years. When it was first measured in 2016, the Assembly of Kosovo scored 60% in terms of the indicators, and now, the result shows improvement due to the efforts made over the years. If we would compare this result in a regional context, the Assembly of Kosovo has a lot to do in terms of its opening. However, in the national context, such an improvement is satisfactory. The results of the index were achieved by taking into account the four Principles for Openness of the Assembly, which includes: transparency, accessibility, integrity and awareness. In the following section, a detailed explanation of the main principles and outcomes of the Assembly in the above areas will be described.

## **OPENING OF THE ASSEMBLY IN 2020**

When first measured in 2016, the Assembly of Kosovo scored 60% in terms of the indicators, and now, the result shows improvement due to the efforts made over the years - i.e. marked an overall result of 88% in terms of the opening in 2020. The Assembly of Kosovo scored 72% on the principle of accessibility, 91% on the awareness component, 100% on the principle of integrity and 91% on the principle of transparency. The following section will provide a detailed explanation of the main principles and outcomes of the Assembly in the above areas.



## **ACCESSIBILITY (72%)**

In comparison to the results in 2019, the Assembly of Kosovo has marked an improvement in the principle of Accessibility. However, there is still work to be done in setting up and improving this component in the future. The Accessibility component assesses the degree of citizen participation, CSOs, and other stakeholders in the work of the Assembly, including but not limited to the Freedom of Information Act and other existing regulations.

In theory, public consultation provides an opportunity for the interests of a more diverse group of the public to gain access to political power and to participate when it is exercised. Currently, the official website of the Assembly of Kosovo allows interested parties to send letters directly to the selected MP to address any specific issues of interest to the party. In addition, ODK is continuing the cooperation with the Assembly of Kosovo to develop the digital solution - E-participation, which will enable direct communication between the general public and MPs. Also during this year, the Assembly of Kosovo is active in updating the website and social network pages of the Institution, publishing announcements about decisions, activities and the work of the Assembly. It is worth noting that the Assembly continues to have a person responsible for handling requests for access to public documents, who spends a reasonable amount of time responding to requests - as provided in the Law on Access to Public Documents.

During this evaluation year, the Commissioner of the Information and Privacy Agency was appointed, and prior to her appointment, the highest position was that of the Executive Director. This Agency is responsible for overseeing the implementation of the Law on Access to Public Documents and the Law on Personal Data Protection, and in accordance with this law, the Agency is accountable to the Assembly of the Republic of Kosovo.

This time it was also considered important to provide and develop more training for the staff of the Assembly in terms of the importance and provision of access to public information. According to a survey carried out by representatives of the Assembly of Kosovo, the staff of the Assembly of Kosovo has participated in several training sessions. Pursuant to the Law on Access to Public Documents, the Information and Privacy Agency must cooperate with the institutions responsible for organizing and holding trainings for public officials on access to public documents and for the effective implementation of this law.

What is currently lacking in terms of the participation and engagement of citizens in Kosovo, which will directly increase the use, is the approval of the Electronic Petition with the Assembly of Kosovo. Such an area is essential for enhancing the role of openness within the parliament and belongs to the accessibility component. In order to develop an electronic petition, the law on electronic petitions must be approved, which would also deal with data privacy and other related issues. The electronic request would increase the number of individuals creating petitions without having the need to collect signatures on the "street". This is why, even this year, Kosovo scored zero points in the three indicators, which relates to the electronic petition. Nevertheless, the electronic petition continues to remain a promising area in terms of institutional openness, participation, and civic engagement.

The Assembly of Kosovo continues to maintain a good relationship with civil society, as provided also by the rules of procedure of parliamentary committees (Rules of Procedure, Article 65). The Informal Assembly Group on Transparency and Accountability continues its commitment to increasing transparency and accountability in the Assembly, working with CSOs, MPs, public officials, international organizations, and citizens throughout this process.

## **AWARENESS (91%)**

The Awareness component is one of the components that has continued to mark a significant increase for this year. According to the results for this period, there are several regulatory impact assessment (RIA) mechanisms, although they are rarely applied in the work of the Assembly and in the drafted regulations. In terms of strategic planning, the Assembly has made developments as it assesses the impacts that may come as a result of existing legal acts and is prepared to improve and facilitate the work.

