

ANALYSIS ON OPEN GOVERNANCE OF THE MINISTRY OF EDUCATION, SCIENCE, TECHNOLOGY AND INNOVATION

PROPOSALS FOR IMPROVING THE CURRENT SITUATION

ANALYSIS ON OPEN GOVERNANCE OF THE OFFICE OF THE PRIME MINISTER IN KOSOVO

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INTRODUCTION

Openness is a crucial component of democracy, giving people the information and knowledge they need to participate equally in political affairs, make wise decisions, and hold institutions responsible for their actions. Institutions all throughout the world carry out particular tasks to improve their openness and responsiveness to the public. As the open government movement has been a major global concern in recent years, the way in which open government influences the sustainable development of countries has become an important issue.

Transparency, accessibility, integrity, and awareness serve as the basic principles for open government. From the central executive through local self-governance, parliament, and the judicial system, these principles apply to all institutions and levels of government. Institutions must make it simpler for citizens to obtain information in order to be transparent, especially through the use of open data and records management. It should be combined with increased civil society involvement in the process of public decision-making. An assurance that governments are run effectively and without systemic corruption, the availability of information on government policies and acts, and a clear sense of organisational responsibility are crucial elements of transparent governance.

Open Data Kosovo has a 7 year-long experience working with the digital innovation, Openness Index Measurement (OIM), measuring the openness of various central level institutions in Kosovo. ODK has included the Ministry of Education, Science, Technology and Innovation (MESTI) as part of the assessment, as another governing institution that will benefit from incorporating open data practices. The respective platform of Openness Index will be used to conduct the measurement which will follow the set of indicators which comply with the principles already adapted on the Regional Openness Index 2016, developed by ODK through ActionSEE project ¹. As such, up to date, there are 47 indicators that comply with, and will be taken into account during the openness review process for MESTI.

According to the measurements performed over the years by ODK for governmental Institutions in Kosovo, it has resulted that constant interaction and collaboration with citizens serves as the driving force behind performance improvement. The effectiveness of the government operations and of its line ministries are improved through public participation. Executive departments and agencies should give Kosovo residents more opportunity to influence policy and to benefit their government with their combined knowledge and information.

The aim of this paper is to present the results of the Openness Index conducted for the Ministry of Education, Science, Technology and Innovation in Kosovo for 2021, measuring the level of openness for the institution aforementioned.

¹ <https://opennessindex2016.actionsee.org/institutions/id:244>

This document aims to present the current situation in regards to good governance and help the institution in question implement open data practices more effectively in their work. The paper can be in the benefit of representatives of international organisations, as well as colleagues from the CSO sector dealing with these issues.

ODK has observed the principles of research transparency and presented all its details and results to the institution assessed. ODK remains open to any suggestions, constructive criticism, and discussion regarding this policy document. A data verification model was used once the data was collected, resulting with the standard error of +/- 3%. The evaluation was carried out from June 2021 to the end of December 2021. Based on the research's findings, a list of recommendations for institutions was created.

RESEARCH METHODOLOGY

The following four guiding principles served as the foundation for this analysis, which monitored the extent to which data was obtained from the Regional Openness Index regarding MESTI, a tool that estimated how accessible government institutions are to the public and society in Western Balkan nations. For MESTI the following principles have been assessed: **1) transparency, 2) accessibility, 3) integrity and 4) awareness.** These principles are evaluated based on the following criteria: the ease of access to information on the Institution's official websites; the quality of the legislative framework for the relevant topics; additional public information sources; and institution-submitted questionnaires. A data verification model was used once the data was collected, resulting with the standard error of +/- 3%. The evaluation was carried out from May 2021 to the end of December 2021. Based on the research's findings, a list of recommendations for institutions was created.

Public access to organisational data, budgets, and public procurement processes are mandated under the principle of **Transparency**. **Accessibility** pertains to establishing and upholding policies for unrestricted access to information, enhancing the accessibility of information through public discussions, and fostering citizen engagement. **Integrity** includes elements like lobbying, upholding the code of ethics, and combating corruption. The final principle, **Awareness**, deals with the observation and assessment of institutionally implemented policies.

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.

OPENNESS OF THE MESTI IN 2021

The overall score for MESTI for 2021 was **64%**. In order to create a strong feeling of institutional responsibility, which is a crucial element of open government, MESTI should continuously be even more open and transparent with the general public and other stakeholders. The four concepts of government openness—transparency, accessibility, integrity, and awareness—are explained in depth in the section that follows.

TRANSPARENCY

The advancement of higher education and scientific research, as well as the encouragement of innovation and technical development, are within the competence of the MESTI. Additionally, the ministry is responsible for developing a comprehensive plan for the advancement of science, technology, and education in Kosovo as well as promoting the creation of a single, cohesive, non-discriminatory, and inclusive educational system. Considering these responsibilities, and much more, MESTI should aim to be a highly transparent institution, hereby publishing key documents and information, promote public consultation processes, and support the monitoring and implementation of transparency measures. For this principle, MESTI reached a result of 50%.

