



*Duke Mbështetur Qeverisjen e Mirë dhe Qytëtarinë Aktive  
Supporting Good Governance and Active Citizenry*

# Transparency Index II

Policy research: Evaluation of transparency of institutions  
and public entrepreneurs in Kosovo (2011)

Prishtinë  
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## About FOL

Movement FOL is engaged to empower the civic impact on decision - making process, responsible and efficient governance. FOL is deeply devoted to work on improvement and attainment of a better civic representation in public life. FOL works for a good governance and grounded on democratic principles, for responsible, transparent and accountable institutions, and for application and compilation of laws with participation. Therefore, expenditure of public funds, conflict of interest, negligence and institutional responsibility and access to official information, are the main components of FOL engagement. FOL attempts to fulfill these goals by fighting the citizens' apathy and indifference and make citizens more active and more voiced, in order to serve the community interests and always alert to oppose abuse, misuse, corruption and other malpractices of governance.

## I. Introduction

### 1. Executive Summary

This policies research is the second, the first one was done last year. This research, likewise the research of 2010 evaluates the transparency of institutions and public enterprises operating in Kosovo. This time we are mainly focused in the progress achieved from last year, function of internal structures of institutions and public enterprises which are responsible for public communication and information, of course evaluating the same issues like the previous report. Even this research is focused in what level institutions and public enterprises have developed their formal capacities to provide effective enforcement of legal and constitutional provisions which guarantee the right of citizens to access the public documents which means public communication and information, in order to empower transparency and accountability toward public.

This report summarizes the findings regarding relevant issues from three main aspects of formation of institutions “horizontal” public policies, respectively **regulative** infrastructure of **policies** (respectively enforcement of this regulative within deadlines and area of responsibility of each institution and public enterprise.) and **capacities** for effective implementation of regulative framework and policies framework. In spite of the fact that in the previous report was stressed that providing information and full and adequate data for this research of policies requires analytical work and an internal preliminary self-evaluation of each institution (especially by officials responsible for public communication and information), as we can see further in this report, this year there was no obvious improvement of the institutions and public enterprises which agreed to cooperate, and the small number of those who agreed to cooperate took into consideration the findings of previous report. This is due to the repetition of mistakes from last year (like confusion about the civil society representatives with those of government, donors, international organizations and projects that support different institutions, exclusively in technical level - rise of institutional capacities of any kind, then legal frame with policies frame, and so on)

Below there is a chart ranging all institutions and public enterprises according to the Index of Institutional Transparency (ITI) for 2010 - 2011.

#### ***Index of Institutional and Public Enterprises Transparency (ranging for 2010 and 2011 - comparative review):***

No	INSTITUTION/PUBLIC ENTERPRISE	INDEX		TREND
		2010	2011	
1.	Kosovo Customs (KC)	90 (JPH)	93 (JPH)	▲
2.	Ministry of Local Government Administration (MLGA)	47 (PJH)	55 (M)	▲
3.	Kosovo Privatization Agency (KPA)	N/A	55 (PJH)	N/A
4.	Ministry of Health (MH)	N/A	55 (PJH)	N/A
5.	Republic of Kosovo Assembly (RKA)	53 (M)	50.5 (M)	▼
6.	Kosovo Anti-corruption Agency (KACA)	69 (GJH)	48 (M)	▼
7.	Ministry of European Integration (MEI)	N/A	48 (M)	N/A
8.	Kosovo Judicial Council (KJC)	N/A	45.5 (M)	N/A

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9.	Ministry of Internal Affairs (MIA)	62 (PJH)	45 (M)	▼
10.	Prime Minister's Office (PMO)	41.5 (M)	42.5 (M)	▲
11.	Post and Telecommunication of Kosovo (PTK)	43 (M)	42.5 (M)	▼
12.	The Institution of the Ombudsman (IO)	N/A	39 (M)	N/A
13.	Ministry of Environment and Spatial Planning (MESP)	N/A	39 (M)	N/A
14.	Ministry of Justice (MJ)	N/A	29.5 (M)	N/A
15.	Ministry of Economic Development (MED)	N/A	24.5 (M)	N/A
16.	Ministry of Communities and Return (MCR)	N/A	24 (M)	N/A
17.	Kosovo Energy Corporation (KEC)	64 (PJH)	N/A	N/A
18.	Kosovo Police (PK)	55.5 (PJH)	N/A	N/A
19.	State Prosecution	3 (M)	N/A	N/A

### 2. Goal and methodology of the research

This policy research is focused on public institutions and public enterprises activity enforcing the Law on Public Documents Access from January 2010 - May 2011. Information for this report was provided from 13 institutions public enterprises. The questionnaire was sent to them in July and they had two months to answer the questions asked in the questionnaire. To get the findings presented in this report we had to go through three phases:

**Elaboration of indicators for evaluation** during this phase we have identified the issues covered in this research and indicators for transparency evaluation.

Specific issues covered in this research are divided in these categories:

1. *Applicable legal frame* (including frame legislation and applicable one - sublegal acts) that establishes and regulates function of internal institution structures / organizing and implementing capacities for public communication and information, grounded on respective provisions of Republic of Kosovo Constitution of Law on Public Documents Access;
2. *Applicable Regulative frame* defines these legal obligations in concrete responsibilities of internal institutional structures/organizing responsibilities for public communication and information. Within each institution/public enterprises of internal institutional structures/organizing responsibilities for public communication and information. Within each institution/public enterprises of internal institutional structures/organizing responsibilities for public communication and information. Within each institution/public enterprise, and specific duties of the staff in charge to accomplish specific functions of public communication and information (organizing structure/organogram—SO/O, terms of references - TR, and job descriptions - JD);
3. The current policy frame (strategies and action plans, be them either of horizontal [specifically for public communication and information] are those consisting [vertical/sectorial documents of policies] which usually last many years and foresee strategic objectives) and operational plans for their implementation (which are usually one year long, and which convert strategic objectives into concrete activities in order to achieve these strategic objectives);
4. Institutional/organizing frame for public communication and information, focused at the existence of institutional/organizing structure as well as the mechanisms and their function, including their hierarchic position and internal monitoring standards, reporting and evaluation of implementation of strategic documents and legislation and those planning relevant for public communication and information, and also those regarding performance evaluation of the involved staff;
5. Institutional capacities (human, financial and technical) for the implementation of strategic documents and legislation as well as those of relevant to planning for public communication and information; and
6. Implementation issues focused on administrative practices and standards for public communication and information, which deals specifically with relations between media and civil society organizations (including business ones), their involvement in compiling and monitoring implementation respective legislation and strategic and planning documents stemming out of this legislation (either specific strategic documents for the institution/organization or for the involved sectors), and whatsoever additional measure and activities beyond legal obligations undertaken by institutions and public enterprises in order to establish a better communication and information of the public and a better enforcement of relevant constitutional and legal provisions.

Indicators: Rating of Institutional Transparency System (RITS) - five-scale system as it is shown in the table below:

1. 'Closed(C): 0% - 54% from 100%, marked in red	
2. 'Partly Open (PO): 55% - 66%, marked in orange;	
3. 'Half Open' (HO): 67% - 80%, marked in yellow;	
4. 'Not Totally Open' (NTO): 81 - 92%, marked in gray 50%	
5. 'Totally Open' (PLH): 93% - 100%, marked in green.	

Grounded on these issues we have collected data through a questionnaire consisting of 25 components: 24 questions and a table. We aimed to collect quantitative and qualitative information by means of the questionnaire regarding each issue. The questionnaires have been sent to General Secretaries of the Assembly and representative institutions and the central executive ones, respectively chief executive officers and/or directors of independent institutions, executive agencies and public enterprises. Therefore, these officials as senior responsible managers are in charge for all findings of this report.

At the introductory part of each questionnaire, the respondents are instructed thoroughly about the way of filling in the questionnaire and the type of the information required, including the position of officials (the officials are specified according to their responsibilities) who are instructed to conduct consultation within their sector upon the information regarding issues which addresses the questionnaire. These data have been collected from the end of May till the end of August 2010.

As the questionnaires were taken back the **assessment of transparency** of public institutions and enterprises has been conducted, and it has considered the above mentioned indicators. Depending on the quantity and quality of information presented in the questionnaire as well as the documents given as instructions to answers, each questionnaire component has been evaluated from 0 to 4 points. The sum of the given data resolves at the **Institutional Transparency Index (ITI)** expressed with the integer representing the percentile of points, textual naming and code, as well as color in accordance with (RITS).

### 3. Legal and Constitutional Dispositions for Access in Public Documents

The constitution of Republic of Kosovo, at article 41, stipulates that “every person has the right for access in legal documents.” Furthermore, it stipulates that “the documents held by public institutions and central authority bodies are public except the information which is refrained by law due to privacy issues, business or trade secrets or those qualified as non-disposable.”<sup>1</sup> From this constitutional stipulation stem the rights and obligations. On one side it gives the right to citizens for free access in institutional documents and those of public enterprises both at local and central level. On the other hand it obliges the public institutions and enterprises to establish all mechanisms and supportive infrastructure as well as to initiate all necessary precautions in order to fulfill this right, starting from the enforcement of specific obligations through enforcement legislation which should further be represented and applied within the frame work of the policies of the public institutions and enterprises. Nonetheless this constitutional article stipulates that this right can be sustained in cases when the access to information which contain privacy, breaches this right, as well as under circumstances where this information represent business secrets or have to be classified due to public security. Furthermore it is stipulated that these limitations should be clearly described within the law. This law is the law for access in public documents.

Except the constitution the law number 03/L–215 for access in public documents (LAPD) defines that its applications aims to warranty the right of each individuals judicial bodies without discrimination of any kind to have access after the request, documents which are held, compiled or accepted by public institutions.<sup>2</sup> This law defines principals, conditions and limitations accessing public documents, and the rules for the easiest application of this right. Without going into further details regarding the procedures of accessing public documents, in accordance with constitutional obligations that guarantee this right to the citizen, the effective the enforcement of these obligations by public institutions and enterprises is very important. This poses the need for them to enforce and make functional the whole necessary legal and institutional infrastructure; they also possess the necessary capacities for the application of the relevant obligations.

Regarding sublegal acts for its enforcement, this law obligates the government that within three months after it has become applicable to stem sublegal acts for its enforcement<sup>3</sup> but it specifies neither the application area nor the number of these acts. The applicable legal basis should especially define structures, resources, special obligations within each institution and public enterprise, for public communication and information as well as applicable measures and mechanisms in order to attain this, including classification and selection of sensitive public documents from public documents which are accessible in order to fulfill the given obligations within structures and applicable mechanisms, every institution, public enterprise is supposed to establish the regulative and technical infrastructure: the reflection of resources and obligations within their organizational structure, the existence of terms of reference (TR) and the job descriptions (JD), which specify the responsibilities of institutional structures/the organization of communication and public information as well as the concrete duties of involved staff. Other than these, the effective application of the legal frame requires the existence of internal monitoring standards, interpreting and assessment of their job, the allocation of the necessary resources (human, financial and technical) for the function of these policy documents and other work relevant plans. As far as the policy documents and work plans are concerned,

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<sup>1</sup> The Constitution of the Republic of Kosovo, article 41, the disposition to be found at [http://www.assembly-kosova.org/common/docs/Kushtetuta\\_sh.pdf](http://www.assembly-kosova.org/common/docs/Kushtetuta_sh.pdf)

<sup>2</sup> Law access on public documents, article 1 <http://www.kuvendikosoves.org/common/docs/ligjet/2010-215-alb.pdf>

<sup>3</sup> Ibid. Article 26, paragraph 1 & 2.

for the enforcement of these constitutional and legal obligations, the component of communication and public information should be reflected in all policy documents, which should contain specific objectives and activities in order for them to meet the deadlines. Last but not least, the existence of administrative practices by institutions/public enterprises is needed in order to create and develop a culture that promotes regular communication with media and civil society organizations in their common activity, especially in compiling, implementing and monitoring and evaluation of implementation of policy and legal frame.

II. Summary of the findings

INSTITUSIO N/ NP	ITI / Komp.																									ITI (0 - 100% / 100%), CODE AND COLORS	
	1 (0 - 4 / 4 POINTS)	2 (0 - 4 / 4 POINTS)	3 (0 - 4 / 4 POINTS)	4 (0 - 4 / 4 POINTS)	5 (0 - 4 / 4 POINTS)	6 (0 - 4 / 4 POINTS)	7 (0 - 4 / 4 POINTS)	8 (0 - 4 / 4 POINTS)	9 (0 - 4 / 4 POINTS)	10 (0 - 4 / 4 POINTS)	11 (0 - 4 / 4 POINTS)	12 (0 - 4 / 4 POINTS)	13 (0 - 4 / 4 POINTS)	14 (0 - 4 / 4 POINTS)	15 (0 - 4 / 4 POINTS)	16 (0 - 4 / 4 POINTS)	17 (0 - 4 / 4 POINTS)	18 (0 - 4 / 4 POINTS)	19 (0 - 4 / 4 POINTS)	20 (0 - 4 / 4 POINTS)	21 (0 - 4 / 4 POINTS)	22 (0 - 4 / 4 POINTS)	23 (0 - 4 / 4 POINTS)	24 (0 - 4 / 4 POINTS)	25 (0 - 4 / 4 POINTS)		
KC	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	2	1	4	2	4	4	4	4	4	93 (TO)
MLGA	2	1	1	4	4	2	2	2	4	2	1	1	2	2	3	4	2	2	2	1	1	4	2	0	4	55 (PO)	
KPA	4	2	2	2	2	4	2	2	3	2	2.5	0	1	2	1	2	4	1	1	0	1	4	3.5	3	4	55 (PO)	
MH	3	2	2	2	3	4	2	2	3	2	4	2	2	2	2	2	3	4	4	2	3	0	0	0	0	55 (PO)	
ASSEMBLY	4	2	1	0	2	2	2	4	1	1	1	3	4	2	2	2	2	1	1	1	2	4	2	3	4	53 (C)	
ACA	4	1	1	2	1	2	2	2	3	2	0.5	0	0.5	1	1	3	2	1	1	1	2	4	3	4	4	48 (C)	
KJC	2	1	4	1	1	2	0	2	2	1	3	1	1	1	3	3	3	4	1	1	0	4	2	0	2.5	45.5 (C)	
MEI	3	0	4	4	3	4	2	1	2	3	1	0	0	0	3	3	2	4	0	0	0	4	0	0	2	45 (C)	
MFA	4	3	4	2	2	2	2	2	0	2	1	0	1	2	2	2	2	1	1	1	0	4	3	0	2	45 (C)	
PMO	1.5	1	2	2	2	2	2	2	2	1	1	0	1	2	1	2	4	4	1	1	0	4	2	0	2	42.5 (C)	
PTK	1	1.5	0	2	2	4	3	3	2	2	0	0	0	2	2	2	2	2	0	2	0	4	2	0	4	42.5 (C)	
MESP	3	2	2	2	1	4	1	1	1	0	0.5	0	0.5	1	2	1	2	0	2	0	0	4	2	4	3	39 (C)	
IO	3	0	2	0	2	3	2	2	2	2	0	0	0	0	2	2	2	4	0	0	2	4	2	0	3	39 (C)	
MJ	0.5	1	1	1	1	4	0	1	1	1	0	0	0	0	2	2	4	1	0	0	0	4	1	2	2	29.5 (C)	
MED	0	1	1	0	0	2	2	0	1	1	0.5	0	0	0	2	2	2	2	1	0	0	4	0	0	3	24.5 (C)	
MCR	0	1	1	1	1	2	2	2	1	1	0.5	0	1	1	0.5	1	0	4	0	0	0	2	0	0	2	24 (C)	
<b>Institutional Transparency Index (AGREGAT) : 45.97 (M)</b>																											

### III. Findings for each institution and public enterprise

#### Representative institutions

Both institutions that have been contacted, only the assembly of Republic of Kosovo has responded to the request to disclose information for this study, whereas the office of the President of the Republic of Kosovo did not respond to the request.

