



National PAR Monitor

Kosovo Report

2017/2018



GROUP FOR LEGAL
AND POLITICAL
STUDIES



This project is financed by
the European Union



Kingdom of the Netherlands

Co-financed by
the Kingdom of the Netherlands



National PAR Monitor - Kosovo Report 2017/2018

Author:

Dr. Arbëresha Loxha

Group for Legal and Political Studies



GROUP FOR LEGAL
AND POLITICAL
STUDIES

November 2018

EXECUTIVE SUMMARY

1. Why PAR Monitoring by the Civil Society?

Public administration reform (PAR) is today considered a fundamental requirement for the EU aspirants on their accession path. As a complex and all-encompassing reform, PAR in the Western Balkans region is being thoroughly assessed through the lenses of the SIGMA Principles of Public Administration, developed by the OECD/SIGMA and endorsed by the EU. These Principles define what makes a well-functioning administration in terms of its ability to deliver transparent, efficient and effective services to citizens, and to support socio-economic development.

In the context of a high external pressure for tangible developments in PAR, homegrown demand for better administration becomes even more important, to keep pressuring the government to pursue reforms once the external conditionality dissipates as the result of a completed accession process. Civil society actors, with local knowledge of administration's functioning, can lead such domestic advocacy efforts aimed at better administration. An independent PAR monitoring and evidence-based dialogue with the government represent a good approach to achieve this goal.

2. WeBER PAR Monitor approach

Based on such a rationale, the WeBER project has completed its first monitoring cycle. Its structured and evidence-based approach to PAR monitoring brings the reform closer to the public, by particularly focusing on PAR aspects with most relevance to the civil society and the public.

WeBER PAR monitoring strongly relies on strengths, skills, and local knowledge of the civil society in the Western Balkans. It builds on the SIGMA's Principles of Public Administration as a cornerstone of PAR, while assessing them from the standpoint of an independently produced PAR Monitor methodology. Overall, the methodology is based on the selection of 21 SIGMA Principles within six key areas, monitored and reported through 23 compound indicators that focus on different aspects of PAR.

The PAR Monitor methodology is rooted in the regional approach. The design of all WeBER indicators enables comparisons between the administrations in the Western Balkans and allows for regional comparability of results. In addition to the methodology, the PAR Monitor package comprises a comparative monitoring report for the entire WB region as well as six reports which elaborate on detailed findings for each administration. The present report provides monitoring results for Kosovo, including a set of actionable recommendations for each of the six PAR areas, directed at the creation of a more citizen-oriented, more open, transparent and accountable administration.

3. WeBER Monitoring Results for Kosovo

Strategic framework for par: insufficiently inclusive design and monitoring of strategic documents

In Kosovo, civil society is insufficiently consulted during the development of PAR strategic documents: Involvement at an early stage of consultations is absent, proactiveness in inviting external stakeholders, particularly diverse groups of interests and publishing of consultation, is an exception. Availability and reliability of information on all critical aspects of consultation processes is often missing. Consultations on the development of Strategy for Modernization of PAR Action Plan for 2018-2020 provides a good practice example, as the process involved the civil society from the very beginning via the Platform for Public Consultations and there was a possibility to send comments also via email. Besides, the final consultation report including the table with treatment of contributors inputs is published in the platform.

PAR monitoring and coordination structures do not foresee civil society representation. CSOs focusing on PAR issues and generally participating in consultation processes confirm the lack of mechanisms to involve CSOs in development of PAR strategic documents. However, lately there has been a shift in practice. The development of concept documents and draft laws of the three laws important for PAR have been consulted with public via the Platform for Public Consultations, and public debates with governmental and non-governmental stakeholders have taken place.

4. Policy development and coordination: largely diligent government yet relatively dissatisfied civil society

Overall, the Government's reporting and decision-making process is largely transparent. In practice, information on the Government's work and results as well as press releases are regularly published. The Government regularly uploads reports on the implementation of its Annual Work Plan online, and all central planning documents are published online. Likewise, information on the proceedings and outcomes of the Government's sessions are regularly published and include a list of decision made and details about each point of the agenda. Agendas are however unavailable and could be obtained only via FOI. Decisions are published online and are communicated both in citizens-friendly and timely manner.

Furthermore, perception of the civil society in Kosovo takes largely negative turn when it comes to the Government's work, more precisely, its planning and transparency of decision-making. Positive perception is found regarding the use of externally produced evidence in policy making, and quality of consultations with civil society as well as towards the awareness of official online legislation database.

In that regard, decision-making is perceived as transparent by marginal 5% of surveyed civil society organisations (CSOs) whereas 43% shared a neutral opinion. They largely disagree the Government's planning documents as relevant for the actual policy developments with only 22% of agreement. Similarly, around a quarter believe official strategies are relevant for actions of the Government or ministries. Civil society findings are occasionally referenced in policy documents, papers and impact assessments. More than 60% of surveyed CSOs confirm that government invites them to prepare evidence-based papers and alike is the perception about participation of Government officials in events organised by civil society, when invited. Perception is also positive regarding feedback provision from ministries as well as the frequency of accepting their policy proposals and the same is observed in the case of proposals during working groups. Perception about consultations in policy making and legislative drafting shows that 36% of civil society organisations agree formal consultation procedures are consistently applied, with notably low perception of 15% on the existence of early involvement, and for regular provision of feedback to consultees (18%). The perception is more positive (40% agree) regarding acceptance of the feedback coming from their organization. Finally, all legal acts in Kosovo are published on the website of the Official Gazette, can be accessed online and free of charge. This database is easily accessible, and vast majority of CSOs are informed it exists and have accessed it in the past year (more than 80%).

5. Public service and human resource management: long way to transparency and professionalisation

Data on civil service are reported as part of the Annual Reports on the State of Civil Service in Kosovo, notwithstanding deficiencies within the registry. The data on the report is partially segregated as no data segregation is done at the level of functions or types of institutions. No data are available for non-career civil service positions either. Reports on public service are regularly published, the 2016 report is most comprehensive, albeit not substantiated with evidence or independent sources. Yet the reports are not proactively promoted in the public. Although

temporary engagement in the civil service is legally limited however criteria for the selection of temporary employees are not clearly regulated. Civil servants perceive temporary engagement is common in their institutions, and is frequently used to for tasks that should normally be performed by civil servants. Additionally, they report that temporary contracts often get extended for over a year.

With regards to recruitment into the civil service, institutions announce vacancies through up to three easy-to-access, legally prescribed channels, but avoid modern tools such as social media. The calls are drafted in a simple, clear and understandable way but lack visual explanations. Applications are being rejected due to misinterpretation of the requirements, since candidates are not allowed to supplement missing documentation. No external unreasonable barriers are observed in public competitions. There is a widespread perception of politicisation in the senior civil service among both civil servants and civil society organisations. Selection decisions are publicly available but include only the name of the successful candidate. The notifications for annulment of the competition are publicly available yet the reasoning provided is in most cases not proper

The role of the head of the institution in the appointments of senior civil servants undermines professionalisation of the recruitment process. Extension of acting positions additionally hampers the merit principle, as individuals are being kept in the acting status for a period longer than legally prescribed without consequences, dependent on political decision-making, and with a lack of chances for appraisal or promotion. There is a widespread perception of politicisation in the senior civil service, as only 18% of surveyed civil servants and 12% of CSOs believe that procedures for appointing senior civil servants ensure that the best candidates get the jobs.

The overall civil service remuneration system lacks simple structure. The Law on Civil Service which is currently formally in force is not being implemented due to budget deficiencies. This horizontal law applies only to civil servants (around 18,000), and not to other categories of employees in public sector that receive direct salaries from the Kosovo budget. This said, the salaries of servants in public sector are currently being regulated through 58 legal documents by individual institutions. Salary supplements for civil servants are not clearly defined and limited. In line with this, a quarter of civil servants believe their managers use bonuses or increases in pay grades for reasons other than rewarding performance and political and personal connections help employees to receive bonuses or increases in pay grades. Apart from legislation, information on salaries of civil servants is not available online.

Formal integrity and anti-corruption measures are in place, but with implementation remains deficient. Only around a quarter (25%) of civil servants and less than 10% of CSOs perceive these measures as impartial and effective and only a portion of CSOs would feel protected as whistle-blowers.

6. Accountability: proactive information of the public fares better than reactive

Civil society's perception indicates shortcomings in the application of free access to information of public importance. CSOs strongly believe that public authorities should record more information to enable the exercise of this right as only a quarter of CSOs agree that current scope of information is sufficient. Moreover, only 4.6% believes that legally prescribed exceptions to the public character of information are adequately applied.

CSOs perception is largely positive towards practical aspects of requesting information: information is provided in requested format, within deadlines, and free of charge, without the need to state reasons for requests. However, for information containing classified parts and personal data, a rather small percentage of organisations think that access to parts of information cleared from such sensitive data is made possible, and 75% of CSOs simply "don't know" if this is the case. Positive and promising perception is also found when it comes to the standards of the right to access public information set

by the LAPD and the effectiveness of soft measures for protecting access to information by the same legislation; 60.7% of CSOs agree with the former, whereas 50% agree with the latter. Yet, only 21% believe sanctions for the violation of the free access to information right are effective.

Availability of accountability information is assessed negatively. Furthermore, as a widespread feature of Kosovo public authorities, information provision on their websites lacks a citizen-friendly approach. Most of the publicly available information is complete, updated, and accessible within maximum three clicks from homepages. Publication of budgetary information and annual reports is almost completely absent across the sample. Moreover, the uneven practice of informing about channels for cooperation with civil society and other external stakeholders, use of highly bureaucratic language and copy-pastes from legislation, as well as absence of the practice to publish data in open formats, points to the need to improve proactive disclosure of information and make it more citizen-oriented.

7. Service delivery: favourable public perception, accessibility concerns in civil society

In general, citizens of Kosovo consider that the administration pursues user-oriented service delivery, reflected in high awareness of the Governments' digitalisation policy by 71% of citizens, and of efforts to simplify administrative procedures by 56%. There is relatively high awareness on existence of E-services (60%), knowledge in ways to use them (57%) as well as 80.5% of those who actually used E-services consider them to be user-friendly. Perception drops, however, when it comes to possibility to give proposals for improvement of services, as 37% of citizens report they have been asked for such proposals. This perception is reinforced by the analysis of websites of sample of administrative service providers, indicating that only in two cases information on citizens' feedback is published online.

Civil society's perception, on the other hand, is the most positive regarding the existence of different channels for obtaining services (in-person, online) with 55% of agreement, while the level of agreement drops when asked about the accessibility of one-stop-shops with 25%, and adaptation of service provision to vulnerable groups with only 10% of agreement. Finally, the practice of disclosing online information necessary for obtaining services is assessed as unsatisfactory. Analysis of sample providers' websites shows that citizen-friendly guidance for obtaining services is an exception, and on rare occasions services can be fully obtained electronically.

8. Public finance management: (un)availability of internal audit reports

The Ministry of Finance regularly publishes quarterly, semi-annual and year-end reports. The available budgetary reports are based only on economic and organizational classification of budget realisation. Non-financial performance information on the budgetary achievements of the Government is not reported. On the other hand, citizen-friendly budgets are regularly produced and published since 2017, presenting annual enacted budgets in a simplified, clear and comprehensible way.

Annual consolidated reports on public internal financial control (PIFC) in the public sector are produced but are not publicly available. The same applies to internal audit quality reviews. Nevertheless, individual budget beneficiaries, such as ministries, largely do not publish basic information online on financial management and control. Moreover, no evidence is found on the CHU department proactively engaging with the public. Finally, evidence from the last two reporting cycles indicates that the parliament and the relevant committee regularly deliberated on the consolidated reports on PIFC.

Kosovo National Auditor Office (KNAO) has not developed specific communication strategic documents for reaching out to the public and communicating their work/results/goals etc. Nevertheless, it has dedicated at least one job position for proactive communication and provision of feedback towards the public. KNAO utilises at least two additional means of communication with the public; it actively maintains the Facebook account and organizes public events. The events are mainly organized in the form of roundtable discussions for the purpose of presenting audit and performance reports. In addition research shows that KNAO also organized events particularly related to main audit issues and progress of implementation of recommendations given in audit reports. Furthermore, KNAO audit and performance reports are written in a citizen-friendly manner with performance audit reports being most detailed and largely free of technical language. The channel for receiving citizens' complaints exists, but it is neither institutionalised nor clearly marked at the SAI website. Finally, regarding consultations of civil society, KNAO has initiated the practice of holding consultative forums with CSOs for performance audits but also invites them to events organized for the purpose of publishing performance reports or to discuss the draft strategy of the office.

Table of Contents

1. INTRODUCTION	12
1.1. Public administration reform and Western Balkans' EU integration – Why monitor?	13
1.2. PAR monitoring – How do we monitor?	14
1.3. Structure of the National PAR Monitor report	18
1.4. List of Abbreviations	19
2. STRATEGIC FRAMEWORK OF PAR	21
2.1. WeBER indicators used in Strategic Framework of PAR and country values for Kosovo	22
2.2. State of Play in Strategic Framework of PAR	22
2.3. WeBER Monitoring Results	26
2.4. Summary results: Strategic Framework of PAR	33
2.5. Recommendations for Strategic Framework of PAR	34
3. POLICY DEVELOPMENT AND COORDINATION	35
3.1. WeBER indicators used in Policy Development and Coordination and country values for Kosovo	36
3.2. State of Play in Policy Development and Coordination	36
3.3. What does WeBER monitor and how?	38
3.4. WeBER Monitoring Results	40
3.5. Summary results: Policy Development and Coordination	56
3.6. Recommendations for Policy Development and Coordination	57
4. PUBLIC SERVICE AND HUMAN RESOURCE MANAGEMENT	59
4.1. WeBER indicators used in Public Service and Human Resource Management and country values for Kosovo	60
4.2. State of Play in Public Service and Human Resource Management	60
4.3. What does WeBER monitor and how?	63
4.4. WeBER Monitoring Results	64
4.5. Summary results: Public Service and Human Resource Management	84
4.6. Recommendations for Public Service and Human Resource Management	86
5. ACCOUNTABILITY	88
5.1. WeBER indicators used in Accountability and country values for Kosovo	89
5.2. State of Play in Accountability Area	89
5.3. What does WeBER monitor and how?	91
5.4. WeBER Monitoring Results	93
5.5. Summary results: Accountability	102
5.6. Recommendations for Accountability	103

6. SERVICE DELIVERY	105
6.1. WeBER indicators used Service Delivery and country values for Kosovo	106
6.2. State of Play in Service Delivery	106
6.3. What does WeBER monitor and how?	108
6.4. WeBER Monitoring Results	109
6.5. Summary results: Service Delivery	123
6.6. Recommendations for Service Delivery	124
7. PUBLIC FINANCE MANAGEMENT	126
7.1. WeBER indicators used in Public Finance Management and country values for Kosovo	127
7.2. State of Play in Public Finance Management	127
7.3. What does WeBER monitor and how?	129
7.4. Summary results: Public Finance Management	137
7.5. Recommendations for Public Finance Management	138
8. Methodology Appendix	140
8.1. Analysis of Official Documentation, Data and Official Websites	141
8.2. Requests for Free Access to Information (FOI)	143
8.3. Focus groups	144
8.4. Interviews with Stakeholders	145
8.5. Public Perception Survey	146
8.6. Survey of Civil Servants	147

1. INTRODUCTION

1.1. Public administration reform and Western Balkans' EU integration – Why monitor?

For over 15 years, the Western Balkan (WB) countries have undergone democratisation and transition processes, embarking onto deep structural, economic and social reforms to modernise their societies and improve the lives of their citizens. The reform processes are reinvigorated by the aspiration of these countries to become members of the European Union, and they are framed to a large extent by the EU integration process. Good governance lies at the heart of the European integration project, while a public administration that supports good governance needs to be professional, reliable and predictable, open and transparent, efficient and effective, and accountable to its citizens.

Accordingly, reform of public administration has been acknowledged as one of the fundamental areas of reform on any country's path to EU membership. WB countries have been implementing administrative reforms for over a decade now, but since 2014 the EU offers a set of principles for the accession countries to follow and comply with in this area in order to become successful EU member states. The European Commission defined the scope of PAR through six key areas:

- 1) Strategic framework for public administration reform
- 2) Policy development and co-ordination
- 3) Public service and human resource management
- 4) Accountability
- 5) Service delivery
- 6) Public financial management

OECD/SIGMA,¹ in close co-operation with the European Commission, adopted this scope in the *Principles of Public Administration*, which became a new framework for guiding and monitoring administrative reforms in the Western Balkan countries and Turkey.² These principles, thus, offer a common denominator of public administration reform of all EU-aspiring countries, setting its course towards EU membership.³ Their purpose is described as follows:

The Principles define what good governance entails in practice and outline the main requirements to be followed by countries during the EU integration process. The Principles also feature a monitoring framework to enable regular analysis of the progress made in applying the Principles and setting country benchmarks.

EU acquis requirements, guidelines and instructions are the core of the Principles in relevant areas. In other areas, the Principles are derived from international standards and requirements, as well as good practices in EU member states and OECD countries. As a minimum benchmark of good administration, countries should ensure compliance with these fundamental Principles.⁴

¹ SIGMA (Support for Improvement in Governance and Management) is a joint initiative of the OECD and the European Union. Its key objective is to strengthen the foundations for improved public governance, and hence support socio-economic development through building the capacities of the public sector, enhancing horizontal governance and improving the design and implementation of public administration reforms, including proper prioritisation, sequencing and budgeting. More information is available at: <http://www.sigmaweb.org/>.

² A separate document entitled *The Principles of Public Administration: A Framework for ENP Countries* has been developed for the countries encompassed by the European Neighbourhood Policy (ENP): <http://bit.ly/2fsCaZM>.

³ Based on the Principles, SIGMA conducts regular assessments of the progress made by the WB countries' governments in fulfilling them. Across-the-board assessments (for all the six key areas) are conducted once every two years, whereas in-between smaller scale assessments are conducted for specific chapters that are evaluated as critical by SIGMA. For more information on SIGMA assessments, visit www.sigmaweb.org.

⁴ Principles of Public Administration for EU Enlargement countries, SIGMA, <http://bit.ly/2fOWLf9>.

WeBER has adopted the Principles of PA as the main building block of its PAR Monitor, following a twofold rationale. On the one hand, being the only common denominator for PAR reforms for all Western Balkan countries, the Principles are of major importance for WeBER in order to allow for regional comparability and regional peer learning and peer pressure. On the other hand, the Principles guide the reforms in these countries in the direction of compliance with EU standards and requirements, thus also supporting their transformation into future EU member states.

An important consideration in designing the monitoring approach lies in the understanding that until the WB countries' EU accession moment, SIGMA/OECD will be engaged in the region, relying also on the hard EU conditionality as an external driving force of reforms. In that period, the local civil society should deliver complementary, add-on findings in the areas of its strength. In this period, civil society should also gradually expand the scope of its monitoring and seek ways to continue with the external monitoring in a more holistic way post-accession, when SIGMA will no longer perform its external assessments. By then, the local civil society actors should have a developed approach in identifying the critical areas of intervention on which to focus their monitoring efforts.

Moreover, although EU conditionality is currently ensuring regular external monitoring and assessment of the progress of reforms, previous enlargements have demonstrated that many countries have backslid in their reforms post-accession, effectively moving away from good governance standards as the EU approach softened. In several countries, governments have decreased their standards of transparency, administrations have been re-politicised and anti-corruption efforts have dwindled. WeBER's rationale is that only by empowering local non-governmental actors and strengthening participatory democracy at the national and local levels, can the same pressure on the governments to continue implementing the often painful and inconvenient administrative reforms be maintained post-accession. This empowerment needs to include the improvement of the CSOs' awareness, knowledge and other capacities, such as research and analytical skills and tools. It is precisely these elements that the WeBER project and the PAR Monitor aim to strengthen.

In line with the TEN's and WeBER's focus on the region's EU accession process, the PAR Monitor also seeks to guide the governments in the region towards successful EU accession and membership. That is why the entire approach has been devised around the PAR requirements defined under the EU's enlargement policy. A critical necessity in this endeavour is strengthened participation of the civil society and media in the reform (i.e. educating and enabling them to monitor reform progress, assess its quality and propose new solutions based on evidence and analysis). That way, public administration reform can support the creation and implementation of inclusive and transparent policies that take into account citizens' needs and that are at the same time more EU-membership-compliant.

1.2. PAR monitoring – How do we monitor?

- EU principles as the starting point and a common framework of reference

As mentioned above, the WeBER approaches monitoring of PAR in the Western Balkan countries from the perspective of uniform requirements posed by the EU accession process for the entire region. As the EU and SIGMA/OECD developed a comprehensive set of principles for all countries to transform their administrations into modern EU-members, WeBER has used these principles as the golden standard and a starting point for developing its monitoring methodology. Moreover, in line with its overall rationale, WeBER has emulated SIGMA's methods to create its own indicators from the viewpoint of civil society, using a similar compound-indicator structure and the same scoring approach: quantification of elements (sub-indicators), with the total scores assigned to indicator values on a scale from 0 to 5.

- The regional approach

An important facet of WeBER monitoring of PAR is its regional character. The regional approach first means that all indicators are framed and phrased in a manner which enables comparisons

between the six national systems. Second, the regional approach means that the findings are regionally comparable. The former was achieved through close regional consultations in the process of designing the methodology and developing the indicators, including occasional revisions of the indicators and their specific methodologies based on identified difficulties of application and measurement in the national contexts. The latter was achieved through the internal quality assurance procedures developed as part of the monitoring methodology, which are described below.

The regional approach admittedly results in a certain loss of detail and national specificity in the monitoring work. However, it presents many benefits compared to the nationally specific approaches, first and foremost the comparability aspect, which allows benchmarking of countries and their systems, recognition of good practices in comparisons of the countries, as well as creation of positive competition between the governments when exposed to regional comparisons. Last, but not least, it allows for creation of regional knowledge and peer learning of PAR among civil society organisations, which is particularly useful for inspiring new initiatives and advocacy efforts at the national level, inspired by positive practices identified in the immediate neighbourhood. The fact that all WB countries are undergoing the same or similar processes on their road towards the EU makes them a perfect group for creation of useful comparisons.

- Selection of principles “for the civil society and by the civil society”

The PAR Monitor maintains a basic structure which follows the six chapters of the Principles of PA. It does not attempt to cover all the principles under each chapter nor does it seek to cover them in a holistic manner, but adopts a more focused and selective approach. Considering that the empowering of the civil society in the region to monitor PAR will need to be a gradual process, the criteria for selecting the principles (and their sub-principles) were developed with three main thoughts in mind:

- There are certain aspects of the Principles in which civil society is more active and consequently has more knowledge and experience;
- In order to gain momentum, the PAR Monitor will need to be relevant to the interests of the wider public in the region;
- The approach should ensure an added value to SIGMA's work and not duplicate it.

- WeBER indicators design

WeBER has designed compound indicators, each comprising a set of elements (essentially sub-indicators), which elaborate various aspects of the issue addressed by the indicator on the whole. The entire design of indicators is quantitative, in the sense that all findings – based on both quantitative and qualitative research – are assigned numerical values. Findings are used to assess the value of individual elements, assigning them total element scores of either 0-1 (for the less complex assessments) or 0-2 (for the more complex assessments). Only integer values are assigned to elements.

Furthermore, for each element a weight of either 1 or 2 is applied. In principle, a weight of 2 is assigned to what was evaluated as a basic, key requirement, whereas a weight of 1 is applied to more advanced requirements. To exemplify, a weight of 2 is used for an element assessing a basic government reporting practice, whereas a weight of 1 applies to an element assessing whether the data in a report is gender sensitive or whether it is available in open data format. Moreover, as most indicators combine different research approaches and data sources, in cases where perception survey findings are combined with hard data analysis, a weight of 1 is assigned to the former and a weight of 2 to the latter.

Finally, for each indicator there is a formula for turning the total score from the analysis of individual elements into the values on a unique scale from 0 to 5. The final indicator values are assigned only as integers, i.e. there are no half-points assigned. The detailed scoring and methodologies for each indicator are available on the PAR Monitor section of the WeBER website.⁵

- Reliance on knowledge accumulated by civil society

Local civil society actors lack official resources that would allow them to take a comprehensive view on the Principles of PA and monitor all their aspects in each of the six chapters. Moreover, the CSOs' projects and initiatives are as a rule fragmented and based on individual ad-hoc approaches. WeBER has overcome this problem by creating a Platform through which civil society in the region can conduct consultations and coordinate these individual, fragmented efforts. As a result of the work of this platform, the PAR Monitor reports encompass both the findings of the WeBER project and the key results and findings of a major part of the individual CSOs' (or other networks') research and analyses in the PAR area, including local CSOs supported through the WeBER Small Grant Facility.

The WeBER monitoring approach utilises to the maximum extent possible the experience and expertise accumulated within the civil sector in the WB countries. Therefore, a number of indicators rely on the civil society as one of the core sources of knowledge. Understandably, the PAR Monitor and its wider approach to incorporating other CSOs' findings will remain a work in progress in the upcoming years as well, in order to allow adjusting to new developments in the region's civil sector.

- Focus on citizen-facing aspects of public administration

There has been a clear shift of trends in recent years in how administrations act towards citizens, gradually comprehending their role of service providers in the society rather than merely feeding the rigid, formalistic and bureaucratic needs. One of the factors for this change lies in the development of new technologies and more direct opportunities to scrutinize, interact and influence, which consequently stimulated the interest of the public and instigated higher demands and pressures from the citizens for better administration.

Because of this unambiguous connection between the administration and its citizens, another key criterion which has led the selection of WeBER principles (and its sub-principles) is their relevance to the work and interests of the wider public. To that end, WeBER indicators have been led by the question of the extent to which they address citizen-facing aspects of public administration.

- Complementarity with SIGMA monitoring and SEE 2020 strategy

As mentioned above, one of the main considerations underpinning the WeBER PAR monitoring is to ensure complementarity with the assessment process of SIGMA/OECD. This approach acknowledges that SIGMA's comprehensive approach cannot and should not be replicated by local actors, as it already represents an independent monitoring source (in the sense of independence from national governments in the WB). In that sense, WeBER does not seek to present a contesting (competitive) assessment of how the principles are fulfilled in the WB countries, but rather offer a complementary view, based in local knowledge and complementary research approaches.

Finally, after the indicators were developed, each of them was analysed for relevance against the regional strategy SEE 2020,⁶ in order to determine whether they can serve for the purposes of its monitoring as well. Therefore, each indicator that has been determined relevant for the monitoring of the SEE 2020 Strategy was marked accordingly in the methodology document, and the link to the specific dimension of that strategy was stated.

⁵ WeBER project website: <http://www.par-monitor.org>. Methodology and the individual indicator tables can be accessed within the PAR Monitor menu.

⁶ South East Europe 2020 Strategy of the Regional Cooperation Council: <http://www.rcc.int/pages/62/south-east-europe-2020-strategy>.

- The PAR Monitor package

As the final product of the WeBER monitoring, the PAR Monitor is composed of the one regional, comparative report of monitoring results for the entire region and six national reports that elaborate in detail the monitoring findings for each country. In line with this approach, the regional report focuses on comparative findings, regional trends and examples of good or bad practices, but does not provide any recommendations. On the other hand, the national reports provide in depth findings for each country and identify a set of recommendations for each PAR area, targeting national policy makers.

The Master Methodology document and the detailed indicator tables – all available on the WeBER website⁷ – should also be regarded as part of the entire PAR Monitor package and can be used to fully understand the details of this monitoring exercise, where needed.

- Quality assurance procedures within the monitoring exercise

To guarantee that the PAR monitoring findings are based on appropriate comparative evidence and that WeBER products create a notable impact, the monitoring applied a multi-layered quality assurance procedure, which included internal and external expert reviews and a stakeholder community review. The internal quality assurance comprised two main elements:

- 1) A peer-review process, which involved different collaborative formats, such as written feedback, team meetings, or team workshops;
- 2) Once the scoring for each country was finalised, a senior coordinator performed a horizontal cross-check of the findings to ensure their regional comparability and alignment of assessment approaches, and prepare the analysis for the external review.

The first part of the external review was a fact-checking process by government institutions in charge of the given assessed area. Up to this point of the review process, all mentioned steps were repeated for each individual indicator measured.

Following the drafting of the regional report, selected members of WeBER Advisory Council performed the expert review of chapters pertaining to their areas of expertise. The drafting national reports underwent standard peer review procedures within each WeBER partner organisation.

- PAR Monitor Report timeframe

The monitoring exercise was conducted between September 2017 and September 2018. Findings predominantly relate to 2017 and the first half of 2018, except in the analysis of Government reports, where 2016 was included as the base year due to the governments' reporting cycles. Within the indicators that monitor the regularity of reporting practices, a minimum of two years preceding the monitoring year were taken into account.

It is important to emphasise that for certain indicators (and particularly those measured in the last quarter of 2017) the situation on the ground was changing until the moment of the report writing. The developments which occurred after the monitoring work on those indicators could not be included, as that would necessitate repetition of the entire monitoring exercise for the given indicator in all countries. Therefore, the individual indicator measurements indicate the exact periods of measurement, kept comparable across the region, which allows for clear identification of the timeframes of reference for all findings in the reports. Where situations have changed, those changes will be reflected in the scores in the next biennial WeBER monitoring cycle and the PAR Monitor 2019/2020.

Limitations in scope and approach

As with all research, the PAR Monitor also has its limitations. The main limitation stems from the fact that – for reasons which were elaborated above – it does not cover the entire framework of principles, but only those in which the interest and the added value of the civil society is the

⁷ WeBER project website: <http://www.par-monitor.org>. Methodology and the individual indicator tables can be accessed within the PAR Monitor menu.

strongest in the pre-accession period. Moreover, selected principles are not always covered in all of their facets, but rather in specific aspects which have been determined by the authors as the most relevant from the perspective of civil society monitoring. In all such cases, the specific WeBER approach is described in the Methodology and individual indicator tables.

In addition, timeframe-related limitations have influenced the course of measurement. As mentioned, the monitoring work was initiated in the last quarter of 2017 and proceeded into 2018, which reflected on the period of measurement of specific indicators, as well as on the results. Also, monitoring work was implemented over a period of 9-10 months due to the limited staff capacities vis-a-vis the workload covered (23 compound indicators), which made it impossible to measure all indicators within a short period of time.

Moreover, due to a combination of limited staff capacities and the workload of the 23 compound indicators covered – with some comprising over 15 elements (sub-indicators) – a few initially planned indicators were mutually agreed to be left out from the first monitoring cycle. Those indicators relate to public procurement, as well as accountability mechanisms to protect the public interest and the right to good administration. The WeBER team consciously decided to give advantage to the quality of work over maximizing the coverage of issues. The team will seek to include these indicators in the next monitoring cycle.

Lastly, some of the principles are approached from a rather perception-based point of view. This is mainly the case where SIGMA monitors a specific principle very thoroughly, so the most useful way to complement its approach was deemed to be by monitoring perceptions of certain key stakeholder groups (public servants, CSOs, etc.). This is a deliberate part of the WeBER approach and those indicators should be looked at as complementary to the assessments conducted by SIGMA for the same principles.

In terms of geographical scope, the monitoring exercise and the report cover the entire Western Balkan region: Albania, Bosnia and Herzegovina (BiH), Kosovo, Macedonia, Montenegro and Serbia. BiH being a country with a complex governance structure, WeBER decided to focus only on the state level institutions, wherever the structures and practices of institutions are analysed. Only the service delivery indicators include lower governance levels in BiH (entities), in line with the competences for delivery of the administrative services covered by the indicator sample.

1.3. Structure of the National PAR Monitor report

The report is divided into six chapters, pertaining to the core areas of PAR: 1) strategic framework for public administration reform, 2) policy development and coordination, 3) public service and human resource management, 4) accountability, 5) service delivery, and 6) public finance management. Each chapter follows the identical structure.

In each chapter introduction, the reader is briefly introduced to the WeBER indicators used in the observed area and their values for Kosovo, on a scale from 0 to 5. Immediately after, a brief state of play in Kosovo is given to contextualise the analysis for the observed area, followed by the WeBER monitoring focus, describing the methodological steps in more detail and illustrating the structure of each principle and indicator, including data collection and analysis methods.

The key section of each chapter is the presentation of WeBER monitoring results, stemming from thorough and methodologically robust research conducted in Kosovo. Throughout this section, the report includes boxes with partners' findings as an added value and complementary element of the report. A summary of results for each area is given at the end of each chapter and present key, succinct one-page findings and trends.

Finally, based on the detailed elaboration of the findings for Kosovo, the national PAR Monitor report proposes actionable recommendations for the responsible government authorities.

