



Open Government Partnership Kosovo Initiative.



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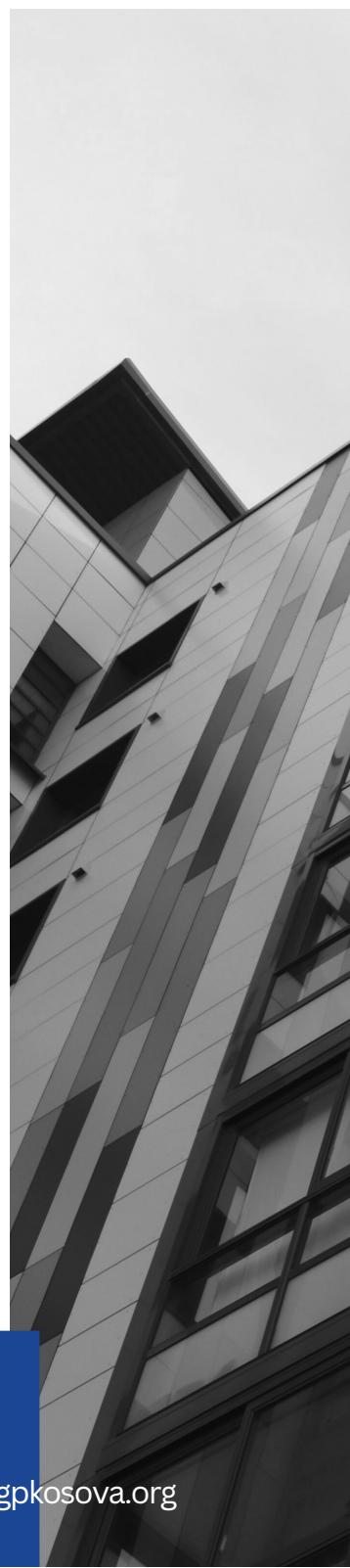


INTRODUCTION

In a democratic society, the involvement of civil society organizations in government processes is of vital importance.

The OGP membership process is considered a priority of the **Ministry of Local Government Administration**, due to the fact that this will continue to pave the way for the promotion of open and transparent governance, citizen participation in decision-making, inclusiveness, and responsible governance.

In the last five years, the **Republic of Kosovo** has made significant improvements toward the digitization of services and opening of data. Kosovo has provided a significant number of e-platforms and digital solutions, a strong legal basis for freedom of information and access to public documents, and is ranked among the 50 countries with the highest rate of internet penetration and digital skills, as well as has a high rate of smartphone ownership.



KOSOVO STRENGTHENING ITS DEMOCRATIC VALUES

Transparency, Accountability, and Integrity

Kosovo is one of the few countries in the region that fully discloses the properties, wealth, income, and debts of the country's approximately 5,000 public officials, which is considered an achievement. In addition, the Republic of Kosovo has managed to design and create various digital platforms marking significant progress in the field of open data, digital governance, and citizen participation.

Kosovo part of International Charter for Open Data

The Government started the implementation of the Initiative Opening Data in May 2016, when the Government of the Republic of Kosovo with decision No. 07/87 approved the International Charter for Open Data. According to this decision, the Ministry of Public Administration is responsible for coordinating developments and work, as well as for promoting the opening of data in Kosovo.

In this context, the National Portal for Open Data has been created, which is foreseen for the publication of data produced by the Government of Kosovo.

OPENING DATA IN KOSOVO

Improving public services, increasing transparency, accountability, and efficiency of public administration, as well as creating a more professional civil service is among the most important priorities that the Ministry of Public Administration is undertaking.



In the context of promoting an open government, the MPA in September 2018 launched the report ODRA - Open Data Readiness Assessment, based on the methodology of the World Bank, which was prepared by local and international experts, and offers a comprehensive overview of the situation in Kosovo in the field of data opening.

The opening of the government data foresees positive changes in the way government interacts with citizens. This process enables citizens and businesses to actively make informed decisions in various fields of activity. Moreover, in 2018, the Government of the Republic of Kosovo approved the Action Plan for the implementation of the Strategy for Modernization of Public Administration 2015-2020.