#### 1. The Assembly of the Republic of Kosovo

In order to enforce the institutional dispositions which guarantee the right of the citizens to access the legal documents (article 41) the assembly of Republic of Kosovo possesses the regulation for the organization and responsibilities of the assembly administration, Article 10 of which specifies the responsibilities of the office for media and public affairs. The Assembly has offered the full text of this article, which has received maximum score (4 points). Furthermore, regarding sublegal act which defines structures, resources and specific obligations of this institutions for public communication and information, the assembly has given the full content of the article 3 of its regulation, which defines only obligations of this institution in this area, but there was no explanation regarding internal institutional structures and resources that should allocated for the enforcement of the obligation, thus it is evaluated with 2 point (50%). The evaluation for these two issues is the same as last year.

Considering mechanisms and measures for enforcement of these legal and constitutional dispositions, these institution has given a general answer which refers to professional and effective work as a factor for evaluation of the performance and career advancement of the staff, but this institution didn't give any explanation about how this mechanism functions (including those regarding accountability) and existing capacities for its enforcement. Hence, it is evaluated with one point (25%). According to the given information, the assembly does not possess any legal act that regulates classification and selection of sensitive public documents and accessible public documents, neither of the mechanisms nor given applicable measures (dependent on the ratification of the Law on classification of legal documents), the given evaluation was zero points (0 %). As far as the use of official language and those used by the assembly only the content of articles 78 and 79 of the Assembly regulations is given, these articles regulate this issue, but there was no explanation regarding the enforcement of measures and mechanisms, thus it is evaluated with two points (50 %). The given evaluation for these 3 issues is the same as last year.

In the level of internal institutional structures, is given only the content of article 10 of the Regulation of Organizing and Responsibilities of Assembly Administration (which defines the responsibilities of Media Office and Public relations), but there was no further information about its position regarding institution's organogram and its functioning way within its general structures. Therefore it is evaluated with 2 points. The same is with Terms of reference of this office (it is given the part of article 10 of abovementioned regulation which regulates the obligations of its two units responsible to attend and publish the activities of the assembly and documents as well), but there is no detailed description of TR of the office entirely and applicable mechanisms and measures, thus it is evaluated with 2 points (50%). Regarding Job Description (JD), it is given only the content of the Regulation of Organization and Responsibilities of Assembly Administration which defines Media and Public relation Office's

stuff duties (altogether 6) therefore it is evaluated with only 2 points (50%). The evaluation for these three issues is 2 points less than last year.

Regarding internal reporting and monitoring standards and work assessment of the officials of this Office of the Assembly and enforcement measures and mechanisms of these standards, the Assembly has given only a detailed description of daily duties of these officials; therefore it is evaluated with 25% (1 point). Regarding allocated resources to the Office for Media and Public Relation, the given information refers to the number of the staff (7 people) and intensity of the work, even though more resources were needed based on the previous plan for public communication and information. This was evaluated with 2 points (50%), one point more than last year. Same limited data have been given regarding allocated resources for implementation of policy documents and public information during the period covered by this report (only human resources and some improvements of financial and technical resources), but because of a more accurate data is missing, it is evaluated with 50% (2 points, same as last year).

Regarding planning documents for public communication and information and mechanisms for regular monitoring and reporting of their implementation, the assembly has the Work Plan of Media and Public relation Office, evaluating the staff performance annually, but no information regarding objectives foreseen by this document is given, thus it is evaluated with 25% (1 point), same as last year. About activities, it is given a number of activities foreseen by the Regulation for Access of Media and Public in Assembly Activities, but nothing has been said regarding mechanisms and measures of monitoring and reporting of their enforcement and their frequency, therefore it is assessed with 1 point (25%) 3 points less than last year. Similar limited data has been given about the measures that this plan foresees regarding access in public documents, in full accordance with Law on Public Documents Access, and regular monitoring and reporting mechanisms and measures, therefore it is assessed with 1 point (25%, 2 points less than last year).

Furthermore, according to given information, the assembly has a direct regular communication with media and provides information for civil society in regular basis, but it is not given any information about types of activities and the frequency of their occurrence, and this is evaluated with 50% (2 points, same as last year). Similar evaluation (2 points, 50% like last year) is given also for specific media which there is communication with. Regarding the cooperation with civil society organizations during the period January 2010 - May 2011, since it is given a list of specific organizations and activities, it is estimated maximum (with four points, 100%, two points more than last year).

Even in terms of communication and cooperation with non-governmental actors in developing and monitoring the implementation of specific legislative documents and policies are given incomplete data.

regarding drafting legislative documents the provided a list of draft-laws in the design of which are included non-governmental organizations, but as long as there is not included any local organization, it has been evaluated with 3 points (75%, 2 more than last year) In the following section, dealing with the involvement of civil society organizations in drafting policy documents and those planned, the evaluation is same as last year (1 point, 25%), for they provided only a list of documents, but did not mention any civil society organization. The same rating as last year (1 point, 25%) is given regarding the inclusion of non-governmental actors in the implementation of

policy documents and those planned, since they didn't mention any such organization involved. The same evaluation 1 point (1 point, 25%, same as last year) is given regarding the inclusion of non-governmental actors in monitoring the implementation of such documents, as this institution mentioned vaguely 'the government, relevant ministries, national and international mechanisms for monitoring the work of the Assembly, civil society, interest groups etc.'

The assembly has also confirmed that they have the website ([www.kuvendikosoves.org](http://www.kuvendikosoves.org)) and they have provided a list of published papers there in all official languages, so it is evaluated with 4 points (100%, same as last year). This institution also has taken additional measures and activities regarding public communication and information, such as placing monitors in corridors to notify specified events (in Albanian, Serbian and English), display Assembly materials and leaflets, newsletters, magazines and relevant publications, thus the evaluation is 100% (4 points, same as last year).

At the end, the Assembly has given the list of responsible officials for public communication and information (a total of four officers, although above they said to have seven such officials), with relative qualifications relevant to their work, the experience of 9, 8 and 1.5 and 1.5, years respectively, and a training with duration of 1 to 3 months, and it was evaluated with 3.5 points (87.5%, 0.5 points less than in last).

**To summarize**, based on the information provided for the purpose of this study and their evaluation in accordance with **Rating Institutional Transparency System (RITS)**, the **Assembly of Kosovo**, **Institutional Transparency Index (ITI) of 50.5** (2.5 lower than last year), turns out to be a **closed institution**

### Central executive institutions

The information related to this study this year have been provided by only nine executive institutions of central level: from ministers office, Ministry of Local Government Administration, Ministry of Justice, Ministry of European Integration, Ministry of Community and Return, Ministry of Environment and Spatial Planning, Ministry of Ministry of Foreign Affairs, Ministry of Health and Ministry of Economical Development. To sum up, based on the information related to this study and evaluation in accordance with the system of institutional transparency points, all nine central level executive institutions included in the study of this year resulted to be closed-institutions grounded in the average institutional transparency index, which is 40.5.

#### 2. Prime minister's Office

Prime minister's office hasn't provided its establishment legal document which guarantee the right to access public documents, however it has mentioned only the "Law on public documents access and several other documents", thus it is evaluated with 1.5 points (37.5%, 1.5 points less than last year). Regarding the sublegal act which defines structures, resources and obligations for public communication and information for enforcement of these dispositions, PMO has only mentioned the regulation number 03/2011 of governmental communication service with public, but there was no explanation regarding institutional structures and resources that are supposed to be allocated for the purpose of the enforcement of these obligations, therefore it is evaluated with one point (25%, one point less than last year). As far as mechanisms and enforcement measures foreseen with this sublegal act are concerned PMO has mentioned that the above mentioned regulation foresees the completion public communication office in central and local level with responsible officials for each aspect of communication with public and formation of communication unit with citizens, but as long as no additional explanation was given it is evaluated with two points (50%, one point more than last year).

Regarding regulation of the classification and selection of public documents PMO has mentioned the administrative guidance on principals, procedures and public documentation marks as a legal basis, and has specified that its unit for communication with public is responsible to evaluate which is the unit within public institution that is in charge to possess the documents. It is evaluated with two points (50% one point more than last year) because there was no other explanation. Furthermore, regarding the use of languages, PMO has mentioned the Law on Languages Use and the respective commission which function within PMO (but this commission is a national structure, it means it is not specifically PMOs), but there was no any explanation about mechanisms and enforcement measures, therefore it is evaluated with two points (50%, one point more than last year).

PMO has stated that its organogram foresees function of public communication office within its structure, this is defined by the regulation number 03/2011 of governmental communication service with public, but whilst there was no additional explanation regarding its hierarchical position of the PMO, it is evaluated with 2 points (50%, 2 points less than last year). PMO has also stated that within this regulations are integrated reference terms of public communication office, and the number of the staff was given (5 officials), but there was no explanation about mechanisms and enforcement measures thus it is evaluated with two points (50%, one point more than last year). The same stands for (one out of four points, 50%, same as last year) job descriptions of these officials, because it was only said that these

positions are mentioned in the same regulation, based on the law on civil services and each official has them in their personal file, but no additional explanation information was given regarding duties and obligations of officials. Regarding internal reporting and monitoring standards and evaluation of the work, PMO has stated that monitoring and reporting mainly are done through work evaluation system for every clerk for a one year duration (Annual work evaluation) by leader for their subjects, and it is evaluated with two points (50%, same as last year) because no additional explanation regarding function of mechanisms and enforcement measure was given.

The given evaluation regarding allocating resources during the period from January 2010 until May 2011 is 25% (one point more than last year), it was only mentioned finances, as it has been stated that the finances which are part of PMO budget are allocated for public communication office for completion of its duties, which means that resources planning data for this office are missing. Regarding allocated resources dedicated to policies and documents approval and annual work plan, it is evaluated with 50% (two points, same as last year), this is due to the statement that there was budget coverage planned for completion of all these activities as they were planned, without mentioning any concrete documents of PMOs, no concrete activity is planned and no data given regarding allocated resources. Regarding allocated resources for the succeeding year, PMO has stated that its budget plan covers all the foreseen activities by work planning, whilst there was nothing specifically mentioned about financial and technical resources, it is evaluated with 2 points (50%, 1 point less than last year).

In spite of last year when PMO had stated that its office for Public Communication has the Strategy of Communication and Annual Work Plan, this time only Work Plan was mentioned for realization of strategic objectives which are to be reported every three months, but while there was no objective mentioned nor reporting and monitoring measures are explained, it is evaluated with 25% (one point, same as last year). Furthermore, regarding the forcing activities of this annual plan ensuring access in public documents, PMO has only repeated legal obligation and the request its realization, which is no relevant answer, thus it is evaluated 0% (0 points, same as last year). A higher evaluation 1.25% (one point more than last year) was given regarding the foreseen activities for this year in order to implement legal obligations of PMO for public communication and information, this is because it is repeated that trimester reports are the main monitoring mechanism, including monitoring whether access to public documents is assured, depending the number of requests.

Based on the information belonging to this study the PMO has direct communication with all media in Kosovo, mainly for notifying the public about PMO's activities, and it is accountable to the curiosity of the media regarding different issues. However, nothing has been said regarding the communication with civil society organizations and their accuracies, hence it has been evaluated 25% (1 point, one point less than last year). The same assessment as last year (2 points, 50%) has been given to regular communication with media since it has been stated that there is communication with all national media and a certain number of local media but there hasn't been said anything about the way this communication happens. On the other hand, we seem to have a better situation related to last year regarding the involvement of civil society organization: there have been listed 9 such organizations (chiefly in the human rights sphere), as well as other activities involvement, thus it has been evaluated with maximum points (four points, 50%, two points more than last year).

The same evaluation (four points, 100%, three points more than last year) has been given on the law proposals sponsored by PMO, given that there have been listed law proposals (total eight) and nonofficial agents involved in their drafting. Nevertheless, when we talk about the involvement of nonofficial agents in the drafting of policy documents sponsored by PMO we have to mention two of them (a declaration of Government priorities for the middle term expenditure frame and the action plan for the realization of economic vision 2011-2014) and a few other relevant ministries and donors, thus it has been given one point (50%, two points less than last year). As far as implementation of the policy documents under the PMO authority and nonofficial agents are concerned, it has been evaluated with one point (25%, one point more than last year), because they have offered the list of documents of the implementation policies in which the PMO is involved, but there has been given no information about the nongovernmental agents involved in this process. The same assessment as last year (0 points, 0%) has been given to the nongovernmental agents involved in the process of monitoring of policies documents, since it has already been declared that 'different international and national organizations conduct the monitoring of policies documents regarding different issues'.

PMO has claimed that they run their website ([www.kryeministri-ks.net](http://www.kryeministri-ks.net)), which contains a large number of documents in official languages. The assessment for this is 100% (four out of four). Furthermore, regarding the additional measures and activities taken from PMO has been evaluated with zero points (0%, one point less than last year), since PMO has claimed that it has conducted no additional activities during the period covered in this report. Finally, PMO has offered the list of responsible officials for public information and communication (in total six officials), four of which lack necessary qualification, whereas their overall experience is about three to nine years (even though nothing has been said regarding its relevance), and they have attended trainings of a duration of 1-3 months. Hence, it has been assessed with two points (50%, 0.5 points less than last year).

**To sum up**, based on the information of this study and their study in accordance with the **Rating institutional transparency system (RITS)**, PMO with institutional transparency index (ITI) of 42.5 points (one point more than last year), turns out to be a **closed institution**.