1.4. List of Abbreviations

ABL	Annual Budget Law
ABRK	Agency for Business Registration
ANA	Assistant National Auditor
AP	Action Plan
APSM PAR	Action Plan for the Implementation of the Strategy for Modernization of Public Administration
BSL	Budget System Law
BRS	Better Regulation Strategy
CAC	Criteria Assessment Commission
CHU	Central Harmonization Unit
CMPAR	Council of Ministers for Public Administration Reform
CoG	Central of Government
CRA	Civil Registration Agency
CSL	Civil Service Law
CSO	Civil Society Organisation
DCSA	Department of Civil Service Administration
DMRAP	Department for the Management of the Public Administration Reform
EC	European Commission
eID	Central electronic identification
ERP	Economic Reform Programme
EU	European Union
FAQ	Frequently Asked Questions
FOI	Freedom of Information
GAWP	Annual Work Plan of the Government
GLPS	Group for Legal and Political Studies
GSG	General Secretariat of the Government
GCS	Government Co-ordination Secretariat
HR	Human Resource
HRM	Human Resource Management
HRMS	Human Resource Management Service
HRMIS	Human Resource Management Information System
IA	Internal audit
ID	Personal Identification Document
IMF	International Monetary Fund
IOB	Independent Oversight Board
IPA	Instrument for Pre-Accession
ISSAI	International Standards of Supreme Audit Institutions
KBRA	Kosovo Business Registration Agency
KNAO	Kosovo National Auditor Office
LAPD	Law on Access to Public Documents
LAPDI	Law on Access to Public Documents and Information
LGAP	Law on General Administrative Procedure
LO	Legal Office
LOWA	Law on Office Work Administration
LPS	Law on Planning System
LPO	Law on Public Officials
LSA	Law on State Administration
MCTI	Ministry of Construction, Transport and Infrastructure
MCPAR	Ministerial Council for Public Administration Reform
MME	Ministry of Mining and Energy
MoF	Ministry of Finance

MoDSI	Ministry of Diaspora and Strategic Investments
MPA	Ministry of Public Administration
MTI	Ministry of Trade and Industry
MTFB	Medium-term Budgetary Framework
MCYS	Ministry of Culture, Youth and Sport
NCEU	National Convention on the EU
NAO	National Audit Office
NPAA	National Programme for the Adoption of the Acquis
NPISAA	National Plan for Implementation of the Stabilisation and Association Agreement
NDS	National Development Strategy
OECD	Organisation for Economic Co-operation and Development
OB	Budgetary organization
OGP	Open Government Partnership
OPM	Office of Prime Minister
PAMS	Strategy for Modernisation of Public Administration
PAR	Public Administration Reform
PCP	Public Consultations Platform
PDA	Public Debt Administration
PEFA	Public Expenditure and Financial Accountability Report
PDC	Policy Development and Coordination
PFM	Public Financial Management
PFMRP	Public Finance Management Reform Programme
PFRMS	Public Finance Management Reform Strategy
PIFC	Public Internal Financial Control
PPS	Public Policy Secretariat
PS	Public Service
PSHRM	Public Service and Human Resource Management
RCSMI	Responsible Structures for Coordination, Monitoring and Implementation
RCMSD	Responsible Structures for Coordination and Monitoring of Strategic Planning Documents
RGA	Republic Geodetic Authority
RIA	Regulatory Impact Assessment
RMSPCP	Regulation on Minimum Standards for Public Consultation Process
RoP	Rules of Procedure
RSISPD	Responsible Structures for Implementation of Strategic Planning Documents
RoP	Rules of Procedure
RT	Responsibility Team
SAI	Supreme Audit Institution
SBS	Sector Budget Support
SCS	Senior Civil Servants
SEG	Strategy on Electronic Government
SGPAR	Special Group for Public Administration
SMPA	Strategy for Modernization of Public Administration
SMP	Senior Management Positions
SIGMA	Support for Improvement in Governance and Management
SIPPC	Strategy for Improving Policy Planning and Co-ordination
SPO	Strategic Planning Office
SSA	Special Service Agreements
TA	Tax Administration
TAK	Tax Administration of Kosovo
VAT	Value Added Tax
WB	Western Balkans
WG	Working Group

2. STRATEGIC FRAMEWORK OF PAR

2.1. WeBER indicators used in Strategic Framework of PAR and country values for Kosovo

P1_I1: Use of participatory approaches in the development of key strategic PAR documents					
0	1	2	3	4	5
P2_P4 I1: Extent of civil society involvement in the PAR monitoring and coordination structures					
0	1	2	3	4	5

2.2. State of Play in Strategic Framework of PAR

Government's central planning documents, namely Government's Programme for 2015-2018, National Development Strategy (NDS) and National Plan for Implementation of the Stabilisation and Association Agreement (NPISAA) all acknowledge Public Administration Reform (PAR) as a priority and amongst others include activities that address the substance areas of PAR.

Existing strategic framework of PAR in Kosovo consists of a number of strategic documents constituting PAR agenda. Strategy for Modernization of Public Administration (SMPA) 2015-2020, as the umbrella document, provides comprehensive framework covering all relevant PAR areas of the SIGMA Principles of Public Administration. More detailed reform measures for certain areas are further laid down by separate reform documents, such as the Strategy for Improving Policy Planning and Co-ordination in Kosovo 2017-2021 (SIPPC); Better Regulation Strategy 2014-2020 and Public Finance Management Reform Strategy (PFMRS) 2016-2020. In addition to the four PAR strategic documents, a new strategy on Electronic Governance (as the 2009-2015 strategy expired) has been drafted but not adopted by the Government yet.⁸ Besides the above-mentioned strategies, the Government has adopted other strategies, which are directly or indirectly linked to the public administration.⁹

According to the SIGMA report, there is clear division of topics among the plans. The report also finds these plans coherent in terms of objectives, targets, deadlines and assignment of responsibilities to institutions.¹⁰ Moreover, SIGMA evaluates that the PAR strategic planning documents among other things "meet the requirements for minimum content, coverage, scope and coherence; PAR is prioritised in other key central planning documents, and that PAR Strategies are largely reform-oriented".¹¹

The Strategy for Modernisation of Public Administration 2015-2020 (SMPA) contains reform initiatives for the areas of public service, human resource management, service delivery and accountability. The SMPA was followed by the Action Plan (AP) for the period 2015-2017, whereas the AP for the period 2018-2020 has been consulted with the relevant stakeholders and the general public. At the time of writing, AP for the period 2018-2020 is still awaiting for approval by the Government (see Analysis of principles section).

⁸ Interview with MPA official, July 2018.

⁹ For Example: E-Governance Strategy 2009-2015; Interoperability Framework of Republic of Kosovo; National Strategy for Cooperation with Civil Society 2013-2017; Strategy for Training of Civil Servants 2016-2020; National Strategy for Public Procurement 2017-2021

¹⁰ Ibid

¹¹ SIGMA Monitoring Report 2017 – Kosovo. P.12. Available at: <http://sigmaweb.org/publications/Monitoring-Report-2017-Kosovo.pdf>

The government has also adopted Public Financial Management Reform Strategy 2016-2020 (PFMRS) followed by an AP that covers the same period of implementation.¹² The scope of public financial management (PFM) reforms covered by the PFMRS includes also public procurement and external audit. The strategy was preceded by the establishing of a Responsible Team (RT) for drafting the Strategy in September 2015. It was composed of representatives of all relevant actors of governmental institutions of Kosovo supported by OECD/SIGMA.¹³ The four pillars and twelve priorities of the strategy derive from the findings of relevant evaluation documents of the PFM area such as PEFA, SIGMA, TADAT and the OAG Report 2015 by the RT.¹⁴

Furthermore, the Government adopted the Better Regulation Strategy in May 2014 and Strategy for Improving Policy Planning and Coordination (SIPPC) in May 2015. However, following one-year of implementation period, in a meeting of the Special Group for Public Administration (SGPAR) it was decided to review these strategies focusing only in reviewing objectives and placements of performance indicators, including the action plan and its relevant costs.¹⁵ This marked the completion of the scope of PAR central planning documents.

The SIPPC aims to improve the planning system by avoiding fragmentations and overlaps between key policy and financial planning processes. The main focus lies on providing a set of operating principles and supporting structures, which ensure that government policy planning and monitoring is conducted in an efficient, integrated and harmonized way.¹⁶ The Better Regulation Strategy 2017-2021 sets policy direction for administrative simplification and has been revised to include the commitments undertaken by Kosovo under the Sector Reform Contract for Public Administration Reform and the related objectives of the Sector Budget Support (SBS) indicators. Yet according to SIGMA Report, its implementation has proven to be problematic, and has produced few results.¹⁷

With regards to PAR management in Kosovo, the reporting and monitoring framework for PAR has been established, it is functioning in practice and it consists of administrative and political structures.¹⁸ Both level structures are set up by the Government's Decision on Organization and Monitoring of Ministerial Council for Public Administration Reform (MCPAR) and Responsible Structures for Coordination, Monitoring and Implementation (RSCMI) of PAR Strategic Documents (henceforth Government decision on PAR Structures).¹⁹

The decision stipulates that the Ministry of Public Administration (MPA) is responsible for overall PAR coordination, and the Department for Public Administration Reform Management within the MPA is responsible for coordination and monitoring of PAR strategic documents. Furthermore, MPA, Office of the Prime Minister (OPM) and the Ministry of Finance (MoF) are responsible for implementing the activities of the strategies which fall under their competence, as follow:

- MPA is responsible for implementation of SMPA;
- MoF is responsible for implementation of PFMRS;
- OPM is responsible for implementation of BRS and SIPPC.

The Council of Ministers for Public Administration Reform (CMPAR) has been established as the co-ordination forum at the political level. Separate administrative-level co-ordinating bodies have been established for PAR Strategies, led by the Secretary Generals of the MPA, the MoF and the OPM. The Secretary Generals of the three institutions assigned as PAR co-ordinators are required

12 <https://map.rks-gov.net/getattachment/35e831c0-7ff9-4448-bbc0-3e574387ee08/Shtojca-1-Plani-i-Veprimit-per-zbatimin-e-SRMFP-20.aspx>

13 The Public Financial Management Reform Strategy 2016-2020 (PFMRS), p.6 -7

14 Ibid

15 Strategy for Improving Policy Planning and Coordination in Kosovo (Integrated Planning System) 2017-2021 Available at: http://www.kryeministri-ks.net/repository/docs/Strategy_for_Improving_Policy_Planning_and_Coordination_in_Kosovo_2017-2021.pdf

16 Strategy for Improving Policy Planning and Coordination in Kosovo (Integrated Planning System) 2017-2021, p.5

17 SIGMA Monitoring Report 2017 – Kosovo. Available at: <http://sigmaweb.org/publications/Monitoring-Report-2017-Kosovo.pdf>.

18 SIGMA Monitoring Report 2017 – Kosovo. Available at: <http://sigmaweb.org/publications/Monitoring-Report-2017-Kosovo.pdf>. For a more detailed discussion of the structure please refer to P2_P4 section.

19 Available at: http://kryeministri-ks.net/wp-content/uploads/docs/Vendimet_e_Mbledhjes_së_7-të_të_Qeverisë_së_Republikës_së_Kosovës_2017.pdf

to report annually to the CMPAR in their respective reform areas (elaborated above). After Council discussions, reports are submitted to the Government²⁰. However, according to MPA officials they are not fully functional.²¹

Quarterly reports are expected to be produced for all strategies and should be developed based on the Concept Paper on the Monitoring and Evaluation System of PAR. The process of monitoring and reporting is performed on quarterly, semi-annual and annual basis.²² Thus far, annual reports have been prepared only with regard to the progress of implementation of the SMPA and PFMRS. However, monitoring report for SMPA and PFMRS can be found available online only for year 2015, and year 2016 and 2017, respectively (Table 1).

The reports however are not comprehensive as they mainly focus on reporting an overview of implementation of individual activities. This could be due to the absence of targets for the SMPA -and for the PFMRS - for 2016 and the exclusion of outcome-level indicators in the previous versions of the BRS and the SIPPC.²³

Table 1. Online availability of monitoring reports

Year	PAMS 2015-2020	PFMRS 2016-2020	SIPPC 2017-2021	Better Regulation Strategy 2017-2020
2015	Yes ²⁴	n/a	n/a	n/a
2016	No	Yes ²⁵	n/a	n/a
2017	No	Yes ²⁶	No	No

*Both semi-annual and annual reports available

On average only 22% of activities have been implemented during 2016.²⁷ Some of the potential reasons noted by the report include the overly ambitious plans and inadequate funding as well as the fact that BRS and SIPPC were substantially revised in 2016, postponing the efforts to implement them.

Finally, financial sustainability of PAR in Kosovo is not ensured, as it is highly reliant on donor support, which in many cases has not been secured.²⁸ Also "actual budget allocations for activities to be financed from the domestic budget are more limited than planned for in the PAR Strategies."²⁹

20 Government's Decision on Organization and Monitoring of Ministerial Council for Public Administration Reform (MCPAR) and Responsible Structures for Coordination, Monitoring and Implementation (RSCMI) of PAR Strategic Documents (henceforth Government decision on PAR Structures)

21 Interview with MPA official July 2018

22 Progress of Implementation of Strategy for Modernization of Public Administration 2015-2020. Annual Report 2015, p.4. Available at: <https://map.rks-gov.net/getattachment/87358646-308b-4e2f-ba97-e139c7657388/Progresi-i-Zbatim-it-te-Strategjise-per-Modernizimi.aspx>

23 The report on the PFMRS is however reported to stand out in this respect given it explicitly reports outputs for each of the planned activities. In addition, it is the only report to include a clear overview of values for all outcome-level indicators (in relation to targets set for 2017). The PAMS report also contains information on progress towards selected (but not all) objectives. Source: SIGMA Monitoring Report 2017 – Kosovo. Available at: <http://sigmaweb.org/publications/Monitoring-Report-2017-Kosovo.pdf>

24 Available at: <https://map.rks-gov.net/getattachment/87358646-308b-4e2f-ba97-e139c7657388/Progresi-i-Zbatim-it-te-Strategjise-per-Modernizimi.aspx>

25 Available at: <https://mf.rks-gov.net/desk/inc/media/AC0C5393-3536-4D1A-9133-A2798799E6FC.pdf>

26 Available at: <https://mf.rks-gov.net/desk/inc/media/6F9ACB38-D93D-4201-8FAB-99BD7D6EFC21.pdf>

27 Only 8% of PAMS, 33% of PFMRS, 20% of the SIPPC and 17% of BRS. Source: SIGMA Monitoring Report 2017 – Kosovo. Available at: <http://sigmaweb.org/publications/Monitoring-Report-2017-Kosovo.pdf>

28 European Commission (EC) Kosovo 2018 Report. Available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-kosovo-report.pdf>

29 Ibid, p.15.

What does WeBER monitor and how?

Monitoring of the Strategic Framework of Public Administration Reform is based on three SIGMA Principles in this area focusing on the existence of effective PAR agenda, implementation and monitoring of PAR, but also on the existence of PAR management and coordination structures at political and administrative level.

- Principle 1:** The government has developed and enacted an effective public administration reform agenda that addresses key challenges
- Principle 2:** Public administration reform is purposefully implemented; reform outcome targets are set and regularly monitored
- Principle 4:** Public administration reform has robust and functioning management co-ordination structures at both the political and administrative levels to steer the reform design and implementation process

Selected Principles are assessed entirely from the view of the quality of involvement of civil society and the public in the processes of development PAR strategic documents, and participation in the monitoring and coordination structures that should ensure their purposeful implementation. Focus on inclusiveness and participation aims to determine the extent to which relevant stakeholders' needs and views are consulted and taken into consideration when developing and implementing reform agenda.

For this purpose, two WeBER indicators are developed. The first one focuses on the existence and quality of consultation process in the development of key PAR strategic documents. A sample of up to six key PAR strategic documents is determined in each Western Balkan country based on the strategic framework in place.³⁰ The most comprehensive PAR documents (PAR Strategy or similar), and PFM reform documents are selected as mandatory sample units whereas selection of other strategic documents covering remaining PAR areas is dependent on the PAR agenda currently in place in each country. Monitoring is performed by combining data sources to ensure the reliability of results, including qualitative analysis of strategic documents, their action plans, and official data that is publicly available or obtained from the PAR responsible institutions. Moreover, analysis of documents was corroborated with results of the semi-structured interviews with representatives of the PAR responsible institutions, and a focus group with civil society representatives who participated in consultation process.

Monitoring of participation of civil society in PAR implementation (i.e. PAR coordination and monitoring structures) considered only the most comprehensive PAR strategic document under implementation as a unit of analysis. The intention of this approach was to determine whether efforts exist to better facilitate monitoring and coordination structures of the whole PAR agenda. The same as for the first indicator, review and qualitative assessment of official documents pertaining to the organisation and functioning of these structures was performed, and other data sources used to corroborate the findings.

³⁰ In Kosovo, the sample of four PAR strategic documents is analysed: Action Plan for Implementation of the Strategy for Modernization of Public Administration (SMPA), Public Finance Management Reform Strategy (PFMRS), Better Regulation Strategy 2.0 (BRS) and Strategy for Improving Policy Planning and Coordination (SIPPC).

2.3. WeBER Monitoring Results

Principle 1: The government has developed and enacted an effective public administration reform agenda that addresses key challenges

WeBER indicator SFPAR P1 I1: Use of participatory approaches in the development of key strategic PAR documents

Indicator elements	Scores
Consultations with civil society are conducted when the document(s) are developed	0/4
Consultations with civil society are conducted in an early phase of the development of the document(s)	0/4
Invitations to civil society to participate in the consultations are open	2/4
Responsible government bodies are proactive in ensuring that a wide range of external stakeholders become involved in the process	0/2
Civil society is provided complete information for preparation for consultations	2/4
Comments and inputs received in the consultation process are considered by the responsible government bodies in charge of developing key PAR strategic documents	0/4
Responsible government bodies publicly provide feedback on the treatment of received comments	0/2
Responsible government bodies engage in open dialogue with civil society on contested questions	0/2
Consultations in the development of strategic PAR documents are open to the public	2/4
Total Score	6/30
Indicator Value (0-5)	0

There is no evidence of regular practice of consultations with civil society at the time of development of PAR strategic documents. If evident, in most cases documents related to consultation process are not available online. Although, this practice is changing due to functionalization of the Public Consultations Platform (PCP), there is no evidence that CSOs have had the chance to participate at early phases of consultations, before the beginning of the drafting process. This is also noted in the SIGMA Report.

There is online evidence that CSOs were consulted during the development of the four PAR strategic documents. However, absence of keeping detailed written trails on consultations or due to their non-availability online has affected the possibility for making a positive assessment for some of the sample documents. No evidence however was found on consulting CSOs on the measures of PAR financing. There is a general agreement amongst CSO representatives that inclusion of CSOs in the consultation process for the PAR strategic documents has so far been unsatisfactory. Their involvement has been rather selective and consultation in early stages of the development of the documents is almost inexistent.³¹ Interviewed CSO representatives confirmed that they have been invited to participate in the consultative meeting for AP for SMPA 2018-2021 nevertheless the same has not been confirmed about the rest of PAR strategic documents. The consultation process for PFMRS and its AP as well as the development of AP for SMPA 2018-2021 provide examples of progress in improving consultation practice (See analysis below).

Action Plan for Strategy of Modernization of Public Administration

No documents are publicly available regarding the consultation process for the Strategy for

³¹ Focus group with civil society organisations, held on July 11th, 2018, in Prishtina.

Modernization of Public Administration Reform 2015-2020 (SMPA). It is however stated in the SMPA that the strategy has been subject to a public consultation process during July and August 2015. The consultation process consisted of the publication of the draft strategy on the website of MPA, distribution of documents for comments and recommendations to institutions, donors, civil society organizations etc. Moreover, it is stated "the Ministry of Public Administration, on 29 July 2015, also held a public debate with stakeholders including key government institutions, namely the Parliament, main donors supporting the public administration reform in Kosovo, as well as civil society organizations".³² It is of note however that CSOs that are profiled in the areas related to PAR claim they have not been invited to participate in the consultation process.³³

The consultation process for the AP for the Implementation of the SMPA is assessed as satisfactory in terms of depth of the process. CSOs have been consulted via three main channels: a) commenting via the Platform for Public Consultations (PPC) where the draft SMPA Action Plan had been published. Consultations were open to public for contribution for 21 days and information on the consultation process was complete.³⁴; 2) CSOs were also invited to a consultative meeting for the draft Action Plan for SMPA. This invitation however was not based on an open call as only a selected number of CSOs, 7 in total, were invited. No evidence was found, however, that the MPA made proactive efforts to ensure diversity of interest representation in the consultation process by inviting business associations, trade unions, CSOs focusing on gender equality, or the ones dealing with the people with disabilities; 3) and thirdly, following the consultative meeting, MPA sent the revised draft AP with incorporated comments that CSOs had made during the meeting, and CSOs were invited to send further final comments within the next 5 days.

The report from the consultation process however has not been published on the PPC or the website of the MPA during the measurement period.³⁵ Consequently, quality of feedback mechanisms received a negative assessment (zero points) in relation to the consultation process on this AP (together with proactivity in ensuring involvement of wide range of stakeholders as noted previously). Along the same line, CSOs participation in an early phase of consultations (i.e. before the beginning of the drafting process) for both the SMPA and its AP is negatively assessed. There is no evidence of involvement of CSOs in early phase of consultations and CSOs and the officials of MPA also confirmed this.³⁶

WeBER Platform members' findings

GAP Institute has assessed the implementation of SMPA twice, first for the period October 2015 - October 2016 and later for December 2015 - December 2017. The latest assessment states that despite some noted progress, the rate of implementation of activities in the AP of SMPA 2015-2017 remains low. Out of 54 activities, only 16 activities (30%) have been completed, 22 (54%) were in process of implementation whereas the rest have not been implemented hence have been moved to the new AP 2018-2021. The third strategic objective "Organization of Public Administration and Accountability" particularly lacks progress, with only 1 (out of 11) activity completed. For the remaining two objectives, Civil Service and Administrative Procedures and Service Delivery objectives, respectively have 8 (out of 18) and 7 (out of 25) activities completed. The implementation rate of other strategies is also reported to be low.

GAP Institute (2018). Implementation of the Strategy on Modernization of Public Administration. Monitoring Period December 2015 – December 2017.

32 Strategy for Modernization of Public Administration Reform 2015-2020, p.9. Available at: <https://map.rks-gov.net/institution/Reformimi-i-administrates.aspx?lang=en-US>

33 Focus group with civil society organisations, held on July 11th, 2018, in Prishtina.

34 Online consultations on the Draft AP, which took place between 06th and 27th April 2018, comments were submitted in the PPC from various institutions and individual citizens. For more details see: <http://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=40402>

35 The report is published after conclusion of the monitoring period and can be accessed at: <http://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=40344>

36 Focus group with civil society organisations, held on July 11th, 2018, in Prishtina.

Public Finance Management Reform Strategy

No documents or sources related to consultations of the PFMRS 2016-2020 are available online, with exception of the table with feedback on comments received during the consultations. The review of the documents made available to GLPS (via email) by the MoF suggests that there is evidence that CSOs are consulted during the official public debate on PFMRS. The invitation email sent to a selected number of CSOs to participate to the public debate does not contain information related to elements of public consultations procedure. Thus, although formally organised, it cannot be assessed that formal public debate met all the obligatory criteria for conducting it.

On a positive note, MoF has drafted a table following the public debate which includes individual comments received from CSOs and other relevant institutions, stating the individual senders, statements on how comments were treated as well as justification of their treatment.³⁷ CSO members confirmed the overall positive communication and consideration of their proposal. According to CSOs, consideration of comments and other proposals, however, at times depended on decisions of respective working group chair and in some cases the reasons for not taking inputs/comments into consideration was vague.³⁸

Finally, consultation process for PFMRS provides an exception in ensuring that a wide range of external stakeholders (such as trade unions, business associations, gender-oriented CSOs or those dealing with the people with disabilities) become involved in the process. The invitation email sent to CSOs includes Kosovo and American Chamber of Commerce and Civikos - a CSOs platform which represents most of the organizations dealing with the people with disabilities and gender issues, among others. Nevertheless, it should be noted that the invitation was not open. To the same extent, drafting process of PFMRS provides yet another exception in this regard, as confirmed to us by senior researcher at GAP who during the interview claimed that they have been involved throughout the whole drafting process of PFMRS and its AP.³⁹

In addition, the MoF has initiated the so-called PFM Policy Dialogue for the purposes of the tracking the PFM RP progress mainly through the discussion on draft implementation reports of PFMRS. Two of such dialogues are held to date, in June 2016 and in May 2017.⁴⁰ The purpose of the first meeting was to open the dialogue with international partners and civil society for the policies related to PFM. The second meeting on the other hand focused on the 2016 Report on the Progress of the Implementation of PFMRS. Nevertheless, again the documents related to the abovementioned policy dialogues are not available online.

Strategy for Improving Policy Planning and Coordination and Better Regulation Strategy

As part of the process for completing strategic framework for PAR, the Government adopted the original BRS in 2014 and the SIPPC 2015-2018 on June 2015.⁴¹ After one year of implementation, it was decided in a meeting of the Special Group for Public Administration (SGPAR) to review these two strategies simultaneously.⁴² The review affected only objectives and placements of performance indicators, including the action plan and its relevant costs. Hence, both the BRS 2.0 2017-2021 and SIPPC 2017-2021 were adopted in 2017. The written public consultation for the BRS 2.0 is reported to have taken place from November 22nd to December 7th of 2016. The comments received during the written public consultation are reported to have been incorporated into the final version.⁴³ Similarly to the case of SMAP and PFMRS there are no official documents available online regarding the consultation process for both BRS and SIPPC, although a reference in the BRS 2.0 was made claiming that the previous BRS strategy and SIPPC have had undergone public consultation.

37 Communication with MoF official on July 5th, 2018. The table can be accessed online at: <https://mf.rks-gov.net/desk/inc/media/89E724C7-3DE9-4CA9-83E0-9161D3020F0D.pdf>

38 Interviews with CSO representatives that specialize in relevant aspects for PAR held during July 2018.

39 Focus group with civil society organisations, held on July 11th, 2018, in Prishtina.

40 Information obtained from MoF through FOI.

41 Government Decision No. 04/23.

42 Final version of Better Regulation Strategy 2.0 (Revised), p.9. Available at: <http://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=40363>

43 Ibid

The Government reviewed the BRS 2.0 and its action plan again in 2018, which unlike the previous strategy has been consulted with the public via the PPC - from 10th until 30th of May 2018. The process for preparing this strategy was managed by the special working group (SWG) established by the Secretary-General of the OPM for redrafting both the BRS and the SIPPC.⁴⁴ The SWG consisted of representatives from institutions. However, no representation of CSOs is reported, as confirmed by CSOs themselves.⁴⁵ The revised version of BRS 2.0 includes a summary of the comments, yet details about the comments and their treatment have not been provided. Although the consultation process has ended in late May, the report from public consultations process has not been published in PPC or website of the relevant institution during the measurement period.

In conclusion, formal and legally prescribed procedures for conducting public debates were not fully respected in the case of all PAR strategic documents. Moreover, interviewed CSOs however consider that, although there are feedback mechanisms in place for certain consultation processes, in some cases the justification of the treatment is vague. Institutions sometimes simply refer to a certain law, regulation or standard without further elaboration.

It is of note that there is a shift in practice in the recent case of the three emerging PAR related laws: 1) Law on Salaries; 2) Law on Public Officials and 3) Law on Functioning and Organization of State Administration. Public consultations were held both for the draft concept documents as well as draft laws⁴⁶. Moreover, a special working group (SWG) tasked to develop the concept documents and the draft laws for the package of the three laws included two think tanks and representatives of organizations dealing with vulnerable and disable groups⁴⁷. This process allowed represented CSOs to contribute from the very beginning of the drafting process, although only a selective number of CSOs have been invited to participate⁴⁸. Moreover, there is no evidence that wider range of stakeholders (trade unions, organisations focusing on gender equality or people with disabilities) have been proactively invited and included.

44 Ibid

45 Focus group with civil society organisations, held on July 11th, 2018, in Prishtina.

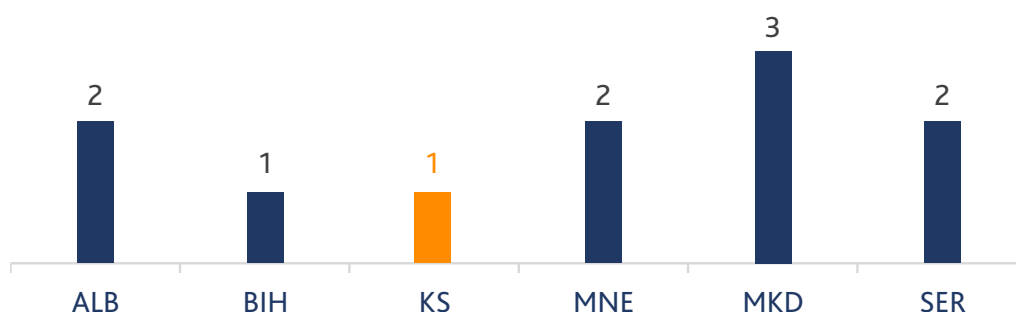
46 Available at: <http://konsultimet.rks-gov.net/consultations.php?InstitutionID=20001>

47 Interview with MPA official, July 2018.

48 Interview with MPA official held on 18 July 2018 and this is also confirmed by two national PAR experts.

How does Kosovo do in regional terms?

Indicator P1 I1: Use of participatory approaches in the development of key strategic PAR documents



For more information on regional results, please visit: www.par-monitor.org

Principle 2: Public administration reform is purposefully implemented; reform outcome targets are set and regularly monitored;

Principle 4: PAR has robust and functioning management co-ordination structures at both the political and administrative levels to steer the reform design and implementation process

WeBER indicator SFPAR P2_4 I2: Civil society involvement in the PAR monitoring and coordination structures

Indicator elements	Scores
Administrative structures for PAR coordination and monitoring foresee an involvement of CSOs	0/2
Political level structures for PAR coordination foresee an involvement of CSOs	0/2
Format of CSO involvement in administrative structures for PAR coordination and monitoring	0/4
Format of CSO involvement in political structures for PAR coordination and monitoring	1/4
Involvement of CSOs is achieved based on an open competitive process	0/4
Meetings of the PAR coordination and monitoring structures are held regularly with CSO involvement	0/4
The format of meetings allows for discussion, contribution and feedback from CSOs	0/4
CSOs get consulted on the specific measures of PAR financing	0/2
Total	1/26
Indicator Value (0-5)	0

Political and Administrative structures of PAR are stipulated in the Government's Decision on Organization and Monitoring of Ministerial Council for Public Administration Reform (MCPAR) and Responsible Structures for Coordination, Monitoring and Implementation (RSCMI) of PAR Strategic Documents (henceforth the Government decision).⁴⁹

49 Available at: http://kryeministri-ks.net/wp-content/uploads/docs/Vendimet_e_Mbledhjes_së_7-të_të_Qeverisë_së_Republikës_së_Kosovës_2017.pdf

The abovementioned decision establishes three main structures of PAR:

- The Council of Ministers for Public Administration Reform (CMPAR)
- Responsible Structures for Coordination and Monitoring of Strategic Planning Documents (RSCMSD)
- Responsible Structures for Implementation of Strategic Planning Documents (RSISPD)

The Council of Ministers for Public Administration Reform (CMPAR) was established as the co-ordination forum at the political level. Its primary membership includes Minister of Public Administration as the chairman alongside 5 ministers from line ministries (Ministry of Finance, European Integration, Administration and Local Governance and Trade and Industry), and a political advisor from the OPM. General secretaries of OPM, MPA and MoF can also participate in the CMRAP meetings based on their responsibilities in the respective fields. In addition, head of the Department for Management of the Reform for Public Administration is also foreseen to participate however, only as observer. They are entitled to debate on issues related to implementation of strategies but have no right to vote.

Accordingly, the CMRAP should meet when issues to be considered are raised, but no less than once in 3 months. Despite the legal obligation, SIGMA Report finds that CMRAP met only twice in 2016. It is of note that meeting minutes and other related information are not available online and there seems to be no institutional memory related to these meetings.⁵⁰ Moreover, despite CMPAR's responsibility to review progress reports on implementation of the PAR Strategies, discuss implementation challenges and takes decisions to address issues impacting the implementation, the same SIGMA Report reveals that "the decisions are often too general to lead to specific actions to address the exact causes of problems in implementation of PAR".⁵¹

On the other hand, the administrative structures, also called responsible structures (RS), are responsible for coordination, monitoring and implementation of activities of strategic-planning documents. The RS consist of three main bodies and are coordinated by respective general secretaries:

- 1) The Prime Minister's Office (OPM) is responsible for development and coordination of policies and legislation;
- 2) Ministry of Public Administration (MPA) responsible for civil service, human resources, service delivery and accountability; and
- 3) Ministry of Finance (MoF) responsible for Public Finance Management.