ESERVICES IN KOSOVO



eKosova

The determination of the government to raise the level of public administration services, in quality, accessible services, based on reasonable administrative procedures, through e-government, oriented to the needs of citizens and businesses, has resulted in the initiation of the development of the platform e-Kosova – a tool for online provision of public administration services for citizens, businesses and public administration employees themselves.

This platform serves as an electronic counter, through which anyone interested via the Internet can receive the electronic services offered by public institutions in Kosovo, shortening the distance, as well as increasing the efficiency and speed of the service.

The platform is managed and administered by the Agency for Information Society and is connected to the Interaction Platform, which is the basic architecture in which the interaction of electronic registers of Kosovo institutions is enabled.

RIGHTS TO ACCESS PUBLIC INFORMATION

Law on Access to Official Documents

Regarding the right of access to public documents, the Assembly of Kosovo in 2019 adopted a new law that guarantees the general public the right to access documents, thus repealing the previous law called the Law on Access to Official Documents.

The newly adopted legislation has decided on the appointment of the Commissioner - an independent body responsible for supervising the implementation of the law. After a long and complex selection procedure, the Commissioner was appointed by the Parliament. It operates within the Information and Privacy Agency (IPA) formerly known as the State Agency for Personal Data Protection.

Fight against corruption

Furthermore, according to Transparency International's latest 2021 Corruption Perceptions Index, during the past year, the Republic of Kosovo has made progress in the fight against corruption. It gives Kosovo 39 out of 100 possible points, three more than its score in 2020. Despite this positive development, the country must strengthen the rule of law and continue the fight against corruption through legal and institutional mechanisms.

PREVIOUS EFFORTS REGARDING OGP

In 2013, the Government of Kosovo approved a decision to start the procedures for membership in the Open Government Partnership, which marked the first steps toward membership in the OGP as a member state. With this decision, the Government of Kosovo has been requested to respect all the obligations arising from the process even after the membership of the Republic of Kosovo in the OGP.

The government managed to draw up the National Action Plan 2014-2016 and all the criteria and conditions of the OGP have been fulfilled.

The NAP aimed to address challenges related to open governance such as:

- a) Improving public services,
- b) increasing public integrity,
- c) effective management of public resources
- d) increasing corporate accountability.



Also, at that time the duties and responsibilities of the relevant public institutions were determined.

Unfortunately, the journey toward membership in the OGP could not materialize in 2013. Despite this, the Government of the Republic of Kosovo has continuously shown serious commitment to the engagement, fulfillment, and achievement of the principles of the OGP, as emphasized in the introductory part.

The government continues its efforts and commitments to the principles of open and accountable governance, thus making progressive moves in the field of the legal and institutional framework.

Therefore, in June 2021 the Government of Kosovo once again decided to start the initiative for membership in OGP.

KOSOVO IS READY TO JOIN OGP IN 2022

In October 2021 the National Coordinating Committee for OGP Kosovo was inaugurated.

A committee composed of:

- a) public institutions,**
- b) civil society organizations,**
- c) other relevant institutions.**

Public debates have been organized in the main municipalities of Kosovo, especially in Pristina, Prizren, Peja, Ferizaj, Gjilan, Southern Mitrovica, and Gjakova, to consult with representatives of key state institutions, NGOs, and citizens of each respective municipality about the main commitments mentioned above. Meanwhile, stakeholder meetings were organized to collect specific data from the main public institutions, CSOs, businesses, and media, to discuss challenges, and successes and give concrete recommendations.

Such events provided an important role during the process of defining core issues and commitments. The events strictly followed the work methodology according to the OGP National Manual.



EVALUATION REPORT OF OGP ELIGIBILITY CRITERIA

A state's eligibility for OGP is determined by evaluation in four critical areas of open government:

- 1) fiscal transparency,
- 2) access to information,
- 3) declaration of assets of officials and
- 4) engagement of citizens.

To cross the OGP eligibility threshold, countries must collect at least 75% of the total number of points, i.e. at least 12 out of 16 or 9 out of 12 depending on the number of areas they are evaluated.