### **1. Ministry of Local Government Administration (MLGA)**

Regarding the application of constitutional and legal provisions for access to public documents through the document that establishes MLGA, this ministry has given partly accurate information: it is referred to the Law on Access to Official Document (which specifically does not regulate MLGA), and has given the article that defines the purpose of the Regulation for Government Service and Public Communication, therefore received a rating of 2 points (50%, 2 points more than last year). However, the sub-legal act that regulates the internal organizational structure of MLGA contains a provision that regulates the operation of its Information Office (i.e. Article 7 of the UA no. 2010/02 on the Internal Organization and Structure of MLGA, on the duties and responsibilities of the Office of Information), there are also mentioned two such acts: AU no. 2008/09 on Municipal Transparency and the Decision of Establishment of Working Sub-groups for Implementation of the Action Plan for Decentralization. In addition, there is no explanation given about the structures, resources and obligations defined by these sublegal acts, therefore, it is evaluated at 1 point (25%, 1 point less than last year). As for mechanisms and enforcement measures foreseen by these sublegal acts, MLGA stated that AU on its Internal Organization and Structure regulates the

operation of its Office of Information, but there was not given any explanation about the functioning of the internal mechanisms to ensure implementation of this provision, Therefore, it is evaluated with 1 point (25%, 1 point less than last year).

Further, MLGA explained the way of regulation of the classification and selection of public documents according to the Law on Classification of Official Documents, and has fully specified the contents of the relevant provisions, therefore, it is evaluated with 4 points (100%, 4 more more than last year). Another issue, that of the use of official languages and those spoken in Kosovo, the Ministry regulates this issue by the Regulation on the Use of Languages and UA on the Use of Languages, and as mechanisms and enforcement measure serves the regular monitoring of the implementation of the Law on the Use of languages and other legal acts, also periodic reports are prepared on this. Another mechanism is direct participation in the Governmental Committee on the Use of Languages, which operates within the Office of the Prime Minister. This is evaluated at 100% (4 points, same as last year).

According to information provided by this ministry, the Information Office of Local Government Administration is an integral part of its organizational structure and consists of four officers, but because of the lack of more detailed data on its functioning within the structure of MLGA it was given rating of 1 point (1 point, 25%, 3 points less than last year). Regarding the Terms of Reference of the Information Office, MLGA has showed their content, but since it was not given any explanation about the enforcement mechanisms and measures, it is evaluated with 2 points (50%, 2 points more than last year). But as far as Job Descriptions, MLGA stated that the office has specified TR (but it is not clear whether indeed possesses JD), therefore it is estimated with 2 points (50%, same as last year). MLGA has stated that it has an internal reporting and monitoring standard, which are weekly reports, quarterly, semi-annual and annual, and as a mechanism and implementing measure it's the comparison with realized planned activities within the work plan of the Office of Information, and it is evaluated with 4 points (100%, 3 points more than last year).

In terms of allocation of resources to the responsible department for public communication and information during the period January 2010 - May 2011, MLGA stated that the budget is allocated each year based on annual work plan, which is approved by management and political staff of this ministry, but since there are no detailed explanations given on the planned activities and the approximate amount of resources, it evaluated with 2 points (50%, 1 point more than last year). The same rating (2 points, 50%, 1 point more than last year) is given to the resources allocated to implement the components of policy documents and those planned for public communication and information, since it is only stated that annual budget of this ministry provides these resources, but they did not give any explanation on their amount and the report between required and allocated resources. The same rating (2 points, 50%, 1.5 points more than last year), is given about the resources allocated for the following year, after only being given data on the number of the staff and some technical equipment and it has been said that financial resources are part of the annual budget of this ministry, but there are no concrete explanations about the amount of the resources of all categories (human, financial and technical) provided with the Annual Work Plan of the office.

Rating of 1 point (25%, 1.5 points less than last year) is given in section dealing with policy documents of this ministry for Public Communication and Information, as the title has been specified and is referred to the components of public communication and information (Annual Work Plan of the Office of Information, which includes specific plans for communicating with the media, for informative campaign of decentralization, for strengthening of transparency in

the municipalities and the one for the campaign for the role of citizens in decision making), but they are not formulated in the form of objectives, nor are explained the mechanisms and measures for monitoring and regular reporting of their implementation. Regarding concrete mechanisms and measures provided by policy documents MLGA to ensure access to public documents and measures and mechanisms for regular monitoring and reporting on their implementation, MLGA has stated that it is only achieved through regular reporting on the implementation of policies for access to official documents, but nothing is said about the content of these activities, and there is no detailed explanation about the way of implementation of implementing mechanisms and measures, it is therefore estimated with 1 point (25%, 1 point less than last year). On the other hand, MLGA has listed component dealing with public communication and information within the work plan of the Ministry of Local Government Administration, and a part of measures and mechanisms for reporting and monitoring (regular reports and performance evaluations of officers), but there are not listed any specific activities within this component, nor more detailed explanations on the mechanisms and measures for monitoring and regular reporting of their performance, thus it is evaluated by 2 points (50%, 2 points more than last year).

MLGA stated that it has established regular direct communication with all media and civil society organizations, depending on the activities and requirements of the media to get information, but since they have not explained in details the frequency of communication with them, took rating of 3 points (75%, 1 point less than last year). Further, the Ministry has given a long list of media on which there is regular communication and activities they have been communicating (press conferences, formal and informal meetings with journalists, communications, reports, interviews, answers questioned direct by journalists, sending information on ministry, activities and certain topics) and it is evaluated with 4 points (100%, same as last year). MLGA has also given a list of civil society organizations involved in implementing the work plan of the Office of Information, but since there is not a detailed explanation of the types of involvement of each of them (exchange of information, consultation, collaboration or partnership), is evaluated with 2 points (75%, 1 point less than last year).

This ministry has given a list of draft-laws that have been sponsored this year and has stated that civil society is involved in their design, but they haven't specifically explained which civil society organization was involved in the design of which draft-law; therefore it is estimated at 2 points (50%, same as last year). The same rating (2 points, 50%, 1 point more than last year), regarding the inclusion of non-government actors in its drafting policy documents and public information and communication, MLGA has given a list of policies documents developed during the period January 2010 - May 2011, but since it was not given any list of involved participants, it is rated at 2 points (25%, one point more than last year). The same rating as last year (1 point, 25%) is given regarding the inclusion of these kinds of actors in the implementation of policy papers, having been given a list of policy documents, but the list of actors involved and the types of relevant activities carried out is missing. The same assessment (1 point, 25%, 0.5 points less than last year) is given in terms of involvement of non-governmental actors in monitoring and evaluating the implementation of policy documents, as all actors listed are foreign organizations, and nothing is said about the involvement of local actors and the duration of their involvement.

In the meantime, the item relating to the website of this ministry has been estimated the maximum (4 out of 4 points, 100%), after it has been stated that this ministry has its own website ([official-gov.netwww.mapl.rks](http://official-gov.netwww.mapl.rks)), which can be easily monitored. MLGA did not

mention that they have taken any additional measures and activities in terms of information and communication with the public; it is estimated at this point with 0 points (0%, same as last year). In the end, the ministry has given a list of officials responsible for public communications and information (total 2 officials), both of whom possess appropriate qualifications, and work experience of 6 years, respectively, 1 year, and have attended relevant training in a period of 8 years, and have received trainings with a duration of 1 week - 1 month, so it is given assessment of 4 points (100%, 0.5 points more than last year).

**To summarize**, based on the information provided for the purpose of this study and their evaluation in accordance with **Rating Institutional Transparency System (RITS)**, Ministry of Local Government Administration, with Institutional Transparency Index (ITI) of 55 points (8 points more than last year), shows that it is **partially open institution**.

### 2. Ministry of Justice (MJ)

Ministry of Justice is not selected for the study of last year. As for the reflection of the constitutional and legal provisions for public communication and information within the founding document of this ministry, MJ has only mentioned the Law on Access to Public Documents and the Rules on Government Services and Public Communication, but since didn't provide the content of relevant provisions as part of these two documents or legal document establishing the MJ is evaluated with 0.5 points (12.5%). Similar limited response is given regarding sublegal act that establishes obligations, structures and resources of this ministry for Public Communication and Information, as this ministry has been referred to only the Regulation on Government Communication Services with Public, but since they didn't provide any additional explanation if and how it applies within the internal structures of the MJ responsible for public communication and information, nor on the structures, resources and specific obligations arising from relevant legal documents, it is evaluated with 1 point (25%). The same assessment (1 point, 25%) is given in the section on implementing mechanisms and measures provided by certain sublegal acts, as MJ has only stated that its Office of Information 'provides effective communication [and] provides accurate and clear reports about the activities of public institutions for the target groups or interested ones, but there was no explanation on the functioning of the internal mechanisms to ensure implementation of this provision.

According to the information provided, MJ has partially regulated the issue of classification and selection of public documents, once stated that it is regulated only under Section 12 of the Law on Access to Public Documents, not giving the content of the provision, or any explanation of the enforcement mechanisms and measures; therefore, it is evaluated with 1 point (25%). The same rating (from 1 point, 25%) is given in terms of regulating the issue of official languages and the spoken ones, since the MJ has mentioned only the Law on the Use of Languages and national level relevant Committee, and has not provided any additional explanation as to how to practice this provisions of this law and the implementing mechanisms and measures arising from the work of this committee, therefore, it has been evaluated with 1 point (25%).

According to the information provided, the Information Office of MJ is an integral part of its organizational structure and functions within the Office of the Secretary-General, and is rated 4 points (100%). Regarding the Terms of Reference of the Information Office, this ministry has

stated that it has established a committee to draft a regulation on organization and systematization of the job description of all its units and structures, which means that has not yet the TR of the Office of Information, and it is therefore estimated with 0 points (0%). But as far as Job Descriptions are concerned, MJ has stated that its responsible staff for public communication and information acts based on the duties and responsibilities specified in the Regulation on Government Service of Communication with public, and is rated at 1 point (25%), since they do not provide any additional explanation on how these responsibilities and obligations apply at the job description. Regarding to the internal reporting and monitoring standards MJ is rated 1 point (25%), as the only generally stated that monitoring and evaluation of the work is carried out in accordance with the aforementioned regulation and legislation for the Civil Service, thus detailed data on the mechanisms and specific measures of their performance are missing, and nor on the frequency of these mechanisms of action.

In terms of allocation of resources, to the department responsible for public communication and information, during the period January 2010 - May 2011, MJ has given the amount of the budget allocated to the Office of the Secretary General of this ministry (within which the office operates), but since they did not provide any information or more detailed explanation of planned activities and other types of resources, it is rated at 1 point (25%). On the other hand, rating from 0 points (0%) is given regarding the resources allocated to implement the components of policy documents and those planned for public communication and information during the period January 2010 - May 2011, since MJ at this point has not given any information. Rating of 1 point (25%) is also given to the above point about the resources allocated for the following year, after being satisfied with the answer given regarding the budget allocated to the Office of the Secretary-General.

Rating of 0 points (0%) is given in the section dealing with policy documents of this ministry for Public Communication and Information, as it is stated that they are working on the Strategic Development Plan, part of which will be also the public communication and information field. The same rating (0 points, 0%) is given to concrete measures and mechanisms provided by its policy documents to ensure access to public documents and the measures and mechanisms for regular monitoring and reporting on their implementation, after the expression of commitment of MJ to work in accordance with LAPD. The same rating (0 points, 0%) is given regarding the decomposition of goals into concrete activities for public communication and information, since it was not given any response.

MJ has stated that during the period January 2010 - May 2011 there was regular communication with all media and civil society organizations concerned, but since they have not explained in details the types of activities and frequency of communication with them, has been evaluated with 2 points (50%). Same applies (rating of 2 points, 50%) regarding the media with which MJ have been communicating during this period, as long as they listed some of them, but didn't provide any explanation of the types of activities and frequency of performing them. On the other hand, this ministry has given a list of civil society organizations that have collaborated during the period January 2010 - May 2011, and specific activities, thus it is evaluated with 4 points (100%).

This ministry has given a list of draft-laws that have sponsored this year, but since they didn't mention any civil society organization involved in their design, it is evaluated with 1 point (25%). On the other hand, evaluation less than that (of 0 points, 0%) is given regarding the inclusion of non-governmental actors in their drafting policy documents for public communication and information, since the answer given is incorrect. The same rating (0

points, 0%) is given regarding the inclusion of these kinds of actors in the implementation of policy documents, since it was not given any information. The same rating (0 points, 0%) is given regarding the inclusion of non-governmental actors in monitoring and evaluating the implementation of policy documents, as the answer given is incorrect.

In the meantime, regarding the website of this ministry, it has been evaluated the maximum (4 out of 4 points, 100%), as it has been stated that this ministry has its own website (official [www.md-ks.org](http://www.md-ks.org)) where all activities are published regularly, legislation, etc., but also the expenses of MJ (the latter every week), which also can be easily monitored. Regarding additional activities for public communication and information taken from MJ, as MJ has stated that they have responded to all requests received in terms of public communication and information, it is rated at 2 points (50%). In the end, this ministry has provided data on the qualifications of its responsible officer for public communications and information, formal qualifications that possess relevant work experience from 1 - 5 years, training with duration from 1 to 3 months, but since they didn't provide more details on work experience and training topics attended, it is evaluated with 2 points (50%).

**To summarize**, based on the information provided for the purpose of this study and their evaluation in accordance with **Rating Institutional Transparency System (RITS)**, **Ministry of Justice**, with Institutional Transparency Index (ITI) of **29.5**, shows that this institution is closed.

### 3. Ministry of European Integration (MEI)

Neither this ministry is involved in the study of last year, having been founded only a few months before its completion. As for the reflection of the constitutional and legal provisions for public communication and information within its founding document, MEI just mentioned regulation for its organizational structure (Section 6 which provides the Office of Communication and Information), Regulation on Government communication Service with the public (which in Article 10 provides the functions of the Office for Public communication of ministries and the section 12 functions of the Director of Public Communications Office of the ministries), but since it is not given the full content of all articles listed, is rated at 3 points (75%). Furthermore, MEI has announced that it has not any sublegal act that defines responsibilities, structures and resources of this ministry for communications and Public Information, therefore, is rated at 0 points (0%). On the other hand, the assessment of 4 points (100%) is given in section on mechanisms and implementing measures provided by respective sublegal acts, since MEI has listed the duties and obligations of its Office of Information and explained their application.

According to information provided, MEI has arranged the issue of classification and selection of public documents according the Law on Classification of Information and Verification of Data Security, and has listed all appropriate measures; therefore, it is rated at 4 points (100%). A lower rating (from 3-point, 75%) is given regarding the issue of the use of official languages and in use, as this ministry has referred to the Law on the Use of Languages and national level relevant Committee, and the implementing measures envisaged by law and enforced by this institution, but no additional explanation on how the obligations arising from this law, are given.