In addition, separate administrative-level (known as working groups) co-ordinating bodies also have been established for PAR Strategies⁵², nonetheless they are not fully functional. The responsibility of coordinators within working groups is to report on the progress and challenges that are identified during each Group.⁵³

⁵⁰ Interview with MPA official in July 2018.

⁵¹ SIGMA Monitoring Report 2017 – Kosovo. P.17 Available at: <http://sigmaweb.org/publications/Monitoring-Report-2017-Kosovo.pdf>

⁵² The Steering Group for Strategic Planning for the BRS and the SIPPC; separate Co-ordination Groups for the PFMRS and the SMPA. See SIGMA Monitoring Report 2017 – Kosovo, p. 17 Available at: <http://sigmaweb.org/publications/Monitoring-Report-2017-Kosovo.pdf>

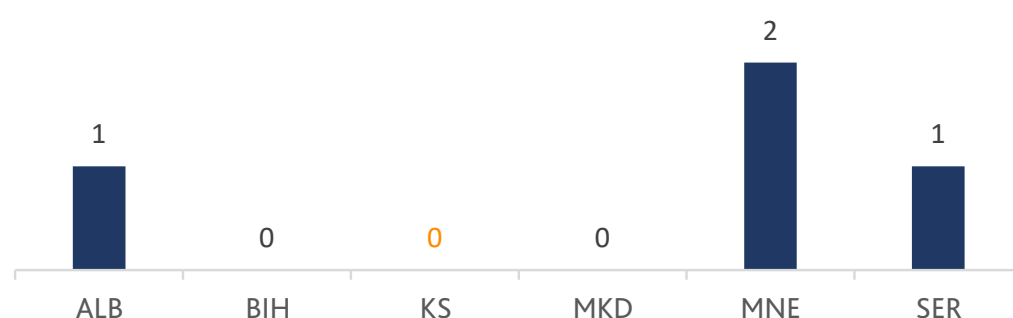
⁵³ SIGMA has recommended that the administrative-level co-ordination bodies for all four Strategies be made fully operational by holding regular discussions on the progress of implementation of activities and on identifying possibilities for solving challenges.

Lastly, the Department for the Management of the Public Administration Reform (DMRAP) within the Ministry of Public Administration is responsible for coordination and monitoring of PAR strategic documents.

Although, as elaborated above, the Government decision establishes the structures sets the responsibilities of each structure, no explicit involvement of CSOs is foreseen in the administrative or political structures for PAR coordination and monitoring. Moreover, none of four PAR strategic documents reference CSOs involvement in any of the PAR coordination and monitoring structures. On a more positive note, the government decision on CMPAR states that the head of the Ministerial Council has the right to invite representatives of other institutions and organisations if the issues to be discussed fall within the scope of work of such organisations (relevant institutions).⁵⁴

How does Kosovo do in regional terms?

Indicator P2_P4 I1: Civil society involvement in the PAR monitoring and coordination structures



For more information on regional results, please visit: www.par-monitor.org

⁵⁴ The Steering Group for Strategic Planning for the BRS and the SIPPC; separate Co-ordination Groups for the PFMRS and the SMPA. See SIGMA Monitoring Report 2017 – Kosovo, p. 17 Available at: <http://sigmaweb.org/publications/Monitoring-Report-2017-Kosovo.pdf> Article 2 point 4. Available at: http://www.kryeministri-ks.net/repository/docs/Regullore_QRK_Nr._052016_per_standardet_minimale_per_procesin_e_konsultimit_publik.pdf

2.4. Summary results: Strategic Framework of PAR

WeBER approaches the area of Strategic Framework for PAR by looking at the quality of civil society involvement in the PAR agenda setting and in its monitoring and coordination structures. Monitoring results suggest that in Kosovo civil society is consulted yet, insufficiently during the development of PAR strategic documents. CSO participation is ensured either through public consultations, formal public debates or both. There is evidence on the involvement of CSOs in the consultation process for the four strategic documents analysed. Yet, availability and reliability of information on all critical aspects of consultation processes is missing. The consultation process for the Action Plan of the Strategy for Modernization of Public Administration 2018-2020 stands out from the processes of the other three strategies. More precisely, the involvement of CSOs is done through the Platform for Public Consultations, via invitation of selected CSO in public debate and there was a possibility to send comments also via email.

There is a lack of proactivity of responsible government bodies to ensure that a wider range of external stakeholders becomes involved in consultation process. The consultation of Public Financial Management Reform Strategy provides an exception although the invitation was not open. Furthermore, PAR monitoring and coordination structures do not foresee civil society representation although this is recommended as a necessity by SIGMA. Since the establishment, this group has met infrequently with the last meeting-taking place in May 2017. CSOs focusing on PAR issues and generally participating in consultation processes confirm the lack of mechanisms to involve CSOs in development of PAR strategic documents until now. However, lately there has been a shift in practice. The development of concept documents and draft laws of the three laws important for PAR: Law on Salaries, Public Officials as well as Organization and Functioning of State Administration and Independent Agencies have been consulted with public via the Platform for Public Consultations, and public debates with governmental and non-governmental stakeholders have taken place. Moreover, two representatives of think-tanks specializing in PAR have been invited to participate in the working group for drafting of concept documents for the package of the three-abovementioned laws. No evidence however was found on consulting CSOs on the measures of PAR financing.

2.5. Recommendations for Strategic Framework of PAR

Public authorities in Kosovo showcase different approaches when consulting CSOs on strategic documents they develop. Although there are good case examples, such as MPA led consultations on AP for SMPA and that of OPM on BRS 2.0, process can be better organised overall.

- 1) Institutions should organise consultations with CSOs as early as possible in the development process of documents. Although modalities of early involvement of external stakeholders can differ - from consultation meetings or similar events, participation in working groups, or even online consultative forums, early consultations should serve to gather substantive inputs before the final drafts, i.e. main policy directions are decided upon.
- 2) Consultations need to be broadly advertised, and all interested CSOs need to have the chance to participate. For the former, informing at least through own website and available social media channels (of the responsible body if applicable) should become universally applied standard. For the latter, restrictions to participate in consultations, if any, should be limited to only basic criteria and CSOs from local communities need to be included as much as possible;
- 3) Reporting on consultation results should be public and clearly address all inputs received. To make full use of public consultation reports and increase trust in the process, it is recommended to address each comment individually, explaining reasons behind accepting or rejecting it. Although addressing group of comment/inputs can be justified in certain cases, vague statements, that do not clearly explain how certain input will contribute to the adopted solutions or why it is rejected, need to be completely avoided;
- 4) Proactively addressing diverse group of stakeholders to participate should become a regular practice, and not dependent on the specific matter of the strategic document. That is, all consultations should include invitations to organisations that focus on horizontal niches or groups relevant from the lenses of PAR success (e.g. people with disabilities, organisations dealing with gender issues and similar).

Civil society in Kosovo is not represented in the administrative PAR monitoring and coordination structures. In this way, efforts to provide grounds for enhancing CSO role in the PAR for the future should involve the following:

- 5) First, the administrative structures should be made fully functional and CSOs should be included in both PAR coordination and monitoring structures. All CMPAR members should have an opportunity to propose and choose a representative as a way of increasing trust, transparency and reduce discretion.
- 6) MPA should ensure that CSO contributions collected via the existing means (PPC, public debates etc) are meaningfully considered at both levels within the overall decision-making of the monitoring and coordination structure.

In relation to the actual work of the CMPAR, although issues of internal relevance only to administration are expected to appear on the CMPAR agenda, potential for additional tailoring approach to individual sessions and thus boosting CSOs contribution to the discussion is present.

- 7) MPA should put greater focus on the concrete issues and problems deriving from the current PAR implementation. Instead of, or in parallel to, presenting the whole PAR monitoring report, attention should be devoted to fervent issues and most problematic areas, especially related to citizen-facing aspects of administration - openness, transparency, responsiveness of administration, inclusiveness;
- 8) Finally, it is important to ensure consistency of the CMPAR calendar as legally stipulated. Having in mind that regularity of meetings is laid down by the Government decision, failure to hold a meeting should be preceded by mandatory written notice to all the members on the reasons, and measures to manage backlog.

3. POLICY DEVELOPMENT AND COORDINATION

3.1. WeBER indicators used in Policy Development and Coordination and country values for Kosovo

Public availability of information on Government's performance					
0	1	2	3	4	5
Civil society perception of the Government's pursuit and achievement of its planned objectives					
0	1	2	3	4	5
Transparency of the Government's decision-making					
0	1	2	3	4	5
Use of evidence created by think tanks, independent institutes and other CSOs in policy development					
0	1	2	3	4	5
Civil society perception of inclusiveness and openness of policymaking					
0	1	2	3	4	5
Perception of availability and accessibility of legislation and related explanatory material by civil society					
0	1	2	3	4	5

3.2. State of Play in Policy Development and Coordination

Policy Development and Coordination (PDC) is one of the three pillars of strategic package of Public Administration Reform and the responsibility for this area is assigned to the Office of the Prime Minister (OPM). Government of Kosovo has adopted two strategies, Strategy for Improving Policy Planning and Co-ordination in Kosovo 2017-2021 and the Better Regulation Strategy 2.0 2017-2021 which cover PDC more precisely. On one hand, SIPPC and its action plan aim to improve the strategic planning framework, implementation results and accountability of the Government and capacities of the administration on policy planning and co-ordination serving for better planning and functioning of the co-ordination mechanisms of planning and execution.⁵⁵ On the other, the aim of BRS is to improve policy drafting and legislation by ensuring that they are evidence-based and contribute to inclusive growth.⁵⁶ According to SIGMA Report, the implementation rate of both strategies remains low (SIPPC 17% and BRS 20%) and this could be due to previous versions of these strategies being considerably revised in 2016.⁵⁷

55 Strategy for Improving Policy Planning and Coordination in Kosovo (Integrated Planning System) 2017-2021. Available at: http://www.kryeministri-ks.net/repository/docs/Strategy_for_Improving_Policy_Planning_and_Coordination_in_Kosovo_2017-2021.pdf

56 Better Regulation Strategy 2.0 (BRS) 2017-2021.

57 SIGMA Monitoring Report for Kosovo 2017. Available at: <http://www.sigmaweb.org/publications/Analysis-of-the-professionalisation-of-the-senior-civil-service-and-the-way-forward-for-the-Western-Balkans-SIGMA-Paper-55-May-2018.pdf>

The critical functions of Central of Government (CoG) are all established and detailed regulations and guidelines are available to support their fulfillment.⁵⁸ The Rules of Procedure of the Government of Kosovo⁵⁹ (RoP) sets, in general terms, the principles for policy development and co-ordination.⁶⁰ The Regulation on the Areas of Administrative Responsibility of the OPM and Ministries⁶¹ stipulates the critical functions for the policy-making system.⁶² The minimum standards, general principles and procedures for public consultation process between public authorities and external stakeholders are defined in Regulation on Minimum Standards for Public Consultation Process (RMSPCP).⁶³

The main functions of the CoG are assigned to the OPM, the Ministry of Finance (MoF) and the Ministry of European Integration (MEI). The roles of all the institutions and units involved in monitoring and reporting activities are clearly established.⁶⁴ The MEI is responsible for coordinating the European integration process whereas MoF role lies in ensuring affordability of policies and oversees co-ordination of public sector resource planning.⁶⁵ The Government Co-ordination Secretariat (GCS) within the OPM, amongst others, is responsible for technically and analytically supporting the preparation of Government sessions, leading the preparation and coordinating approval of the GAWP, monitoring the Government's performance and managing the relationship between the Government and other parts of the state.⁶⁶ Nevertheless, no CoG body is assigned to scrutinize the policy content of draft legislation.⁶⁷ The Legal Office (LO) is responsible for the legislative drafting quality. In practice however, in general no assessment on consistency with the existing legal framework or with drafting standards is made. The official opinions on legal drafts confirm only compliance with procedural requirements.⁶⁸ The GCS is responsible to check the policy content of all concept documents whereas the Strategic Planning Office (SPO) to review the strategic documents and ensure their compliance with the strategic priorities of the Government. According to SIGMA Report, both "the GCS and the SPO do not review draft regulations or their explanatory memorandums."⁶⁹ As a result, there is no alignment between sector strategies and the mid-term expenditure framework which makes them often financially unsustainable.⁷⁰

Regulation on MSPCP introduces the institute of consultations during the preparation of draft laws with all relevant entities aiming to ensure open and effective public participation throughout the entire process starting from an early phase of development.⁷¹ All public bodies are obliged to publicly announce the initiative for drafting policy and legislation in all official languages. In conducting this consultation, the originating body is obliged to provide sufficient information in a publicly understandable form to permit the public to understand the nature and consequences of the proposal. All public bodies also shall publish draft proposal on the official website and specifically seek the comments of any non-Governmental organization that would be substantially affected by the proposal. Moreover, the regulation stipulates that the public and interested parties should be involved in the earliest stages of the decision making process. The originating body shall also publicly announce the beginning of the consultation process and allow sufficient time for the public and non-Governmental organizations to contribute.⁷² In addition to the obligation to collection feedback from interested parties, public bodies should publish on the web page project proposal and the updated final report of the public consultation.⁷³

58 SIGMA Monitoring Report for Kosovo 2017; European Commission, Kosovo 2018 Report.

59 Regulation No. 09/2011 Available at: [http://www.kryeministri-ks.net/repository/docs/Rregullore_e_punes_se_Qeverise_09.2011_\(anglisht\).pdf](http://www.kryeministri-ks.net/repository/docs/Rregullore_e_punes_se_Qeverise_09.2011_(anglisht).pdf)

60 More precisely, it regulates the conduct of the work and the decision-making procedures of the Government; it sets out the rules and procedures and provides guidance on the drafting of legislation and policy recommendations by the Government and organization of its meetings and work of Ministerial Committees.

61 RoP, Article 31 and Article 35 (1).

62 Regulation No. 02/2011 on the Areas of Administrative Responsibility of the OPM and Ministries.

63 Available at: http://www.kryeministri-ks.net/repository/docs/Regullore_QRK_Nr._052016_per_standardet_minimale_per_procesin_e_konsultimit_publik.pdf

64 SIGMA Monitoring Report for Kosovo 2017

65 RoP, Article 7

66 RoP, Article 3 (1.12); 35; 48; and 57.

67 SIGMA Monitoring Report for Kosovo 2017

68 Ibid

69 SIGMA Monitoring Report for Kosovo 2017, P.23

70 European Commission (EC) Kosovo 2018 Report. Available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-kosovo-report.pdf>

71 Regulation on Minimum Standards for Public Consultation Process (RMSPCP), Article 4

72 Regulation on Minimum Standards for Public Consultation Process (RMSPCP), Article 9

73 Regulation on Minimum Standards for Public Consultation Process (RMSPCP), Article 15

In practice however it is particularly worrisome that the involvement of public (civil society and expert community) is mainly limited at the very end of the drafting process via public debate, when means for intervention into policy directions are quite limited. A new web portal for conducting written public consultations is launched in February 2017⁷⁴, which has improved the practice and consistency of institutions in conducting written public consultations.⁷⁵ Originating body are also obliged to follow the policy analysis with a draft a concept note or explanatory memorandum.⁷⁶ The concept note amongst other should contain description of key issues, the objectives and their relationship to Government priorities, recommended option and the rationale for its choice, brief summary of its options as well as information on fiscal impact and consultation procedure and outputs.

The legal framework for monitoring and reporting on implementation of reports and strategies of CoG institutions is not complete. The legal obligation is in place for GAWP and the budget⁷⁷ but not for NPISAA and sectoral strategies.⁷⁸ This has led to inconsistencies in practice of reporting. Moreover, although reports are drafted and in some cases contain a comprehensive and detailed overview of implementation progress (such as NPISAA), the reports are not available online.⁷⁹ This as a result, has undermined public scrutiny of government work.⁸⁰

Major shortcomings are identified in the quality of analysis supporting policy proposals although guidelines for drafting concept documents and explanatory memoranda exist.⁸¹ In practice, the draft regulations or their explanatory memorandums are not reviewed by the CoG. As a result, the quality of analysis included in the explanatory memoranda is considered to be poor. According to SIGMA Report, "contrary to existing requirements, explanatory memoranda are not used as documents for policy analysis. Since only a few draft laws are prepared on the basis of concept documents, the legal drafting process is rarely evidence based."⁸² More on, according to EC Country Report for Kosovo, "parliamentary scrutiny of the government remains insufficient."⁸³

3.3. What does WeBER monitor and how?

In Policy Development and Coordination, WeBER monitoring is performed against five SIGMA Principles.

Principle 5: Regular monitoring of the government's performance enables public scrutiny and supports the government in achieving its objectives;

Principle 6: Government decisions are prepared in a transparent manner and based on the administration's professional judgement; legal conformity of the decisions is ensured;

Principle 10: The policy-making and legal-drafting process is evidence-based, and impact assessment is consistently used across ministries;

Principle 11: Policies and legislation are designed in an inclusive manner that enables the active participation of society and allows for co-ordination of different perspectives within the government;

Principle 12: Legislation is consistent in structure, style and language; legal drafting requirements are applied consistently across ministries; legislation is made publicly available.

74 <http://konsultimet.rks-gov.net>

75 European Commission (EC) Kosovo 2018 Report. Available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-kosovo-report.pdf>

76 RoP, Article 28 and 29

77 RoP, Article 48 (5) and Law on Public Financial Management and Accountability, Articles 44-46.

78 SIGMA Report 2017 for Kosovo.

79 Ibid

80 European Commission (EC) Kosovo 2018 Report. Available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-kosovo-report.pdf>

81 Guidelines on drafting Concept Papers and Explanatory Notes, issued by the General Secretary to the OPM (2012), available at: http://www.kryeministri-ks.net/repository/docs/Udhezuesi_per_Koncept_D_anglisht.pdf.

82 SIGMA Report 2017 for Kosovo, p. 45.

83 European Commission (EC) Kosovo 2018 Report, p.10

Firstly, the three Principles relevant in terms of key governmental information that needs to be communicated to the public to hold the Government accountable for its actions. WeBER approaches these from the perspective of openness of information on monitoring of performance of the Government, transparency of decisions and direct outputs it adopts, but also of information on the use policy research accrued outside of the administration to support evidence-based policy making and legal drafting processes. Another Principle monitored focuses on inclusiveness of the policy and legislative design, with WeBER particularly considering the extent and quality of involvement of civil society and wider public, leaving out internal coordination and consultation functions, as implementation of proper consultations with external stakeholders leads to high quality regulatory and policy solutions for everyday life. Lastly, approach to SIGMA Principle on quality of legislation and legal drafting is based on public availability and ease of access of legislation to all.

Six WeBER indicators are used for the analysis. The first measures the extent of openness and availability of information about the Government's performance to the public, through analysis of the most comprehensive websites through which the Government communicates its activities and published reports. Written information published by the Government considers press releases, and online publishing of annual (or semi-annual) reports. The measurement covers the period of two years/annual reporting cycles, except for the press releases which are assessed for a period of one year. Other aspects of the Government's performance information analysed include its understandability, usage of quantitative and qualitative information, assessment of concrete results, availability of open and gender segregated data, and online availability of reports on central planning documents.

Second indicator measures how civil society perceives Government's planning, monitoring and reporting on its work and objectives that it has promised to the public. To explore perceptions, survey of civil society organisations in six Western Balkan countries was implemented using online surveying platform, in the period between second half of April and beginning of June 2018.⁸⁴ The uniformed questionnaire with 33 questions was used in all countries ensuring even approach in survey implementation. It is disseminated in local languages through the existing networks and platforms of civil society organisations with large contact databases in each country but also through centralised points of contact such as governmental offices in charge for cooperation with civil society.⁸⁵ To ensure that the survey targeted as many organisations as possible in terms of their type, geoFigureical distribution, and activity areas, and hence contribute to is representativeness as much as possible, additional boosting was done where needed to increase the overall response. Focus group in each country served the purpose of complementing the survey findings with qualitative findings.

Third indicator measures transparency of decisions made and adopted by the Government balancing between perception data of civil society survey⁸⁶, and analysis of relevant governmental websites. Besides publishing of information on the decisions of the Government, website analysis considers information completeness, citizen-friendliness, timeliness, and consistency. The last three months in the on-going calendar year are covered, except for timeliness which is measured for the last month and a half, and all documents published for each session of the Government within this period are analysed.

Fourth indicator measures if government institutions invite civil society to prepare evidence-based policy documents and if evidence produced by the CSOs is consulted and used in policy development process. Again, measurement combines expert analysis of official documents and survey of civil society⁸⁷. In relation to the former, frequency of referencing CSOs' evidence-based findings is analysed for official policy and strategic documents, policy papers, and ex-ante and ex-post policy analyses and impact assessments in 3 policy areas in each country.⁸⁸

84 Survey of CSOs was administered through anonymous, online questionnaire. In Kosovo, survey was conducted in the period from April 25rd to June 4th, 2018.

85 The data collection method included CASI (computer-assisted self-interviewing). For Kosovo, survey sample was N=52.

86 Survey sample for questions in this indicator ranges from 37 to 44 respondents.

87 Only CSOs that confirmed that they produce proposals, recommendations or other inputs for the decision-making processes at the central/national level were asked these questions.

88 Policy areas where a substantial number of CSOs actively works. For Kosovo, three policy areas selected are public administration, economic development and anti-corruption.

Finally, the indicator on the quality of involvement of the public in the policy making through public consultations is entirely based on survey of CSOs⁸⁹, as is the last indicator focusing on accessibility and availability of legislation and the explanatory materials, except for sub-indicator on existence of official online governmental database of legal texts.⁹⁰

3.4. WeBER Monitoring Results

Principle 5: Regular monitoring of the government's performance enables public scrutiny and supports the government in achieving its objectives

WeBER indicator PDC_P5_I1: Public availability of information on Government performance

Indicator elements	Scores
The government regularly publishes written information about its activities	4/4
The information issued by the government on its activities is written in an understandable way	2/2
The information issued by the Government is sufficiently detailed, including both quantitative data and qualitative information and assessments	4/4
The information issued by the Government includes assessments of the achievement of concrete results	2/4
The information issued by the Government about its activities and results is available in open data format(s)	0/2
The information issued by the Government about its activities and results contains gender segregated data	0/2
Share of reports on Government strategies and plans which are available online	2/2
Total	14/20
Indicator Value (0-5)	3

Government regularity in publishing written information about its activities is assessed by monitoring whether governments publish press releases online on a weekly basis along with reports on its performance annually. The measurement of this indicator covered the period of one year (2017) for the press releases and two annual reporting cycles (2015-2016) for the performance reports. Monitoring results have shown that there is a regular practice of publishing written information on activities of the Government of Kosovo. Press releases are published on a daily basis (on the News section). Likewise, annual reports on Government performance are also regularly published online (the last two consecutive years– reports for 2015 and 2016) under the 'Documents' section on the website of the OPM. In general, press releases are written in an understandable way and devoid of technical language. The technical aspects of the language in the reports mostly pertain to the names of document(s), institutions etc..

Similarly, the analysis of the Government annual reports suggest that the reports are regularly published online and are written in an understandable way. The reports contain an executive summary which provides an understanding of what the report is about and avoids use of technical language with exception of names of document(s), institutions and similar. The other parts of the report are also written in an understandable manner structured based on the main priorities set in the Government Annual Work Plan (GAWP). GAWP reports contain both quantitative and qualitative information with references to achievements of the Government including details about objectives, activities, measures and concrete results, amongst others. The assessment however also identified some shortcomings in the reporting practice which mainly relate to lack of reporting of specific indicators against the indicators set in the Government Plan, unavailability of reports in open data format and lack of gender segregated data. As a result, for these elements,

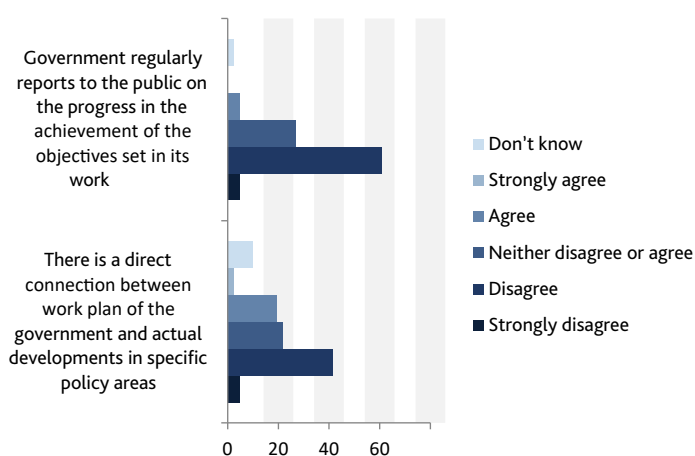
⁸⁹ The base for questions in this indicator was n=44 respondents.

⁹⁰ The base for questions in this indicator was n=42 respondents, except n=37 for one question, excluding those who are not informed about a government website/database of enacted legislation.

Kosovo scored 0 points. In addition to the regular publication of GAWP reports, all the reports on central planning documents (Economic Reform Programme; Government Annual Work Plan; Fiscal Strategy: Medium Term Expenditure Framework and the National Strategy for the Implementation of SAA) are publicly available online and are published at appropriate sections of the website.

Although the monitoring results suggest that the Government is relatively diligent when it comes to reporting on its work and performance, the CSOs perception is found to be relatively disapproving. More precisely, survey result however displayed that CSOs have a very poor perception concerning government's ability to uphold its work plan and deliver objectives it has promised to the public (Figure 1). Less than a quarter (22%) of CSOs "agree" or "strongly agree" that there is a direct connection between work plan of the government and actual developments in specific policy areas, and only 5 % did so when asked whether government regularly reports to the public on the progress in the achievement of the objectives set in its work-plan.

Figure 1. CSOs perception regarding the following statements (%):



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. n=42

WeBER indicator PDC_P5_I2: Civil society perception of the Government's pursuit and achievement of its planned objectives

Indicator elements	Scores
CSOs consider government's formal planning documents as relevant for the actual developments in the individual policy areas	0/2
CSOs consider that the Government regularly reports to the public on progress against the set objectives	0/4
CSOs consider that official strategies determine governments' or ministries' action in specific policy areas	0/2
CSOs consider that the ministries regularly publish monitoring reports on their sectorial strategies	0/4
CSOs consider that the EU accession priorities are adequately integrated into the government's planning documents	0/2
CSOs consider that the Government's reports incorporate adequate updates on the progress against the set EU accession priorities	0/4
Total	0/16
Indicator Value (0-5)	0

Survey results suggest that there is a prevailing trend of civil society's disagreement when asked to reflect on the Government's pursuit of its planned objectives. More precisely, the survey results in Table 2 indicate that only a small share of CSOs (14.5%) consider that ministries regularly publish monitoring reports on their sectorial strategies. Similarly, only around one quarter (29.3%) of CSOs

agree that official strategies determine the government's or ministries' action in certain areas.

Table 2. CSOs level of agreement with the following statements (%):

Statements:	Strongly disagree	Disagree	Strongly agree	Agree	Don't know
Official strategies determine the governments' or ministries' action in certain areas.	4.87	26.829	34.15	29.26	0
Ministries regularly publish monitoring reports on their sectoral strategies.	2.43	34.15	41.46	14.634	0

Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
Base: N=52 n=41

Lastly, negative perception prevails also when it comes to priorities of the EU accession process, and if they are adequately integrated into the Government's plans in policy areas CSOs work. Regardless of Government's European Integration agenda, only 14.6% of surveyed CSOs stated that they "agree" or "strongly agree" that priorities of the EU accession process are adequately integrated into the government plans, and little less that 10% agreed that government's reports incorporate adequate updates on the progress against the set of EU accession priorities (Table 3).

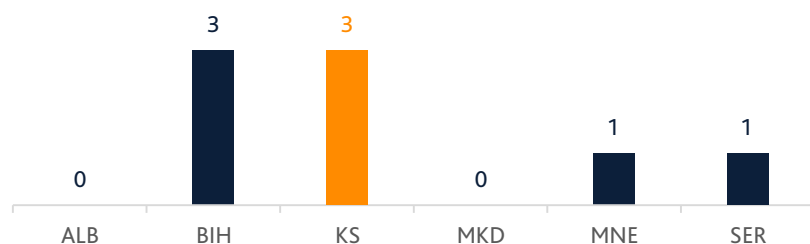
Table 3. EU Accession priorities in the government's agenda (%)

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Don't know
Priorities of the EU accession process are adequately integrated into the government's plans	7.3	43.9	29.3	14.6	0.0	4.9
Government's reports incorporate adequate updates on the progress against the set of EU accession priorities	12.2	29.3	43.9	9.8	0.0	4.9

Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
Base: N=52 N=41

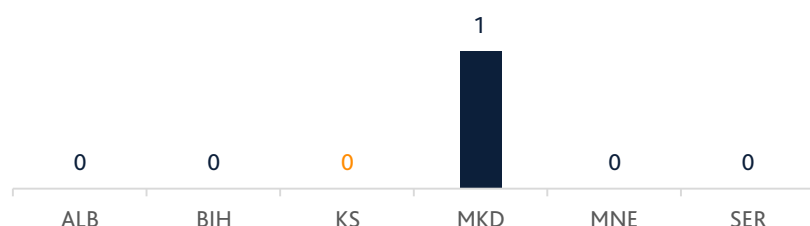
How does Kosovo do in regional terms?

Indicator P5 I1: Public availability of information on Government performance



Regional PAR Monitor Report with results for all WB countries is available at: www.par-monitor.org

Indicator P5 I2: Civil society perception of the Government's pursuit and achievement of its planned objectives



Regional PAR Monitor Report with results for all WB countries is available at: www.par-monitor.org

Principle 6: Government decisions are prepared in a transparent manner and based on the administrations' professional judgement; legal conformity of the decisions is ensured

WeBER indicator for PDC_P6_I1: Transparency of the Government's decision-making

Indicator elements	Scores
CSOs consider government decision-making to be generally transparent	0/2
CSOs consider the exceptions to the rules of publishing Government's decisions to be appropriate	0/2
The Government makes publicly available the documents from its sessions	2/4
The Government communicates its decisions in a citizen-friendly manner	4/4
The Government publishes adopted documents in a timely manner	4/4
Total	10/16
Indicator Value (0-5)	3

Three WeBER elements focus on monitoring the transparency of government sessions. To this regard, transparency entails as a minimum the availability of agendas of government sessions, minutes, adopted documents at the session (not formally labelled as confidential), and press releases. Monitoring of public disclosure of decisions and documents adopted at individual sessions by the Government suggests that the Government decision-making in Kosovo is generally transparent. In the monitoring period of three months (Government sessions held in the period between October 1st - December 31st, 2017), every individual session is followed with a press release that includes a list of decision made and details about each point of the agenda. Granted, the government does not publish meeting minutes, but that is counterbalanced by the fact that the press releases also include details which would otherwise be included in meeting minutes (including amongst others, information on the decisions made during the session). In addition, the decisions made during the sessions are made available in a timely manner (Table 3), in a separate section on the OPM website.⁹¹

Similar to meeting notes, agendas of the meetings are not published online. They have however been acquired through FOI requests, but only for the sessions held between October and November 2017.⁹² Hence, since agendas are not accessible for December, it is impossible to assess with certainty whether the Government publishes all adopted documents, although for the period that could be assessed, in general most points of the agenda were discussed in the meetings.⁹³ Moreover, decisions are communicated both in citizens-friendly and timely manner. In addition, available press releases are easily accessible at the official website of the Government i.e. not more than three clicks away from the homepage.