It is also worth noting that Parliamentary Committees have continued to receive evaluations and consultations from external experts on specific topics in order to obtain guidance and information on issues of interest. The participation of experts in question in public hearings has also continued - thus making citizens aware of the developments that affect their lives in terms of the work of the Assembly.

It is important to highlight that as part of the parliamentary monitoring sub-sector, the representatives of the Executive Presidency continue to be responsible regarding the participation and can be brought to the Assembly to answer questions from MPs.



Furthermore, there is a procedure for conducting the Motion of No Confidence, and parliamentary groups or MPs may also file interpellation petitions to consider issues related to the work of the government or a ministry. Additionally, parliamentary activities and hearings are recorded in most cases, and they are open to the public and remain archived. This also meets the requirements of the principle of awareness, making stakeholders aware and informing them of the work of the Assembly.

## **INTEGRITY (100%)**

The highest score in this year's evaluation has been achieved for the Integrity component, where the Assembly of Kosovo has scored 100%. This component combines principles and regulations on preventing corruption and enforcing a code of ethics and integrity in lobbying processes.

It should be noted that Kosovo is one of the few countries that fully discloses the property, assets, income and debts of about 5000 public officials of the country who are obliged to declare their property. Therefore, the information on assets, sources of income, amount of income and liabilities are updated and documented in the list of assets of Assembly members. This data is systematized and archived in order that is easily accessible to stakeholders and the general public through the Anti-Corruption Agency, which monitors the implementation of asset lists. However, according to the Law on Access to Public Documents, and the Law on Personal Data Protection, the property declaration data can be provided after filing a request for access.

As mentioned above, the Anti-Corruption Agency is the authorized body and is constantly engaged in monitoring the assets of public officials. The Agency also oversees the receipt of gifts related to the performance of official duties and undertakes the measures provided by law. In case of violation of the obligations provided by law on the part of the deputies, the Agency submits a criminal report to the competent prosecution.

Additionally, when discussing integrity in the work of the Assembly of Kosovo, the implementation of the Code of Ethics for Members of the Assembly undoubtedly plays an important role as an effective tool for mitigating and preventing corruption in the country. The Code in question is part of the Rules of Procedure of the Assembly, and is easily accessible on the Assembly website. This code summarizes and regulates issues of use of state property, gifts, conflict of interest and political activity. Whereas, the Law on Rights and Responsibilities of the Deputies, among others, regulates the Code of Ethics and the Conflict of Interest for the Members of the Assembly.

When evaluating the Lobbying subcomponent, there is still no regulation in Kosovo that would disclose and define lobbying rules - as part of direct or indirect communication with public officials, political decision-makers or other representatives, which relates to the image of the country as a whole. In recent years, lobbying has become an area of increased regulation, prioritizing the issue of understanding who in particular is responsible for lobbying. Establishing clear rules for lobbying is an important step in strengthening transparency and the legal framework for fighting corruption. The rules would also define legitimate lobbying activities by distinguishing between those coming from civil society or other stakeholders.

## **TRANSPARENCY (91%)**

The principle of transparency of the Assembly of Kosovo has increased from 88% to 91% from the previous monitoring. This principle includes the opening and publication of any organizational information, budget and public procurement processes on the official website. The official website of the Assembly provides easy access to laws, amendments, draft legislation, regulations, strategies, and work reports. Another factor that contributes to the transparency of the Assembly is the Legislation Monitoring System, which enables citizens and other stakeholders to be more involved in the legislative process as they are able to follow at what stage their law of interest is at. Voting data from the Assembly plenary sessions are also published on the website. Additionally, the Assembly has video broadcasts of plenary sessions, which as a whole encourage the active participation of citizens in the legislative process, thus strengthening the role of the Assembly as an institution.

When looking at the organizational information subcomponent, the signing of the Assembly Opening Statement was highly considered, where in accordance with the statement, the Assembly has developed the Strategy for Information and Communication in the Assembly (2019-2021). Furthermore, all the data regarding the Committees of the Assembly, MPs, hearings, etc., are regularly published on the website of the Assembly. One of the most important documents that the Assembly has adopted is the Regulation on Communication with Media and Public, thus establishing rules and procedures for staff and third parties that follow the work of the Assembly, with the purpose of ensuring proper and effective communication.