According to information provided, the Information Office of the MEI is an integral part of the Office of the Secretary-General, which also reports to, and has shown that the ornogram can

be found on the website of this Ministry, and it is assessed with 4 points (100%). Regarding the Terms of Reference of the Information Office, this Ministry has stated that they are set by Regulation for Government Communication Service with Public, but since there is no more detailed explanation on the mechanisms and measures for implementation of these obligations, it is evaluated with 2 points (50%). Similar rating (from 1 point, 25%) is given in terms of Job Descriptions, since MEI has announced that the same regulation defines also the JD, but they did not give detailed explanations on this issue. Regarding the internal reporting and monitoring standards, MEI is evaluated with 2 points (50%), because they only stated that the work evaluation is being carried out regularly (annually), while the standard of reporting is the level of enforcement responsibilities of JD', and they haven't given any detailed explanations on the mechanisms and specific measures of their performance, nor on the frequency of these mechanisms and measures.

In terms of allocation of resources to the responsible department for public communications and information during the period January 2010 - May 2011, MEI has stated that its Office of Communications and Information was established in May 2011, it possesses all the necessary financial and technical resources and two officials but since it is stated that there is a need for more officers, it is evaluated with 3 points (75%). On the other hand, rating from 0 points (0%) is given in terms of resources allocated to implement the components of policy documents and those planned for public communication and information during the period January 2010 - May 2011, since at this point MEI has not given any information. The same rating (from 0 points, 0%) is given in section on resources allocated for the following year, because there wasn't any information.

Rating of 1 point (25%) is given in the section dealing with the policy documents of this Ministry for Public Communications and Information, as they have listed a number of issues focused in the draft strategy of this ministry for communications and information, the strategy is still being designed, and as such is not yet applicable. On the other hand, rating from 0 points (0%) is given in terms of concrete measures and mechanisms provided by its policy documents to ensure access to public documents and the measures and mechanisms for regular monitoring and reporting of their implementation, since it is stated that the above strategy will provide a responsible official for submitting request for access to public documents but this strategy is not yet applicable. The same rating (0 points, 0%) is given regarding specific activities for public communication and information, although it is stated that such strategy will provide for monitoring, reporting and assessments (including outer ones) of LAPD enforcement.

MEI has stated that during the period January 2010 - May 2011 there was regular communication with the media and civil society organizations concerned, and they have listed some specific activities (regular weekly meetings with the Office of Information, meetings with minister and other officials, consultation in the drafting of the Regulation on the European Integration at the municipal level), and it is rated at 3 points (75%). Same applies (rating of 3 points, 75%) regarding the media with which MEI has had communication during this period, having been told that there is regular communication with all media and are listed the main activities (dealing mainly with developments on European integration). On the other hand, this ministry explained only in general that during this period has collaborated with civil society organizations in informing public opinion on European integration, but has not mentioned any specific activity, therefore, it is estimated with 2 points (50%).

As no draft-laws are sponsored, this ministry has given a list of sublaws acts (three), designed during the period January 2010 - May 2011 and the list of civil society organizations consulted during their desingnment (5 of them) and it is evaluated with four points (100%). On the other hand, rating from 0 points (0%) has been given regarding the inclusion of non-government actors in drafting policy documents for public communication and information, because they haven't given any information. The same rating (0 points, 0%) has been given regarding the inclusion of these kinds of actors in the implementation of policy documents, since it was not given any information. The same rating (0 points, 0%) is given regarding the inclusion of non-government actors in monitoring and evaluating the implementation of policy documents, since it was not given any information.

In the meantime, regarding the website of this ministry has been evaluated the maximum (4 out of 4 points, 100%), as it has been stated that this ministry has its own website (official-ks.net www.mei) and they have given a list of documents published in this website (which also can be easily monitored). As MEI has provided no information regarding additional activities of public communication and information, it is evaluated with 0 points (0%). In the end, the Ministry has provided data on qualifications, experience and training attended only by one officer, while above they had stated that there were two officers responsible for public communication and information, therefore, it is evaluated with 2 points (50%).

**To summarize**, based on the information provided for the purpose of this study and its evaluation in accordance with **Rating Institutional Transparency System (RITS)**, the **Ministry of European Integration**, awith **Institutional Transparency Index (ITI) of 45**, results to be a **closed institution**.

#### **4. Ministry of Community and Return (MCR)**

The Ministry of Communities and Return is not selected for the study of last year. Regarding the reflection of the constitutional and legal provisions for public communication and information within its founding document, MCR has mentioned only the Law on Access to Public Documents 'and a number of other documents', so it is evaluated with 0 points (0%). According to its data, this ministry does not possess a sublegal act that defines the obligations, structures and resources for public communication and information, as the have mentioned the Regulation for Government Communication Service with public, but they didn't make any explanation regarding which structures and resources have been provided to be implemented, so it is evaluated with 1 point (25%). The same rating (from 1 point, 25%) is given regarding classification and selection of pulic docments, since they only stated tat this is regulated by UA on Principles, procedures and Signs of Public Documents Classification, but they didn't provided any explanation about the mechanisms and enforcement measures. The same rating (from 1 point, 25%) is given in terms of regulating the issue of official languages and those spoken, as this ministry has referred to the Law on the Use of Languages and national level relevant Commission, but they didn't give any additional explanation on the mechanisms and enforcement measures.

According to information provided, the ornogram of MCR provides operation of the Public Information Office, but since they have not explained its position within the hierarchy of the Ministry, it is evaluated with 2 points (50%). The same rating (from 2 points, 50%) is given regarding the Terms of Reference of the Information Office of this ministry, as only stated

that they are set by the Regulation for Government Communication Service with Public, but they have not provided more detailed explanation on the mechanisms and enforcement measures. The same rating (from 2 points, 50%) is given regarding Job Descriptions, because MRC has stated that every officer of the Public Information Office has their JD, but they haven't given the content and detailed explanation on this issue. Regarding the internal reporting monitoring standards, MCR is evaluated with 1 point (25%), as they have stated that the reporting and monitoring are carried out based on the Civil Service Law and relevant regulations and the work performance evaluation is yearly, but they have not provided more detailed explanations on the mechanisms and specific measures of their performance.

Regarding the allocation of resources to the department responsible for public communication and information during the period January 2010 - May 2011, MCR has stated that finances are provided for implementation of the activities of the Office of Communication and Information, but they didn't tell about the amount and other types of planned resources, and is therefore it is evaluated with 1 point (25%). The same rating (from one point, 25%) is given regarding resources allocated to implement the components of policy documents and those planning for public communication and information during the period January 2010 - May 2011, after they have only stated generally that budgetary funds for all activities planned by the Annual Work Plan of the Public Communication Office are planned, upon the request of this office, but they have not provided any detailed explanation on the amount of these funds or other resources necessary to carry out these activities. The lowest rating (from 0 points, 0%) is given in section of resources allocated for the following year, because they didn't give any information.

Rating of 0.5 points (12.5%) is given in the section dealing with policy documents of this ministry for Public Communications and Information, since it was mentioned the Annual Plan of Public Communications Office, and was generally said that its implementation is supervised, but nothing is said about the content of the objectives, methods for their implementation, and mechanisms and measures for monitoring and reporting. On the other hand, rating from 0 points (0%) is given in regarding concrete measures and mechanisms foreseen by its policy documents to ensure access to public documents and the measures and mechanisms for regular monitoring and reporting of their implementation, because the answer given is irrelevant. Rating of 1 point (25%) is given regarding specific activities for public communication and information, because they only stated that the plan of the office in question provides the guarantee of access to official documents, whereas quarterly reports on its implementation serve as monitoring mechanisms, but they do not mention any other activity or any other monitoring and evaluation mechanism.

MCR has stated that during the period January 2010 - May 2011 there was regular communication with all media in the country, mainly in order to inform the public on the activities of the ministry, but since there are not listed other types of activities and nor any civil society organization (including the frequency of communication with each of them), it is evaluated with 0.5 points (12.5%). On the other hand, the evaluation of 1 point (25%) is given in terms of specific media with which the MCR has had communication during this period and the types of activities for which it has been communicated, as well at this point this ministry just said generally that there was regular communication with all national and local media on its various activities, but they did not give a list of these media, nor detailed explanations on the types of activities for which it has been communicated. Further, the MCR has been evaluated with 0 points (0%) regarding the cooperation with civil society organizations, because they didn't provide any concrete and specific information.

Once the Ministry has stated that during the period January 2010 - May 2011 has not sponsored any bill, there was therefore no need for cooperation with civil society organizations, is valued at 4 points (100%). On the other hand, rating from 0 points (0%) is given in conjunction with the inclusion of non-government actors in the drafting of policy documents relevant to its communications and public information, since it was not given any relevant information. The same rating (0 points, 0%) is given as regards the inclusion of these kinds of actors in the implementation of policy documents, since it was not given any concrete and specific information. The same rating (0 points, 0%) is given as regards the inclusion of non-government stakeholders in monitoring and evaluating the implementation of policy documents, since even at this point are not given concrete and specific information.

In the meantime, the item relating to the website of the Ministry has been estimated the maximum (4 out of 4 points, 100%), as tshas been stated that this ministry has its own website (official [www.mkk-ks.org](http://www.mkk-ks.org)) and the main categories of published information are mentioned (which can also easily monitored). Since MCR has provided no information regarding additional activities of public communication and information, is evaluated with 0 points (0%). In the end, the Ministry has provided the data on qualifications, experience and training attended by the staff of the Office of Public Information (a total of three officers), who have mostly non-relevant education for the work they do, in the meantime they have not specified anything about the relevance of work experience (two of them 6 years and the other 26 years) and attended trainings (over 3 months), so it is valued with 1 point (25%).

**To summarize**, based on the information provided for the purpose of this study and their evaluation in accordance with **Rating Institutional Transparency System (RITS)**, the **Ministry of Communities and Return, with the Institutional Transparency Index (ITI) of 24**, results to be a closed institution.

### 5. Ministry of Environment and Spatial Planning (MESP)

Ministry of Environment and Spatial Planning is not selected for the study of last year. As for the reflection of the constitutional and legal provisions for public communication and information within its founding document, MESP referred to UA regarding Information and Public Participation and others concerned on the Assessment Procedures of Impact on the Environment, and they have given the content of the provision that sets its goals, but since this sublegal act regulates only a small part of the scope of this ministry, it is evaluated with 3 points (75%). And as its sublegal act is concerned that defines the obligations, structures and resources for public communication and information, this ministry referred to the same UA, but they have also listed several mechanisms and measures and therefore, it is evaluated with 2 points (50%). The same rating (of 2 points, 50%) is given in section on implementing mechanisms and measures to foessen by certainsublegal acts, since MESP has listed seven such measures and giving no any detailed explanation.

The same rating (Of 2 points, 50%) is given on the issue of classification and selection of public documents, because also to this point they have given the UA content of the provisions of the Information and Public Participation and others interested in the Assessment Procedures of the Impact on the Environment which regulates the classification and selection of public documents, but they have not given any explanation on the enforcement mechanisms and measures. A rating lower than that (of 1 point, 25%) is given in terms of regulating the issue of official languages and use those spoken, as this ministry only stated that they respect the

relevant legal provisions for any official document, but they didn't give any additional explanation on the enforcement mechanisms and measures.

According to information provided, the MESP organogram provides the functioning of the Office of Communication and Information, and they explained its position within the hierarchy of the Ministry (within the Cabinet of the Minister), it is evaluated with 4 points (100%). On the other hand, a lower rating than that (1 point, 25%) is given to the Terms of Reference of this office, because they only declared that they possess them, but they did not provide any information regarding their content and neither any detailed explanation about the enforcement mechanisms and measures. The same rating (1 point, 25%) is given in terms of Job Descriptions, MESP stated that they are defined by the Regulation on Government Communication Service with Public, but they didn't show their content nor detailed explanations on this issue. Regarding the internal reporting and monitoring standards, MESP is evaluated with 1 point (25%), because they only stated that the assessment of the information officers work is carried out every end of the year, but there was no detailed explanation given regarding specific mechanisms and measures of their implementation, nor have listed any enforcement measures and mechanisms.

Regarding the allocation of the resources to the responsible department for public communications and information during the period January 2010 - May 2011, MESP has not given specific or concrete answers so it is evaluated with 0 points (0%). A rating higher than that (1 point, 25%) is given in terms of resources allocated to implement the components of policy documents and those planning for public communication and information during the period January 2010 - May 2011, after they only generally stated that the Office of Communication and Information possess sufficient human and technical resources, while budgetary resources are allocated as required, and they did not provide any detailed explanation on the amount of these funds or other resources necessary to perform relevant activities. Higher rating than that (2 points, 50%) is given regarding the resources allocated for the following year, after being given concrete information only for the category of human resources, and no concrete information on other categories of resources allocated.

Rating of 0.5 points (12.5%) is given in section dealing with policy documents of this ministry for Public Communication and Information, they have stated that so far they have designed Communication Plans with Public, and it is expected to start working according to the annual plans for public communication and information, nothing was said about the content of the objectives, methods for their implementation, and mechanisms and measures for monitoring and reporting. On the other hand, rating of 0 points (0%) is given in terms of concrete measures and mechanisms provided by its policy documents to ensure access to public documents and measures and mechanisms for regular monitoring and reporting of their implementation, since the answer given is irrelevant. Rating of 0.5 points (12.5%) is given regarding specific activities for public communication and information, since it was only stated that the plan of the office in question provides neither media activities in order to inform the public about the Ministry's activities, nor any other activity is mentioned nor any other monitoring and evaluation mechanism.

MESP has stated that during the period January 2010 - May 2011 there was regular communication with the media and that they signed memorandums of cooperation with civil society organizations, active in the environmental issues, but since they have not listed other types of activities nor any civil society organization (including the frequency of communication with each of them), it is evaluated with 2 points (50%). On the other hand,

rating of 1 point (25%) is given regarding specific media which the MESP has had communication with during this period and the types of activities they have been communicating about, as well as at this point this ministry has only generally stated that there was regular communication with all national and local media on its various activities, but not giving a list of these media, nor detailed explanations on the types of activities it has been talked about. Further, the MESP is evaluated with 2 points (50%) regarding the cooperation with civil society organizations, as they have listed five such organizations, but have not provided explanations on the types and frequency of specific activities.