Table 3. Assessment of government decision-making transparency

Session no.	Date	Agenda	Press release	Meeting minutes	Documents/decisions
7	03.10.2017	x	✓	x	✓
8	06.10.2017	x	✓	x	✓
9	13.10.2017	x	✓	x	✓
10	20.10.2017	x	✓	x	✓
11	27.10.2017	x	✓	x	✓
12	03.11.2017	x	✓	x	✓
13	10.11.2017	x	✓	x	✓
14	15.11.2017	x	✓	x	✓
15	23.11.2017	x	✓	x	✓
16	01.12.2017	x	✓	x	✓
17	04.12.2017	x	✓	x	✓
18	06.12.2017	x	✓	x	✓
19	15.12.2017	x	✓	x	✓
20	20.12.2017	x	✓	x	✓
21	22.12.2017	x	✓	x	✓
22	27.12.2017	x	✓	x	✓

Source: www.kryeministri.net

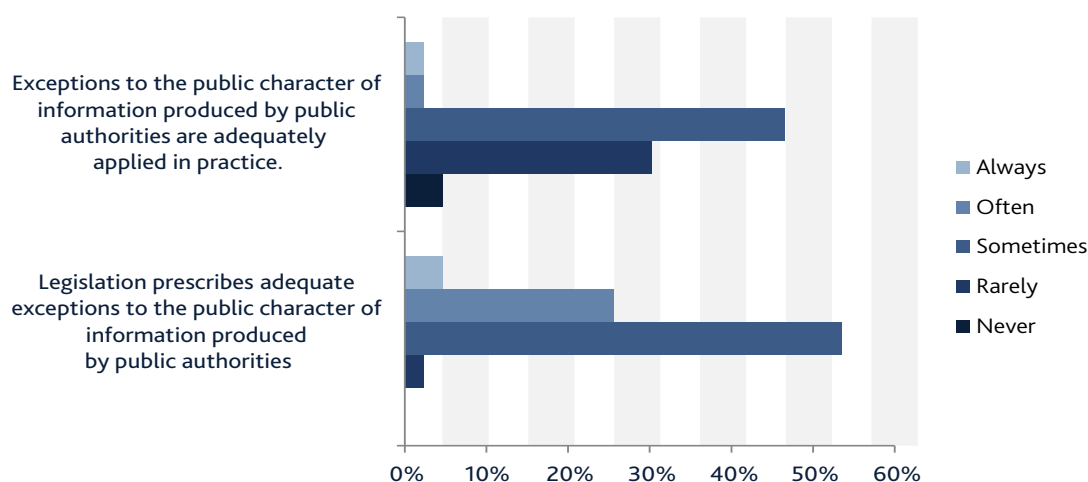
⁹¹ Available at: <http://kryeministri-ks.net/dokumente/?kategoria=vendimet-e-mbledhjes-se-qeverise&viti=#038;viti>

⁹² Sessions of the Government, and its proceedings available at: <http://kryeministri-ks.net/lajme/> and <http://kryeministri-ks.net/dokumente/>.

⁹³ Requests for free access to information was sent to the Office for Access to Public Documents of the Government (on 22.11.2017. The agenda of the government session for the October and November 2017 are sent to us electronically on 30.11.2017. Another FOI request has been sent on 09.01.2018 for the agenda's of Government Sessions during December 2017 however, the request has not been responded from the authorities.

Despite the positive findings that derive from the monitoring process, the CSO perception based survey responses show a rather different outcome, as shown in the Figure 2. Only around 5% of CSOs perceive government's decision-making process in general to be transparent. However, it should be noted that 42.9% of CSOs took a rather neutral stance on the matter of Government transparency. Furthermore, a marginal share of CSOs (2.3%) shares the opinion that the exceptions to the rules of publishing Government's decisions are appropriate.

Figure 2. CSOs perception on transparency of government's decision-making process (%)

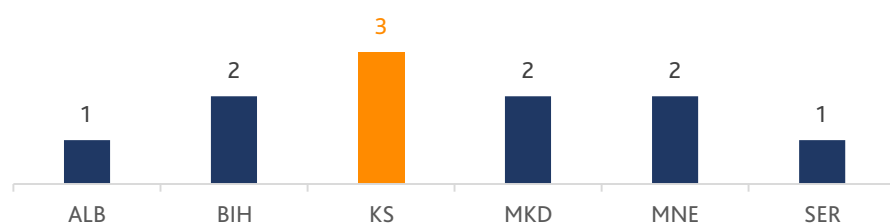


Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. n=42

Regional PAR Monitor Report with results for all WB countries is available at: www.par-monitor.org

How does Kosovo do in regional terms?

Indicator P6 I1: Transparency of the Government's decision-making



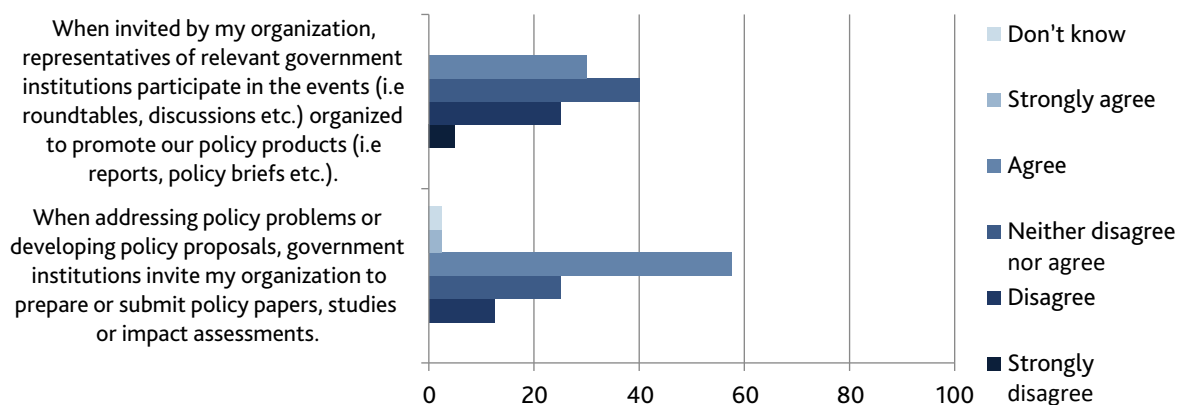
Principle 10: The policy-making and legal-drafting process is evidence-based, and impact assessment is consistently used across ministries

WeBER indicator PDC_P10_I1: Use of evidence created by think tanks, independent institutes and other CSOs in policy development

Indicator elements	Scores
Frequency of referencing of evidence-based findings produced by CSOs in the adopted government policy documents	2/4
Frequency of referencing of evidence-based findings produced by CSOs in policy papers and ex ante impact assessments	2/4
Share of evidence-based findings produced by wide range of CSOs, such as think tanks, independent institutes, locally-based organisations, referenced in ex post policy analyses and assessments of government institutions	0/2
Relevant ministries or other government institutions invite or commission wide range of CSOs, such as think tanks, independent institutes, locally-based organisations, to prepare policy studies, papers or impact assessments for specific policy problems or proposals	2/2
Representatives of relevant ministries participate in policy dialogue (discussions, round tables, closed door meetings, etc.) pertaining to specific policy research products	2/2
Representatives of wide range of CSOs, such as think tanks, independent institutes, locally-based organisations are invited to participate in working groups/ task forces for drafting policy or legislative proposals when they have specific proposals and recommendations based on evidence	4/4
Relevant ministries in general provide feedback on the evidence-based proposals and recommendations of the wide range of CSOs, such as think tanks, independent institutes, locally-based organisations which have been accepted or rejected, justifying either action	0/2
Ministries accept CSOs' policy proposals in the work of working groups for developing policies and legislation	2/4
Total	14/24
Indicator Value (0-5)	3

This first part of the section presents the results of 5 WeBER elements which are assessed based on the responses of those CSOs that confirmed to produce proposals, recommendations, and other inputs for decision-making processes at the national level, with the last two years as a reference period. CSOs survey result affirm a positive perception with regards to the good practice of cooperation between Government institutions and CSOs (Figure 3). Results suggest that government institutions reach out to CSOs for their professional expertise in order to address concrete policy problems or develop policy proposals (60%). In doing so, majority of CSOs affirm government willingness to participate in policy dialogue pertaining policy products that CSOs are developing (70%).

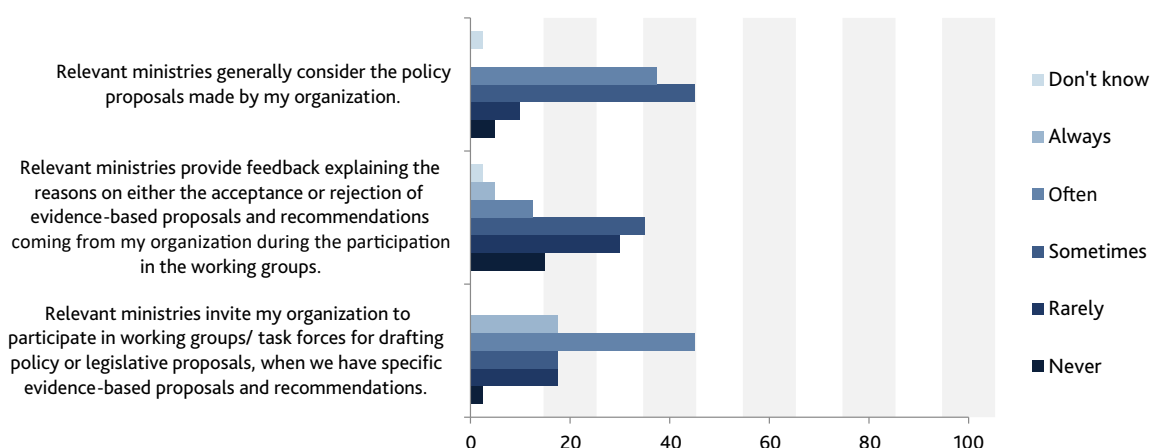
Figure 3. CSOs perception regarding the following statements (%):



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=37

Likewise, majority of CSOs stated that they are invited in working groups for drafting policy or legislative proposal corresponding to their policy research area (62.5%). However, out of those CSOs that produce proposals, recommendations and other inputs, 37% state that government institutions accept policy proposals made by CSO members during working group participation, and only 17% of CSOs claim that generally, ministries provide feedback on the proposals and recommendations that have been accepted or rejected (Figure 4).

Figure 4. CSO perception on the use of evidence created by think tanks, independent institutes and other CSOs in policy development (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. n=44

Evidence-based policy making in Kosovo is still at an early stage of development. The review focused on a sample of strategies, and programme documents that at the time of WeBER monitoring were being implemented in Kosovo in the three policy areas where many CSOs actively work. Occasional referencing of evidenced based findings produced by CSOs are identified in government strategies however mainly in the area of economic development (Table 4). More precisely, references of CSOs reports are found in 3 out of 10 reports (33%).

Likewise, in relation to frequency of referencing of evidence-based findings produced by CSOs in concept documents, again referencing is found, yet only in the area of public administration. Out of 12 concept documents, CSOs reports are cited in 3 of them (25%). More precisely, GAP reports⁹⁴ are referenced in concept documents related to the package of the three laws important for PAR: a) Draft Concept Document on Organization of Public Administration of the Republic of Kosovo; b) on Civil Service and c) on Salaries Paid by the Budget of the Republic of Kosovo (Table 5). As a result, Kosovo scores average points (2/4) for these two elements.

Table 4. Frequency of referencing of evidence-based findings produced by CSOs in the adopted government strategies

Policy area	Number of CSOs reports cited	Organization and title of the report
Public Administration		
Strategy for Improving Policy Planning and Coordination in Kosovo (Integrated Planning System) 2017-2021	0	
Strategy for Finance Management Reform	0	
Public Finance Management Reform Strategy	0	
Strategy for Modernization of Public Administration	0	
Public Internal Financial Control Strategy	0	
Better Regulation Strategy 2.0	0	
Economic Development		
Kosovo Economic Reform Programme	2	BSC study "Assessment of the Extent of Informal Economy in Kosovo D4D study on the "Cost of Patriarchate"
National Development Strategy		
National Strategy of the Republic of Kosovo for the Prevention of and Fight against Informal Economy, MoneyLaundering, Terrorist Financing and Financial Crimes	1	RIINVEST study "Business Perspective on Informality in Kosovo: To pay or not to pay"
Anti-corruption		
Strategy against Corruption	1	KIPRED study "Confiscation of illegally obtained property"

Source: author

Findings of WeBER monitoring are in line with SIGMA's assessment which indicates that "only a few draft laws are prepared on the basis of concept documents, the legal drafting process is rarely evidence based."⁹⁵

From the online review of official websites of policy making authorities only two assessments (one impact assessment and one analysis) could be found, whereas another three ex-ante analyses have been acquired through FOI requests (Table 6) although none of them falls in the area of Anti Corruption. Research suggests that no referencing of CSOs evidence-based products is found in ex post analyses and assessments. Consequently, in this element Kosovo scores 0 points. This finding is also in line with SIGMA Report which assesses that the RIA in Kosovo is at an early stage

94 GAP Institute Report "Division of Responsibilities in Inspection between Central and Local Level". Available at: [http://www.institutigap.org/documents/86598_Inspektoratet\(ENG\)1.pdf](http://www.institutigap.org/documents/86598_Inspektoratet(ENG)1.pdf) and Report on "Inspectorates in Kosovo: organization and functioning". Available at: http://www.institutigap.org/documents/89860_ENG-Inspektoriate.pdf

95 SIGMA Report 2017 for Kosovo, p. 45.

of development.

Table 5. Frequency of referencing of evidence-based findings produced by CSOs in the adopted government concept documents.

Policy area	Number of reports cited	Organization and title of the report
Public Administration		
1. Draft Concept Document on Organization of Public Administration of the Republic of Kosovo	1	GAP Institute Report "Division of Responsibilities in Inspection between Central and Local Level" and Report "Inspectorates in Kosovo: organization and functioning"
2. Draft Concept Document for Civil Service	1	GAP Institute Report "Division of Responsibilities in Inspection between Central and Local Level" and Report "Inspectorates in Kosovo: organization and functioning"
3. Draft Concept Document For Administrative Contest	0	
4. Draft Concept Document For Salaries Paid by the Budget of the Republic of KOSOVO	1	GAP Institute Report "Division of Responsibilities in Inspection between Central and Local Level" and Report "Inspectorates in Kosovo: organization and functioning"
Economic Development		
5. Concept Document for Local Economic Development	0	
6. Concept document for Public Enterprises	0	
7. Concept document for Raising the Level of Money Laundering Prevention and Financing of Terrorism	0	
8. Concept Document for Trade Area	0	
9. Concept document for electronic identification	0	
10. Concept document for reducing the cost of extending high-speed electronic communications networks	0	
11. Concept document in the Field of Inspection	0	
Anti-corruption		
12. Concept document in the Field of Public Procurement	0	

Source: author

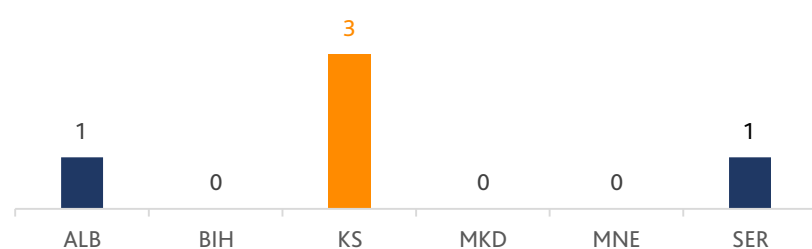
Table 6. Frequency of referencing of evidence-based findings produced by CSOs in the government ex-ante analysis

Policy area	Number of reports cited
Public Administration	
Draft Report: Ex-post analysis of the Law on Civil Service No. 04//L 003	0
Draft Report: Ex-post analysis of the Law on Executional Procedure No.04/L 139	0
Economic Development	
Impact analysis of trade liberalization in services with CEFTA countries in sectors of Transport and Finance	0
Effects of Stabilization and Association Agreement -BE: Impact on Trade	0
Draft Report: Ex-post analysis of the Law on Foreign Trade	0
Draft Report: Ex-post analysis of the Law on National Trade 2004/18	0

Source: author

How does Kosovo do in regional terms?

Indicator P10 I1: Use of evidence created by think tanks, independent institutes and other CSOs in policy development



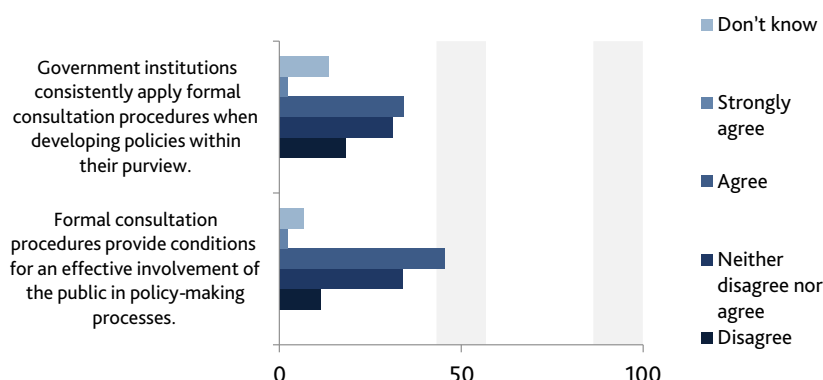
Regional PAR Monitor Report with results for all WB countries is available at: www.par-monitor.org

Principle 11: Policies and legislation are designed in an inclusive manner that enables the active participation of society

Indicator elements	Scores
CSOs consider formal consultation procedures create preconditions for effective inclusion of the public in the policy-making process	2/4
CSOs consider formal consultation procedures are applied consistently	2/4
CSOs consider that they are consulted at the early phases of the policy process	0/4
CSOs consider consultees are timely provided with information on the content of legislative or policy proposals	0/2
CSOs consider consultees are provided with adequate information on the content of legislative or policy proposals	0/2
CSOs consider public consultation procedures and mechanisms are consistently followed in the consultation processes	2/2
CSOs consider sponsoring ministries take actions to ensure that diversity of interests are represented in the consultation processes (women's groups, minority rights groups, trade unions, employers' associations, etc.).	0/2
CSOs consider ministries (sponsors of policy and legislative proposals) provide written feedback on consultees' inputs/comments	0/4
CSOs consider ministries (sponsors of policy and legislative proposals) accept consultees' inputs/comments	2/4
CSOs consider ministries (sponsors of policy and legislative proposals) hold constructive discussions on how the consultees' views have shaped and influenced policy and final decision of Government	0/2
Total	8/30
Indicator Value (0-5)	1

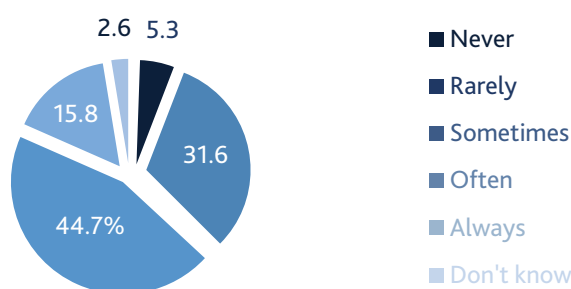
Kosovo scores 0 points on this indicator, with average scores in 4 elements and 0 in the rest of elements (6). CSO perception based survey indicates that CSOs perceive public consultation process as rather lacking in effectiveness in involvement and cooperation with CSOs. Almost half (47.8%) of CSOs affirm that formal consultation procedures provide conditions for an effective involvement of the public in policy-making processes. Nevertheless, only 36.4% of them agreed that Government institutions consistently apply formal consultation procedures when developing policies within their purview (Figure 5), and even less (15.9%) declared that relevant government institutions "often" or "always" consult them at the early phases of policy and legislative processes (Figure 6).

Figure 5. CSOs perception regarding their participation in policy and decision making (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. n=44

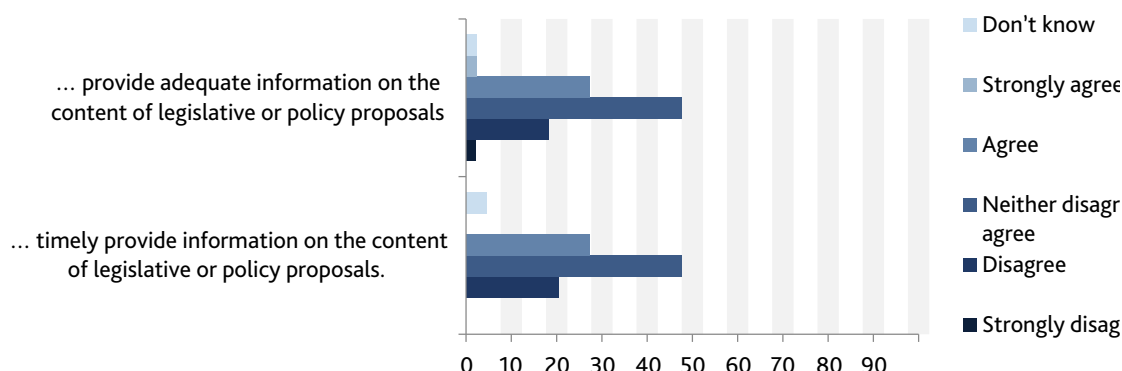
Figure 6. Relevant government institutions consult CSOs at the early phases of policy or legislative processes (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. n=44

Along the same line, when government invites CSOs in the public consultation, a rather low percentage of CSOs, 36.4%, agreed that public consultation procedures and mechanisms are respected during the consultation processes (Figure 7). To that extent, only roughly a quarter of CSOs (27.3%), 29.5% respectively, could relate to the statement that government institutions provide “timely information” and “adequate information” with regard to the content of legislative or policy proposals during the process of consultation. Likewise, CSO representatives underline that application of formally prescribed procedures during the consultation process of already produced draft documents, does not fulfil the purpose of inclusive policymaking. More precisely, CSOs are in general consulted late in the policy-making procedure when room for intervention is rather limited and key solutions are already decided upon.⁹⁶

Figure 7. In the public consultation processes, government institutions...



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. n=44

Besides, during these consultations, only 15.9% of CSOs affirmed that relevant ministries “often” or “always” ensure that diverse interest groups are represented in the public consultation processes (eg. women, minorities, trade unions, employers' associations etc) (Figure 8). CSO representatives note that it is a settled practice to invite only a selected number of external stakeholders to participate in consultations. In many cases it is the organizations that the institution interacts or that produce policy products in their area of responsibility.⁹⁷

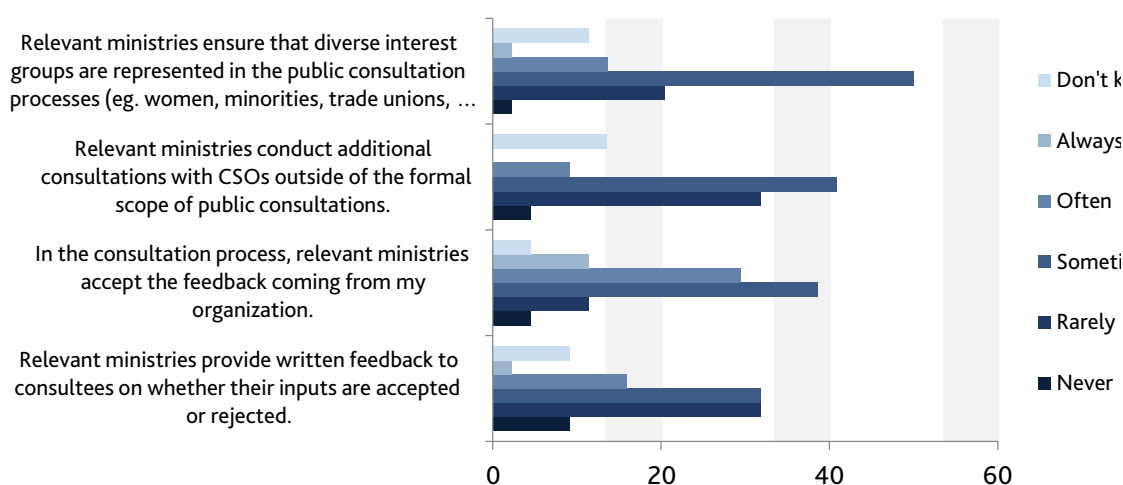
Moreover, only 9.1% of CSOs stated that relevant ministries “often” or “always” go out of their way to conduct additional consultations with CSOs outside of the formal scope of public consultations (Figure 8). Upon active participation during the consultation process, 41% of CSOs claimed that relevant ministries accept the feedback coming from their organisation, but only 18% stated that relevant ministries “often” or “always” provide written feedback to consultees on whether their inputs are accepted or rejected (Figure 8).

⁹⁶ Focus group with civil society organisations specialized in PAR, held on July 11th, 2018, in Prishtina.

⁹⁷ Focus group with civil society organisations specialized in PAR, held on July 11th, 2018, in Prishtina.

Moreover, CSO representatives highlight that in many cases CSOs are involved in the consultation process only to meet the legally prescribed consultation criteria.⁹⁸ In other words, institutions often lack efforts to genuinely get CSOs feedback.

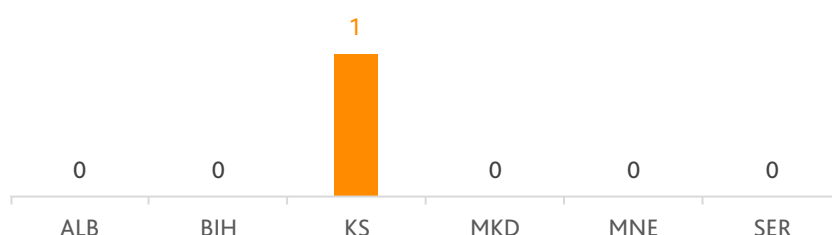
Figure 8. CSOs experience with participation in decision-making at the level of central government (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. n=44

How does Kosovo do in regional terms?

Indicator P11 I1: Civil society perception of inclusiveness and openness of policymaking



Regional PAR Monitor Report with results for all WB countries is available at: www.par-monitor.org

Principle 12: Legislation is consistent in structure, style and language; legal drafting requirements are applied consistently across ministries; legislation is made publicly available

WeBER indicator PDC_P12_I1: Perception of availability and accessibility of legislation and related explanatory materials by the civil society

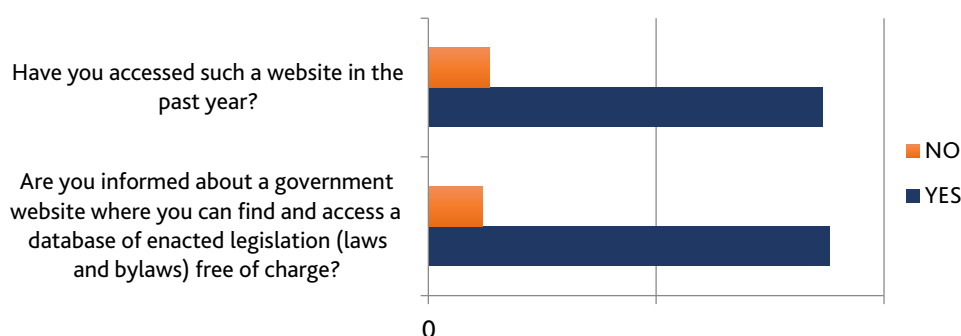
Indicator elements	Scores
Existence of an online governmental database of legal texts	2/4
CSOs are informed on the existence of online database of legal texts	4/4
CSOs confirm they have used online database of legal texts	2/2
CSOs consider the explanatory materials relevant to the legislation as easily accessible online	2/4
CSOs consider the explanatory materials to be written so as to be easily understandable	1/2
Total	11/16
Indicator Value (0-5)	3

⁹⁸ Focus group with civil society organisations specialized in PAR, held on July 11th, 2018, in Prishtina.

WeBER monitoring results show that the Kosovo government has an online database of legal texts, named Official Gazette of the Republic of Kosovo website.⁹⁹ The function of the official Gazette is regulated by the Law No. 03/L-190 on Official Gazette of the Republic of Kosovo.¹⁰⁰ As stipulated by law, the website includes both primary and secondary legislation, but also international agreements, decisions, directives and regulatory plans to some extent. In addition, it includes judicial regulations, decisions, judgments, opinions, announcements and notifications. The documents are published in all official languages more precisely, albanian, english, turkish, serbian and bosnian language.

Although each amendment or/and supplement of any legal texts is published on a separate document as opposed to one integral and consolidated version, legal texts are very easily accessible, and are downloadable and free of charge. To that extent, CSO survey results show that CSOs are well aware (88%) of this government website and the services it provides, and have broadly used it in the past years (86%) (Figure 9).

Figure 9. CSOs level of awareness about existence and use of official gazette (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base=52, n=37 for the first and n=42 for the second statement.

Besides legal texts, the websites also includes explanatory materials (such as administrative guidance, documents, directives, interpretation bulletins or other rules that have practical impact, but do not have the force of law), and 57.2% of CSOs agree that these materials are easy to access. Moreover, roughly 40% of CSOs find these explanatory materials to the legislation to be written in a manner and style, which makes them easy to understand (Table 7).

⁹⁹ Accessible at: <https://gzk.rks-gov.net>

¹⁰⁰ Accessible at: <http://www.kuvendikosoves.org/?cid=2,191,448>

Table 7. Statements about the accessibility of Explanatory materials (%)

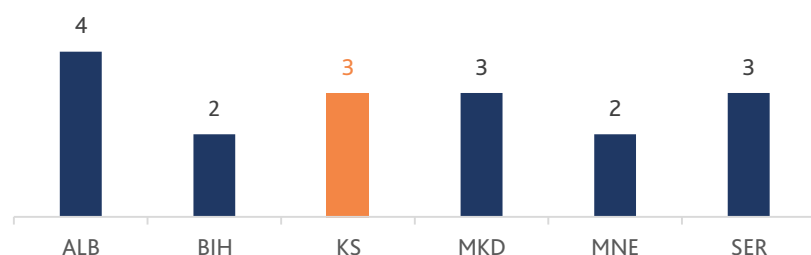
Statements	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Don't know
Explanatory materials relevant to existing legislation are easy to access.	0	11.9	40.0	47.6	9.5	0.0
The explanatory materials to the legislation are written in a manner and style, which makes them easy to understand.	2.4	28.6	30.9	38.1	0.0	0.0

Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
n=42

CSO representatives however note that absence of consolidated version of laws has proven time consuming as one needs to go back to all amendments of the law in order to track all changes.¹⁰¹ On the other hand, obtaining the services of private companies that compile consolidated versions of laws, results in additional costs which in many cases could be unbearable for local and small organizations in particular.¹⁰²

How does Kosovo do in regional terms?

Indicator P12 I1: Perception of availability and accessibility of legislation and related explanatory materials by the civil society



Regional PAR Monitor Report with results for all WB countries is available at: www.par-monitor.org

¹⁰¹ Focus group with civil society organisations, held on July 11th, 2018, in Prishtina.

¹⁰² Ibid

3.5. Summary results: Policy Development and Coordination

In PDC area, WeBER monitors government actions towards informing the public on its performance, transparency of decision-making, use of external evidence when adopting and revising policies, and participation of the public and other stakeholders in consultation processes. Reports on implementation of the Government Annual Work Plan (GAWP) are regularly published online alike with the reports on central planning documents. Analysis of the contents of the GAWP reports suggest that they are written in an understandable manner, structured based on the main priorities set in the GAWP. GAWP reports contain both quantitative and qualitative information with references to achievements of the Government including details about objectives, activities, measures and concrete results, amongst others.

Survey results suggest that only a small portion of CSOs (22%) in Kosovo agrees that the Government's formal planning documents are relevant for the actual development in policy areas CSOs are working. They are particularly critical regarding the Government reporting to the public on achieving its objectives (only 5% agree). Similarly, around a quarter of CSOs agree that official strategies determine actions of the Government or ministries and only around 15% agree that ministries regularly publish monitoring reports on sectorial strategies. Likewise, less than a quarter of CSOs agree that priorities of the EU accession process are adequately integrated into the Government's plan.

It is assessed that the Government publishes all decisions from its sessions at the official website. Also it publishes a press release that includes a list of decision made and details about each point of the agenda, which to some extent compensates for the lack of publication of meeting minutes. Agendas of the meetings however are not available online. Moreover, decisions are published in a specific section of the website and communicated both in citizens-friendly and timely manner. Yet, the CSO perception portrays a rather different outcome, with only 5% agreeing that the decision-making process is transparent whereas 43% share a neutral opinion. Evidence-based findings of CSOs are occasionally referenced in official policy and strategic documents, policy papers and ex-ante impact assessments although not in all three policy areas analysed. Monitoring results suggests that no referencing to CSOs evidence-based products is evident in ex post analyses and assessments.

Regarding inclusive policy making, survey results suggest that more than 60% of surveyed CSOs confirm that government invites them yet only slightly more than 15% agree that they are consulted in an early phase. There is relatively poor perception on representation of diverse interest groups in public consultations as only around 16% of CSOs state that diverse interest groups are often or always represented. Likewise, only 18% of CSOs agree there is practice of providing written feedback and more than 40% claim that the feedback coming from their organisations gets accepted.

Finally, all legal acts in Kosovo are published on the website of the Official Gazette, can be accessed online and free of charge. This database is easily accessible, and 88% of CSOs responded they are informed it exists while 86% of them have accessed it in the past year. When it comes to explanatory materials relevant to legislation that do not have the force of law, perception drops as only more than half of CSOs agrees that these are easy to access and 40% agree that these are written in manner and style that makes them easy to understand.

3.6. Recommendations for Policy Development and Coordination

Information on performance of the Government is made available through press releases and regular GAWP reporting. GAWP reporting is already a practice and the reports are written in an understandable manner structured based on the main priorities set in GAWP. The quality of reporting to the public however lacks specific indicators as they are not reported against the indicators set in the GAWP.

- 1) Hence, GAWP annual reporting should be improved to include visible results achieved in different policy areas in the reporting period including relevant information on horizontal policy dimensions such as but not limited to gender mainstreaming, environment, sustainable development.
- 2) The Government should publish reports in open data format to allow further use by all interested parties.

Despite regular publishing of adopted documents, and press releases online, the Government's decision-making lacks full transparency.