The transparency principle dictates that the budget, organisational information, and procurement methods be made available to the public and published on the official website. In terms of organisational transparency, the website of MESTI is continuously updated, having enough press releases from different meetings, official papers, reports, and strategies. Additionally, the website's content is provided in both of the nation's official languages. Additionally, contact information for the officials responsible for public communication are available on the official website. However, it is deficient in information about the official duties and responsibilities of the aforementioned officials, which may make interested parties unsure of what inquiries to direct to them.

Furthermore, no data on contracts, budgeting reports, or budget transparency has been disclosed on the official website of MESTI. Regarding the scope of public, service, and management expenses, no information is likewise accessible. MESTI's website doesn't offer data on public procurement procedures, such as open requests for bids, decisions and contracts on bids, and other data.

ACCESSIBILITY

The principle of accessibility addresses the amount of interest shown by stakeholders, including but not limited to citizens, CSOs, and other groups, in taking part in the institution's activity, including but not limited to the Act on freedom of information and other legislation. For this assessment year, the PMO has scored 65% in this principle.

Access to information otherwise known as right to information or freedom of information is an integral building block of open government. According to the Law on Access to Public Documents, each public institution is required to designate a person to routinely review the received requests and to establish an official email address that is used only for communications with the public. This law has a practical application because there is a specific individual who responds to requests for freedom of information within an acceptable minimum time frame. However, there is still little oversight of requests that are declined or unanswered when it comes to annual reporting on access to public documents. Based on the survey conducted with officials from MESTI, it has been disclosed that there is no training or guidance mechanism which enables public servants to assess the materials, data and other information-available, to be made public and to undertake their respective obligations under the FOI Act (Right to Information Act).

In respect to public consultation, the Office of Prime Minister, Good governance office developed the Public Consultation platform that all documents needed for consultation are published online from ministries on respective issues. Moreover, reports on the consultation also are published. The structure of the public consultation is regulated through Regulation (QRK) No. 05/2016 on minimum standards for the public consultation process, Article 21.² Based on the survey responded from MESTI, it has been disclosed that the Ministry has received 31 requests for access to public documents, responding to 25 of them, one being considered as partially addressed. It is recommended to functionalize a system that would keep track of requests received and their status.

Moreover, MESTI has organised one public consultation for a draft law adopted in the year 2021, publishing all comments/suggestions received in the public discussion platform, handled by the relevant MESTI commissions. Moreover, they have also been published in the final report of the public discussion process. While MESTI must respond to comments and suggestions submitted through public consultations as per the aforementioned regulation, Article 15, Collection of comments and their addressing.³ However, on the survey sent to the MESTI, when asked on the availability or existence of a procedure for citizens and interested parties to challenge the decisions made for any reason, no response has been provided.

² <http://konsultimet.rks-gov.net/Storage/Docs/Doc-58b8199b1839d.pdf>

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When assessing how accessible MESTI is on social media, updates on its official Facebook and Twitter accounts are taken into consideration. MESTI actively updates its Facebook page with the most recent information, keeping interested parties and the general public informed of the most recent developments. Whereas, the Twitter page of MESTI has not been updated since 2018. This continuous updates and information provided toward the public should be strengthened by the Institution, hence encouraging accessibility and informing the general public about the institution's operations.

INTEGRITY

Along with other principles of good governance, integrity is the third essential feature of an open government. Integrity indicators are related to the declaration of wealth, code of conduct, and conflict of interest, for which MESTI scored 65% in this principle. Integrity can be encouraged by internal means, such as codes of ethics, or external ones, including audits, and scrutiny by civil society and the media. The Ministry should aim to implement the highest standards of professional integrity throughout its administrations, and increase access to new technologies for openness and accountability.

The website of MESTI does not have the code of conduct for its officials published, or linked with the regulation on civil servant code of conduct of the Republic of Kosovo which is published in the official gazette of the country.⁴ MESTI needs to ensure proactive ethical reporting measures are in place, thereby involving protocols about right and wrong behaviours for many-different groups, like elected leaders (Minister and its Cabinet), political staff, public servants etc.

In Kosovo state officials continue to disclose the property, assets, income and debts who are obliged to declare their property. The list of assets for Assembly members includes updated information on assets, sources of income, income amount, and liabilities. The Anti-Corruption Agency, which monitors the use of asset lists, has systematised and stored this data in a way that is freely accessible to stakeholders and the general public. The information regarding property declarations can, however, be disclosed following the submission of an access request in accordance with the Law on Access to Public Documents and the Law on Personal Data Protection. As mentioned above, the Anti-Corruption Agency is the authorised body and is constantly engaged in monitoring the assets of public officials. In case of violation of the obligations provided by law on the part of the deputies, the Agency undertakes appropriate measures as provided by law.