MESP has not shown the list of draft-laws compiled during the period January 2010 - May 2011 and nor the list of non-governmental actors involved in the design of each of them; therefore it is evaluated with 0 points (0%). The same rating (2 points, 50%) is given regarding the inclusion of non-governmental actors in drafting its policy documents that are relevant for public communication and information, since they have listed 6 strategies, but did not mention any non-governmental actor. On the other hand, an assessment of 0 (0%) is given regarding the inclusion of these kinds of actors in the implementation of policy documents, since it was not given any concrete and specific information. The same rating (0 points, 0%) is given regarding the inclusion of non-government actors in monitoring and evaluating the implementation of policy documents, since even at this point are not given concrete and specific information.

In the meantime, relating to the website of this ministry it has been evaluated the maximum (4 out of 4 points, 100%), as it has been stated that this ministry has its own official website (<http://mmp.h.rks-gov.com/>) and are mentioned the main categories of information posted there (which can also easily monitored). MESP has also stated that performs additional public communication and information activities (public awareness, through leaflets, its official site, Awareness Unit within the Department for Environmental Protection which maintains contacts with primary and secondary schools, and providing advice on maintenance and care of natural resources) it is evaluated with 4 points (100%). In the end, the ministry has provided data on Office of Communication and Information staff qualifications and experience, (total of three officers) who have relatively relevant education, in the meantime they have not specified anything about the relevance of work experience (which is supposed to be from 5 to 14 years), and no information on training attended is provided, therefore it is evaluated with 3 points (75%).

**To summarize**, based on the information provided for the purpose of this study and their evaluation in accordance with **Rating Institutional Transparency System (RITS)**, **Ministry of Environment and Spatial Planning with Institutional Transparency Index (ITI) of 39** results to be a closed institution.

### **6. Ministry of Foreign Affairs (MFA)**

According to data provided by the MFA, the Law on Ministry of Foreign Affairs and Diplomatic Service of the Republic of Kosovo is its founding document that reflects the obligation specified in the constitutional provision that guarantees citizens access to public documents, they also provided the content of relevant provisions, therefore, it is evaluated with 4 points (100%, 2.5 points more than last year). MFA has also given the title and the relevant provisions of sublegal acts that regulate the practical application of these constitutional and legal obligations (Article 14 of the UA no. 06/2009 for amendment-supplementation of UA01/2008 on the Internal Organization and Structuring of the Ministry of Foreign Affairs), but

since they didn't give complete information and explanations about the structures, allocated resources for the purpose of implementing obligations set by the provisions of this sublegal act, it's evaluated with 3 points (75%, same as last year). Regarding the implementing mechanisms and measures provided by this sublegal act, MFA has explained the rules of the organization, functioning, and appropriate structure, duties and obligations arising from it, but also the internal reporting line up to the Permanent Secretary of the Ministry, and it is evaluated with 4 points (100%, same as last year).

Regarding the issue of classification of documents, the MFA stated that it is regulated by the Law on Classification of Documents, but since they have not given any explanation of the enforcement mechanisms and measures, it is evaluated with 2 points (50%, 2 more than last year). The same rating (2 points, 50%, 2 points less than last year) have been given to the use of the languages, MFA has stated that it is regulated by the Law on the Use of Languages, but they have not provided no further relevant explanation about the enforcement mechanisms and measures.

MFA also has specified the provision for completion of the UA regarding Internal Organization and Structuring of the Ministry of Foreign Affairs that regulates the operation of its media structure, which appears in the organogram of this ministry as a Department of Media, but since it lacks a detailed explanation of its position and function within the overall hierarchical structure of the ministry, it is evaluated with 2 points (50%, 2 points less than last year). The same rating (2 points, 50%, 2 points less than last year) is also given regarding the Terms of Reference of this department, having been given their content but there was no explanation about implementing mechanisms of measures. As Job Descriptions are concerned, they stated that they exist for each position, but since missing the explanation about them, it is evaluated with 2 points (50%, same as last year). Further more regarding the standards of internal reporting and monitoring and evaluation of the work of officials, has been evaluated with 0 points (0%, 4 less than last year), because the answer given is not concrete nor specific.

Regarding allocated resources to the Department for Media during the period covered by this report, MFA has explained that there are sufficient human and financial resources (budget within the Department of General Administration), but as long as they didn't explain exactly how they are planned and the relevance between resources required and those allocated to this department, this was evaluated with 2 points (50%, same as last year). The same evaluation, (2 points, 50%, same as last year) has been given also regarding the allocation of resources for the implementation of relevant policy documents, as MFA only stated that all requirements are met about this, but they didn't provide a more concrete and specific explanation about this. Finally, regarding resources (amount of allocated resources for this year for public communication and information) it has been estimated 3 points (75%, same as last year), having been given the amount of human resources (total of 4 officers) and saying that there are no problems in terms of financial resources, but not giving any amount of the resources and no explanation about the technical resources.

As far as policy documents are concerned, the MFA has stated that the Media Department is not responsible for this, but it operates on the basis of its annual plan, and the periodic reports serve as a monitoring and evaluation tool, but as a policy document of the ministry which contains the component of information and communication with the public, they also didn't provide the list of mentioned plan objectives, it is evaluated with 1 point (25%, 0.5 less than last year). A lower rating than that (0 points, 0 %, 3 points less than last year) is

regarding the concrete measures to ensure the implementation of the objectives for public communication and information within the ministry's policy documents, as the answer given is neither concrete nor specific. A lower rating than last year (1 point, 25%, less than 0.5 last year) is given regarding the activities provided by the policy documents in order to meet the relevant strategic objectives, as only it is mentioned the publication of information as a type of activity and regular reports as a kind of monitoring and evaluation mechanisms, but other detailed information is missing.

According to the data of MFA, this ministry has had direct communication with the media and civil society organizations during the period January 2010 - May 2011, but since there is no any detailed explanation, it is evaluated with only two points (50%, same as last year). Similar is the situation regarding the involvement of civil society organizations (2 points, 50%, same as last year), since two of them are mentioned, but not the kinds of activities in which they had been involved.

Furthermore, this ministry has listed all the draft-laws and sublegal act that have sponsored and designed since its foundation, but they did not give a list of non-government actors involved in the designation of each of them, therefore, it is evaluated with 1 point (25%, same as last year). The same assessment (1 point, 25%, same as last year) is given regarding the list of policy documents of this institution and non-governmental actors involved in their designing, having been given a list of documents and not that of non-governmental actors involved in. The same assessment (1 point, 25%, same as last year) is about the list of non-governmental actors involved in implementation of the policy documents of this ministry, having been given a list of documents, but not the one of non-governmental actors involved in the implementation of each of them. Regarding the inclusion of non-governmental actors involved in monitoring and evaluating of the implementation of policy documents, the given information is neither concrete nor specific, so the evaluation is 0 point (0%, same as last year).

MFA has taken rating of 4 points (100%, same as last year) regarding the web-site ([www.mfeks.net](http://www.mfeks.net)), as it has been specified what types of information it contains and the languages that they are published (which also can be monitored easily). Further, this ministry has not mentioned any additional activity for public communication and information, so it evaluated with 0 points (0%, 3 points less than last year). Finally, in the section on the capacity of its responsible officials for public communication and Information, MFA has provided a list of relevant officials (total 3, although earlier they said 4 officials), all possess appropriate qualifications, while in terms of work experience 2 of them 5 years and one 18 years (although not specified how relevant is it for the positions they have), but they have not provided any information on the topics and duration of training attended, so the assessment is 2 points (50%, less than 0.5 last year).

To summarize, based on the information provided for the purpose of this study and their evaluation in accordance with **Rating Institutional Transparency System (RITS)**, **Ministry of Foreign Affairs**, with the **Institutional Transparency Index (ITI)** of 45, results a closed institution.

### 7. Ministry of Health (MH)

Ministry of Health is not selected for the study of last year. As for the reflection of the constitutional and legal provisions for public communication and information within its

founding document, the MH has listed the legal acts (the Law on Access to Public Documents, Regulations on Administrative Responsibility Areas of Prime Minister's Office and Ministries and Regulation on Government Communication service with Public) and the relevant articles (8, 9, 10 and 11 of the latter regulation), but since it did not give the full content of these articles, it is evaluated with 3 points (75%). Further, MH has stated that the obligations, structures and resources for public communication and information are set through the Regulation on Government Communication service with Public, and has explained its general purpose, but since they didn't explain in more detail the implementing mechanisms and measures, it has been evaluated with 2 points (50%). The same rating (2 points, 50%) is given regarding implementing mechanisms and measures provided by the relevant sublegal acts, having listed its duties and obligations regarding public communication and information, but the did not explained in details putting them into effect.

According to the provided information, the MH has arranged the classification and selection of public documents according to the LAPD: they have specified the criteria for this, but did not explain the enforcement mechanisms and measures, and therefore the evaluation is 2 points (50%). A higher rating (3 points, 75%) is given on the issue of regulating the use official languages and those in use, as this ministry has been referred to the Law on the Use of Languages and has partly explained the implementing mechanisms and measures.

MH has reported that within its organizational structure functions the Department of Information, established in 2007, with the decision of the Permanent Secretary , and has clarified its position and function within the hierarchy of the ministry, therefore, it is evaluated with 4 points (100%). Regarding the Terms of Reference of this department, MH has stated that they are set by the Regulation on Government Communication Service with Public, and has given their content, but since there are no more detailed explanation about the mechanisms and measures for implementation of these obligations, it was evalautaed with 2 points (50%). Evaluation of 1 point (25%) is given to Job Descriptions, their general content is given, as defined by the above-mentioned regulation, but they did not give any detailed explanations on this issue. Regarding the internal reporting and monitoring standardds, MH is rated with 3 points (75%), because they explained entirely the mechanism of reporting and performance evaluation of the staff of the Information Department within the its hierarchy and they have only mentioned the annual work plan as a reporting standard, unless there is no clear scope of this department in the devision of public health nor the responsibilities of the staff.

In terms of resource allocation to this department, this ministry has stated that sufficient budget funds have been allocated for the period January 2010 - May 2011 (annually planned), but since they did not say anything else about other kinds of the resources, it has been evaluated with 2 points (50%). On the other hand, the same rating (2 points, 50%) is given regarding resources allocated to implement the components of policy documents and those planned for public communication and information during the period January 2010 - May 2011, after the have only generally stated that sufficient resources are allocated and another staff member is needed, but they have not provided any detailed explanation. The lowest evaluation (from 0 points, 0%) is given in the section on resources allocated for the following year, since it was not given any information.

Rating of 4 points (100%) is given in section dealing with policy documents of this ministry regarding public communications and information, as they stated that this is done through the annual work plan of this ministry, where the objectives regarding public communication and

information have been listed (total 2 of them), and also the activities to achieve them (total 8 categories of them) and they have confirmed that their implementation is monitored on a monthly basis. On the other hand, assessment of 2 points (50%) is given in terms of concrete measures and mechanisms provided by its policy documents to ensure access to public documents and the measures and mechanisms for regular monitoring and reporting of their implementation, since it is stated that they recognize different types of requests, the number of requests received during the period January 2010 - May 2011 has been specified, but they did not make their connection with objectives and activities listed in the preceding paragraph. The same rating (2 points, 50%) is given regarding specific activities for public communication and information, since they have only listed the categories of the activities, providing no detailed explanations on the implementing mechanisms and measures to ensure that the objectives listed above will be met.

The same assessment, (2 points, 50%) is given in terms of regular communication with the media and civil society organizations during the period January 2010 - May 2011, they only stated that they had regular communication, but they did not explain in more details the types of the activities for which it has been communicated. The same is true (rating of 2 points, 50%) regarding media which MH had regular communication during this period, having been given their list, but not that of the activities for which they have communicated. On the other hand, regarding the cooperation with civil society organizations, MH has provided a list of these organizations (in total 19 of them) and the type of cooperation (exchange of information and partnership), but since they did not explain in details the specific types of the activities and duration of each of them, it is evaluated with 3 points (75%).

Ministry of Health has listed all draft-laws that has sponsored during the period January 2010 - May 2011 (total 4) and civil society organizations consulted during their compilation (total 13 of them) and it is evaluated with 4 points (100%). The same rating (4 points, 100%) is given regarding the inclusion of non-governmental actors in designing its policy documents (within which is reflected also the issues of public communication and information), after giving the list of these documents (total 4) and civil society organizations involved (total 4). On the other hand, assessment of 2 points (50%) is given regarding the inclusion of these kinds of actors in the implementation of policy documents, as they have listed some of them, but more detailed explanations is missing regarding specific activities in which they have been involved. A higher rating (3 points, 75%) is given regarding the inclusion of non-government actors in monitoring and evaluating the implementation of policy documents, as these kind of actors are listed (a total of 12), but it hasn't been specified the scope of each of them in monitoring and evaluating the implementation of relevant policy documents.

Although the Ministry of Health has its own website ([www.msh-ks.org](http://www.msh-ks.org)), no information was given on it, so it is evaluated with 0 points (0%). The same is true (rating of 0 points, 0%) regarding additional activities for public communication and information and the data on staff numbers, qualifications, experience and training that they have taken part.

**To summarize**, based on the information provided for the purpose of this study and their evaluation in accordance with **Rating Institutional Transparency System (RITS)**, **Ministry of Health**, with **Institutional Transparency Index (ITI)** of **55**, shows that it is a **partially open** institution.

### **8. Ministry of Economic Development (MED)**

Ministry of Economic Development (former Ministry of Energy and Mines) is not selected for the study of last year. As for the reflection of the constitutional and legal provisions for public communication and information within its founding document, MED provided no information, therefore, has been evaluated with 0 points (0%). According to given information, this ministry does not possess a sublegal act that defines the obligations, structures and resources for public communication and information, but acts only on the Regulation on Government Communication Service with Public, but they didn't give any explanation on what structures and resources they have provided to implement it, so it is evaluated with 1 point (25%). The same rating (1 point, 25%) is given in section on implementing mechanisms and measures foreseen by sublegal acts, since they have only one official for submitting the requests for access to official documents, but did not explain anything more. On the other hand, lower evaluation than that (of 0 points, 0%) is given on the issue of classification and selection of public documents and the use of official languages and those in use, since giving no any information.

According to information provided, MED organogram provides operation of Communications Office, but since they have not explained its position within the hierarchy of the Ministry, it is evaluated with 2 points (50%). The same rating (2 points, 50%) is regarding the Terms of Reference of this office, as they only declared that they possess them, and according to them are assigned three positions within the office, but they have not provided detailed explanation on the enforcement mechanisms and measures. As Job Descriptions are concerned, MED is evaluated with 0 points (0%), because the information is neither specific nor concrete. Regarding the internal reporting and monitoring standards, MED is estimated at 1 point (25%), because they only stated that the reporting and monitoring are carried out based on the Civil Service Law and the performance evaluation is yearly, but they did not provide specific detailed explanation on the enforcement mechanisms and measures.