- 3) The Government should start regularly publishing agenda items and meeting minutes for each session. Whereas it is preferable to publish an agenda in advance of individual session, minutes, alike press releases, should be published timely, a week after the session at latest;
- 4) Press releases should be published or linked together with other materials, so all the information from individual session can be found and accessed at the single website location;
- 5) Structure and appearance of information on sessions should be revamped for easier access. Although this information is available via homepage banner, visibility should be improved.

Perception of civil society on the quality of public participation in policy making indicates significant dissatisfaction among CSOs. In general:

- 6) Ministries, and other public authorities organising public consultations (and public debates), should pursue timeliness and proactiveness in announcing them. That is, enough time should be dedicated for preparations of civil society and other interested stakeholders, and all the available channels should be used to announce consultations - including websites of responsible body, Public Consultations Platform and social media of all the involved institutions;
- 7) In this regard, keeping and updating the record of civil society organisations and individuals who previously participated in consultations and public debates should be practiced, ensuring continuity of inviting already engaged and interested organisation and individuals;
- 8) When organising consultations, inputs and comments from the civil society and the public should be sought as early as possible in the process, and preferably in the policy formulation phase;
- 9) Moreover, authorities should without exception inform the participants on consultation proceedings, be it public debate on draft documents or earlier held consultations. In other words, irrespective of types of consultation (online, face-to-face) consultation reports should be published in each case, addressing each input, and providing explanation for acceptance or dismissal. This way the entire process is easily traceable, transparent, and unambiguous from start to finish;
- 10) Additional consultation should be considered in each case when consultation process returned unresolved, contested, on especially important issues for civil society and the public. Such practice can increase trust in the process, and quality of adopted solutions eventually;

Finally, when it comes to availability and accessibility of legislation (laws and bylaws):

- 11) Online database of legislation (Official Gazette) should be promoted through the governmental, and individual administration bodies' websites, preferably through banners easily redirecting visitors. Although accessible and free of charge on the Official Gazette website, awareness of this database should be improved to reach as many of those interested in browsing it as possible.

4. PUBLIC SERVICE AND HUMAN RESOURCE MANAGEMENT

4.1. WeBER indicators used in Public Service and Human Resource Management and country values for Kosovo

P2_I1: Public availability of official data and reports about the civil service and employees in the central state administration					
0	1	2	3	4	5
P2_I2: Performance of tasks characteristic for civil servants outside of the civil service merit-based regime					
0	1	2	3	4	5
P3_I1: Openness, transparency and fairness of recruitment into the civil service					
0	1	2	3	4	5
P4_I1: Direct or indirect political influence on senior managerial positions in the public service is prevented					
0	1	2	3	4	5
P5_I1: Transparency, clarity and public availability of information on the civil service remuneration system					
0	1	2	3	4	5
P7_I1: Effectiveness of measures for the promotion of integrity and prevention of corruption in the civil service					
0	1	2	3	4	5

4.2. State of Play in Public Service and Human Resource Management

The policy and legal framework of the civil service is well established in Kosovo. The Strategy for Modernisation of Public Administration 2015-2020 (SMPA) was adopted jointly with an Action Plan, and civil service was the first strategic objectives foreseen in the strategy. The strategy extends the authority of the Ministry of Public Administration over the civil service system. In that regards, the Department of Civil Service Administration (DCSA), within the MPA is the central administrative body responsible for the co-ordination of implementation of the civil service policy. The Law on Civil Service however has not formally acknowledged the authority of DCSA for the overall implementation of the civil service policy.¹⁰³ Nonetheless, both the DCSA and the Human Resource Management (HRM) units for strategic planning and management of human resources lack capacities. In addition, HRM Information System (HRMIS) is not fully developed.¹⁰⁴

The oversight role in the civil service system is conducted by the Independent Civil Service Oversight Board (IOB) which nevertheless lacks sufficient professional capacity¹⁰⁵. The law on IOB¹⁰⁶ does not prescribe the competence for annual recruitment of senior civil servants (SCS) to the IOB. Amendments to the law are expected, which would reinforce the authority and capacities of the Board and extend its competences to include also the annulment of recruitments of SCS.¹⁰⁷

Government of Kosovo is in the process of finalizing the legal framework on civil service, public administration and salaries by supplementing and amending the current legislation. This primarily derives out of the necessity to address the obstacles identified during the implementation of current legislation, because they have been pointed out from external assessments, or because a consolidated legal framework for PAR is required from the SAA criteria in the area of public administration (article 120 of MSA). In addition, during the last meeting of the Special Group on Public Administration it was concluded that "to ensure that the GVRAP conclusions of 2015 related to three draft laws (Law on Civil Service, Law on Salaries and Law on Organization of Public Administration) will be implemented and these three laws will be drafted in a coordinated

¹⁰³ Ibid

¹⁰⁴ SIGMA Monitoring Report for Kosovo 2017. Available at: <http://www.sigmaweb.org/publications/Analysis-of-the-professionalisation-of-the-senior-civil-service-and-the-way-forward-for-the-Western-Balkans-SIGMA-Paper-55-May-2018.pdf>

¹⁰⁵ EC Kosovo 2018 Report. Available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-kosovo-report.pdf>

¹⁰⁶ No. 03/L-192 on the Independent Oversight Board.

¹⁰⁷ SIGMA Monitoring Report for Kosovo 2017.

manner, they will be sent to the Parliament at the same time as a package.”¹⁰⁸

This process had been preceded by two assessments: 1) The Review of Institutions and Independent Agencies of the Assembly and Central Bodies and 2) Analysis of the Payroll System both conducted by GAP Institute on behalf of MPA.¹⁰⁹ This is followed by three concept documents, namely the concept document on wages, civil service and organization of public administration. Following the conclusion of the consultation process on the three concept documents, the draft laws followed and all three of them were subject to public consultation. In September 2018, the three draft laws have been approved by the Government¹¹⁰, and at the time of writing the report they have been proceed to the parliament.

The horizontal scope of the civil service is adequately regulated in the Law on Civil Service (CSL)¹¹¹ and includes nearly all institutions that perform public authority functions. Yet, there are several independent institutions and independent agencies left outside the civil service system.¹¹² The vertical scope on the other hand is clear at the upper end whereas lack of clarity had been noted on some non-administrative support functions. The scope of (upper end) senior positions include: the General Secretary of the Office of the Prime Minister, the General Secretaries of Ministries, Chief Executives and equivalent positions in executive, independent and regulatory agencies.¹¹³ Article 4 of CSL, explicitly excludes political appointees and political advisers appointed by them.

The recruitment of civil servants according to CSL should be done on the basis of merit.¹¹⁴ The positions in the administrative and professional categories are open for all candidates without exception whereas positions in the management category could be open to external candidates if there are no qualified internal candidates.¹¹⁵ Detailed procedures for appointment to senior management positions¹¹⁶ are determined by the Regulation No. 06/2010 on the Procedures for Appointments to Senior Management Positions in the Civil Service in Kosovo. It also regulates the procedure for selecting acting senior level managers.¹¹⁷ According to this regulation, the acting positions should be filled from within the civil service and for a maximum duration of three (3) months. The heads of institutions shall appoint as acting senior manager the first subordinate officer. If and when there are a number of subordinate officers of the same rank, then the position should be assigned to the officer that usually substitutes for the senior manager during short absences.¹¹⁸

To this date, there is no legislation that provides mutual principles for the public servants who are not subject to the CSL, i.e exercising functions of public authority (for example, police officers, customs officers, correctional officers), delivering public services (health, education and social services) or in support functions.¹¹⁹ As a result, either special legislation or the Labour Code is applicable. New Law on Public Officials (LPO) aims to tackle this very issue. More precisely, the draft LPO aims “to create a homogeneous regime for civil servants dealing with the exercise of public authority provided under the law. “In addition, special arrangements should only be applied as exceptional and justified cases (police, diplomatic staff).”¹²⁰ In addition, it also aims

108 Consultation Document on the Draft Law on Public Officials. Available at: <http://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=40401>

109 For more information visit: www.insitutigap.org

110 <https://www.koha.net/arberi/114976/qeveria-miraton-tre-projektligjet-me-te-rendesishme-per-reformen-e-administrates-publike/>

111 Law No. 03/L-149 on the Civil Service (CSL)

112 SIGMA Monitoring Report for Kosovo 2017.

113 The Regulation No. 06/2010 on the Procedures for Appointments to Senior Management Positions in the CSK, Article 2. Available at:

114 CSL, Article 18.

115 Ibid.

116 The Law on Civil Servants 03/L-149, states that the “Detailed procedures for appointment to senior management positions shall be determined by a special regulation issued by the Government.” Article 15. Available at: <https://map.rks-gov.net/getattachment/e1b58280-9586-44e4-8031-ec6e3239882c/RREGULLORE-PER-PROCEDURAT-E-EMERIM-IT-NE-POZITA-TE.aspxhttp://www.kuvendikosoves.org/common/docs/ligjet/2010-149-eng.pdf>

117 The Regulation No. 06/2010 on the Procedures for Appointments to Senior Management Positions in the CSK Available at: <https://map.rks-gov.net/getattachment/e1b58280-9586-44e4-8031-ec6e3239882c/RREGULLORE-PER-PROCEDURAT-E-EMERIM-IT-NE-POZITA-TE.aspx>

118 CSL, Article 16, Point 2.

119 Consultation Document on the Draft Law on Public Officials.

120 Draft Law on Public Officials. P. 2 Available at: <http://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=40401>

to establish minimum rules on labour relations for public service employees, cabinet officers and administrative-technical and support officials. Presently, there are no legal regulations that regulate their work relation and provisions of Labour Law have often been inadequate.¹²¹ Moreover, it aims at regulating the movement within the "functional category" for the lower and middle management category. This is expected to lead to improved expectations of career development for civil servants and the quality of the administration itself. Kosovo has a decentralized recruitment system, based on the Law on Civil Service, each institution is responsible for the recruitment procedures. The new Law on Public Officials foresees "group recruitment" in civil service which aims to broaden the range of positions in the civil service and make it easier to manage.¹²²

Job classification on the other hand is at an advanced stage and until March 2017 as much as around 80% of the positions in the civil service were classified according to the Catalogue.¹²³ The salary system as provided in the Law No. 03/L-147, although formally in force, is yet to be implemented. More so it has failed to address the issue of salaries across the public sector and as such the remuneration system currently in place is vaguely regulated based on sub-legal acts.¹²⁴ As a result, significant differences in total salaries for similar positions remain evident particularly between ministries and agencies and independent institutions. Because of this, the system does not provide equal pay for equal work, although a standardized classification has been established for civil servants.¹²⁵

There is no legal basis for adjusting the basic salary for other categories of payroll beneficiaries outside of the definition of civil servant. The basic salary in these cases is mainly regulated by organizational and functional laws or, in most cases by by-laws, and in their absence they are regulated in accordance with the UNMIK Administrative Instruction of year 2000 which is already insufficient, outdated and inadequate.¹²⁶ The legal basis is incomplete also for add on's to the basic salary.¹²⁷ The new draft Law on Salaries aims to ensure a more homogeneous approach towards the issue of salaries, allowances, and bonuses across the public sector. By doing so, it aims to regulate the salary system for Public Officials and Officers as well as the minimum rules for determining salaries of employees of public enterprises in Kosovo.¹²⁸

121 Consultation Document on the Draft Law on Public Officials. Available at: <http://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=40401>

122 Draft Law on Public Officials. Available at: <http://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=40401>

123 SIGMA Monitoring Report for Kosovo 2017. Available at: <http://www.sigmaweb.org/publications/Analysis-of-the-professionalisation-of-the-senior-civil-service-and-the-way-forward-for-the-Western-Balkans-SIGMA-Paper-55-May-2018.pdf>

124 Consultation document on the draft law on wages. Available at: <http://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=40400>

125 Draft Concept Document on Salaries Paid from the Budget of the Republic of Kosovo (2017). Available at: <http://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=40275>

126 SIGMA Monitoring Report for Kosovo 2017. Available at: <http://www.sigmaweb.org/publications/Analysis-of-the-professionalisation-of-the-senior-civil-service-and-the-way-forward-for-the-Western-Balkans-SIGMA-Paper-55-May-2018.pdf>

127 Ibid

128 Draft Concept Document on Salaries Paid from the Budget of the Republic of Kosovo (2017). Available at: <http://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=40275>

4.3. What does WeBER monitor and how?

WeBER monitoring within the area of Public Service and Human Resource Management (PSHRM) covers five SIGMA Principles and relates exclusively to central administration (centre of Government institutions, ministries, subordinated bodies, special organisations). In other words, monitoring encompasses central government civil service, as defined by the relevant legislation (e.g. Civil Service Law) as well as other categories of employees in central state administration. Principles focus on the quality and practical implementation of the civil service legal and policy frameworks, on measures related to merit-based recruitment, use of temporary engagements, remuneration system, integrity and anti-corruption in the civil service. WeBER approach was based on elements which SIGMA does not strongly focus on in its monitoring, but which are significant to the civil society from the perspective of transparency of the civil service system and government openness, or public availability of data on the implementation of civil service policy.

The following SIGMA principles were selected for monitoring, in line with the WeBER selection criteria:

- Principle 2:** The policy and legal frameworks for a professional and coherent public service are established and applied in practice; the institutional set-up enables consistent and effective human resource management practices across the public service
- Principle 3:** The recruitment of public servants is based on merit and equal treatment in all its phases; the criteria for demotion and termination of public servants are explicit
- Principle 4:** Direct or indirect political influence on senior managerial positions in the public service is prevented
- Principle 5:** The remuneration system of public servants is based on the job classification; it is fair and transparent
- Principle 7:** Measures for promoting integrity, preventing corruption and ensuring discipline in the public service are in place

Monitoring combined findings of SIGMA's assessment within specific sub-indicators with WeBER's expert review of legislation, documents and websites, including collection and analysis of government administrative data, reports and other documents searched for online or requested through freedom of information (FoI) requests. To create a more balanced qualitative and quantitative approach, research included measuring of perceptions of civil servants, CSOs and wider public by employing perception surveys.

Surveys of civil servants and CSOs in the six Western Balkan countries were implemented using an online survey tool.¹²⁹ Civil servants were surveyed from late March to beginning of June 2018,¹³⁰ while the survey for CSOs was open between the second half of April and beginning of June 2018.¹³¹ The civil servants' survey was in most countries disseminated through a single contact point originating from national institutions responsible for overall civil service system.¹³² The CSO survey was distributed through existing networks and platforms of civil society organisations with large contact databases in each country, but also through centralised points of contact such as governmental offices in charge for cooperation with civil society.¹³³ To ensure that the CSO survey targeted as many organisations as possible in terms of their type, geographical distribution, and activity areas, and hence contributed to its representativeness as much as possible, additional boosting was done where needed. Finally, public perception survey

¹²⁹ Surveys were administered through anonymous, online questionnaire. Data collection method included CASI (computer-assisted self-interviewing).

¹³⁰ In Kosovo, civil servants' survey was conducted from April 3rd to April 25th, 2018.

¹³¹ In Kosovo, CSO survey was conducted in the period from April 25th to June 4th, 2018.

¹³² For Kosovo, survey sample was N=427. The base for questions within Principle 2 was n=350 respondents, Principle 3 had n=427 respondents, Principle 5 had n=286 respondents and Principle 7 had n=272 respondents.

¹³³ For Kosovo, survey sample was N=52. The base for questions within PS&HRM area was n= 41, except for one indicator n=38 respondents.

included telephone interviewing of the general public (aged 18 and older) of six Western Balkan countries, during the period of 15 October - 30 November 2017.¹³⁴ In all three surveys, uniform questionnaires were used in all countries and disseminated in local languages, ensuring even approach in survey implementation.

In the first indicator, WeBER monitored whether the Government publishes official data (number, structure) about employees in the central state administration and whether it publishes reports on civil service policy implementation, how frequently and what quality of information they contain. WeBER also analysed whether information on the civil service remuneration is transparent, clear and publicly available. Another indicator placed focus on transparency and fairness of recruitment into the civil service, as a particularly critical aspect of HRM in the public administration, due to its public facing character. Monitoring further included the extent to which widely applied temporary engagement procedures undermine the merit-based regime, as well as whether formal and informal practices ensure that senior civil servants are being effectively protected from unwanted political interference. Finally, WeBER examined the promotion of integrity and prevention of corruption in the civil service.

4.4. WeBER Monitoring Results

Principle 2: The policy and legal frameworks for a professional and coherent public service are established and applied in practice; the institutional set-up enables consistent and effective human resource management practices across the public service

WeBER indicator PSHRM P2 I1: Public availability of official data and reports about the civil service and employees in central state administration

Indicator elements	Scores
The Government keeps reliable data pertaining to the public service.	2/4
The Government regularly publishes basic official data pertaining to the public service.	0/4
Published official data includes data on employees other than full-time civil servants in the central state administration.	0/4
Published official data on public service is segregated based on gender and ethnic structure	1/2
Published official data is available in open data format(s).	0/1
The government comprehensively reports on the public service policy.	4/4
The government regularly reports on the public service policy.	2/2
Reports on the public service include substantiated information concerning the quality and/or outcomes of the public service work.	1/2
Data and information about the public service are actively promoted to the public.	0/2
Total	10/25
Indicator Value	2

The results suggest that Kosovo scores average points in the first WeBER element related to reliability of data pertaining to public service. The element is measured using the SIGMA's latest assessment of the HRM system in 2017. SIGMA assessment notes that technically, "the HRM Information System (HRMIS) has been set up to function as the central register for all public

¹³⁴ Perceptions are explored using a survey targeting the general public (aged 18 and older) of 6 Western Balkan countries. The survey was conducted through computer-assisted personal interviewing (CAPI), using a three-stage random stratified sampling. It was implemented as part of the regional omnibus surveys conducted in Albania, Bosnia and Herzegovina, Montenegro and Kosovo (ad hoc surveys were conducted for Kosovo and Macedonia) during 15 October - 30 November 2017. For Kosovo, the margin of error for the total sample of 1029 citizens is $\pm 3.06\%$, at the 95% confidence level.

employees, as well as the information system for HR management".¹³⁵ However, although technically functional, it is not yet possible to use the system to report on civil service indicators in practice.¹³⁶ On the next element, WeBER analyses whether government publishes official data on civil service. Monitoring results suggest that data on civil service is reported as part of the Annual Reports on the State of Civil Service in Kosovo, notwithstanding deficiencies within the registry. Analysis of reports show that there is a practice of reporting data on the number of employees regularly on an aggregate level (recently also at municipality level) according to functional category. The data is segregated based on gender, ethnicity and education level, but no segregation based on the level of functions or types of institutions is included. Moreover, the report contains data on the recruitment of new civil servants based on categories of employees, although only for full-time civil servants and fixed-term appointments, however no data on non-career civil service position is reported. Moving to the next element, monitoring outcome shows that data from the annual reports is not made available in open format. It is of note that the 2016 report is more comprehensive than the earlier reports in terms of narrative and differentiated data. However, the data therein is not reported per institution, or at least, per type of institution (due to which no points were awarded here). Notably, the 2016 report covers five key issues: planning and recruitments, career development, trainings, disciplinary measures, and appraisals. Content wise, the report provides general information on the quality and outcomes for public service, albeit not substantiated with evidence or independent sources, in addition to rather comprehensive information regarding state of play, professionalization as well as improvements of capacities.

The last element concerns the Government engagement in actively promoting the data and reports on civil service to the public. Monitoring showed that despite producing and publishing reports in a number of sub-areas of HRM, the Government lacks proactivity in promoting them in the public through social media or press releases. Close review of the websites of the MPA, as well as online media search, returned no results in this regard for year 2017. This means that there were no press releases, posts or statements mentioning the content of the published reports. Moreover, the MPA does not provide any statistics concerning civil service on its web page. Dealing with poor data in this particular area limits the progress of HRM management in the central administration, since the interested expert community and the civil society are short of opportunity to monitor and provide recommendations for improvement.

Finally, although the law stipulates publication of the reports¹³⁷, serious delays occur when it comes to the publication of the report, as a result of the practice that the Parliament approves them before their online publication. Since such approvals do not take place timely, the 2016 report was only available online in late December 2017, which distorts an otherwise positive practice.

¹³⁵ SIGMA Monitoring Report for Kosovo 2017. Available at: <http://www.sigmaweb.org/publications/Analysis-of-the-professionalisation-of-the-senior-civil-service-and-the-way-forward-for-the-Western-Balkans-SIGMA-Paper-55-May-2018.pdf>

¹³⁶ SIGMA Monitoring Report for Kosovo 2017. Available at: <http://www.sigmaweb.org/publications/Analysis-of-the-professionalisation-of-the-senior-civil-service-and-the-way-forward-for-the-Western-Balkans-SIGMA-Paper-55-May-2018.pdf>

¹³⁷ According to Regulation no. 02/2011 on the Areas of Administrative Responsibility in the Office of the Prime Minister and Ministries - Annex no. 11/ xii, the MPA is obliged to draft reports on the state of civil service on annual basis. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10533>

WeBER Indicator PSHRM P2 I2: Performance of tasks characteristic for civil service outside of the civil service merit-based regime

Indicator elements	Score
The number of temporary engagements for performance of tasks characteristic of civil service in the central state administration is limited by law.	0/4
There are specific criteria determined for the selection of individuals for temporary engagements in the state administration.	0/4
The hiring procedure for individuals engaged on temporary contracts is open and transparent.	4/4
Duration of temporary engagement contracts is limited.	4/4
Civil servants perceive that temporary engagements in the administration are an exception.	0/2
Civil servants perceive that performance of tasks characteristic of civil service by individuals hired on a temporary basis is an exception.	0/2
Civil servants perceive that appointments on a temporary basis in the administration are merit-based.	0/2
Civil servants perceive that the formal rules for appointments on a temporary basis are applied in practice.	1/2
Civil servants perceive that individuals hired on a temporary basis go on to become civil servants after their contracts end.	0/2
Civil servants perceive that contracts for temporary engagements are extended to more than one year.	0/2
Total	9/28
Indicator Value (0-5)	1

Temporary forms of employment are an important aspect of human resource management in civil service that in many cases deviates from the standard civil service regime. Given civil service is normally subject to merit-based criteria, this results in hindering of the merit principle. According to Law on Civil Service (CSL) (Article 12), the Civil Service of Kosovo shall have two (2) categories of employees:¹³⁸

1. Career Civil Servant positions – that exercise functions on a permanent basis, for the achievement of general institutional objectives;
2. Non-career Civil Servant positions – that exercise functions of a limited duration up to two (2) years, for the implementation of specific projects, temporary replacement of permanent Civil Servants and in cases of work overload.

The same principles ought to govern the mission procedures for career and non-career Civil Servants. Although CLS limits the duration of the temporary employment hence maximum points are allocated for this element. More precisely, CLS stipulates that temporary vacancies should be covered through the so-called Special Service Agreements (SSA) for periods of up to six months as regulated by the Law on Obligations, and a simplified recruitment procedure shall be applied.¹³⁹ According to LCS, the civil servants can be transferred from fixed-term position to Civil Servant with indefinite-term position only in cases when a new vacant position is open and if the performance appraisal during the last 2 years is considered satisfactory.

Nevertheless, the legislation does not include any other provisions related to terms and conditions for extension of the duration of temporary appointments (Special Service Agreements), leading to a score of 0 points for this element. Such contracts are often used to fill regular civil service functions without any recruitment procedure, for longer periods than those established in the Law. This is becoming a common practice in public institutions. In 2016, of the total staff hired in these institutions, 56% were through special Service Agreements, against 44% through regular recruitment.¹⁴⁰ This is also supported by the results from civil servant survey, where only 19.2% of surveyed civil servant either «agree» or «strongly agree» that hiring of individuals on

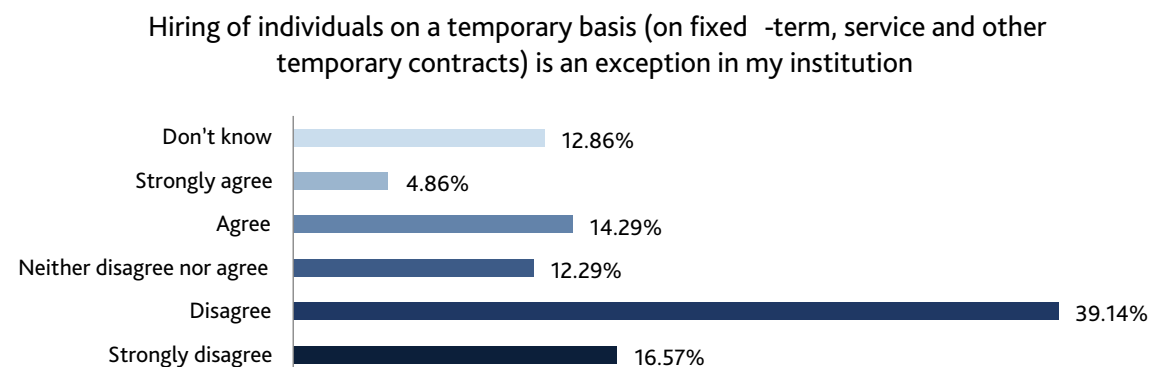
¹³⁸ <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2679>

¹³⁹ LCS, Article 22 2.

¹⁴⁰ SIGMA Monitoring Report for Kosovo 2017, p.66-67

a temporary basis (on fixed-term, service and other temporary contracts) is an exception in their institution (Figure 10).

Figure 10. Civil servant's level of agreement on the statement:



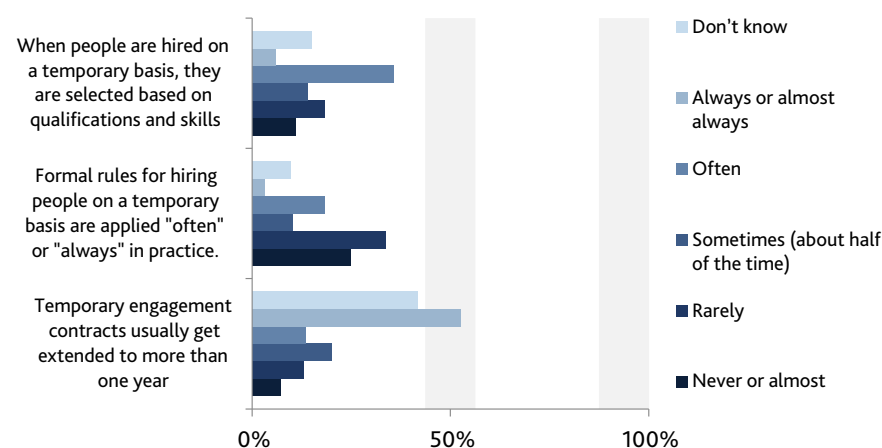
Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
Base: N=427, n= 350

This indicates that the legal framework does not specify a limit regarding the number of temporary engagements, therefore, again no points were allocated. Much to the akin, no specific criteria related to temporary engagements of experts in the administration are provided in the Law.

As for the hiring procedures for individuals engaged on temporary contracts, they follow the same practices of transparency and openness as regular hiring procedures in the civil services; resulting in a positive assessment of the element (4/4 points). This means that information with regard to the vacancy announcement, requirements/competences, job description, remuneration, selection procedures, deadline for submission and clear information to be submitted are available in the public competition announcement across all sampled institutions, namely, Ministry of Infrastructure, Ministry of European Integration, Office of Prime Minister, and Tax Administration.

However, despite what the results that derive from the monitoring and analysis procedural process of recruitment in the sampled institutions, survey result indicate that the majority of civil servants show reluctance when it comes to the application of formal rules during hiring procedures, with 41.7% declaring that formal rules for hiring people on a temporary basis are applied "often" or "always" in practice. Along the same line, only 21.4% of civil servants believe that when people are hired on a temporary basis, they are so based on qualification and skills (Figure 11). Additionally, there is a widespread perception on violation of the legal limitation of the temporary engagements. More specifically, majority of civil servants believe that temporary engagement contracts usually get extended to more than one year, with only 19% of surveyed civil servants thinking the other way around (Figure 12).

Figure 11. Civil servant's perception on the frequency the following practices are observed in the institution they work (%):



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
Base N=427, n= 350.

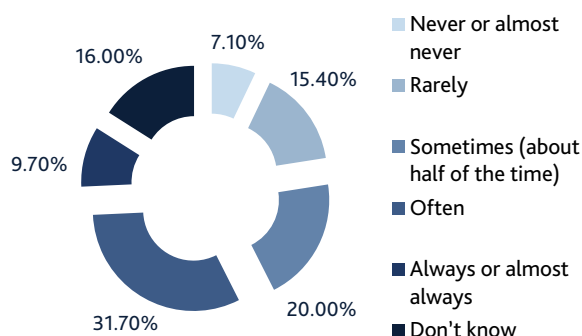
PUBLIC SERVICE AND HUMAN RESOURCE MANAGEMENT

Finally, there is a high level of perception among civil servants that these individuals perform

tasks which should normally be performed by civil servants and eventually go on to become civil servant in their institutions, with again only 20% and 22.6%, respectively, believing the contrary. The representatives of CSO support the claim that employment through temporary basis contract is a common practices in Kosovo (Figure 12).¹⁴¹

Figure 12. Civil servants perception on the following statements:

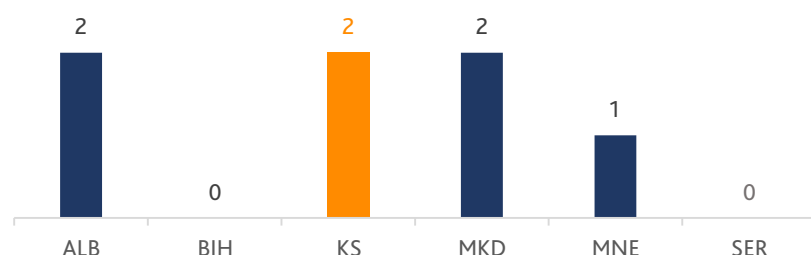
Individuals hired on a temporary basis
go on to become civil servants after
their temporary engagements



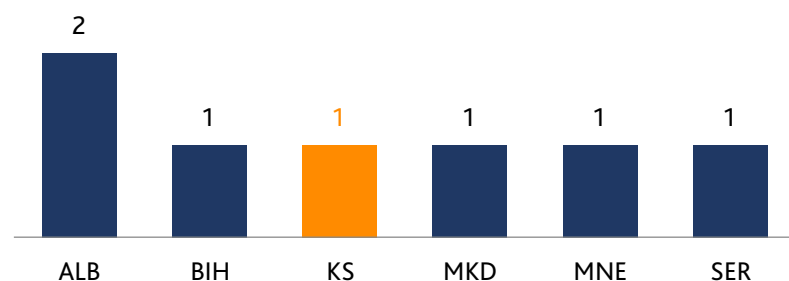
Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
Base N=427, n= 350.

How does Kosovo do in regional terms?

Indicator P2 I1: Public availability of official data and reports about the civil service and employees in central state administration



Indicator P2 I2: Performance of tasks characteristic for civil service outside of the civil service merit-based regime



Regional PAR Monitor Report with results for all WB countries is available at: www.par-monitor.org

141 Focus group with civil society organisations, held on July 11th, 2018, in Prishtina.

Principle 3: The recruitment of public servants is based on merit and equal treatment in all its phases; the criteria for demotion and termination of public servants are explicit;

WeBER Indicator PSHRM P3 I1: Openness, transparency and fairness of recruitment into the civil service

Indicator elements	Score
Information about public competitions is made broadly publicly available.	2/4
Public competition announcements are written in a simple, clear and understandable language.	2/4
During the public competition procedure, interested candidates can request and obtain clarifications, which are made publicly available.	2/4
There are no unreasonable barriers for external candidates which make public competitions more easily accessible to internal candidates.	2/2
The application procedure imposes minimum administrative and paperwork burden on candidates.	0/4
Candidates are allowed and invited to supplement missing documentation within a reasonable timeframe.	0/4
Decisions and reasoning of the selection panels are made publicly available, with due respect to the protection of personal information	2/4
Information about annulled announcements is made publicly available, with reasoning provided.	2/4
Civil servants perceive the recruitments into the civil service as based on merit.	0/2
Civil servants perceive the recruitment procedure to ensure equal opportunity.	1/2
The public perceives the recruitments done through the public competition process as based on merit.	0/2
Total	13/36
Indicator Value (0-5)	2

WeBER monitoring in this indicator started with SIGMA's assessment of the legal framework regulating recruitment of senior civil servants. In the SIGMA Monitoring report 2017, Kosovo is assessed a score of 3 out of 5 (in a scale 1-5) for meritocracy and effectiveness of recruitment, as well as merit-based termination of employment and demotion of civil servants.¹⁴² The SIGMA Report evaluates that legal framework regulating recruitment of senior civil servants prescribes competitive, merit-based procedures, but it is not efficiently applied in practice. The ad hoc setup of selection panels, their mostly internal composition, and their wide discretion to formulate the written and oral testing questions are considered as factors that compromise the full objectivity of the selection processes.