⁴ <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10764>

Moreover, Kosovo currently lacks the implementation of laws governing lobbyists and their actions, which would serve to improve the protection of the public interest. Lobbying that is governed by legislation improves public sector openness and governs interactions between different interest groups, lobbyists, public officials, and politicians. A crucial first step in enhancing accountability, strengthening the legal system for combating corruption, and enhancing state administration performance is the establishment of defined regulations for lobbying. Moreover, it is recommended that MESTI provides training for its officials on subjects pertaining to lobbying activities, conflicts of interest, anti-corruption efforts, or whistle-blowing, as well as how to respond in cases of irregularities.

AWARENESS

The awareness component addresses the internal mechanisms used to monitor and assess the policies implemented by MESTI. The Ministry should enforce mechanisms which assess Institutional performance hereby contributing in strengthening the monitoring and accountability of its operations. In the last component of the assessment, MESTI has scored a result of 78%.

The reporting of MESTI, along with other line ministries in the country, continues to be consistent with the Rules and Procedure of the Government of Kosovo, which specify the method and type of information required in the ministry's reports - which are sent to the Office of the Prime Minister for approval. MESTI as other ministries adheres to the standards put by the Office for Good Governance/Office of the Prime Minister for public consultations through the coordinators for consultations in the line ministries involved in the process of developing legislation and policies.

The Ministry as a practice sends its annual work report to the Government of Kosovo, and as per the survey filled out by the representatives of MESTI, it has been disclosed that for 2021, it has sent the report to the Government in December 2021. Moreover, with the support of GIZ, MESTI has carried out the annual evaluations of the implementation of the Strategic Education Plan in Kosovo 2017-2021 and has drawn up the annual evaluation reports.

CITIZENS' ENGAGEMENT IN THE WORK OF THE PMO IN KOSOVO

ODK has continued its cooperation with UBO Consulting by researching the commitment and opinions of citizens for the work of MESTI. In total 1306 citizens of the Republic of Kosovo were interviewed through a comprehensive sample method, grouped by age, gender, ethnicity, residence and family income. The survey measured the citizens' engagement with the work of the MESTI, surveying whether the citizens believe that their interests are taken under consideration, whether they believe that they can contribute to the developments of the said institution, etc.

Based on the findings from the survey conducted, overall, it was found that most individuals are somewhat satisfied with the work of the MESTI, with 32.3% of women and 32.5% of men indicating this.⁵

The next question that was addressed was whether citizens believe that they can contribute to the work of MESTI. Based on the survey findings, 27.9% of the female respondents and 29.4% of male respondents believe that they can do so. On the other hand, 51.4% of female respondents and 57.6% of male respondents believe the opposite.

The results of the findings show how important it is to consider citizens' perspectives on the MESTI's work. As a result, efforts should be focused on developing channels of communication that allow people to offer feedback on the Institution's work, consider civic participation as essential to its efficacy, and present opportunities for collaboration between citizens and other pertinent stakeholders.

⁵ <https://www.facebook.com/opendatakosovo/posts/pfbid02GtH2r6GoXE9jnQw3q1yWjDCbmf3LPGHu6b52NTPxtqswYwJ7MVmb4x6E9QvhyoiKI>

RECOMMENDATIONS

STEPS OF ACTION

An open governance can lead to new ways of governing, both from the governments' and citizens' perspective, thereby promoting good governance and encouraging better decision making. As per the assessment conducted, it is recommended for the Ministry of Education, Science, Technology and Innovation, to adopt the following actions:

- *Establish a mechanism through which citizens are able to challenge decisions that were taken through an appropriate process*
- *Publish the annual work program, information regarding the personnel (including names and positions), salaries, contacts, institutional scope of work, organogram, staff resumes and work reports, as well as list of registers of documents in its possession on the website*
- *Organise educational activities in public institutions, such as seminars, workshops and in-service training events, to raise awareness about the benefits of open government and the importance of transparency;*
- *Create a complaint form on the official website of the MESTI by providing information on the chronology, relevant civil servants, and institutions that deal directly with specific complaints/requests;*
- *Ensure that plans, calls, decisions, contracts and annexes related to public procurement are published on its website;*
- *Increase social media presence in order to reach a wider audience;*
- *Publish an integrity plan or internal anti-corruption policy, including measures to prevent various forms of corruption and unethical behaviour within the institution;*
- *Publish the salaries of public officials on the website;*
- *Encourage public participation in MESTI's policy and decision-making processes, taking into account the importance and relevance that civil society, including NGOs and whistleblowers, can have on the decision-making process;*
- *Publish all information or documents on the official website in open formats (Microsoft Excel or Word).*