Regarding the allocation of the resources to the responsible department for public communications and information during the period January 2010 - May 2011, MED stated that only Communication Office has its own budget line, but since they did not give any information on their amount and other kind of planned resources has been evaluated with 1 point (25%). On the other hand, rating of 0 points (0%) is given in terms of resources allocated to implement the components of policy documents and those planned for public communication and information during the period January 2010 - May 2011, since they do not have any information.

Rating of 0.5 points (12.5%) is given in the section dealing with policy documents of this ministry regarding public communications and information, only the Annual Plan of the Ministry is mentioned, they also stated that a government communication plan is being designed, but they explained nothing about the content of the objectives, methods for their implementation, and mechanisms and measures for monitoring and reporting. On the other hand, rating of 0 points (0%) is given in terms of concrete measures and mechanisms provided by its policy documents to ensure access to public documents and the measures and mechanisms for regular monitoring and reporting on their implementation, since it was not given any response. The same rating (0 points, 0%) is given regarding specific activities for public communication and information.

MED stated that during the period January 2010 - May 2011 has had a direct and regular communication and with all the media and civil society organizations, through regular meetings with the media, and meetings with NGOs as needed, but since there are not listed

activities or any civil society organization (including frequency of communication with each of them), has been evaluated with 2 points (50%). The same rating (2 points, 50%) is given in terms of specific media which MED has been communicating with during this period and the types of activities for which it was communicated, having over 14 of them listed, but not giving a list of these media or detailed explanations about the types of activities for which it was communicated about.

MED has given a list of four draft laws sponsored during the period January 2010 - May 2011, but since they did not mention any local non-government actors involved in their design, it has been evaluated with 2 points (50%). On the other hand, evaluation of 1 point (25%) is given regarding the inclusion of non-governmental actors in the drafting of relevant policy documents for public communication and information, they only mentioned such a document, but no non-governmental organizations involved in its drafting is mentioned. Rating lower than that (of 0 points, 0%) is given regarding the inclusion of these kinds of actors in the implementation of policy documents, since it was not given any information. The same rating (0 points, 0%) is given regarding the inclusion of non-governmental actors in monitoring and evaluating the implementation of policy documents, since even at this point is not given any information.

In the meantime, the relating to the website of this ministry, the evaluation is the maximum (4 out of 4 points, 100%), as it has been stated that this ministry has its own website (official-gov.net www.mem.rks) mentionng the main categories of information posted in this website (which can also be easily monitored). Since MED provided no specific information regarding additional activities for public communication and information, it was evaluated with 0 points (0%). In the end, this ministry has provided data on qualifications, experience and training attended by the staff of the Office of Public Information (total of 4 officers) who possess relevant education for the work they do, but they did not specify anything about the relevance of their work experience (which ranges from 3 to 9 years), since did not give any information on training followed, it has been evaluated with 3 points (75%).

**To summarize**, based on the information provided for the purpose of this study and their evaluation in accordance with **Raing Institutional Transparency System (RITS)**, **Ministry of Economic Development with Institutional Transparency Index (ITI) of 24.5**, shows that it is a closed institution.

### Independent Institutions and Executive Agencies

In the study of this year have been included (5) institutions of this category: Kosovo Anti-Corruption Agency, Kosovo Privatization Agency, Kosovo Customs, the Institution of the Ombudsman and the Judicial Council.

To summarize, based on the information provided for the purpose of this study and their evaluation in accordance with **Rating Institutional Transparency System (RITS)**, the **five independent institutions** and the **executive agencies** involved in this year's survey, with the average **Institutional Transparency index (ITI) of 56.1**, show that they are **partly open institutions**.

#### **9. Kosovo Anti-Corruption Agency (KACA)**

According to data provided by ACA, the legal document that establishes the institution (law on ACA) determines its obligation to enforce constitutional obligation, to provide citizen's access to public documents, including of what documents and data should be published and what should be confidential within the specific scope of this independent institution, therefore the assessment is 4 points (100%, 2 points more than last year). ACA has also specified that possesses the procedural rules for the implementation of these constitutional and legal obligations, and that also operates based on the UA for the Implementation of Law on Access to Official Documents, but since they have not specified the scope, time and form of enforcement of these procedural rules, and nor the structures that should be available for their implementation, has been evaluated with 1 point (25%, 1 point less than last year). The same assessment (1 point, 25%, 1 point less than last year) is given in terms of implementing mechanisms and measures foreseen by this sublegal act, since they have mentioned only the relevant provisions, but not giving any explanation about their contents and measures and mechanisms developed to enable their effective implementation.

Regarding the issue of classification of public documents, ACA only mentioned legal and sublegal acts, and the internal acts of this institution (Law on ACA, Law on Declaration, Law on Origin and Control of the Property of Senior Public Officials, UA Enforcement Law on Access to Official Documents and the Procedural Rules of ACA), regulating the issue, but since they did not give any explanation of the enforcement mechanisms and measures, it is evaluated with 2 points (50%, 2 less than last year). Regarding the use of official languages and those used in Kosovo, ACA only mentioned what the Constitution provides and its procedural rules, but since it did not give any information about the enforcement mechanisms and measures, it has been evaluated with 1 point (25%, 1 point less than last year).

At the level of internal institutional structures for public communication and information, ACA has specified that the organogram of this institution, respectively the Decision for its internal organization and sistematization foresees the functioning of the Office of Public Communication and Information within the agency, but as there is not explained in more detail its operation within the overall hierarchy of the institution, the assessment provided in this point is 2 points (50%, 2 less than last year). This institution has also stated that they have the Terms of Reference of this office, but since they did not give their content, nor any explanation of the implementing mechanisms and measures has been evaluated with 2 points (50%, 1 less than last year). The same is true (rating of 2 points, 50%, 1 less than last year) regarding Job Description for its information officer, since they do not have their content and any additional explanation about it. A rating of 3 points (75%, 1 less than last year) is given

regarding the internal reporting of monitoring standards and work evaluation, as they stated that they have procedures and reporting is carried out on a weekly basis, but they have not provided more detailed explanations on the implementing mechanisms and measures of these procedures, nor their frequency.

At the level of resources, specifically in terms of resources allocated to the Office of Public Communication and Information during the period January 2010 - May 2011, it was said that financial resources are satisfactory, but there is no explanation given on the planned and allocated amount to all categories of resources, and therefore it evaluated with at 2 points (50%, same as last year). On the other hand, a lower rating of (1 point, 25%, 1 point less than last year) regarding resources allocated during the same period of time for implementation of policy documents, respectively the components of public communication and information, since they only stated that it is the same situation as last year and it is expected increase of the staff numbers, but did not provided any further explanation on the specific amount of resources of all categories that are planned and allocated. Regarding the last category of resources, the resources allocated for the following year is estimated with 3 points (75%, 1 point less than last year, since they specified the amount of human and financial resources allocated, but not giving more detailed explanations on other categories of resources.

Regarding policy documents dealing with communication and public information, ACA has only mentioned the Strategy and action plan against corruption, but since they didn't give a list of objectives in the field of public communications and information, nor did they clarify the mechanisms and measures for monitoring and reporting on their implementation, has been evaluated with 0.5 points (25%, 1.5 points less than last year). On the other hand, lower rating than that (0 points, 0%, 2 points less than last year) is given regarding the mechanisms of concrete measures provided by this policy document to ensure access to public documents, the information given is neither specific nor concrete. Further, regarding the key activities planned for this year to ensure access to public documents, was evaluated with 0.5 points (12.5%, 0.5 points less than last year), since they only mentioned the intention to strengthen the cooperation with civil society and media, but not giving any further explanation of specific activities planned to achieve this.

Regarding the cooperation with the media and civil society, respectively the establishment of direct and regular communication with media and civil society organizations, was evaluated with 1 point (25%, 3 points less than last year), after ACA only stated that it has established regular contacts (daily, weekly and monthly) with both these categories of non-governmental actors, but did not specifically explain the frequency of communication and specific activities for which it was communicated. A rating higher than that (3 points, 75%, 1 point less than last year) is given regarding the list of media with which ACA has regular communication and types of activities for which they have communicated, since they only said that there was communication with all written and electronic media, and they mentioned some areas (not specific activities) of what they have communicated. As civil society organizations that have been involved in its work, ACA was assessed by 2 points (50%, 2 points less than last year, because the only mentioned a few such organizations (total 5), but did not provide the list of specific activities.

Regarding the inclusion of non-governmental actors in drafting the laws of the scope of ACA, the evaluation is 1 point (25%, same as last year), because they only provided a list of draft-laws proposed by the ACA for review, but not the list of non-governmental actors involved in the design of each of them. The same assessment (1 point, 25%, same as last year) is given to

the point that has to do with the inclusion of non-governmental actors in the drafting of policy documents of ACA, as they only referred to these actors, but not giving specific list of actors involved. Similar overall response was given regarding the inclusion of non-governmental actors in the implementation of policy documents of ACA therefore lacks specific list of actors non-governmental involved, therefore it is evaluated with 1 point (25%, same as last year). At the end of this category of issues, ACA has provided a list of non-governmental actors involved in monitoring and evaluating the implementation of their policy document, but since it lacks detailed explanations on the duration and specific activities, it is evaluated with 2 points (50%, 2 points less than last year).

The same rating as last year (4 points, 100%) is given in the section regarding the website of ACA ([www.akk-ks.org](http://www.akk-ks.org)), having been given a list of documents that the website contains, and the languages which they are published (also because it can be easily monitored). Whereas regarding additional measures and activities undertaken by the ACA have been evaluated with 4 points (100%, 4 points more than last year), since they have listed two important activities (publishing an analysis on the courts' work in specific cases of corruption and a database for the declaration of assets). Finally, in the section regarding the capacity of the responsible officer for Public Communication and Information, ACA has provided relevant details: proper training, experience and relevant training of 4 years to the duration of 2 months, thus, it has been evaluated the maximum (4 points, 100 %, same as last year).

**To summarize**, based on the information provided for the purpose of this study and their evaluation in accordance with **Rating Institutional Transparency System (RITS)**, the **Kosovo Anti-Corruption Agency**, with the **Institutional Transparency Index (ITI) of 48** (21 less than last year), turns out to be a **closed** institution.

### 10. Kosovo Privatization Agency

Kosovo Privatization Agency is not included in the last year's study, since they refused to participate. As for the reflection of the constitutional and legal provisions for public communication and information within its founding document, KPA has clarified that this is provided by the law for KPA, and gave the contents of the relevant provisions; therefore, the evaluation is 4 points (100%). Further, it has given the content of the provisions that define the general obligations, structures and resources for public communication and information, but since they did not explain in more detail the implementing mechanisms and measures is estimated with 2 points (50%). The same rating (2 points, 50%) is given in the section regarding implementing mechanisms and measures provided by sublegal acts, they only gave the content of the relevant legal provisions, but did not explain in details putting them into effect.

According to information provided, KPA has arranged the classification and selection of public documents in accordance with the Bidding Rules and Operational Procedures: the full content of the relevant legal provisions has been given, but they did not explain the enforcement mechanisms and measures, thus, it is evaluated with 2 points (50%). The same rating (2 points, 50%) is given in terms of regulating the issue of the use of official languages and them in use, since in this case they only mentioned legal obligations (according to aforementioned sublegal acts), but there was no explanation on the enforcement mechanisms and measures.

KPA has reported that within its organizational structure operates the Press and Public Relations Unit, and explained its main obligations, and its functioning position within the

hierarchy of the agency, so it is evaluated with 4 points (100%). Regarding the Terms of Reference of this unit, they declared that they have them, but since no data on their content is provided, nor more detailed explanations on the enforcement mechanisms and measures, has been has been evaluated with 2 points (50%). The same rating (2 points, 50%) is given regarding Job Descriptions, they declared that they have them, but did not provided any information regarding their content. Regarding the internal reporting and monitoring standards, KPA is evaluated with 3 points (75%), as long as they explained in the general the mechanism of reporting and performance evaluation of the staff within the hierarchy of the organization and they mentioned several procedures for performance evaluation, but detailed explanations on the reporting standards and procedures for matters other than the staff performance evaluation is missing.

Regarding the allocation of resources to this unit, this institution has stated that sufficient budget funds have been allocated during the period January 2010 - May 2011, but since there is nothing said about other types of resources, is has been evaluated with 2 points (50%). On the other hand, the same rating (2 points, 50%) is given in terms of resources allocated to implement the components of policy documents and those planned for public communication and information during the period January 2010 - May 2011, after only generally stated that sufficient resources are allocated and another staff member is needed, providing no any detailed explanation. Higher rating than that (3.5 points, 87.5%) is given in section regarding the resources allocated for the following year, because they only gave the number of the officers (2), and the amount of the budget, but no data on categories of other resources allocated.

Rating of 2.5 points (62.5%) is given in the section dealing with policy documents of this agency for public communications and information, as they have provided a list of specific objectives in the field of public communication and information (total 11 of them, that are part of the agency's Work Plan), but giving no any explanation regarding the mechanisms and measures of monitoring and reporting. On the other hand, rating from 0 points (0%) is given in terms of concrete measures provided by its policy documents to ensure access to public documents and the measures and mechanisms for regular monitoring and reporting on their implementation, considering that information as not relevant. Rating 1 point (1 point, 25%) is given regarding specific activities for public communication and information, as they only mentioned one activity, but did not provide any detailed explanations on the implementing mechanisms and measures to ensure that the objectives listed above are carried out.

This agency is evaluated with one point (25%) in terms of regular communication with media and civil society organizations during the period January 2010 - May 2011, because they only stated that they had regular communication, but did not explain in details the types of activities for which they have been communicating. Rating greater than that (2 points, 50%) is given in terms of media that KPA has had regular communication during this period, since they only said they had regular communication with all of them but they didn't tell about the specific activities they have been communicating. On the other hand, regarding cooperation with civil society organizations, the institution has provided a list of these organizations (total 3 of them) and the type of cooperation; therefore it is evaluated with 4 points (100%).

KPA has clarified that they don't have the right to sponsor the draft -laws, but they provided the list of the draf-laws they have proposed through the Government during the period January 2010 - May 2011 (total 3), but since they did not give a list of civil society organizations consulted during their designement, it is evaluated with 1 point (25%). The

same assessment (1 point, 25%) is given regarding the inclusion of non-governmental actors in the drafting of its relevant policy documents for public communications and information, after mentioning the relevant document, but not the civil society organizations involved. On the other hand, rating of 0 points (0%) is given regarding the inclusion of these kinds of actors in the implementation of policy documents, but the information is not relevant. A higher rating (1 point, 25%) is given regarding the inclusion of non-governmental actors in monitoring and evaluating the implementation of policy documents, as these kind of actors are listed, but their scope in monitoring and evaluating the implementation of relevant policy documents is not specified.