Fiscal Transparency



Declaration of assets



Access to information



Citizens engagement



1. Fiscal Transparency

The Government of Kosovo has implemented a legal framework for fiscal transparency and accountability. The Law 2003/12 on Access to Official Documents regulates the public disclosure of revenues and expenditures of the Kosovo Consolidated Budget (KCB). Once the KCB has been approved by the Parliament, the budget becomes a law and is published in a book form (available upon request) at the Ministry of Finance and on its website. Kosovo is committed to enforcing fiscal transparency and accountability, and the laws and regulations governing fiscal procedures are sufficient and fully implemented.

The Ministry of Finance and Transfers of Kosovo publishes the budget of the Republic of Kosovo and financial reports on budget expenditures, on the official website of the Institution. The Republic of Kosovo has developed a Transparency Portal which contains budget data on central and local institutions of the Republic of Kosovo, with the possibility of filtering the data by year or quarter.

Maximum number of points
= 4 points





2. Access to information

The Parliament of the Republic of Kosovo, Pursuant to Article 65 (1) of the Constitution of the Republic of Kosovo, has approved: LAW NO. 06/L-081 ON ACCESS TO PUBLIC DOCUMENTS This law guarantees the right of every person, without discrimination on any grounds, to have access to public documents, produced, received, kept or controlled by public institutions, as well as the right to reuse public sector documents. This law applies to all public documents that are produced, received, kept, or controlled by public institutions, unless otherwise limited by applicable law. The access to public documents is performed through proactive publication of public documents by public institutions, and through the request of a party for access to public documents.

Every person has the right to reuse public documents based on the conditions and restrictions set out in this law. Data openness and transparency in the public sector serve for accountability to the public, for social, economic and democratic development and advancement. The right of access to public documents belongs to every person in the same way and equally. Public institutions anyone no one in exercising the right of access to documents compared to others.

Maximum number of points
= 4 points





3. Declaration of assets

The rules requiring the declaration of incomes and assets of senior elected officials are essential in the efforts to fight corruption and to have an open and accountable government. It is also important that this data is made public for the citizens.

The Parliament of the Republic of Kosovo, pursuant to Article 65 (1) of the Constitution of the Republic of Kosovo, adopted: LAW No. 04/L-050 ON THE DECLARATION, ORIGIN AND CONTROL OF THE PROPERTY OF SENIOR PUBLIC OFFICERS AND DECLARATION, ORIGIN AND CONTROL OF GIFTS OF ALL PUBLIC OFFICIALS. This law sets the obligations of senior public officials to declare assets, revenues and their origin, the Agency's duty to verify the declaration and perform the verification of assets, and the obligations of all officials to declare their gifts and their origin. This law regulates the procedure of declaration and control of property, revenues and liabilities of senior public officials and their family members, and prescribes the relevant sanctions. This law also regulates the procedure of declaration, control and the origin of gifts received by all officials.

Maximum number of points
= 4 points





4. Citizen engagement

All public institutions in Kosovo have a constitutional obligation to engage citizens in their work, whether in the design or implementation of their policies and programs. The majority of the obligation falls on the municipal level, where each municipality must inform the citizens about "important plans or programs for the public interest". The Law on Local Self-Government guarantees citizens direct participation in decision-making at the local level: participation in Municipal Assembly sessions as an observer, participation in public meetings, participation in public hearings, the right to petition, referendum, etc.

Citizens of a municipality have the right to participate in the activities of the respective municipality, for the right of petition, civic initiative, local referendum, whereas municipalities are obliged to establish consultative committees within the sectors, to which representatives of CSOs should be invited. At the governmental level, all government acts (except administrative decisions) should be consulted with the public in advance, while the government is obliged to provide sufficient information about the document being consulted, sufficient time for the citizens' contribution, and to report on the results of consultations. Public hearings can be organized for all laws adopted by the Parliament of Kosovo, while CSOs can also participate in the meetings of the parliamentary committees.