Recruitment in Civil Service is regulated by the Regulation on Recruitment Procedures in Civil Service¹⁴³. The recruitment for all civil servant vacancies in both the administrative and professional categories are filled through competitions, open to internal and external candidates.¹⁴⁴ Vacancies in the management category are open only to external candidates except for the cases when there are no internal candidates eligible. Recruitments are based on individual plans presented by each institution, integrated into an annual General Personnel Plan approved by the MPA. Hence, each institution is responsible for its recruitments.¹⁴⁵

The purpose of the second element is to measure whether or not institutions uphold their legal responsibility with regard to Recruitment Procedures in Civil Service. The evaluation of the

¹⁴² SIGMA Monitoring Report for Kosovo 2017

¹⁴³ Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8288>

¹⁴⁴ Regulation on Recruitment Procedures in Civil Service, Article 4

¹⁴⁵ Ibid.

competition announcements suggest that text of open competition announcement, content, decisions and the form and public availability of decisions are written in accordance with the Regulation in place.

Accordingly article 17.1.2 of Regulation on Recruitment Procedures in Civil Service (henceforth the regulation) states that recruitment advertisements shall be published in daily press and electronic media, as well as government portal and relevant institution portal (website). In practice, based on a sample of five public competition announcements¹⁴⁶ (Table 8), WeBER research determined that all sampled institution publish public competition announcement on their respective website as well as on printed version of daily press. The calls however are not publish on the National portal.

Content of the public competition announcement, on the other hand, is largely uniformed across the sampled institutions and follows Article 15 of the Regulation. The text of public competitions on the other hand, are drafted in a simple, clear and understandable way across all sampled institutions. The text includes a brief job description and list duties and responsibilities, as well as professional qualifications required for the job and document that should be attached to the application. In addition, a contact number for more information or clarification is included, alongside with the physical address and website address where the application form can be found. In support to these findings, former applicants also confirmed to have found the calls clear and understandable.¹⁴⁷

Table 8. Review of the online channels for announcing a sample of public competitions for civil service positions.

	Institution website	Government portal	Daily press
Ministry of Trade and Industry (MTI)	✓	x	✓
Ministry of Infrastructure (MI)	✓	x	✓
Ministry of European Integration (MIE)	✓	x	✓
Office of Prime Minister	✓	x	✓
Tax Administration	✓	x	✓

Regarding the element concerned with public competition announcement, the assessment is positive as the calls across all sampled institutions contain none of what the methodology considers as unreasonable barriers for external candidate. Furthermore, the findings show that the application procedure generally imposes minimum administrative and paperwork burden on candidates. Nevertheless, as noted below, the process is organized in one phase only, resulting in Kosovo scoring 0 points for this element. More precisely, the regulations note that the application procedures include a written test and an interview, and not more than five documents required for the submission of the application (Table 9). The calls also indicate that recruitment procedures include a written test and interview, where only short-listed candidates will be contacted. Most of the institutions explicitly list the set of document required, and they do not exceed the number of five documents. Nevertheless, there are cases when institutions (MI and MTI) also fall short with regard to list of documents required. However, the list of documents are included in the official application form obtained in person or via the website, and no more that five documents are listed. The research found that no documents are required in subsequent phases, since the application process in organized in one phase only. In case applicants do not manage to complete the application until the deadline, the Regulation does not foresee a timeframe within which candidates are allowed to supplement missing documentations. In fact, it is stated very firmly, both in the regulation and in the text of the public competition announcement, that any uncompleted application will be automatically disregarded. There are also no cases reported by former applicants that submission of additional documents has been required from them during the application process.¹⁴⁸

¹⁴⁶ Ministry of Trade and Industry, Ministry of Infrastructure, Ministry of European Integration, Office of the Prime Minister and Tax Administration

¹⁴⁷ Focus group with former applicants in civil service, held in July 2018.

¹⁴⁸ Focus group with former applicants in civil service, held in July 2018.

Table 9. below illustrates the requested documentation by 5 sample institutions.

	Ministry of Infrastructure	Ministry of Trade and Industry	Ministry of European Integration	Prime Minister's Office	Tax Administration
Application form	✓	✓	✓	✓	✓
Proof of the academic qualification	✓	✓	✓	✓	✓
Evidence of work experience	✓	✓	✓	✓	✓
Two references	✓	✓	✓	✓	✓
Total number of documents	5	5	5	5	5

Source: author

The next two WeBER elements assess the public availability of selection decisions and reasoning of the selection as well as availability of annulment decisions and its reasoning. Findings suggest that upon a successful completion of the application procedure, selection decisions are publicly available on the website of relevant institutions across all sampled institutions. However, these decisions only include the name(s), overall points obtained by the successful candidate(s), and a recommendation of the Selection committee. Former applicants consider that this made the process non-transparent because it was not clear how other candidates stand in comparison to the successful candidate/s.¹⁴⁹ If, in case an open completion announcement is annulled, research shows that such decision is made publicly available across all institutions. However, the reasoning provided is not always proper.¹⁵⁰ There are registered cases when no reason at all is provided, exclusively concerning internal public competition. This resulted in Kosovo being assessed with average score (2/4) for both these elements. Along the same line, former applicants claimed to have observed this in their application experience.¹⁵¹

Research also finds that administrative bodies only comply with the minimum legal requirements and do not place effort into promoting the announcements to the public proactively. Former applicants stated that they informed themselves mostly by regularly visiting job portals or the websites of institutions.¹⁵² Furthermore, despite most of the sampled institutions have established social media accounts; administration bodies do not use them proactively as means of advertising competitions. This could be due to absence of legal requirements.

The language used in the call is in general assessed as easy to understand from the audience to which it is addressed. Vacancy announcements for a senior level position are not clearly devoid of bureaucratic language however such positions are filled internally and the audience is likely to understand it. A call for an opening that includes administrative tasks, such as a workplace in the archive or something similar, the language is assessed as understandable, with the exception of the information standards that refer to the law or regulation which regulate the recruitment.

Vast majority of the former applicants consider that there is a practice of publishing calls although the candidate has already been chosen or in certain cases has already started working (have established a work relationship).¹⁵³ Former applicants also recall cases when the calls have been tailored to favour particularly picked candidates. For example, for a job position in the archive, a law or economic degree is required while for the same position in other competitions only secondary education is required. On another case, no work experience is required for legal officer position in the State Prosecutor. On the other hand, although the requirements in the call did not indicate that a particular candidate could be favoured, there were also candidates within civil

¹⁴⁹ Focus group with former applicants in civil service, held in July 2018.

¹⁵⁰ For instance, MI and OPM do provide proper reasoning in accordance with the Regulation in place, but MTI and TAK provide poor reasoning and at time no reasoning at all. In the case of MIE on the other hand, reasoning with regard to annulling decision is proper, but not always.

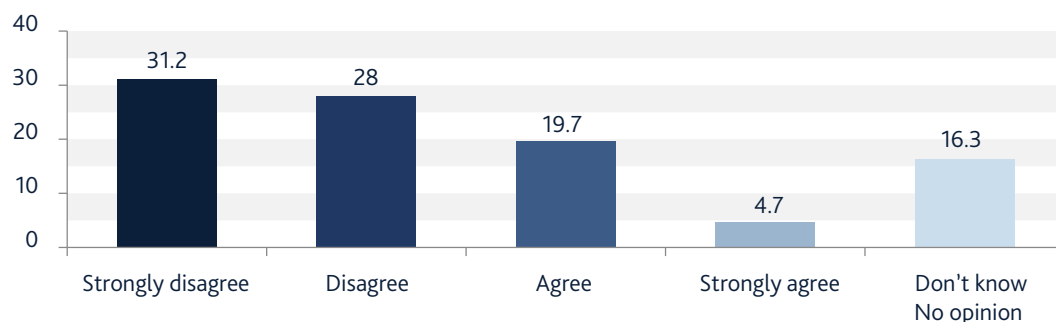
¹⁵¹ Focus group with former applicants in civil service, held in July 2018.

¹⁵² Ibid

¹⁵³ Ibid

service raising doubts that they could have had a purview of the test beforehand. As a conclusion, former applicants consider the recruitment process is not fair and based on merit.¹⁵⁴

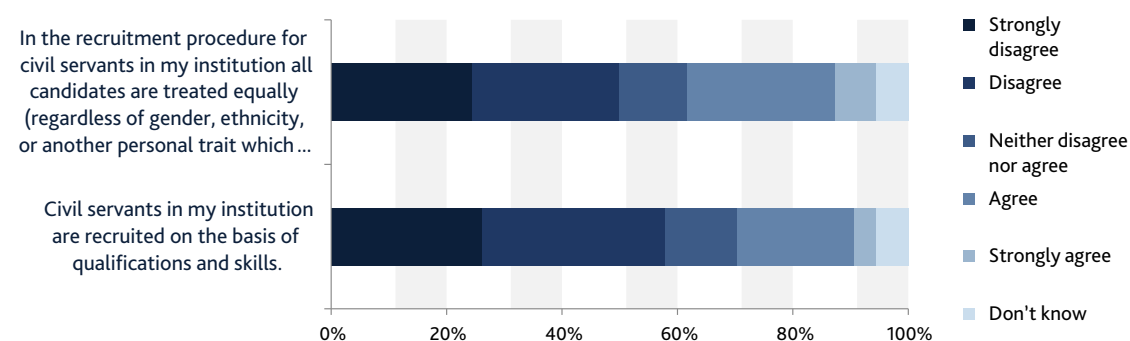
Figure 13. Public servants are recruited through public competitions based on merit (i.e. best candidates are enabled to get the jobs) (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
Base: N=427, n= 427

Despite the fact that the institutions generally uphold recruitment procedures, the survey results show that civil servants display a significant level of scepticism towards the effectiveness of such procedures in terms of the substance of these procedures. Only around a quarter (24.4%) of civil servant “strongly agree” and “agree” that the recruitment procedure is merit-based (Figure 13) whereas only 29% find it non-discriminatory (Figure 14). Besides, only 24.1% of civil servants claimed to “strongly agree” and “agree” believe that public servants are recruited according to their skills and competences (Figure 14). Negative perception of the recruitment procedure can negatively influence the interest of top-quality candidates for pursuing careers in the civil service. Candidates can be discouraged by different stages of the procedure, starting from competition announcement to the selection decision.

Figure 14. Civil servant's level of agreement with the following statements, reflecting their experience in the institution where they work

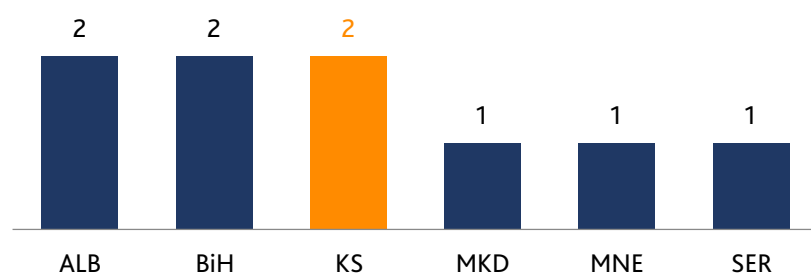


Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
Base: N=427, n=427

154 Ibid

How does Kosovo do in regional terms?

Indicator P3 I1: Openness, transparency and fairness of recruitment into the civil service



Regional PAR Monitor Report with results for all WB countries is available at: www.par-monitor.org

Principle 4: Direct or indirect political influence on senior managerial positions in the public service is prevented

WeBER Indicator PSHRM P4 I1: Effective protection of senior civil servants' position from unwanted political interference

Indicator elements	Score
The Law prescribes competitive, merit-based procedures for the selection of senior managers in the civil service.	1/2
The law prescribes objective criteria for the termination of employment of senior civil servants.	0/2
The merit-based recruitment of senior civil servants is efficiently applied in practice.	0/4
Acting senior managers can by law, and are, only appointed from within the civil service ranks for a maximum period limited by the Law.	2/4
Ratio of eligible candidates per senior-level vacancy.	0/4
Civil servants consider that the procedures for appointing senior civil servants ensure that the best candidates get the jobs.	0/2
CSOs perceive that the procedures for appointing senior civil servants ensure the best candidates get the jobs	0/2
Civil servants perceive that senior civil servants are appointed based on political support	0/2
Existence of vetting or deliberation procedures on appointments of senior civil servants outside of the scope of the civil service legislation.	2/2
Civil servants consider that senior civil servants would not implement and can effectively reject illegal orders of political superiors.	0/2
Civil servants consider that senior civil service positions are not subject of political agreements and "divisions of the cake" among the ruling political parties.	0/2
Civil servants perceive that senior civil servants are not dismissed for political motives	0/2
Civil servants consider the criteria for dismissal of senior public servants to be properly applied in practice	0/2
CSOs consider senior managerial civil servants to be professionalised in practice.	0/2
Civil servants perceive that senior civil servants do not participate in electoral campaigns of political parties	0/2
Share of appointments without competitive procedure (including acting positions outside of public service scope) out of the total number of appointments to senior managerial civil service positions.	4/4
Total	9/40
Indicator Value (0-5)	1

The scope of civil service in Kosovo formally includes the positions in the tier below the minister or the equivalent and classifies them as senior-level management (SMP). Direction and supervision of the appointment system in Kosovo is regulated by secondary legislation¹⁵⁵ more precisely, the Regulation No. 06/2010 on the Procedures for Appointments to Senior Management Positions. WeBER monitoring in this indicator started from SIGMA's assessment on legal framework regulating recruitment of senior civil servants which assesses the "Adequacy of the legislative framework for merit-based recruitment for senior civil service positions" with 10 out of 15 points.¹⁵⁶

The selection process of senior level managers is managed by an ad hoc created Criteria Assessment Commission (CAC), appointed by the Minister of Public Administration. The commission consists of three secretary generals and two external experts, one from civil society and one from academia. The CAC is obliged to propose to the MPA a list of the three best candidates, which then latter submits to the employing institution. The head of the institution withholds the right to propose for nomination any of the three shortlisted candidates. This said, there are no additional vetting or deliberation procedures nevertheless, the role of the head of the institution in the appointments of senior civil servants undermines professionalisation of the recruitment process. Similarly, SIGMA Report finds that the regulations do not provide sufficient safeguards to prevent potential political influence. Application in practice of recruitment procedures for the senior civil service however is assessed very poorly (0 points). More precisely, the report highlights that not necessarily the highest-ranked candidates end up being appointed.¹⁵⁷

The Regulation on the Procedures for Appointments to Senior Management Positions in the Civil Service also regulates the procedure for selecting acting senior level managers. According to this regulation, acting senior level managers are selected without any competition process, for a maximum duration of three (3) months. The position can be filled for more than three months only in cases when the jobholder is absent for health related reasons.

Yet, the maximum period the position can be filled by the acting person in those circumstances is not regulated. The heads of institutions shall appoint as acting senior manager, the first subordinate officer or when there are a number of subordinate officers of the same rank, then the officer that usually substitutes for the senior manager during short absences.¹⁵⁸ This suggests that the acting positions according to the regulation should be filled from within the civil service. However, justification for the final selection is not required.¹⁵⁹ The regulation of the appointment is vague as it provides no stipulations for appointments in cases of more than one subordinate officer of the same rank. Also, there are no criteria specified in terms of the previous managerial experience.

Moreover, there are no mechanisms that foresee the implementation of the time limit of acting positions in practice, which makes these position subject to political misuse. Interviewees and experts confirmed that generally in practice there are no consequences if the legal deadline expires and a new person is not appointed.¹⁶⁰ The acting manager often continues performing duties with the same status even after the legal 3 months limit.¹⁶¹

Along the same lines, the interviews with senior civil servants confirm this is the case and some commonly known cases include the Ministry of Health and European Integration where the ACS have been acting much longer than for three months. Some of the reasons highlighted include the delays in recruitment processes and cancellations of the process due to lack of adequate candidates or for non-compliance issues.¹⁶²

155 The Law on Civil Servants 03/L-149, Art.15 states that: "Detailed procedures for appointment to senior management positions shall be determined by a special regulation issued by the Government."

156 SIGMA Report for Kosovo 2017, p.70

157 SIGMA Monitoring Report for Kosovo 2017. P.70. Available at: <http://www.sigmaweb.org/publications/Analysis-of-the-professionalisation-of-the-senior-civil-service-and-the-way-forward-for-the-Western-Balkans-SIGMA-Paper-55-May-2018.pdf>

158 Article 16.2

159 SIGMA Monitoring Report for Kosovo 2017. P.94. Available at: <http://www.sigmaweb.org/publications/Analysis-of-the-professionalisation-of-the-senior-civil-service-and-the-way-forward-for-the-Western-Balkans-SIGMA-Paper-55-May-2018.pdf>

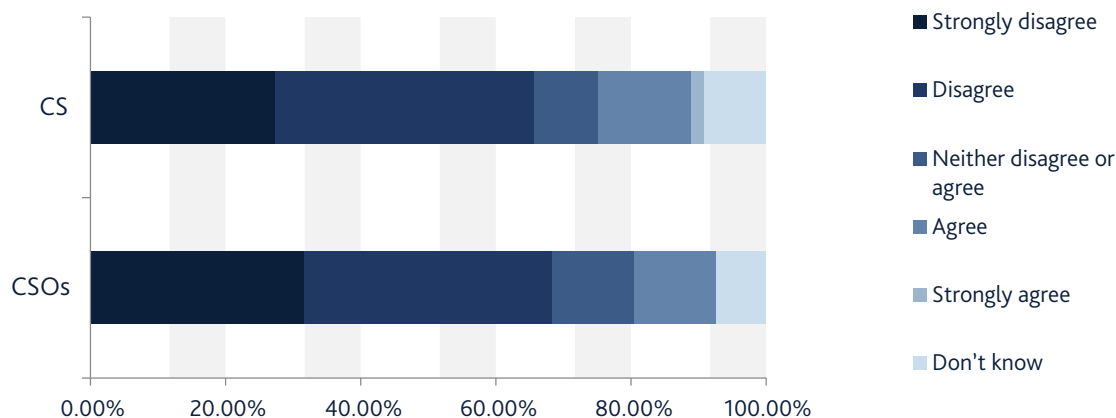
160 Interviews with national PAR experts held during July 2018.

161 SIGMA Report assesses that irrespective that acting positions are not allowed to continue for longer than three months, in practice acting senior civil servants amounted to 8% of all senior civil servants at the end of 2016.

162 Interview with two senior managers (General Secretaries), July 2018.

Moving to the last element based on evaluation of the official data, the assessment of the data acquired from MPA suggest that no senior managerial position appointments have been done without previous competition in the measurement period 01.06.2017 to 31.05.2018. Hence, for this element Kosovo scores maximum points (4/4).

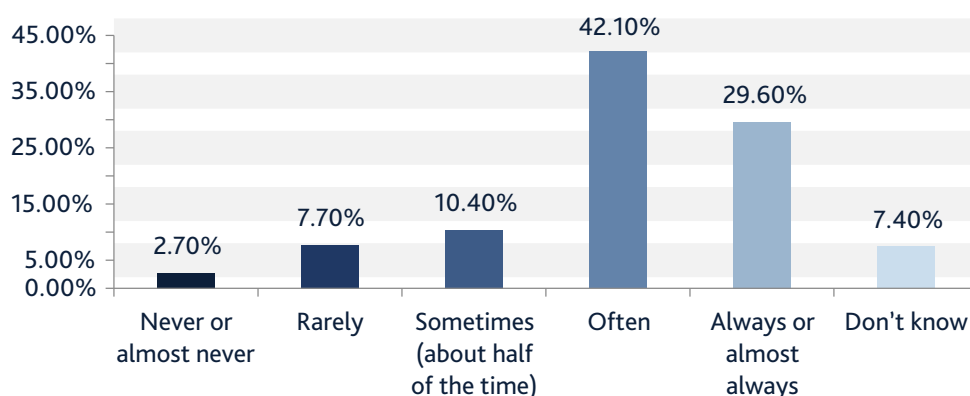
Figure 15. The level of agreement of civil servant's and CSOs about the following statement: "Procedures for appointing senior civil servants ensure that the best candidates get the jobs" (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base for civil servants' survey: N=427, n=297. Base for CSO survey: N= 52, n=41.

Turning to perceptions, there is a prevailing perception of politicisation in the senior civil service as only 18.3 % of surveyed civil servants and 12.2% of surveyed CSOs agree or strongly agree that procedures for appointing senior civil servants ensure that the best candidates get the jobs (Figure 15). Along the same lines, 71% of surveyed civil servants believe that their senior peers often, always or almost always are at least in part appointed thanks to political support (Figure 17).

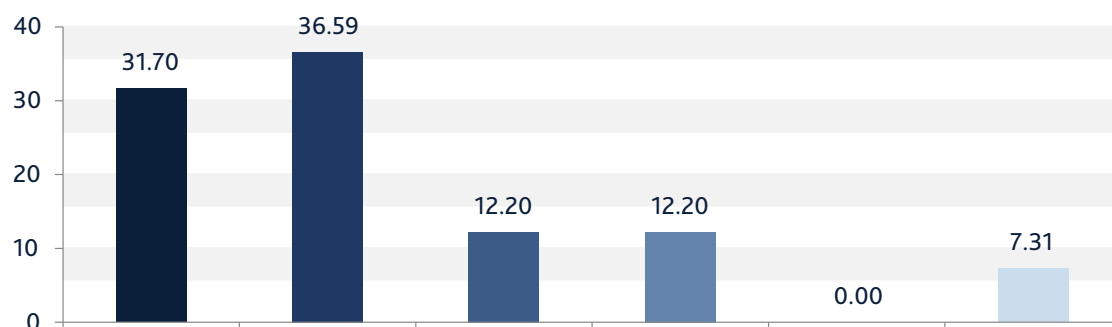
Figure 16. Civil servants perception regarding the appointment of their peers at least in part appointed thanks to political support



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base for civil servants' survey: N=427, n=297.

Moreover, the data regarding the professionalization of the senior managerial civil servants reveal worrisome perception of CSO regarding this matter. None of the surveyed CSOs agrees or strongly agrees, around 10% share a neutral view that the senior managerial civil servants are professional in practice (recruited on merit-basis) (Figure 17).

Figure 17. CSOs level of agreement with the following statement: Senior managerial civil servants are professional in practice (%)

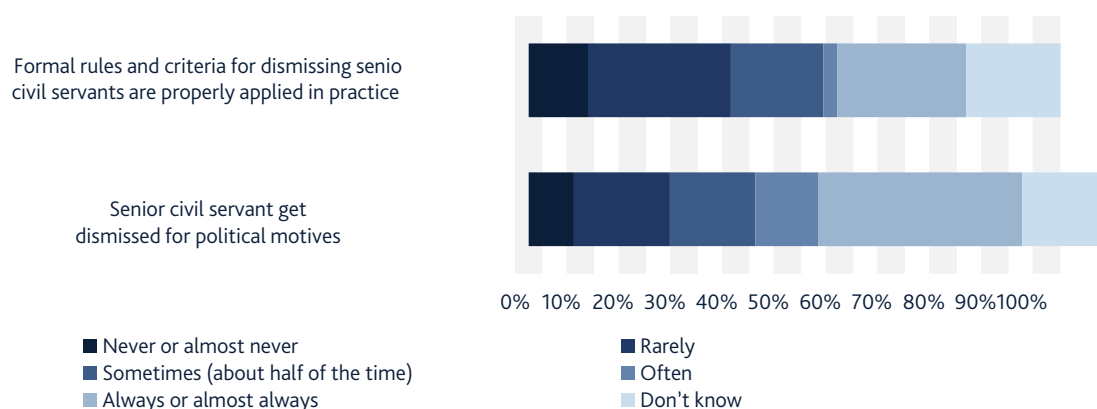


Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base N=427, n=297

The legislation stipulates clear basis for individual dismissals from the civil service.¹⁶³ A disciplinary measure for dismissal could be initiated on the basis of violation of the code of conduct or other regulations, or due to criminal charges. The disciplinary measures can be initiated following two consecutive poor performance evaluation. Finally, restructuring processes can also be the basis for dismissal of civil servants however, the criteria's for dismissal in such cases are not stipulated in the legislation.

In that regard, civil servants share an even more negative perception on motives for dismissal in their institution. More precisely, 51.5% of surveyed civil servants consider 'often or always' and 16.5% consider 'sometimes' that senior civil servant get dismissed for political motives (Figure 18). It should be noted that around 17% of surveyed civil servants don't know, have no opinion or do not want to answer on this matter. Further, only around 28% of surveyed civil servants stated that "often" or "always" or "almost always" formal rules and criteria for dismissing senior civil servants are properly applied in practice.

Figure 18. Civil servant's frequency of observing the following practices in the institution they work.

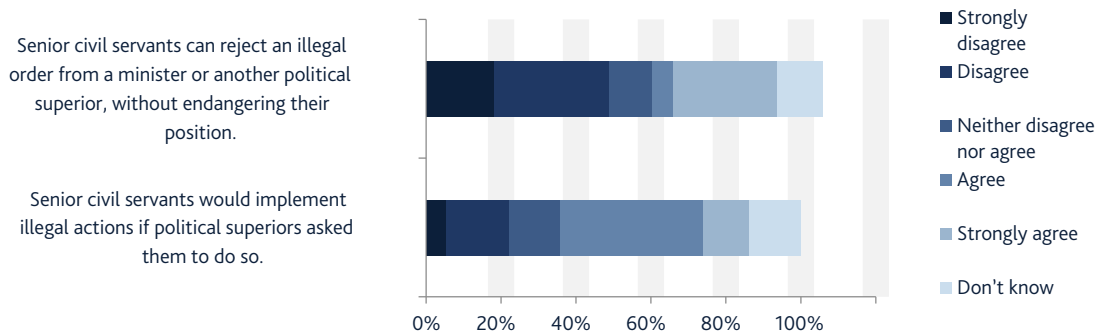


Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base: N=427, n=297

The survey data reveal a negative view of civil servants also when asked to reflect whether senior civil servants would implement illegal orders from political superiors. 50.5% of surveyed civil servants agree or strongly agree that senior civil servants would implement illegal actions if political superiors asked them to do so (Figure 19). Moreover, around half (48.8%) of surveyed civil servants disagree or strongly disagree that senior civil servants can reject an illegal order from a minister or another political superior, without endangering their position (Figure 19). Remarkably, around a third of surveyed civil servants refused to answer, didn't know or had no opinion regarding these questions.

¹⁶³ LCS, Article 87.

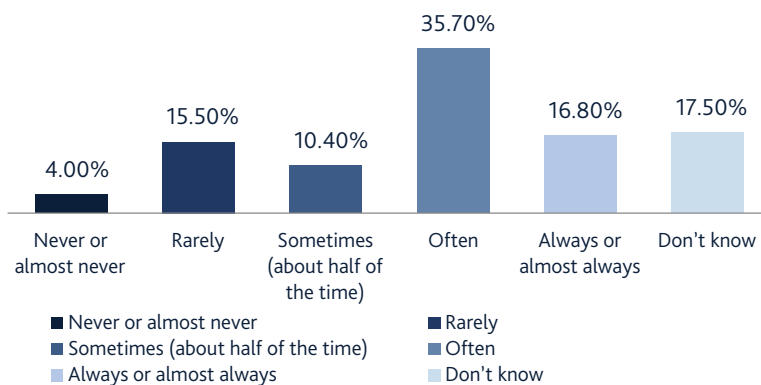
Figure 19. Civil servant's level of agreement with the following statements (%):



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base: N=427, n=297

Finally, data on yet another sensitive question reveals worrisome results; as 52.5% of surveyed civil servants consider that senior civil servants often or always participate in electoral campaigns of political parties during elections (Figure 20). It is of note that 17.5% refused to give or did not have an opinion on this matter.

Figure 20. Civil servant's level of agreement with the following statement: "In my institution, senior civil servants participate in electoral campaigns of political parties during elections..."



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base: N=427, n=297

WeBER Platform members' findings

GAP Institute has assessed the progress of implementation of SMPA for the period 2015-2017. Regarding the progress on reforms for the strategic objective on civil service findings are as following:

Out of 18 activities, the report finds that 8 are finished, 7 are in process and 3 have not started.

The process of finalizing the job classification has slowed down, especially in central institutions and independent agencies, and this delay was affected by the Judgment of the Constitutional Court on the Independent Institutions of Chapter XII of the Constitution, through which it pronounces not constitutional Administrative Circular 01/2016 of the AEMs for the implementation of the Regulation on Classification of Workplaces and Catalogue of Work Sites in the Civil Service.

The process of integrating personnel data into institutions employing civil servants from physical files to the Human Resource Management Information System (EMIS) is continuing very slowly and consequently to date only 35% of all institutions- at central and local level have conducted this process;

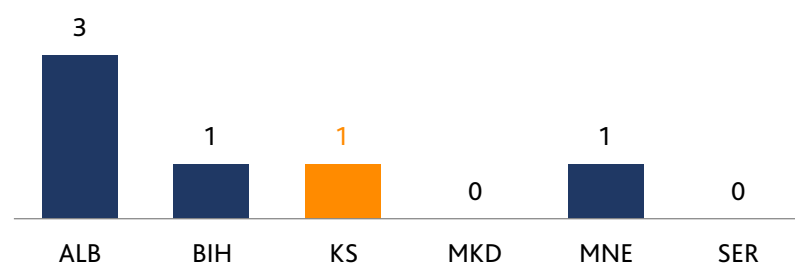
Drafting of the Law on Public Officials to replace the Law on Civil Service was highly evaluated and its adoption in the Government was scheduled for June 2018;

The classification of jobs and the harmonization according to the job market for the part of the institutions that have carried out this process is not being implemented, as a result of the lack of budget which is estimated to be around 3.5 million euros per year.

GAP Institute, 2018, "Monitoring of the implementation of SMPA for the period December 2015-December 2017"

How does Kosovo do in regional terms?

Indicator P4 I1: Effective protection of senior civil servants' position from unwanted political interference



Regional PAR Monitor Report with results for all WB countries is available at: www.par-monitor.org

Principle 5: The remuneration system of public servants is based on the job classification; it is fair and transparent

WeBER Indicator PSHRM P5 I1: Transparency, clarity and public availability of information on the civil service remuneration system

Indicator elements	Score
The civil service remuneration system is simply structured.	0/4
The civil service salary/remuneration system foresees limited and clearly defined options for salary supplements additional to the basic salary.	0/4
Information on civil service remuneration system is available online.	0/6
Citizen friendly explanations or presentations of the remuneration information are available online.	0/2
Discretionary supplements are limited by legislation and cannot comprise a major part of a civil servant's salary/remuneration.	0/4
Civil servants consider the discretionary supplements to be used for their intended objective of stimulating and awarding performance, rather than for political or personal favouritism.	0/2
Total	0/22
Indicator Value (0-5)	0

A simple and clear-cut structure of the remuneration system is one of the first preconditions to achieve transparency as it allows the public to see and understand how the different categories of civil servants are paid. WeBER defines simplicity of the structure to mean that all elements of the salary structure are defined in the legislation, including their concrete values. This is one of the few indicators where Kosovo scores 0 points for all elements.

Research on Kosovo's remuneration system of public servants has revealed that it is not predominantly simply structured, and supplements are not clearly defined and limited. That is so because Law on Salaries of civil servants which is currently formally in force is not being implemented.¹⁶⁴ This horizontal law applies only to civil servants (around 18,000), and not to other categories of employees in public sector that receive direct salaries from the Kosovo budget. As a result, the salaries of civil servants are currently being regulated through 58 legal documents by individual institutions. Most of them are individual decisions or administrative instructions. Therefore, the salary system is not standardized and is highly heterogeneous. It should be noted that the new Law on Salaries aims to address the abovementioned issues.¹⁶⁵

Article 6 of the current Law on Salaries offers the classification of functional categories of civil servants, with the corresponding salary grades (a total of 14). It also envisages the numbers of salary steps per each category. However, the Law does not itself contain the coefficients for the grades and steps, but leaves this to the bylaw¹⁶⁶ on the Classification of Jobs in Civil Service which provides a table with all coefficients. Regulating coefficients in a bylaw, however, makes it possible to change the structure quickly and easily. What is positive is that the "value of coefficient" (i.e. value within which the set coefficients are multiplied) is foreseen to be set in the Annual Budget Law (ABL). Nevertheless, the determination of the coefficient value by the Government is not regulated by law.¹⁶⁷

WeBER monitoring is also informed by SIGMA's latest assessment regarding the public availability of information about the remuneration system. Regarding discretionary supplements, SIGMA's assessment on civil service remuneration system also reveals the dire situation with regard to online availability of salary information and legislative framework on discretionary supplements for civil servant. Likewise, in line with our findings SIGMA report assesses the "availability of

¹⁶⁴ Interview with MPA official, held in July, 2018.