Rating of 4 points (100%) is given regarding the KPA website ([www.pak-ks.org](http://www.pak-ks.org)), they gave the list of documents that they have posted there, and the languages they are published (even that can be easily monitored). But regarding additional measures and activities undertaken by KPA the evaluation is 3 points (75%), since they have listed additional activities, mainly with media, for better information on the work of the Agency. Finally, in the section regarding the capacity of the responsible official for public communications and information, KPA has given the relevant details: proper qualification, work experience over 5 years and relevant training in duration about 3 months, therefore it is estimated maximum (4 points, 100%).

**To summarize**, based on the information provided for the purpose of this study and their evaluation in accordance with **Rating Institutional Transparency System (RITS)**, the **Privatization Kosovo Agency, with Institutional Transparency Index (ITI) of 55**, results that this institution is **partly open**.

### **11. Kosovo Customs (KC)**

The Kosovo Customs has specified all legal and sublegal acts that regulate its work and the relevant provisions in their context for the implementation of constitutional and legal provisions on access to public documents (the Customs and Excise Code, UA on Information, Publications and Communication Procedures in Customs service) and explained in details specific mechanisms to ensure regular implementation of these obligations (they also have sent UA in question), so, it has been evaluated with 4 points (100%, same as last year). The same rating (4 points, 100%, same as last year) is given in terms of sublegal act that defines the structures, resources and relevant specific duties within the institution for public communication and information, as this institution has sent this act together with the completed questionnaire (UA no. 80-2009 Information Procedures in Kosovo Customs), and explained the instruments for its implementation. The same rating (4 points, 100%, same as last year) is given regarding the implementing measures provided by this sublegal act, having been given a whole list of such measures as provided, which are clear, both the procedures and resources allocated.

Even regarding classification and selection of public documents was estimated maximally (4 points, 100%, same as last year), as they explained all the elements and criteria and the implementing mechanisms for measures for this. The same rating (4 points, 100%, 1 point more than last year) is given regarding the issue of language use, as mentioned and sendt the abovementioned UA of this institution.

At the level of internal institutional structures, starting with organization, KC has sent its organogram (revised this year) and explained that it provides the operation of Communication and Information Office within its Cabinet of the Director-General, thus it is evaluated with 4

points (100%, same as last year). Regarding the Terms of Reference of this office, KC has sent them, and explained what they predict; it is therefore estimated with 4 points (100%, 1 point more than last year). The same rating ( 4 points, 100%, 3 points more than last year) is given to Job Descriptions for the staff responsible for public communication and information, after having sent a copy of them and explain the JD for each staff member. The same rating (4 points, 100%, 2 points more than last year) is given regarding the internal reporting and monitoring standards and work evaluation, as they are mentioned and their frequency of use, and explained their way of performing, they also sent the latest assessment of the European Commission, in accordance with the 'Blueprint' (standard model') of the EU for customs.

Regarding the resources allocated for the period covered by this report, KC has provided information on the number of the staff and sent a budget plan for the period 2010 - 2013 for Communication and Information Office, and it is not noted any problem regarding this, so it has been evaluated with 4 points (100%, same as last year). The same rating (4 points, 100%, same as last year) is given regarding the resources allocated for the full implementation of components related to public communication and information within the policy documents and annual plan work, having given the amount of funds allocated, the number of the staff, the role of the leaders of Customs branches across the country in the field of public communication and information, and also the indicators through which this institution carries out the self-assessment of the performance in this area. Even the last subcategory of the resources category, that of resources allocated for the current year, has received the maximum rating of 4 points (100%, same as last year), having been given the exact amount of the three categories of resources for which the information is required.

Regarding the policy documents, KC approved the Public Relations Plan for 2010, which is derived by the Operational Strategy 2011 to 2013 (which also have been sent), which indicates that there are strategic approach (as a planning document derives from a multi-year strategic document, Customs Operational Strategic Framework 2011 - 2013) and concrete activities planning to achieve these strategic objectives each year), and the fact that the internal reporting and monitoring mechanisms have already been explained and both of these documents, the evaluation is 4 points (100%, same as last year). The same rating (4 points, 100%, same as last year) is given in terms of mechanisms and specific measures intended to ensure access to public documents which are listed and explained major measures provided for this purpose (internal audit in order to monitor procedures and deadlines, and monthly reports, which focus on the achievements or failures of a certain month of the objectives of the Customs, including those dealing with public information and communication). Even in terms of activities to achieve the targets set is given the rating of 4 points (100%, same as last year), since the Action Plan for KC 2011 (which is sent) provides a list of activities to meet strategic objectives dealing with public communication and information.

Regarding the establishment of direct and regular communication with media and civil society organizations, Customs Service has given a list of media and CSOs that they had regular contacts and cooperation, including the involvement of actors in the design of legal and policy documents (according to subject matter that is affected), the type of information that was sent to the media, and so forth, it is estimated maximum (4 points, 100%, same as last year). They also described the types of activities which they have communicated with the local media, and at this point it is evaluated the same (4 points, 100%, same as last year), regarding the cooperation with civil society organizations and business community (rating of 4 points, 100%, same as last year), as long as they listed all of them they have been cooperating

during the period January 2010 - May 2011 (8 of them total) and specific types of activities which they have been included.

KC has presented a list of draft-laws designed during the period covered by this report (4 of them) in the field of competences of this institution, but since there are not listed the civil society organizations involved in the design of each of them, the assessment is 2 points (50%, 2 points less than last year). Rating lower than that (1 point, 25%, 3 points less than last year) is given in terms of policy documents designed during this period, they only presented a list of these documents, but according to the information provided, local non-government actors have been involved in their design. On the other hand, KC has received the maximum rating (4 points, same as last year) regarding the inclusion of these kinds of actors in the implementation of strategic documents, as this institution has explained the nature of the work does not allow the direct involvement of such actors in the implementation. Further, according to information provided by this institution during the period covered by this report there were no local non-governmental actors involved in monitoring and evaluating the implementation of the policy documents mentioned above, therefore, it is evaluated with 2 points (50%, 2 points less than last year).

The same rating (4 points, 100%, same as last year) is given in the section regarding the website of the Kosovo Customs ([www.dogana.rks-gov.net](http://www.dogana.rks-gov.net)), they sent the full list of the documents posted in the website and the issue of languages in which they are published has been explained as well, they also explained the latest advancements in mechanisms to improve consultation and cooperation with non-government actors. The same rating (4 points, 100%, same as last year) is provided regarding the additional measures and activities undertaken by this institution, having been given such a list of activities undertaken during the period covered by this report (providing accurate flash information to the public, either through press releases, or in response to specific requests, frequent publications of brochures, manuals and statistics of two public information campaigns) in order to increase transparency. Finally, in the section on the capacity of its officials responsible for communications and public information (total of three of them), KC has provided relevant details: adequate training - all three, working experience of 4 to 6 years and duration of relevant training 1 to over 3 months, therefore it is estimated maximum (4 points, 100%, same as last year).

**To summarize**, based on the information provided for the purpose of this study and their evaluation in accordance with **Rating Institutional Transparency System (RITS), Kosovo Customs, with the Institutional Transparency Index (ITI) of 93** (three more than last year), it appears that this institution is **fully open**, the most open institution of all institutions involved in this study.

### 12. The Institution of the Ombudsman (IO)

Neither the institution of the Ombudsman was involved in the last year's study, since they did not respond to the request for participation. As for the reflection of the constitutional and legal provisions for public communication and information within its founding document, IO has cited the relevant provisions under the Law on the Ombudsman and the Work Regulation of this institution, but since they didn't present the content of these provisions, it has been evaluated with 3 points (75%). Furthermore, regarding the provisions that define the obligations, structures and resources for public communication and information, IO said that

it was not regulated by any specific sublegal act, and therefore it is evaluated with 0 points (0%). A higher rating (from 2 points, 50%) is given in section on the enforcement mechanisms and measures, as this institution has explained that according to its administrative practices, all the documents are public, unless the person files.

IO was estimated with 0 points (0%) to the point that has to do with the issue of classification and selection of sensitive public documents, as they said they do not possess any sublegal act on and they did not explain how this issue is regulated otherwise. On the other hand, the institution has claimed that the use of official languages and those in use, is regulated under the Law on the Use of Languages and it is an administrative practice of the institution to communicate with the parties in their native language, but since they did not give any explanation of the implementation measures and mechanisms, has been evaluated with 2 points (50%).

IO has reported that as part of its organizational structure operates the Press Office and Public Relations, but since they did not explain in details its position in the hierarchy of the overall institution has been evaluated with 3 points (75%). Regarding the Terms of Reference of this office, they have stated that they possess them, but they presented nothing regarding their content, nor more detailed explanations on the enforcement mechanisms and measures, therefore it is evaluated with 2 points (50%). The same applies (with 2 rating points, 50%) in terms of Job Descriptions of two officials of this office, having declared that these positions exist but they said nothing regarding their content, nor a more detailed explanation on this issue. Regarding the internal reporting and monitoring standards, IO is evaluated with 3 points (3, 75%), they only stated that they evaluate performance on an annual basis, but did not mention any other procedure or any additional explanation.

In terms of allocation of resources to this office during the period January 2010 - May 2011, this institution has declared that the amount of human resources and the allocated budget is insufficient and that the budget requests for 2010 and 2011 have not been approved by the Assembly as requested, without giving any explanation of figures, thus, the evaluation is 2 points (50%). On the other hand, rating from 0 points (0%) is given in relation to resources allocated to implement the components of policy documents and those planned for public communication and information during the period January 2010 - May 2011, the information is not neither specific nor concrete. Higher rating than that (2 points, 50%) is given in the section on resources allocated for the following year; they only mentioned the number of the officers for public communication and information (2), but no other categories.

Rating of 0 points (0%) is given in the section dealing with policy documents of this institution regarding public communications and information, since they stated that they do not have any such documents. Consequently, there is no list of concrete measures to ensure access to public documents; therefore the evaluation is 0 points (0 point, 0%). The same is true (rating of 0 points, 0%) regarding the specific activities for public communication and information intended to be performed during the period covered by this report, since they stated that they do not possess anything like that.

IO was assessed with two points (50%) in terms of regular communication with media and civil society organizations during the period January 2010 - May 2011, since they only stated that they had regular communication, but they don't have any statistical records on this. The same rating (2 points, 50%) is given in terms of media which IO has had regular communication during this period, since they said they had regular communication with all

media but they never mentioned any concrete activity they have been talking to. On the other hand, regarding cooperation with civil society organizations, this institution has provided a list of these organizations (a total of 7 of them), but since there is no explanation regarding the types of activities they have been cooperating for, the evaluation is 2 points (50%).

Since IO has clarified that they don't have the right to sponsor draft-laws, the evaluation is 4 points (100%). Rating of 0 points (0%) is given regarding the inclusion of non-government actors in the drafting of policy documents relevant to its public communications and information, since the information is irrelevant. The same is true (rating of 0 points, 0%) regarding the inclusion of these kinds of actors in the implementation of policy documents, yet the information is not relevant. A higher rating (2 points, 50%) is given regarding the inclusion of non-government actors in monitoring and evaluating the implementation of policy documents, as long as they mentioned an organization and the period of involvement, but their scope is not specified in monitoring and evaluating the implementation of relevant policy documents.

Rating of 4 points (100%) is given regarding the web-site of this independent institution ([www.ombudspersonkosovo.org](http://www.ombudspersonkosovo.org)), since they give a list of documents they have posted and the languages that they have been published (it can easily be monitored). But regarding additional measures and activities undertaken by the IO, the evaluation is 0 points (0%), since they didn't mention any such activity. Finally, in the section on the capacity of its officials responsible for public communications and information (although previously they stated that there were two such officials, they only gave information about one official), IO has provided these relevant details: qualification not fully adequate, over 5 years experience and relevant training in duration of about 3 months, therefore it is evaluated with 3 points (75%).

**To summarize**, based on the information provided for the purpose of this study and their evaluation in accordance with **Rating Institutional Transparency System (RITS)**, the **Ombudsman institution**, with **Institutional Transparency Index (ITI) of 39**, results to be a **closed institution**.

### 13. Kosovo Judicial Council (KJC)

Kosovo Judicial Council is not involved in the last year's study, since they did respond to the request for participation. As for the reflection of the constitutional and legal provisions for public communication and information within its founding document, KJC mentioned two legal acts (Law on Regular Courts and LAPD) and the three sublegal acts (UA for implementation of LAPT, the Regulation on Internal Organization of the Courts and Court Management Manual), but since there are neither specified nor relevant provisions of their content given, it is evaluated with 2 points (50%). Further, regarding the provisions that define the obligations, structures and resources for public communication and information, KJC just mentioned only the Courts Management Manual, but since they did not give any explanation of the structures, resources and obligations arising from it, it is estimated with 1 point (25%). On the other hand, a rating of 4 points (100%) is given in section on enforcement mechanisms and measures, as this institution has listed three of them and explained the purpose and the scope of the Courts Management Manual regarding public communication and information.

KJC is evaluated with 1 point (25%) to the point that has to do with the issue of classification and selection of sensitive public documents, as they only referred to LAPD, but did not provide any additional explanation or specific provisions on the enforcement mechanisms and measures. The same rating (1 point, 25%) is given regarding the use of official languages and those in use, since they only referred to the Law on the Use of Languages, but did not provide any additional explanation or specific provisions on the enforcement mechanisms and measures.

KJC said that within its organizational structure operates the Information Office and Protocol, but since they did not explain in details its position in the overall hierarchy of the institution is given the rating of 2 points (50%). Regarding the Terms of Reference of this office, the evaluation is 0 points (0%), since they do not have concrete and specific information. A rating higher than that (2 points, 50%) is given in terms of Job Descriptions of two officials of this office, after having declared that they exist (within the KJC Regulation for Job Description), but did not provide their content, nor a more detailed explanation on this issue. The same rating (2 points, 50%) is given regarding to internal reporting and monitoring standards, since they only referred to the relevant provisions of the Law on Civil Service, but did not give any explanation of the enforcement mechanisms and measures.

Regarding the allocation of resources to this office during the period January 2010 - May 2011, KJC has stated that the allocated resources are not sufficient, but since they did not give any concrete information on the amount of resources allocated to each category is evaluated with 1 point (25%). The same rating (one point, 25%) is given in relation to resources allocated to implement the components of policy documents and those planned for public communication and information during the period January 2010 - May 2011, since they only said that the allocated resources are not sufficient, but they didn't provide any concrete information on the amount of resources allocated to each category. Higher rating than that (2 points, 50%) is given in the section on resources allocated for the following year, only providing the amount of human resources (1 official), but not other categories.