Maximum number of points
= 4 points



COMMITMENTS OF THE OGP & NATIONAL ACTION PLAN



COMMITMENTS OF THE OGP ACTION PLAN IN KOSOVO

Commitment 1: Digital Governance

- Development and promotion of a centralized web portal of electronic services for Kosovo (eKosova)
- The integration of the new module (eMunicipalities) within eKosova in order to increase citizen participation and the efficiency of municipal services
- Development of an online system for reporting and assessing damages from natural disasters

Commitment 2: Open Data

- Improving internal procedures within institutions for publishing government data and making them available on the institution's websites/Open Data Portal
- Increase the number of databases published on the Open Data Portal by 30%
- Providing (technical) assistance to public officials in charge of publishing public data
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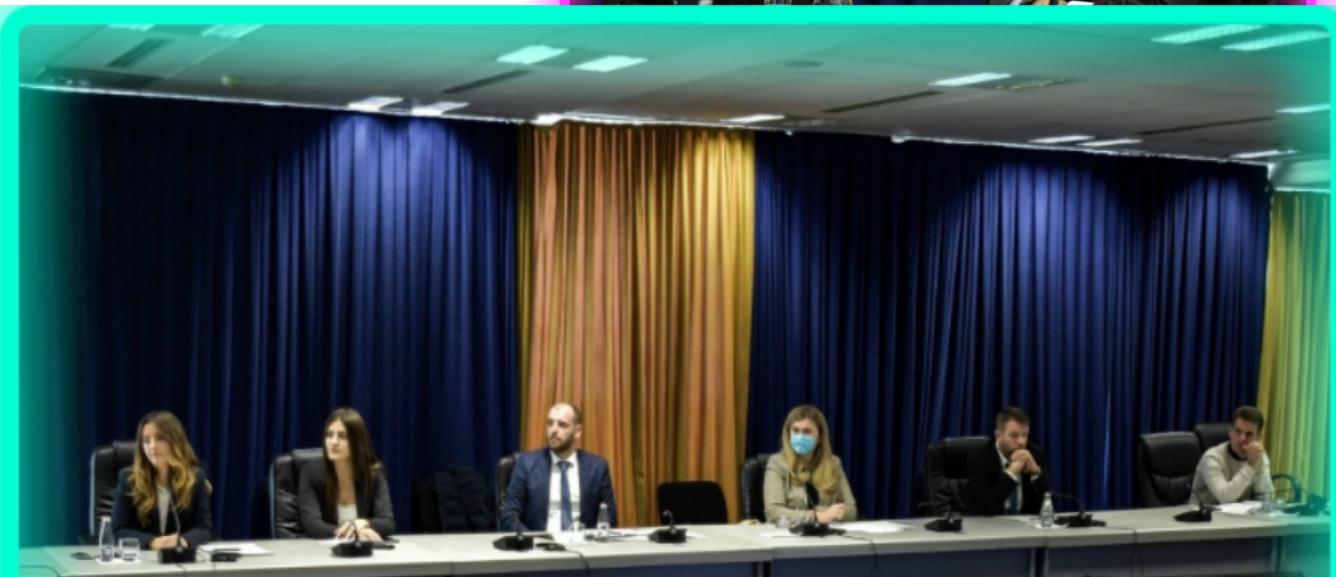
COMMITMENTS OF THE OGP ACTION PLAN IN KOSOVO

Commitment 3: Citizen participation

- Improving existing platforms for citizen participation in decision-making processes by providing technical assistance and capacity building for public officials
- Supporting civil society initiatives in raising awareness through campaigns to prevent the proliferation of strategic litigation against public participation (SLAPP).
- Establishing or improving mechanisms for citizen complaints regarding the services of public institutions

Commitment 4: Anti-corruption

- Fully open public procurement system
- Increasing the transparency of the judicial and prosecutorial system
- Increasing the transparency of recruitment institutions for high state positions





NATIONAL COORDINATING COMMITTEE



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria - Vlada - Government

*Ministria e Administrimit të Pushtetit Lokal
Ministarstvo Administracije Lokalne Samouprave
Ministry of Local Government Administration*