Regarding transparency in public procurement, the Assembly of Kosovo continues to maintain the level of transparency at an appropriate level. This is achieved by publishing public procurement procedures, bids and main procurement results through the state portal for public procurement, as provided by Law. The Assembly of Kosovo has also successfully published the final procurement plan, which can be accessed by the citizens of Kosovo.

The Assembly of Kosovo publishes the budget on its website, providing more detailed financial reports on a quarterly and annual basis on its expenditures. During the evaluation year, these data have continued to be published in an easily accessible and understandable format, strengthening the infrastructure of providing information in appropriate forms to the public and stakeholders.

During the evaluation year, it remains desirable for the publication of the so-called Citizens' Budget, a budget which is recommended to be published in a format that is easily accessible and understandable to ordinary citizens. This publication would help increase the transparency of the Assembly of Kosovo regarding the State Budget, as well as contribute to increasing fiscal transparency.

## **ENGAGING CITIZENS IN THE KOSOVO ASSEMBLY ACTIVITIES**

ODK has continued its cooperation with UBO Consulting by researching the engagement of citizens in the work of the Kosovo Assembly. A total of 1065 citizens of the Republic of Kosovo were interviewed through the comprehensive sampling method, grouped by age, gender, ethnicity, place of residence, and family income.

From the conducted polls, the majority of respondents stated that they follow a little of the work of the Assembly, with 46.4% of them being women and 38.3% men. Furthermore, 26.1% of women and 37.5% of men expressed that they follow the work of the Assembly to some extent, whereas 4.1% of women and 7.9% of men said that they follow it a lot. These results may imply that citizens are not interested in learning more about the work of the Kosovo Assembly or that the work of the Assembly fails to be provided in an understandable and accessible format.

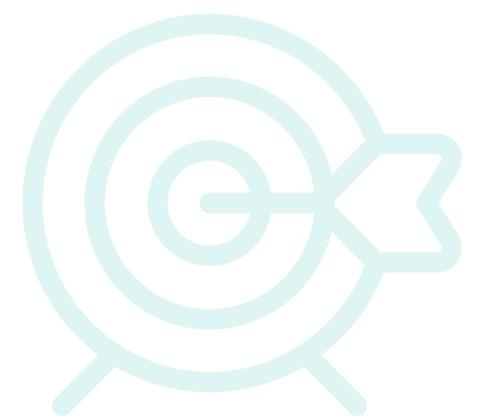
The next question that was asked was the satisfaction of the respondents with the work of the Kosovo Assembly. Overall, it was established that most individuals are somehow satisfied with the work of the Assembly, with 43.4% of them women and 46.3% of them men. Whereas only 2.3% of women and 1.8% of men are very satisfied with the work of the Assembly. The largest percentage of those who have expressed their neutral satisfaction regarding the work of the Kosovo Assembly are between 35-44 years of age.

## **RECOMMENDATIONS**

### **ACTION STEPS**

Of the recommendations presented from the last evaluation, the good news is the fulfillment of one of them, namely the appointment of the Information and Privacy Agency Commissioner. Therefore, even during this evaluation year, in order to continue having high results in working activities, we recommend that the Assembly of Kosovo take the following steps:

- **Adopt the e-signature legislation;**
- **Start the implementation of the Electronic Petition System (e-petitioning);**
- **Implement Regulatory Impact Assessment (RIA) mechanisms in order to provide a detailed and systematic assessment of the potential impacts of a new regulation, to then assess the fulfillment and achievement of the desired objectives of the regulation;**
- **Push forward a regulation of lobbying rules;**
- **Publish the so-called Citizens' Budget, in order to increase the transparency of the Assembly regarding the State Budget component;**
- **Organize more trainings for Assembly staff in the field of access to public documents.**



It is worth mentioning that in the last question addressed to the respondents, more than half of the respondents think that they cannot contribute to the initiatives of the Assembly. Whereas only 36.3% of men, and 27.2% of women think that they can contribute to the work of the relevant Institution. On the other hand 17.8% of men and 12.4% of women respondents did not have an opinion on this. After receiving these results, it should be emphasized that it is important to take into consideration the beliefs of citizens in the work of the Assembly, and therefore, the activities should be focused on developing communication forms that reach the citizens - thus enabling their input on the work of the relevant Institution.