¹⁶⁵ Available at: <http://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=40400>

¹⁶⁶ Regulation No. 05/2012 on Classification of Jobs in Civil Service, Article 27

¹⁶⁷ Draft Concept Document on Salaries paid by the Budget of the Republic of Kosovo.

salary information" with 0 points out of a total of 3.¹⁶⁸ Expert review of the official website shows that, although salary coefficients are evident in the public competition announcement, information on the salary expressed in EUR is not found. It should be duly noted that the article 16 of the Regulation on Recruitment Procedures in Civil Service, responsible for regulating the content of the public announcement does not foresee such information expressed in currency value. Instead, it only requires that the announcement should include information with regard to "functional category and position rank based on job position classification standards, which are used in Kosovo Civil Service"¹⁶⁹

Stimulation of managers via performance-related elements nevertheless it of high importance that they are very clearly limited and carefully used, otherwise can substantially distort the transparency and predictability of the overall remuneration system for civil servants. In addition, WeBER uses SIGMA's assessment to monitor the use of bonuses (or other performance pay tools),¹⁷⁰ but complements it with the perception of civil servants regarding the use of bonuses. The criteria included in the secondary legislation (Regulation No. 33/2012 on Allowances in Salaries and Other Compensations for Civil Servants) for determining such supplements are not clearly specified and allow for broad managerial discretion.¹⁷¹ In addition since neither the law nor relevant regulation indicate that the percentage of bonuses in total remuneration is below 20%, no reference with regard to that is found in the SIGMA Report. To that end, civil servant survey results in Table 10 indicate that only 26% of respondents showed positive affirmation towards the statement that bonuses or increases in pay grades are used by managers only to stimulate or rewards performance, whereas around 50% consider that political and personal connections 'often' or 'always' help employees to receive bonuses or increase in pay grades.

Table 10. Civil servant's agreement with the following statements:

	Strongly disagree	Disagree	Neither disagree nor agree	Agree	Strongly agree	Don't know
Bonuses or increases in pay grades are used by managers only to stimulate or rewards performance	26.20%	29.40%	7.70%	5.60%	25.90%	10.80%
	Never or almost never	Rarely	Sometimes (about half of the time)	Often	Always or almost always	Don't know
Political and personal connections help employees to receive bonuses or increase in pay grades	16.08%	7.69%	10.84%	23.43%	22.38%	19.58%

Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
Base: N=427, n=286

168 SIGMA Monitoring Report for Kosovo 2017. P.74. Available at: <http://www.sigmaweb.org/publications/Analysis-of-the-professionalisation-of-the-senior-civil-service-and-the-way-forward-for-the-Western-Balkans-SIGMA-Paper-55-May-2018.pdf>

169 Regulation No.02/2010 on Recruitment Procedures in Civil Service. Article 16.1.3. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8288> and Law No. 03/L-149 on Civil Service of the Republic of Kosovo. Article 16.1.3. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10527>

170 Scores from SIGMA's indicator 3.5.1, sub-indicator 6: Managerial discretion in the allocation of bonuses are used to calculate this element. SIGMA's methodology: Expert review of legislation supplemented with the analysis of one source of quantitative data: Percentage of bonuses with respect to total gross annual salary by professional category. The proportion can be slightly higher in high-level positions and lower in professional positions without managerial responsibility, but it should not go beyond 20% of the total salary, on average.

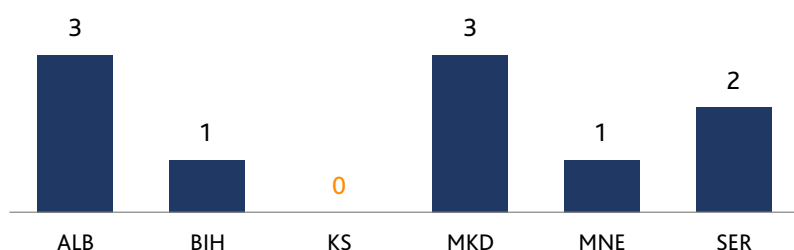
171 SIGMA Monitoring Report of 2017 for Kosovo. P. 73, footnote 313. Available at <http://sigmaweb.org/publications/Monitoring-Report-2017-Kosovo.pdf>

According to SIGMA Report, the Independent Oversight Board (IOB) reports also identify several irregularities related to salary supplements that violate the principle of equal pay for an equivalent job.¹⁷² There are cases when civil servants are reported to receive additional supplements of over 50% of their base salaries, in conflict with Regulation No. 33/2012. Finally, the report notes that labour market supplements are in some cases awarded to civil servants in the jobs for which the supplement was not intended (information technology, engineers, etc.).

Finally, WeBER then further analyses if there are any citizen-friendly explanations or other information about the remuneration for civil servants. The search of the MPA website yielded no results with regards to explanations and descriptions of the salary system for civil servants. The website contains legislation as well as administrative documents aimed at collecting and categorising information for the ongoing reform of the salary system in the wider public administration system.

How does Kosovo do in regional terms?

Indicator P5 I1: Transparency, clarity and public availability of information on the civil service remuneration system



Regional PAR Monitor Report with results for all WB countries is available at: www.par-monitor.org

Principle 7: Measures for promoting integrity, preventing corruption and ensuring discipline in the public service are in place

WeBER Indicator PSHRM P7 I1: Effectiveness of measures for the promotion of integrity and prevention of corruption in the civil service

Indicator elements	Score
Integrity and anti-corruption measures for the civil service are formally established in the central administration.	4/4
Integrity and anti-corruption measures for the civil service are implemented in central administration.	2/4
Civil servants consider the integrity and anti-corruption measures as effective.	0/2
CSOs consider the integrity and anti-corruption measures as effective.	0/2
Civil servants consider that the integrity and anti-corruption measures are impartial.	0/2
CSOs consider that the integrity and anti-corruption measures in state administration are impartial.	0/2
Civil servants feel they would be protected as whistle blowers.	0/2
Total	6/18
Indicator Value (0-5)	1

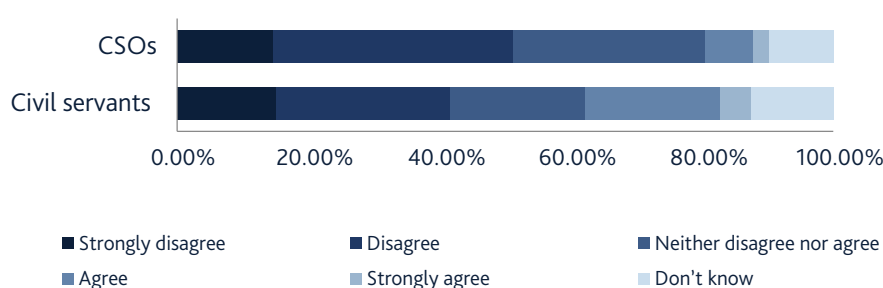
Results from SIGMA expert assessments on the anti-corruption measures for the public service, as well as perception-based survey on the perceptions of civil servants and the civil society show mixed outcomes. For a start, the results for SIGMA's indicator on integrity of public servants, which among others measures the extent to which legal framework and organizational structures

¹⁷² SIGMA Monitoring Report of 2017 for Kosovo.

promote public sector integrity, shows that Kosovo government has achieved 75% (9/12) of their objectives on legal framework for public sector integrity. As a result Kosovo scores maximum points under this element. The report confirms that the completeness of the legal framework for public sector integrity has been fully achieved. Nevertheless, noticeable shortcomings related to conflicts of interest and whistle-blowing are evident. Moreover, it is assessed that the law it is not clear about the authorities responsible to enforce the law. The report also finds that the existence of a comprehensive public sector integrity and action plan is still halfway (2/4), whereas the implementation of public sector integrity policy is not yet fully utilized (2/3), resulting in Kosovo scoring average score (2/4 points).

Nevertheless, survey results suggest that civil servants and CSOs share a rather doubtful opinion regarding the effectiveness of the legal framework for public integrity in place (Figure 21). It should be noted that CSOs hold a much more sceptic opinion. As such, only a quarter (25.4%) of civil servants "strongly agree" or "agree" that the integrity and anti-corruption measures in place in their institution are effective in achieving their purpose, what seems like a positive perception in comparison to only 9.8% of CSOs that claimed to agree that integrity and anti-corruption measures in place in the state administration are effective in achieving the same purpose.

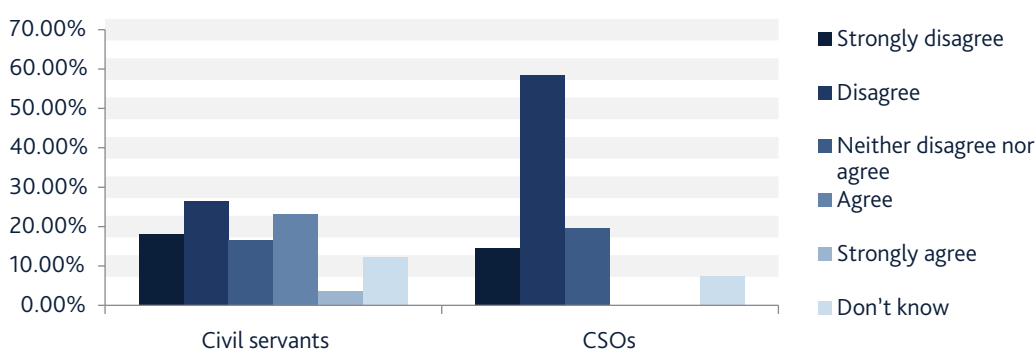
Figure 21. CSOs and civil servant's level of agreement on effectiveness of integrity and anti-corruption in achieving their purpose (in institution the currently work).



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base for civil servants' survey: N=427, n=427. Base for CSO survey: N= 52, n=41.

Moreover, civil servant survey showed that 26.8% of civil servant affirmed that the integrity and anti-corruption measures in place in their institutions are impartial. On the other hand, not a single CSO (0%) showed any level of agreement towards the statement that Integrity and anti-corruption measures in place in the state administration are impartial (Figure 22).

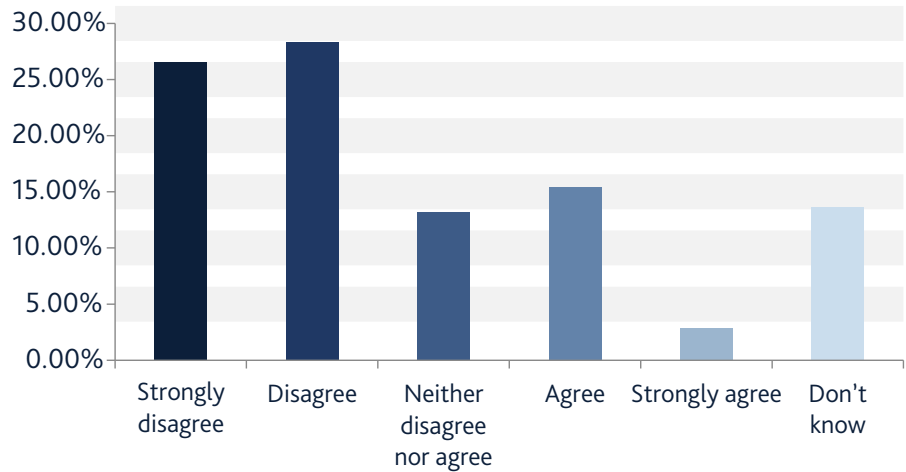
Figure 22. CSOs and civil servants perception on the impartiality of integrity and anti-corruption measures



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base for civil servants' survey: N=427, n=272. Base for CSO survey: N= 52, n=41.

To the extent of the levels of poor perception with the regard to impartiality and effectiveness of integrity and anti-corruption measures, only a portion (18.4%) of civil servants feel protected if they were to become a whistle-blower.

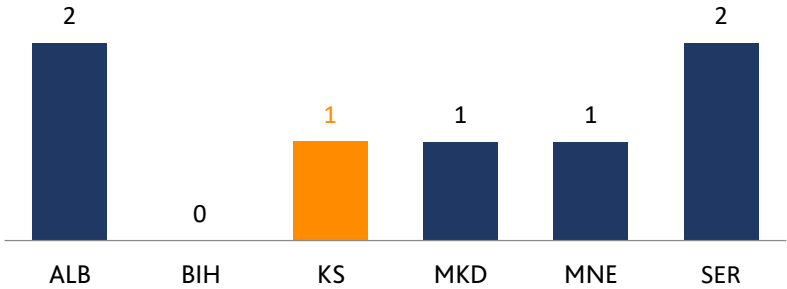
Figure 23. Civil servants level of agreement regarding the following statement: If I were to become a whistle-blower, I would feel protected.



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. Base for civil servants' survey: N=427, n=272.

How does Kosovo do in regional terms?

Indicator P7 I1: Effectiveness of measures for the promotion of integrity and prevention of corruption in the civil service



Regional PAR Monitor Report with results for all WB countries is available at: www.par-monitor.org

4.5. Summary results: Public Service and Human Resource Management

Under PSHRM area, WeBER monitors public availability of information, transparency of procedures and also explores civil servants' and CSOs' perceptions regarding the public service professionalism and integrity and the merit character of recruitment. The HRM Information System (HRMIS) has been set up to function as the central register for all public employees, as well as the information system for HR management. Yet it is still yet possible to use the system to report on civil service indicators in practice. Nevertheless, Government has established the practice of reporting basic data on civil service under the Annual Reports on the State of Civil Service in Kosovo. The data on the report is segregated based on gender, ethnicity and education level, but no data segregation is done at the level of functions or types of institutions. No data are available for non-career civil service positions either. The most notable report, the 2016 report covers five key issues: planning and recruitments, career development, trainings, disciplinary measures, and appraisals. Content wise, the report provides general information on the quality and outcomes for public service, albeit not substantiated with evidence or independent sources. Data from the annual reports however are not made available in open format and are not actively promoted to the public through either social media or press releases.

The Law on Civic Service (LCS) stipulates that temporary vacancies should be covered through the so-called Special Service Agreements (SSA) for periods of up to six months. Nevertheless, civil servants report that temporary engagement contracts often get extended for over a year. They also perceive that this form of engagement is common in their institutions, and that temporary staff performs tasks which should normally be performed by civil servants. Criteria for the selection of temporary employees are not specified in the LCS. The law only specifies that SSA are to be regulated by the Law on Obligations and a simplified recruitment procedure must be applied.

Concerning admissions to civil service, Kosovo has a decentralized system of recruitments meaning recruitments are carried individually by each institution. As for the accessibility and availability of open calls, prospective candidates for jobs in the civil service can find information on available vacancies through up to three easy accessible, legally prescribed channels. More precisely, all sampled institutions publish their public competition on printed version of daily press. Yet they lack efforts to promote public competitions through modern tools such as social media. The calls follow a standardized model in structure and are drafted in a simple, clear and understandable way but lack visual explanations.

Findings suggest that the application procedure generally imposes minimum administrative and paperwork burden on candidates, and public competition announcement contains none of what the methodology considers as unreasonable barriers for external candidate. The regulations note that the application procedures include a written test and an interview, and not more than five documents required for the submission of the application. All documents should be submitted at first, and candidates are not allowed to supplement missing documentations. Selection decisions are publicly available on the website of relevant institutions across all sampled institutions but only include the name(s) the overall points obtained by the successful candidate(s), and a recommendation of the Selection committee. According to former candidates, this makes the process non-transparent, as it is not clear how other candidates stand in comparison to the successful candidate/s. The notifications for annulment of the competition are publicly available yet the reasoning provided is in most cases not proper.

Political influence continues to be an issue. The regulations do not provide sufficient safeguards to prevent political influence in the recruitment of the senior civil service. Moreover, application in practice of recruitment procedures is assessed very poorly. Survey data suggest that civil servants in general perceive the appointment to be largely reliant on political support. There are no additional

vetting or deliberation procedures on recruitment of senior level managers nevertheless, the role of the head of the institution in the appointments of senior civil servants undermines professionalisation of the recruitment process. Extension of acting positions additionally hampers the merit principle, as individuals are being kept in the acting status for a period longer than legally prescribed without consequences, dependent on political decision-making, and with a lack of chances for appraisal or promotion.

There is a widespread perception of politicisation in the senior civil service among both civil servants and civil society organisations. Also electoral process is perceived to often impact the work of senior civil servants and their dismissal. Yet, around 17% of surveyed civil servants don't know, have no opinion or do not want to answer on this matter.

Acting senior level managers are appointed internally, more precisely, the heads of institutions shall appoint as acting senior manager the first subordinate or the officer that usually substitutes for the senior manager in cases of more than one subordinate officer. The duration of the acting position is limited to a maximum of three months which in certain cases can be extended for additional three months. In practice there are cases when the acting position is extended for longer than legal limit. Some of the reasons noted by MPA representatives include the delays in recruitment processes, cancellations of the process due to lack of adequate candidates or for non-compliance issues.

Research on Kosovo's remuneration system of public servants has revealed that it not predominantly simply structured and supplements are not clearly defined and limited. That is because Law on Salaries, which is currently formally in force, is not being implemented. As a result, the salaries of civil servants are currently being regulated through 58 legal documents by individual institutions. Most of them are individual decisions or administrative instructions. What is more, data on the salaries of civil servants are not publicly available online. Likewise, salary supplements are not clearly specified and allow for broad managerial discretion. In practice, turning to perceptions, around a quarter of surveyed civil servants consider that their managers use bonuses or increases in pay grades for reasons additional to stimulating and rewarding performance and that political and personal connections help employees to receive bonuses or increases in pay grades.

Regarding formal integrity and anti-corruption measures in the civil service, research suggests they are in place but the implementation remains deficient. Also noticeable shortcomings related to conflicts of interest and whistle-blowing are evident. The results of the survey conducted with civil servants and CSOs suggest that they share a rather doubtful opinion with CSOs holding a much more sceptic opinion. More precisely, only around a quarter (25%) of civil servants and less than 10% of CSOs agree that integrity and anti-corruption measures in place in the state administration are effective in achieving the same purpose. Whereas none of the CSOs considers them as impartial. In the end, only a portion of civil servants feel protected should they decide to disclose information about unethical behaviour in their organisations.

4.6. Recommendations for Public Service and Human Resource Management

The Government keeps incomplete official data about the number and structure of employees in the civil service, which impacts the HRM policy planning and policy making and contributes to incomprehensible and fragmented staff management in the central state administration. The HRM Information System (HRMIS) has been set up to function as the central register for all public employees, as well as the information system for HR management. However, it is not yet possible to use the system to report on civil service indicators in practice. It is necessary that the new ongoing legal changes related to civil service (CS) should amongst other lead to improvements on the content of the Annual Reports on CS and make the general statistics on civil service publicly available.

- 1) HRMIS should be implemented in all public institutions and all the data should be uploaded on regular basis. The Government needs to ensure mechanisms for obliging these institutions to actively contribute to the data collection on the civil service system.
- 2) The data on the Annual Reports on Civil Service in addition to aggregate level, should be reported on municipal level, per institution, or at least type of institution. The data segregated based on gender, ethnicity and education level should be also done according to the level of functions or types of institutions.
- 3) The Annual Report on Civil Service should include data on all forms of temporary engagements in the civil service. The data should follow the current structure of the data on civil servants, with additional fields on the type and duration of the temporary contract. This will allow for better understanding of the state of play in the civil service.
- 4) Statistical data on the civil service should be publicly available, including in open data formats (excluding the data or parts that contain personal information). This can be done either via functionalization of HRMIS or through web page of the MPA as well as the Open Data Portal. Data should be available for download and they should be machine readable.

Although the DCSA is tasked with co-ordinating and supervising the implementation of CSL and HRM procedures, the CSL does not explicitly stipulate the competences and authority of the DCSA. In particular, there is no obligation in CSL for the public institutions to provide information to the DCSA which consequently weakens the role of the Department in relation to the HRM units.

- 5) The Government should enact a special Regulation on the HRMIS. The Regulation should explicitly prescribe the frequency and methods of updating the Registry, its management, monitoring as well as the sanctions for bodies that do not comply with the CSL and the Regulation. Furthermore, the Regulation should state explicitly the designated authority (DCSA) responsible for ensuring accuracy and regular update of the HRMIS. This body will have a role in monitoring and taking measures against institutions which do not respect the legal requirements.

The Government institutions produce and publish annual reports on the HRM policy, but reporting is moderately comprehensive with 2016 being considerably improved. All-encompassing reports on the state of play in the civil service would serve for better HRM policy planning, making and implementation.

- 6) **The HRMS should produce and publish comprehensive annual reports on the implementation of laws and policies pertaining to the human resource management in the civil service.** In addition to quantitative elements, the reports should contain outcome-oriented components that would address the quality of work of the civil service and assessment of whether it has become more or less professionalised, depoliticised, as well as whether capacities have improved or not.
- 7) The Government and the MPA should **actively promote reports on the CS** through most popular nation-wide means, such as webpages, social media, press releases or media statements.

Recruitment into the civil service does not ensure that the best candidates get employed. To improve transparency, openness and fairness of the recruitment, and thus comply with the merit-based principle, practices should be improved starting from advertising the vacancy to the decision on the outcome of the selection process.

- 8) **State administration bodies should advertise public vacancies through social media channels. The institutions advertising vacancies should introduce subscription options and advanced search engines on their respective web pages, for filtering vacancy announcements.** Applying these methods would ensure a wider reach of potential candidates and raise the chances of a successful recruitment process.
- 9) **State administration bodies should invest effort in making public competition calls more understandable to external candidates.** They should translate the language of the calls into an even more simpler and clear language, include visual elements such as info graphics or videos explaining the steps in the recruitment process, as well as publish a FAQ sheet clarifying most challenging questions based on the previous practice. This sheet should be updated regularly as candidates send new requests for clarification, so that all interested are timely informed. All this will incentivise external candidates to apply and ensure that they understand the job description and all requirements for applying. On the long run, this will ensure more successful recruitment process.
- 10) **The document submission stage should impose minimum administrative and paperwork burden on candidates.** It should be organised in at least two phases, with only basic documents (such as the cover letter, CV, ID and birth certificate), requested in the first instance. Candidates should be allowed to supplement missing documentation within at least 5 working days.
- 11) **Specific elements of the recruitment procedure should be improved to guarantee a fully impartial and unbiased selection of the candidates.** First, candidates should be ranked based on the complete testing process and not solely on interviews. Second, the list of all candidates should be published in the final selection notification in contrast to the current practice of only publishing the name of the selected candidate. Third, the annulment notification should include explicit and clear reasons for annulment of the call. It is particularly important that institutions annul calls only if it has legal basis and this must be clearly specified in the notice.

Efforts are lacking to make the information on the civil service remuneration system fully transparent, clear and publicly available. Future activities should go in the direction of increasing public availability of information on the salaries of civil servants.

- 12) **The web pages of the Government, MPA and respective institutions should contain information on average total salaries per different categories of civil servants.** This information should be accessible in no more than three clicks from the homepage of the institution.
- 13) **All three institutions should provide citizen-friendly explanations or visual presentations of the remuneration information.** These illustrations should be easy to understand and written in a non-bureaucratic language, as well as contained within three clicks from the homepage of the institutions.

Implementation of formal integrity and anti-corruption measures in the civil service remains a challenge and civil servants fear of consequences of disclosing information about unethical behaviour in their organisations.

- 14) **Central state administration bodies should continuously promote the whistle blower protection system to their employees.** This can be done through in-house awareness raising workshops across the administration, reader-friendly brochures and counselling about the possibilities given to whistle blowers, including real-life cases and examples.

5. ACCOUNTABILITY

5.1. WeBER indicators used in Accountability and country values for Kosovo

P2 I1: Civil society perception of the quality of legislation and practice of access to public information					
0	1	2	3	4	5
P2 I2: Proactive informing of the public by public authorities					
0	1	2	3	4	5

5.2. State of Play in Accountability Area

Basic mechanisms of organisational accountability in central government are assessed to be mostly in place.¹⁷³ The right of access to public documents is guaranteed by the Constitution. The main law regulating this right is Law No. 05/L -215 on Access to Public Documents which was initially adopted by Parliament in 2007 and amended in 2010.¹⁷⁴ The Law on Access to Public Documents (LAPD) defines public document as any official document. An official document according to LAPD includes but is not limited to, all information recorded in any form, drawn and received by the public institutions. An Official Document is any official letter serving to prove or establish something, regardless its physical form or characteristics, written or typed text, maps, etc. stored in magnetic or electronic form as a sound or voice, any form of optical or visual recordings etc.¹⁷⁵ As a result citizens can request only information that is already recorded in certain formats and if certain information is not recorded the right to access public documents cannot be realized. For instance, the relevant authorities have confirmed that the CSOs have participated in the consultation process for SMPA. Nevertheless, there is no institutional memory that proves that. As a result, the right to access public documents cannot be exercised.

The LAPD stipulates that applications for access may be submitted in any form, including e-mail. It also specifies that the requests should be processed in 7 days and can be extended up to 15 days.¹⁷⁶ The applicants are not obliged to state the reasons to have access to documents whereas institutions are allowed to ask for clarifying the application in cases when its not sufficiently precise.¹⁷⁷ Article 12 of the LAPD defines the exceptions from the right of access to documents.¹⁷⁸ Also, the law stipulates that the documents shall be supplied in a format to applicant's preference, including electronically or in an alternative format such as Braille alphabet, large print or tape.¹⁷⁹

In terms of costs, documents can be accessed free of charge in the premises of the institution with few exceptions.¹⁸⁰ The law also states that the cost of the copy of an official document may be covered by an applicant although it does not precisely state in which cases. The cost of obtaining the documents electronically it is not mentioned in the law, although according to CSO representatives¹⁸¹, most of the documents in practice are obtained electronically. The LAPD also obliges institutions to assign a units or officers that will be responsible for processing applications for access to documents, keeping records and preparing reports in all public institutions.¹⁸² According to SIGMA Report, most public bodies had appointed a contact person until the end of 2016, with the exception of 21, that are yet to appoint a contact person.¹⁸³ Nevertheless, there is still a broad range

173 SIGMA Monitoring Report for Kosovo 2017. Available at: <http://www.sigmaweb.org/publications/Analysis-of-the-professionalisation-of-the-senior-civil-service-and-the-way-forward-for-the-Western-Balkans-SIGMA-Paper-55-May-2018.pdf>

174 Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2724>

175 See Law No. 05/L -215 on Access to Public Documents, Article 3

176 LAPD, Article 7

177 LAPD, Article 6

178 Which according to the law is done only for the purpose of protection of amongst others: national security, defence and international relations, public security, prevention, detection and investigation of criminal activities, privacy and other private legitimate interests etc.

179 LAPD, Article 11 point 6.

180 Consultation of official documents in the public institutions' premises shall be granted free of charge, but does not exclude fees that can be imposed for related services rendered by archives and museums. Costs for a copy of an official document may be covered by an applicant, which shall be reasonable and shall not exceed the real cost for production and the service of a copy.

181 Focus group with civil society organisations, held on July 11th, 2018, in Prishtina.

182 LAPD, Article 5

183 SIGMA Monitoring Report for Kosovo 2017.

of grounds for denying access to public documents.¹⁸⁴ Moreover, despite the legal obligations, the institutions fail to create a list or register of the available documents in their possession and make them public.¹⁸⁵

Based on their legislation on the right to access public documents, Kosovo is ranked 25th country for providing access to public documents in 2017.¹⁸⁶ The EU Country Report for Kosovo (2018) states that the LAPD aims to ensure the right to access public information, but implementation remains uneven.¹⁸⁷ There is no authority that oversees the implementation of the LAPD as to this date the Information Commissioner has not yet been established in Kosovo. According to SIGMA Report, inefficiencies related to practical implementation are evident and it relates to absence of a supervisory authority over the implementation of the LAPD.¹⁸⁸ Although the law stipulates the duties of the OPM related to public information request¹⁸⁹ it does not grant OPM the authority to enforce the right to access to public information. More precisely, OPM does not have the authority to issue binding guidelines and impose sanctions on institutions failing to comply with the LAPD. In 2017, Government of Kosovo has drafted a new Law on Access to Public Documents and Information (LAPDI). The new law foresees access to documents of the public institutions upon a written application form or in electronic form, with exception to information restricted by Law.¹⁹⁰ Moreover, it foresees that the competencies of the second instance in monitoring the LAPD to be transferred to the National Agency for the Protection of Personal Data.¹⁹¹ OPM, in charge for proposing amendments to the LAPD, lead the formal public consultation process for the new law.¹⁹² The main reason behind proposed legal changes derives from the need to eliminate all gaps in the previous legislation and making the law more applicable in terms of content and in terms of legislative technique.¹⁹³ The consultation document shows that all comments included in the table have been accepted. To date, the law has not been approved by the Parliament.

184 Ibid

185 Open Data Kosovo (2017). Openness of Institutions of Executive Power in the Region and Kosovo Proposals for the improvement of a current state. Available at: <https://opennessindex.actionsee.org/storage/files/Kosovo/Executive%20branch/Openness%20of%20institutions%20of%20executiv%20power%20in%20the%20region%20and%20Kosovo.pdf>

186 Global Right to Information Rating. Available at: <http://www.rti-rating.org/year-2017/>

187 EC Kosovo 2018 Report.

188 SIGMA Monitoring Report for Kosovo 2017.

189 Amongst other collect and publish annual data on FOI, to make recommendations for implementation of the LAPD and to prepare an action plan of measures to be taken by the institutions.

190 Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2724>

191 Available at: <http://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=40291>

192 The consultation process started on 14.12.2017 and ended on 22.12.2017 and the draft law was published online for consultations in Platform for Public Consultations. The public also could submit comments via email. For more details see the consultation document on the Draft Law on Access to Public Documents and Information. Available at: <http://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=40291>

193 The consultation document of the Draft law on Access to Public Documents and Information, available at: <http://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=40291>

The Law on Office Work Administration (LOWA) on the other hand, stipulates the realisation of the right to access public documents. The law establishes an order for administrating official documents, from the initial recording to their final processing.¹⁹⁴ Although each public institution is required to establish a Document Administration Unit, responsible for registration, distribution and maintenance of documents, there is no institution responsible for guiding other government bodies. Kosovo lacks a centralized institution responsible for imposing sanctions in cases when public information is not made public or grant to access public documents is denied without providing legal justification. The only state institution authorized to seek help in cases of denied access to documents is the Ombudsperson. Nevertheless, the Ombudsperson has limited powers hence it does not compensate for lack of a central institution. On the other hand, considering the backlog of cases due to inefficacy of courts and the financial costs incurred by parties, makes courts an ineffective mechanism.¹⁹⁵

The public institutions are also obliged to publish in Official Gazette of Republic of Kosovo, in electronic form; all that is drafted by such institutions and by law can be public. Amongst others, the webpage of the institutions should include information about mission and functions, organizational chart, legislation, data on public activity, services they offer, contact information etc.¹⁹⁶

Finally, the assessment of the openness of core executive power in the Western Balkan region suggests that Kosovo is assessed as one of the worst performers in terms of proactive interaction with citizens. More precisely, more modern means of communication with citizens such as Twitter or Facebook are largely absent or not actively used.¹⁹⁷

5.3. What does WeBER monitor and how?

The SIGMA Principle covering the right to access public information is the only Principle presently monitored in the Accountability area.

Principle 2: The right to access public information is enacted in legislation and consistently applied in practice.

This Principle bears utmost significance from the perspective of increasing the transparency of the administration and holding it accountable by the civil society and citizens, but also from the viewpoint of safeguarding the right-to-know by the general public as the precondition for better administration. The WeBER approach to the Principle does not consider assessment of regulatory solutions embedded in free access to information acts, but it relies on the practice of reactive and proactive information provision by administration bodies. On one hand, the approach considers the experience of civil society with the enforcement of the legislation on access to public information, and on the other, it is based on direct analysis of the websites of administration bodies.

Monitoring is performed by using two WeBER indicators, the first one entirely focusing on civil society perception of the scope of right to access public information and whether enforcement is enabling civil society to exercise this right in a meaningful manner. To explore perceptions, a survey of civil society organisations in Western Balkan was implemented using an online surveying platform, in the period between the second half of April and beginning of June 2018.¹⁹⁸ The uniform questionnaire with 33 questions was used in all Western Balkans ensuring an even

194 Law No. 04/L-184 on Office Work Administration, Article 3. Available at: <https://map.rks-gov.net/getattachment/be-ba5693-99b9-4c04-869a-50bbc431dc26/LIGJI-PER-PROCEDUREN-E-PERGJITHSHME-ADMINISTRATIVE.aspx>

195 SIGMA Monitoring Report for Kosovo 2017. Available at: <http://www.sigmaweb.org/publications/Analysis-of-the-professionalisation-of-the-senior-civil-service-and-the-way-forward-for-the-Western-Balkans-SIGMA-Paper-55-May-2018.pdf>

196 LAPD, Article 16

197 Open Data Kosovo (2017). Openness of Institutions of Executive Power in the Region and Kosovo. Proposals for the improvement of a current state.