Rating of 3 points (75%) is given in the section dealing with policy documents of this institution in the field of public communications and information, since they have listed five objectives set out within the Strategic Plan for Kosovo Judiciary 2007 - 2012, which objectives also provide some of the enforcement mechanisms and measures. Further, this institution is evaluated with 1 point (25%) regarding to concrete measures to ensure access to public documents, as they listed 10 such measures, but no information on measures and mechanisms for monitoring and reporting and frequency of their implementation. The same rating (1 point, 25%) is given regarding the specific activities for public communication and information intended to be performed during the period covered by this report, as they only listed 4 such activities, but not providing any additional information on measures and mechanisms for monitoring and reporting and frequency of their application.

KJC is estimated with three points (75%) in terms of regular communication with the media and civil society organizations during the period January 2010 - May 2011, once claimed to have had regular communication with all media, that they have consistent cooperation with one of them (the project "Life in Kosovo") with the specific aim of informing the public and increasing the transparency of the judicial work. As civil society organizations are concerned they also stated that they cooperate with organizations that focus on the rule of law, but did not provide any information on the frequency of communication with them. The same rating (3-point, 75%) is given in terms of media that KJC has had regular communication during this

period, after which they only stated that they mainly communicate through press releases and invitations, and that regularly distribute information, but did not provide a list of media which they communicate. The same rating (3-point, 75%) is given in terms of cooperation with civil society organizations, as they have provided a list of these organizations (a total of 5 of them), but did not explain the types of the activities for which it has been cooperating.

Since KJC has clarified that they don't have the right to sponsor draft-laws, the evaluation is 4 points (100%). Rating of 1 point (25%) is given in terms of involvement of non-government actors in the drafting of policy documents relevant to its public communications and information, after having mentioned such a document (for backlog reduction), but did not provide such a list of actors involved in its drafting. The same is true (rating of 1 point, 25%) regarding the inclusion of these kinds of actors in the implementation of policy documents, as mentioned the same strategy, but did not provide such a list of actors involved in monitoring and evaluation of its implementation. On the other hand, a lower rating than that (0 points, 0%) is given in terms of involvement of non-government actors in monitoring and evaluating the implementation of policy documents, once the information is neither concrete nor specific.

Rating of 4 points (100%) is given regarding the web-site of this independent institution ([www.kgjk-ks.org](http://www.kgjk-ks.org)), once stated that published documents are in both official languages and in English as well (it can be easily monitored). But regarding additional measures and activities undertaken by the KJC is given the rating of 0 points (0%), since they do not mention any extra activity except activities listed above. Finally, in the section on its responsible official capacities for public communication and information, the KJC has provided relevant details: not fully adequate qualifications, work experience of 17 years, but did not provide any information on relevant training followed by the officer in question, thus it estimated with 2.5 points (62.5%).

**To summarize**, based on the information provided for the purpose of this study and their evaluation in accordance with Rating Institutional Transparency System (RITS), the **Kosovo Judicial Council, with the Institutional Transparency Index (ITI) of 45.5**, shows that it is a closed institution.

### Public Enterprises

Among the three (3) central public enterprises contacted for the aim of this study (International Airport of Pristina, Kosovo Energy Corporation, and Post and Telecommunications of Kosovo), only PTK has responded to the request for information regarding this policy study.

#### **14. Post and telecommunication of Kosovo**

According to PTK information, the function of its public communication and information is regulated by the Law on Public Enterprises, the Law on Business and the matrix of its authorizations, but because it's not even mentioned the specific provisions to implement this constitutional obligation, or not given its content of any other more detailed explanation the evaluation is 1 point (25%, 1 point more than last year). Regarding the sublegal act that defines the structures, resources and its obligations for public communication and information, PTK has stated that these are defined by the document called the 'matrix of authorizations of the corporation', and some decisions of the Board of Directors (which apply obligations arising from the Law on Public Enterprises), but since they haven't given more detailed explanations on the function of the structures and resources provided by internal acts, has been evaluated with 1.5 points (37.5%, 0.5 points less than last year). A rating of 0 points (0%, 2 points less than last year), is given in the section dealing with enforcement mechanisms and measures provided, since the given answer is neither specific nor concrete.

Regarding the issue of regulating the classification and selection of public documents, PTK has explained that this is based on Article 3 of LAPD, the Law on Public Enterprises and the provisions of individual contracts, and the reasonableness of these restrictions is to protect the commercial interests and avoidance of causing damage, but since they haven't explained in more details the provisions of regulations for public communications and information for this enterprise, has been evaluated with 2 points (50%, 1 point less than last year) . On the other hand, the component on the use of official languages and those in use in Kosovo is estimated with 2 points (50%, 2 less than last year), since they only stated generally that they respect the legal provisions, and that they have an office for translations, but did not provide any information on specific provisions within the internal legal acts or procedural nor the implementing mechanisms and measures.

Regarding the existence of structures in the organogram responsible for communication and information, PTK is estimated maximum (4 points, 100%, same as last year), because they explained that the organogram of this public enterprise provides the operation of the Department for public Communication and Information within the Office of the Chief Executive (under the leadership of its Director), which is divided into three pillars: information, corporate image and creative one. Further, regarding the Terms of Reference of this department, PTK has explained its scope in general and some of the specific tasks performed (issuing of publications, newsletters, reports, communications within and outside the company, daily monitoring of written and electronic media, operating effective performance and information system, etc.), but since they didn't explain their specific content, nor did they give more detailed explanations on the implementing mechanisms and measures has been estimated with 3 points (75%, the same as last year). Same rating (3 points, 75%, same as last year) is given in the component regarding Job Descriptions of its staff, as long as they stated that they exist but they didn't provide their concrete content, or more detailed explanation on them. Regarding standards and frequency of internal monitoring

and evaluation of the performance of appropriate measures and mechanisms of implementation, PTK only stated that the performance is measured on daily basis and every trimester, but since they did not provide specific details, the assessment is 2 points (50%, 2 points more than last year).

The same rating (2 points, 50%, same as last year) is given in terms of resources allocated to the Department for Public Communication and Information during the period covered by this report, as only stated that these resources are allocated based on real assessment of requirements and provided within the Corporate Business Plan, but they did not provide precise explanation on the amount of resources allocated for each resource category. The same is true (rating of 2 points, 50%, same as last year) regarding the component related to the resources allocated for implementation of current planning documents of this enterprise, as they generally stated the department in question is complete with staff, based on management's assessment, but they didn't provide precise explanation on the amount of resources allocated for each resource category. The same rating (2 points, 50%, same as last year) is given in terms of resources allocated for implementation of its planning documents, as they have provided information only on the number of the staff, but did not provide any more explanation of the amount of resources allocated regarding other categories.

As for planning documents for public communication and information approved during this period and the objectives set within them, PTK is evaluated with 0 points (0%, same as last year), once stated that they have no such plans, and consequently neither a relevant objective for public communication and information. The same is true (rating of 0 points, 0%, same as last year) for the other component, the one related to specific mechanisms and measures intended to ensure access to public documents of this public enterprise, as they only stated that the measures undertaken, without mentioning any of them, are taken to protect the corporation. And the last component in this category, the one on specific activities to ensure access to public documents of this enterprise is estimated with 0 points (0%, same as last year), for they stated that there are no such activities, but they operate depending on specific cases.

Regarding the establishment of direct communication with the media and civil society organizations, PTK is evaluated with 2 points (50%, same as last year), for they only stated that there is communication based on mutual requests, but no detailed explanation was provided. The same rating (from 2 points, 50%, same as last year) is granted in connection with communication with specific media and types of activities which are supposed to communicate, as long as they mentioned that they communicate with all written and electronic media, but not mentioning any activity they communicate. The same rating (2 points, 50%, 2 points less than last year) is given regarding the list of civil society organizations involved in the work of PTK and the types of involvement (information exchange, consultation, cooperation or partnership), they only stated that this type of involvement covers all areas of operations, specifically in financial, legal and human resources, but have not provided any detailed explanation of specific organizations and activities.

Regarding the involvement of media and civil society organizations in drafting the relevant legislation during the period January 2010 - May 2011, the company is evaluated with 2 points (50%, two less than last year), since they only generally stated that a number of such organizations have been included in a number of such activities and they have mentioned only one non-governmental actor involved. Rating lower than that (0 points, 0%, same as last year)

is given in terms of government actors involved in developing policy documents and those planned for public communication and information during the period covered by this report, since they do not have any information.

Rating of 2 points (50%, 2 more than last year) is given in terms of involvement of non-governmental actors in the implementation of policy documents and those planned, as they just stated generally that the management and its shareholders determine and implement appropriate strategies, but did not mention specifically which document is it, nor gave more detailed information. On the other hand, lower evaluation than that (of 0 points, 0%, 2 points less than last year) is given in terms of involvement of non-government actors in monitoring and evaluating the implementation of policy documents and those planned, since they do not have any information.

Regarding the official website, the evaluation is 4 points (100%, same as last year), once stated that PTK possesses it ([www.ptkonline.com](http://www.ptkonline.com)), and explained what kind of documents are published in (which also can be easily monitored). On the other hand, the component related to additional actions and measures undertaken by PTK in terms of public communication has been evaluated with 0 points (0%, same as last year), since they do not mention any such activity. Finally, in the section regarding the capacity of its responsible staff for public communication and information (the data is given on the staff of the Department of Public Communication and Information), PTK has provided relevant details: proper training, work experience of 1 to 10 years and relevant training in duration of 2 weeks - 3 months, so it is evaluated with 4 points (100%, same as last year).

**To summarize**, based on the information for the purposes of this study and their evaluation in accordance with **Rating Institutional Transparency System (RITS) Post and Telecommunications of Kosovo**, with **Institutional Transparency Index (ITI) of 42.5**, shows that it is a **closed public enterprise**.

### IV. Conclusions and recommendations

Based on the information obtained from institutions and public enterprises involved in the study of this year, this report shows that the vast majority of them still face legal gaps regarding implementing legislation. This is because, beyond the general provisions that guarantee, in principle the right of the citizens to access public documents, these obligations in some cases are resolved within the legal documents that establish and regulate the organization of each institution and public enterprise. Also it is noted that there is missing a uniform adjustment of the field of public communication and information of institutions and public enterprises, depending on the category of responsibilities they have (representative, executive, regulatory, agency and independent institutions, and so on). This makes even more ambiguous and complicated the whole regulatory framework (for institutions and public enterprises, as well as non-governmental actors and the entire public), thus making it difficult to understand and implement it, including the possibility of easy identifying of the internal structures where the public information of any category are.

Therefore, it is recommended that there be intervention in legal documents that establish institutions and public enterprises and regulate their internal structures, in order to ensure uniformity of regulation of each specific issue for public communication and information within each institution. Further, based on a detailed and overall assessment of the implications that create the scope of each institution within the relevant sector of policies for public communication and information, an intervention is needed on the organograms, the terms of reference and job descriptions of responsible offices for public communication and information, to provide more precise adjustment of the structures and the responsibilities and duties of their staff. This includes the regulation of a better internal coordination within each institution and public enterprise, in order to ensure adequate flow and processing of information relevant to public interest and publish them on a regular, proactive and in time. It also would increase the credibility of each institution and public enterprise among the public. Last, but not all, this is a prerequisite for every institution and public enterprises to ensure that they possess a complete regulatory framework and adequate institutional capacity to initiate effective consultations with all parties concerned in policy development within each sector and area under their responsibility, and the implementation of continuous and systematic evaluation of policy implementation.

In addition, there is also missing some kind of diversification of regulatory framework for public communication and information: beyond administrative guidelines and regulations, almost none of the institutions and public enterprises involved in this study has no regulatory guidance documents, such as policy guidelines, which will assist in capacity building and development of institutional memory, and also in a better implementation of the policy framework. Further, it is noted that most of the responsible staff for public communication and information face a significant lack of adequate understanding of the provisions within various levels of the hierarchy of legislative laws and regulations, in particular the logical connectivity between them.

Therefore it is recommended that each institution and public enterprise develop policy guidelines that would address any specific issue relevant to public communication and information, including:

- Ongoing development and implementation of regulatory framework for public communications and information;

- 'Conversion' of the framework legislation into implementing legislation and policy documents and those planned for public communication and information;
- Effective reflecting of the component for public communication and information within each document and planning policies for 'vertical' specific areas of policies;
- Developing and implementing different implementing mechanisms and measures resulting from policy documents and those planning;
- Inter-institutional Coordination and communication in development and implementation of policy documents and those relevant planning for public communication and information;
- Standards for continuous assessment of needs and capacities of the internal structures and all the responsible staff for public communications and information;
- Develop and implement plans and programs for institutional capacity building and organizational for public communication and information;
- Adequate allocation of resources to address the identified needs of the structures and responsible staff for public communications and information;
- Standards for continuous assessment of the implementation of the policy documents those planned for public communications and information and the performance of the relevant officials;
- Internal and external assessment of implementation of policy documents and those planned for public information and communication, and effective evaluation of the performance of the respective officers;
- Establishment of communication and cooperation with all categories of parties concerned (civil society, media, business community, interest groups, academic community, and so on) in the development of legislation and policies, and implementation and evaluation of their implementation; and
- Development and effective use of instruments for public communication and information (such as web sites, informational bulletins, press releases, etc.), Not only to promote the work and posting information selected by the institution / public enterprise itself, but also to promote and facilitate communication and cooperation with all categories of concerned parties (civil society, media, business community, interest groups, academic community, and so on).

However, it is clear that with the current institutional and organizational capacity, development of all this institutional infrastructure and memory is very difficult and requires lots of time. Therefore it is recommended to develop a detailed analysis of qualitative and quantitative existing institutional capacities and the needs of each institution and public enterprise. This analysis will provide a comprehensive overview of the current status and the needs for institutional capacity building.

After this, and based on emerging findings, it is recommended the development and implementation of a comprehensive program for institutional capacity building for public communication and information. This plan should also include all the issues mentioned within policy guidelines recommended above, but also other issues relevant to this policy area. Its implementation requires a combination of trainings, workplace trainings, sharing best practices among institutions and public enterprises and other interested parties, practical training in the workplace, and so on.

Last but not least, it is recommended the development and implementation of a strategy based on the indicators for public communication and information and involvement of non-governmental actors in public policies. This strategy would include all public institutions and enterprises and would contain strategic objectives and specific actions to achieve them, divided into two components: (1) political component, which would demonstrate the commitment of each institution and public enterprise to establish a policy for public communication and information and to ensure systematic involvement of non-governmental actors in the whole cycle of the development and implementation of legislation and policies, (2) the component of the policies, which would define strategic goals for continued development of policy legislation and institutions to provide public access to official documents, transparency and involvement of non-governmental actors in public policies, and (3) the operating component, which would contain concrete activities and measures to be implemented within each year.