198 The survey of CSOs was administered through an anonymous, online questionnaire. In Kosovo, the survey was conducted in the period from 25 April to 4 June 2018. The data collection method included CASI (computer-assisted self-interviewing).

approach in survey implementation. It was disseminated in local languages through the existing networks and platforms of civil society organisations with large contact databases but also through centralised points of contact such as governmental offices in charge of cooperation with civil society. To ensure that the survey targeted as many organisations as possible in terms of their type, geographical distribution, and activity areas, and hence contribute to its representativeness as much as possible, additional boosting was done where needed to increase the overall response. Finally, a focus group with CSOs was organised to complement survey findings with qualitative data. However, focus group results are not used for point allocation for the indicator.

The second indicator has proactive public informing by administration bodies as its focus, particularly by monitoring comprehensiveness, timeliness and clarity of the information disseminated through official websites. In total, 18 pieces of information are selected and assessed against two groups of criteria: 1) basic criteria, looking at completeness, and whether information is up to date, and 2) advanced criteria, looking at the accessibility and citizen friendliness of the information.¹⁹⁹ A search of information is conducted through the official websites of the sample of seven administration bodies consisting of three line ministries - a large, a medium, and a small ministry in terms of thematic scope, a ministry with a general planning and coordination function, a government office with centre-of-government function, a subordinate body to a minister/ministry and a government office in charge of delivering services.²⁰⁰

199 Exceptions being information on accountability lines within administration bodies, which is assessed only against the first group of criteria, and information available in open data format which is assessed separately.

200 For Kosovo, the sample included Ministry of Education, Science and Technology, Ministry of Health, Ministry of Diaspora and Strategic Investments, Ministry of Finance, Prime Minister's Office, Tax Administration and Kosovo Business Registration Agency.

5.4. WeBER Monitoring Results

Principle 2: The right to access public information is enacted in legislation and consistently applied in practice

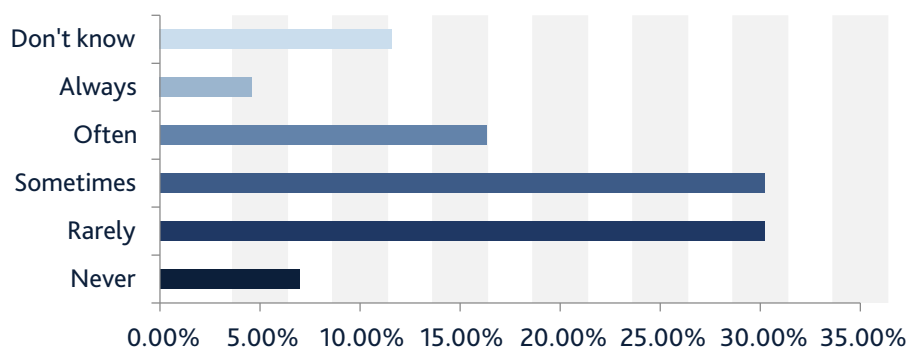
WeBER indicator ACC P2 I1: Civil society perception of the quality of legislation and practice of access to public information

Indicator elements	Scores
CSOs consider that the information recorded and documented by public authorities is sufficient for the proper application of the right to access public information	0/4
CSOs consider exceptions to the presumption of public character of information to be adequately defined	1/2
CSOs consider exceptions to the presumption of public character of information to be adequately applied	0/4
CSOs confirm that information is provided in the requested format	1/2
CSOs confirm that information is provided within prescribed deadlines	1/2
CSOs confirm that information is provided free of charge	2/2
CSOs confirm that the person requesting access is not obliged to provide reasons for requests for public information	0/2
CSOs confirm that in practice the non-classified portions of otherwise classified materials are released	0/4
CSOs consider that requested information is released without portions containing personal data	0/2
CSOs consider that when only portions of classified materials are released, it is not done to mislead the requesting person with only bits of information	0/2
CSOs consider that the designated supervisory body has, through its practice, set sufficiently high standards of the right to access public information	4/4
CSOs consider the soft measures issued by the supervisory authority to public authorities to be effective	1/2
CSOs consider that the supervisory authority's power to impose sanctions leads to sufficiently grave consequences for the responsible persons in the noncompliant authority	0/2
Total	10/34
Value Indicator (0-5)	1

The measurement of this indicator is fully informed by perception data. The results of the survey with CSOs on the quality of FOI legislation and practice of accessing public information in general portray a rather unsatisfactory state. Barely 21% of CSOs agreed that public authorities, in exercising their activities, record sufficient information to enable the public to fulfil the right to free access of information of public importance (Figure 24). This finding indicates that CSOs in general question existence of adequate conditions for fully exercising FOI right.

Granted, some information may not appropriate and available for public scrutiny, and hence some restriction to it may be applicable. To that end, article 12 of the LAPD stipulates the exceptions from the right of access to documents which is done only for the purpose of protection of amongst others, and that includes national security, defense and international relations, public security, prevention, detection and investigation of criminal activities, privacy and other private legitimate interests etc. However, while 30.3% of CSOs claim that the legislation prescribes adequate exceptions to the public character of information produced by public authorities, only 4.6% agreed that these exceptions are adequately applied in practice (Figure 25). As a result, Kosovo scores relatively poorly in these two elements.

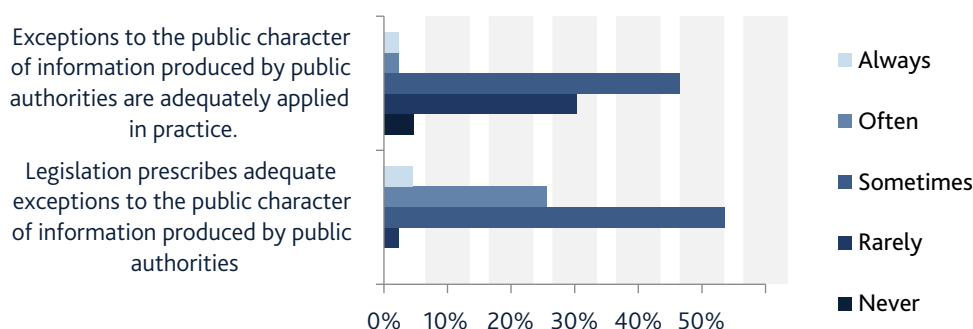
Figure 24. CSOs perception regarding the extent to which public institution record sufficient information to enable the public to fulfil the right to free access of information of public importance (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=52, n=43

CSO representatives have further reinforced this during the focus group. According to them, this has been particularly evident with contracts government has decided to keep secret claiming that the contract contains a clause that certain parts cannot be disclosed to public for a certain period.²⁰¹ Although in most cases only certain articles of the contract were agreed not to be disclosed.²⁰²

Figure 25. CSOs experience with exercising the right to free access of information (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=43.

Although SIGMA Report states that information on the status of requests received suggests exceptions are not a problem in practice since only few requests are refused in 2015 and 2016, findings of the focus group with CSOs indicated that government data does not fully capture all refusals of information".²⁰³ An example of this is the cases where information requests could not be issued/obtained, as institutions to which a public information request had been addressed had not recorded the requested information.

Moving to the next WeBER element, the perception of CSOs is somewhat more positive when it comes to obtaining the information in the requested format and within the legal deadline (Table 11). Out of all CSOs which have practiced their right to FOI in the last two years, almost 40% claimed that provided information is "often" or "always" in the requested format, 42.9% affirmed that information is provided within prescribed deadlines. Moreover, vast majority (71.4%) declared that the requested information are provided free of charge resulting in Kosovo maximum scoring maximum points for this element (2/2). CSOs with previous experiences with

²⁰¹ Focus group with civil society organisations, held on July 11th, 2018, in Prishtina.

²⁰² Some of the examples include the "63 Million Compensation for Bechtel-Enka". <http://www.insajderi.com/mbahet-fshehte-kontrata-63-milioneshe-bechtel-enka/> and the contract for the "Adem Jashari" highway to Albania, which is considered to have cost Kosovo around 10 million Euros per km.

²⁰³ Focus group with civil society organisations, held on July 11th, 2018, in Prishtina.

FOI requests, claimed that upon submitting their request they are most likely required to provide corresponding reasons for such request, with only a quarter (25%) of CSOs claiming to have “never” or “rarely” been asked to do so. CSOs also highlight cases of administrative silence of information holders which necessitates additional efforts with the authority in order to get a complete the response.²⁰⁴

Table 11. CSOs perception about certain aspects of FOI requests (%)

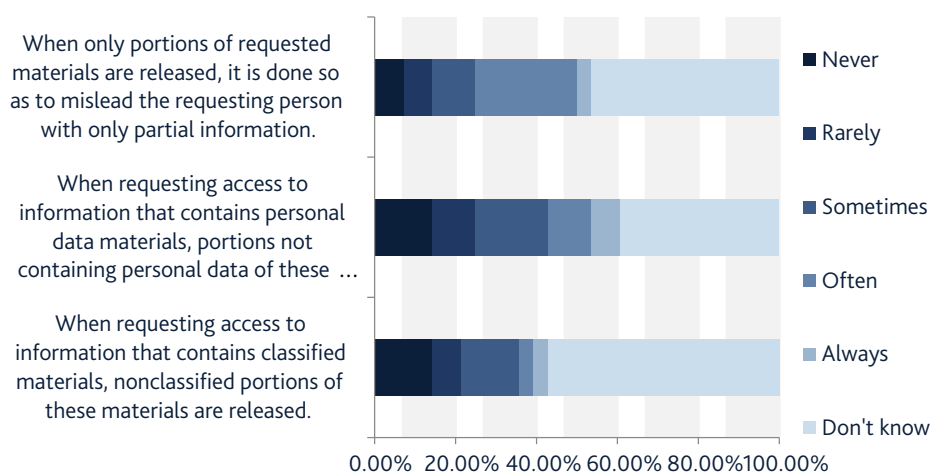
When my organization requests free access to information...	Never	Rarely	Sometimes (in about half of the situations)	Often	Always	D/K	Total
...provided information is in the requested format.	10.71	17.85	32.1	25	14.3	0	100
...information is provided within prescribed deadlines.	17.85	14.3	21.42	25	17.85	3.57	100
.... information is provided free of charge.	3.57	0	7.2	10.71	60.71	17.85	100
...the person requesting access is asked to provide reasons for such a request.	17.85	7.14	17.85	25	28.57	3.57	100

Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=52, n=28.

The remaining WeBER elements which evaluate the experience of CSOs in accessing data containing classified information are negatively assessed. As for the content of the requested information, a striking share of CSOs (57%) had no opinion or did not answer whether the portion that contains unclassified information within materials that contains classified materials, are released or not. Only 7.2% of CSOs declared so. Practical experience of CSOs suggests that there are cases when no explanations are provided in cases when information requested was classified.

In addition, roughly 18% of CSOs affirmed that when requiring information that may contain personal data materials, some portion not containing personal data of these materials are released. Again, a considerable portion of CSOs (39.3%) answered “Do not know” when asked if public institutions respond accordingly to CSOs’ request.

Figure 26. CSOs perception on the frequency that each of the following occurs when their organization requests free access to information:



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=52, n=28

To that extent, whether potential discrepancy between information requested and provided is intentional and is done so as to mislead the requesting person with only partial information, 14.3% of CSOs claim to “rarely” or “never” find this statement to be true, but a considerable share, 46% of CSOs, could not provide an actual answer (don't know). In addition, CSO representatives underlined that refusal of the authorities to provide the required information could be due to misinterpretation of the law by the responsible officials or misunderstanding of the FOI request content.²⁰⁵ They also point out, that contacts within the institution help in cases when information is not disclosed fully or in case of delays in reply from institutions.

The abovementioned discussion points to a relatively high share of surveyed CSO stating they do not know if all the unclassified information is released or if the release of information is done in a way to mislead the requesting person providing only partial information. Hence it becomes evident that CSOs are either under informed when it comes to these practical aspects of right application of the right to access public documents, or the practice itself does not provide enough evidence.

Finally, a rather more positive and promising perception is found when it comes to the standards of the right to access public information set by the LAPD, and the effectiveness of soft measures for protecting access to information by the same legislation; 60.7% of CSOs agree with the former, whereas 50% agree with the latter. Yet, in case of the violation of right to free access of information from public institutions, only 21.4 % of CSOs agree that prescribed sanctions lead to sufficiently grave consequences for the responsible persons in the non-compliant authorities.

²⁰⁵ Focus group with civil society organisations, held on July 11th, 2018, in Prishtina.

WeBER Platform members' findings

Survey and Focus Group findings in Obiliq and Drenas municipality, suggest positive trends in improving public administration.

One of the main concerns of citizens of Municipality of Drenas participating in the focus group was the lack of competences of civil servants due to the lack of compliance of their professional background with the position they hold. Regarding the submission of complaints/requests, the results suggest that Drenas citizens use different methods to reach the municipal administration such as the use of social networks and the submission of complaints/requests through them, personal communication and through village administrators. Submitting the complaint/request through the formal methods seems to be less common and this might be interpreted as a lack of trust in the governing body itself as such, but also as a lack of culture of civic activism. Municipality officials express this as a concern also.

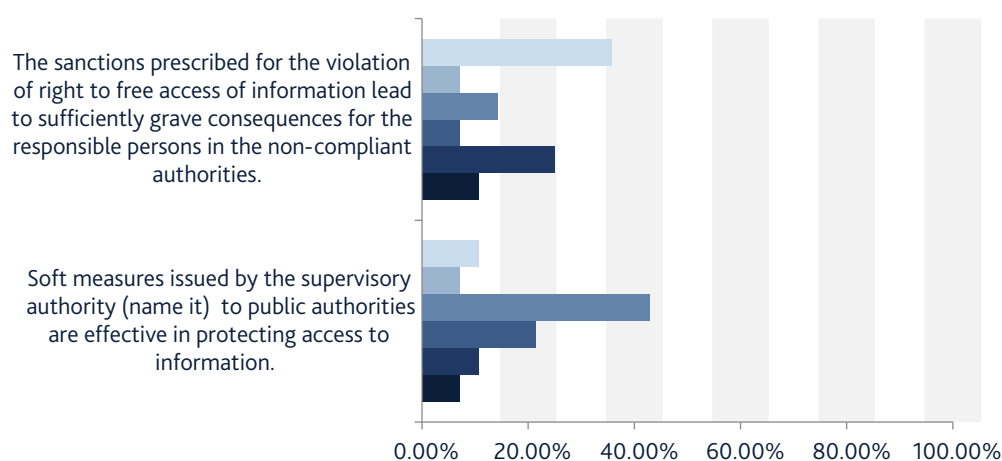
In the monitoring of Public Services in Municipality of Obiliq, the respondents stated that as civil servants they agree that there are enough mechanisms to ensure that appointment, advancement and eventually demotion at work are not politically affected. However, more transparency and information on public service performance is necessary. The municipality should take measures to publish the performance reports of civil servants, if not individually then at least the functioning of the administration as a whole.

A detailed human resource management system is reported to be absent. Although a regular evaluation process is being conducted, this is formal and there is no system for providing incentives for performance and accountability. needs to put more effort to improve urban traffic in the city, its regularity and to ensure that itineraries regulations are respected.

INDEP, 2018

"ACCOUNTABILITY AND TRANSPARENCY IN MUNICIPALITY OF OBILIQ AND DRENAS"

Figure 27. CSOs level of agreement with the following statements:



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=28.

WeBER indicator ACC P2 I2: Proactive informing of the public by public authorities

Indicator elements	Scores
Websites of public authorities contain complete and up to date information on scope of work	4/4
Websites of public authorities contain easily accessible and citizen-friendly information on scope of work	1/4
Websites of public authorities contain complete and up to date information on accountability (who they are responsible to)	0/4
Websites of public authorities contain complete and up to date information on relevant policy documents and legal acts	4/4
Websites of public authorities contain accessible and citizen friendly information on relevant policy documents and legal acts	0/2
Websites of public authorities contain complete and up to date information on policy papers, studies and analyses relevant to policies under competence	2/4
Websites of public authorities contain accessible and citizen-friendly information on policy papers, studies and analyses relevant to policies under competence	0/2
Websites of public authorities contain complete and up to date annual reports	0/4
Websites of public authorities contain accessible and citizen friendly annual reports	0/2
Websites of public authorities contain complete and up to date information on the institution's budget	0/4
Websites of public authorities contain accessible and citizen-friendly information on the institution's budget	0/2
Websites of public authorities contain complete and up to date contact information (including e-mail addresses)	2/4
Websites of public authorities contain accessible and citizen friendly contact information (including e-mail addresses)	2/2
Websites of public authorities contain complete and up to date organisational charts which include entire organisational structure	2/4
Websites of public authorities contain accessible and citizen friendly organisational charts which include entire organisational structure	1/2
Websites of public authorities contain complete and up to date information on contact points for cooperation with civil society and other stakeholders, including public consultation processes	0/4
Websites of public authorities contain accessible and citizen friendly information on ways in which they cooperate with civil society and other external stakeholders, including public consultation processes	0/2
Public authorities proactively pursue open data policy	0/4
Total	18/56
Indicator Value (0-5)	1

The analysis for this indicator analysis is performed on a sample of seven central government institutions²⁰⁶, hence it may not necessarily reflect the situation in every institution of central government in the countries, but rather portrays a prevailing practice. The measurement is performed during September 27th – October 19th, 2017.

The review shows that transparency of government institutions remains a challenge both with regard to the completeness of information and to the bureaucratic approach in managing institutional transparency. Hence, hampering the promotion of a high standard of open government. The LAPD also obligates public institutions to provide proactive information on their websites including a wide range of materials on their activities, including standard information

²⁰⁶ The sample included: 1) Ministry of Education Science and Technology (MEST); 2. Ministry of Health (MoH); 3. Ministry of Diaspora (MoD); 4) Ministry of Finance (MF) (General); 5. Office of Prime minister (OPM) (CoG function); 6. Tax Administration (Subordinate body); 7. Kosovo Business Registration Agency (KBRA) (Services).

on scope of work, organisational structure, relevant legislation, a list of services offered and guidelines for application, and timelines for processing. Publication of budget and annual reports is also required.²⁰⁷ Also, each institution should assign a responsible persons to update and ensure access to the information posted on the website, hence safeguarding its credibility. In proactive information provision in general, completeness or their accessibility is less of a problem but rather institutions lack visible efforts for adapting information to be more citizen-friendly. However, some undoubtedly important pieces of information on the work of public authorities, such as annual work and financial reports, are nowhere to be found at the official websites. More precisely, information on scope of work is stated on official websites of all sampled institutions and in all cases, it is in line with description in legal acts. Amongst others, it includes information on services sample authorities provide within their scope of work. Although easily accessible online, this information is not presented in citizen-friendly way, as institutions mostly copy descriptions from legal acts with the exception of Tax Administration (TAK) and Agency for Business Registration (ABRK)

TAK has published a user friendly information brochure which explains the scope of work of the Tax Administration including the purpose of the leaflet and the law from which it derives; services it delivers, contact points, a list with the labels on the types of the most relevant application forms for services it provides etc.²⁰⁸ In addition, several information leaflets are published for services and issues that fall in the scope of Tax Administration.²⁰⁹ Likewise, Agency for Business Registration (ABRK) provides detailed and clear information about all legal types of businesses that can be registered, details about the services it offers such as registering a business, amending the registration or termination of business.²¹⁰

For the WeBER elements concerned with the availability of accountability information, institutions in general are assessed negatively. Only three institutions in the sample provide complete and updated information on accountability lines, predominantly in the website sections dedicated to the departments and general secretaries. More precisely, it is stated who the head of department or general secretary is accountable to. It is of note that description on the scope of work of the Minister including information who she/he is accountable to is largely absent on the website of the sampled institutions. At the time of monitoring, Ministry of Diaspora and Strategic Investments (MDSI) provided an exception. The website contained information for Minister being responsible to the Government and National Assembly. However, the recently launched website of the ministry contains only the biography of the Minister and no accountability information is provided.

Moving to WeBER elements focusing on accessibility, monitoring results suggest that information on the legal acts regulations and strategies is available across all sample institutions and can be accessed in less than three-clicks. These documents are listed in a separate 'Legislation' section on the website in which includes, in most cases, a set of downloadable legal acts more precisely, laws, bylaws, regulations and strategic documents. MoF however has a slightly different approach as it publishes these documents as subsections under the Legal Department section.²¹¹

Alike to the information on the scope work, notwithstanding the completeness and accessibility, sampled institutions lack citizen friendly approach on presenting them. For instance there are no cases where institutions announced each document or group of documents with a short paragraph explaining the purpose they serve, or what they regulate. It is of note that OPM and MDSI have launched completely new webpages after the monitoring period, affecting the way of publishing information. The older website of the OPM under the strategies section provided an introduction on the strategies followed by the list of the general strategies and then sectorial strategies. Although no points are awarded this was a good example as to how the sections on legislation and reports could be organized. Regrettably, the new OPM website only includes the list of strategies.²¹²

207 The requirements for the content of web pages is also in more detailed defined in the Administrative Instruction No. 01/2015 on the Websites of Public institutions: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=11007>.

208 Available at: <http://www.atk-ks.org/wp-content/uploads/2012/04/ATK.pdf>

209 Available at: <http://www.atk-ks.org/multimedia/broshura-informative/>.

210 Available at: <https://arbk.rks-gov.net>

211 For more information see: <https://mf.rks-gov.net>

212 <http://kryeministri-ks.net/dokumente/?kategoria=dokumentet-strategjike&nenkategoria=&viti=>

It is of note that the websites do not contain archive sections where already expired documents could be kept separately. Research has suggested that there are cases where both previous and current legislation are found hand in hand on the website of the institution.²¹³ Furthermore, a comparison of the published versions with the versions available at the Official Gazette suggests that the legal and strategic documents published are up-to-date.

The element monitoring the publication of policy papers, studies and analyses relevant to policies under competence of the sampled institutions. Moreover, there is a general tendency among the sampled authorities to publish complete easy accessible and up to date information on other documents as well, such as policy papers, impact assessments or other policy documents with exception of one institution (MoH). Institutions publish reports and analysis for some or most of the policy sectors. For instance, the MoF regularly publishes on the website: a) Regular publishing of Monthly Bulletin²¹⁴ of the Ministry which includes macroeconomic and fiscal projections and public debt; b) Reports on State and Structure of Public Debt²¹⁵ and c) Public Expenditure and Financial Accountability Report (PEFA) for 2013²¹⁶. Nevertheless, there are several reports published by international institutions, which are relevant to the scope of work of the MoF but are not available on its website.

MEST published the Assessment Report of the Strategic Plan for Education 2011-2016 which among others includes sections on inclusion in pre-school education, professional development of teachers, quality assurance, infrastructure, curriculum, etc.²¹⁷ Office of Prime Minister published a Comprehensive Report on Achieving Access to Public Documents, reports²¹⁸ on the State of Play in the Implementation of the Brussels Agreements²¹⁹ and Assessment Report on Compliance with International Standards and Anti-Corruption.²²⁰ The Business Registration Agency regularly publishes quarterly reports on Performance Indicators for Registering a Business in Kosovo.²²¹ Tax Administration on the other hand, has conducted a Survey with Tax Payers 2015²²². Similar with other aspects of accessibility, policy papers and other documents published by sampled institutions lack of citizen friendly approach is again pronounced; as in general documents are not introduced before the downloadable link.

Regarding WeBER elements concerning annual and budget reports, monitoring shows that almost half of the sample institutions do not publish annual reports. When published, however, the reports lack an executive non-technical summary, which targets the non-expert audience. It is noteworthy that publication of budgetary information (plans and reports) is almost completely absent in the sample. Likewise, the practice of publishing citizens budget is also non-existent except for the MoF which publishes citizen-friendly version of the state-level budget.²²³ Contact information is fully published, with different contact channels stated in separate website sections, easily accessible online. It should be noted that two institutions in the sample do not provide information regarding their location.

Proactive informing on organisational structures is in place except for OPM and MDSI, where organisational charts with hierarchy of units are generally in line with acts on internal structure and job positions. They are also presentable and in downloadable format (with one exception where a list of positions is provided, rather than a chart). It is of note that, the new website of MDSI contains the organogram.²²⁴ The comparison of the available organisational charts with the

213 See for example, under the list of laws, the KABR keeps both the previous and current version of the Law on Business Organizations. Another example is the

214 Available at: <https://mf.rks-gov.net/page.aspx?id=1,32>

215 Available at: <https://mf.rks-gov.net/page.aspx?id=1,44>

216 Available at: <https://mf.rks-gov.net/page.aspx?id=1,35>

217 <http://masht.rks-gov.net/uploads/2016/02/raport-vleresimi-psak-2011-2016-shq-web.pdf>.

218 Available at: <http://kryeministri-ks.net/dokumente/?kategoria=raportet-gjithperfishirese-per-realizimin-e-te-dre-jtes-per-gasje-ne-dokumente-publike&viti=>

219 Available at: <http://kryeministri-ks.net/dokumente/?kategoria=raportet-gjendja-ne-zbatimie-marreshjeve-te-bruk-selit&viti=>

220 Available at: <http://kryeministri-ks.net/dokumente/?kategoria=raport-i-monitorimit-te-kosoves-per-perputhshmer-ine-me-standardet-ndekombetare&viti=>

221 Available at: <https://arb.rks-gov.net/page.aspx?id=1,41>

222 Available at: http://www.atk-ks.org/wp-content/uploads/2016/07/TAX_REP_WEB.pdf;

223 Available at: <https://mf.rks-gov.net/desk/inc/media/8DC57ADD-E3B2-4C8E-96A6-0804D58B181D.pdf>

224 Available at: <https://mdis.rks-gov.net/ministria/organogrami/>

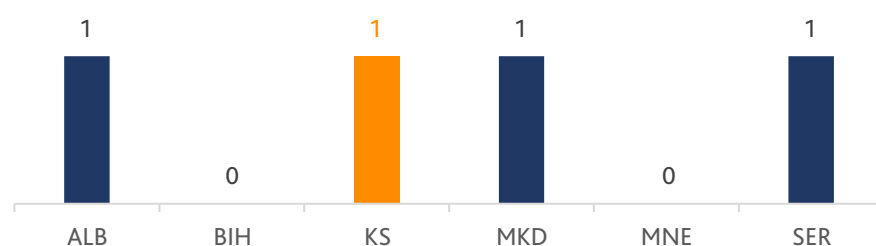
organisational structure described in the acts on job systematisation suggests that information is complete and up-to-date.

Information on ways that institutions cooperate with civil society or other external stakeholders are disclosed however, the approach is uneven. Some institutions provide this information by disclosing information on contact unit or person, or contact information (telephone and email) that is not generic but specifically related to the matter of cooperation with external stakeholders (public). Other institutions on the other hand include the logo and the direct link to the Public Consultations on their website. The element of citizen friendliness of such information is however absent as in general institutions do not provide explanations as to which stakeholders they cooperate with, in what field or what a particular tool serves for.

Finally, institutions do not proactively publish open format datasets related to their work, with one exception in the sample. An exception is the publication by MoF of the monthly historical data on payments and receipts for the 2006-2016 period for every budget category in open format, which present a good basis for several analysis. Nevertheless, this initiative has not been extended to other relevant data MoF publishes that would benefits if published in open data format. The data are downloadable free of charge and easily accessible. Along the same lines, findings of the SIGMA's assessment of government websites points to challenges in the transparency of government institutions related to proactive disclosure of information.

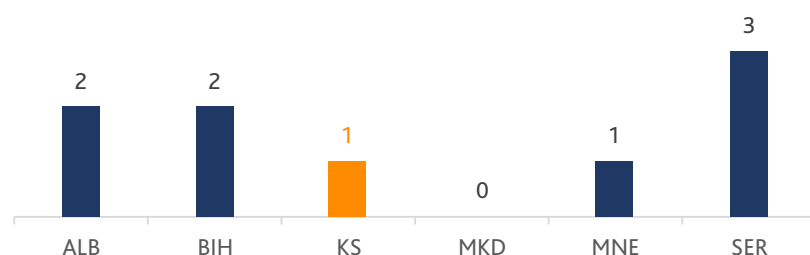
How does Kosovo do in regional terms?

Indicator P2 I1: Civil society perception of the quality of legislation and practice of access to public information



For more information on regional results, please visit: www.par-monitor.org

Indicator P2 I2: Proactive informing of the public by public authorities



For more information on regional results, please visit: www.par-monitor.org

Regional PAR Monitor Report with results for all WB countries is available at: www.par-monitor.org

5.5. Summary results: Accountability

In the Accountability area, WeBER monitors the external accountability of the government and administration towards the public, particularly on the practice of reactive and proactive information provision by administration bodies. Firstly, civil society perceptions on the practice of access to public information, as the most frequent users, is rather unsatisfactory. Less than a quarter of surveyed CSOs in Kosovo either agree or strongly agree that public authorities record sufficient information which enables the exercise of right to free access of information (FOI) of public importance. In that regard, while 30.3% of CSOs claim that the legislation prescribes adequate exceptions to the public character of information produced by public authorities, only 4.6% agreed that these exceptions are adequately applied in practice. Out of all CSOs which have practiced their right to FOI in the last two years, almost 40% claimed that the provided information is "often" or "always" in the requested format yet less than half of them affirmed that information is provided within prescribed deadlines.

The perception of CSOs is somewhat more positive when it comes to obtaining the information in the requested format and within the legal deadline a considerable share of CSOs (75%) are aware (claim that "often" or "always") that information is provided free of charge with only a quarter of surveyed CSOs stating that a person requesting information rarely or never gets asked to provide reasons for requests. As for the content of the requested information, a striking share of CSOs (57%) had no opinion or did not answer whether non-classified portions of information with classified parts are often or always released. Only 7.2% of CSOs declared so. Furthermore, only 18% of CSOs state that portions not containing personal data are released, with once again prevailing percentage of "do not knows" (39%).

Rather a more positive and promising perception is found when it comes to the standards of the right to access public information set by the Law on the Access to Public Documents and the effectiveness of soft measures for protecting access to information by the same legislation; 60.7% of CSOs agree with the former, whereas 50% agree with the latter. Extent of agreement is markedly lower when asked if sanctions for the violation of FOI rights lead to sufficiently grave consequences for the responsible persons in the non-compliant authorities (21%).

Regarding proactive information provision, sampled public authorities disclose information on their scope of work. Nevertheless, this information is not presented in citizen-friendly way, as institutions mostly copy descriptions from legal acts. Availability of accountability information is assessed negatively. Complete and updated information on accountability lines are absent for the majority of the institutions. Information on policy documents and legal acts from the purview is also published completely, up-to-date, and accessibly, but lack of citizen-friendliness is again evident. Similarly, publishing policy papers, studies, and other analyses lack citizen-friendliness.

It is noteworthy that almost half of the sampled institutions do not publish annual reports on their work. Likewise, publication of budgetary information (plans and reports) is almost completely absent in the sample. Contact information is fully published and easily accessible, as are in general organisational charts with hierarchies of internal units, that in most cases are presentable and easily downloadable. However, information channels for cooperation with civil society and other external stakeholders are uneven, hence this element is negatively assessed. It is noteworthy that the Government of Kosovo has introduced a centralized Platform for Public Consultation; however only few institutions promote it on their websites. Finally, sample institutions do not publish datasets related to their work in an open format.

5.6. Recommendations for Accountability

- 1) Public authorities should inform the public by using simple, citizen-oriented language on their websites, focusing on ease of access and better user experience. In particular:
 - a. When publishing documents (policy and legal documents, reports, etc.), their content and purpose need to be briefly introduced/explained without bureaucratic terminology, focusing on the most important aspects and how do they affect every day life of citizens, associations, businesses, minority groups, or other groups in society;
 - b. When providing information on organisational purpose and purview, describing policy areas and offered services, or similar administrative information (either in the Information Booklets or otherwise online), copy-paste of text from statutory acts should be strictly avoided, instead they should be tailored to an average citizen;

Moreover, there is an obvious absence or deficit in publishing certain types of information. In this regard:

- 2) Public authorities at the central administration level should proactively publish their annual work reports online. The basic option would be to publish corresponding passages from the Government's Annual Working Plan Report, to complement it with the qualitative and quantitative information, and performance indicators on concrete results achieved by the organisation in the one-year period;
- 3) Public authorities should start producing and publishing citizen-friendly version of their annual budgets (financial plans). Existing practices in the country for the annual state budget and for a few local self-governments can be used as the starting point for their development. Once they are developed and published, citizen budgets should be clearly marked and visible from the website homepage;
- 4) Public authorities should start publishing at least one dataset pertaining to their scope of work in line with the open data standards, preferably both on their websites and national open data portal;
- 5) Information on cooperation with civil society, and external stakeholders in general, should be clearly displayed, preferably through an easily accessible website section at the landing page, detailing on what cooperation with CSOs entails, channels of communication, contact/responsible persons, and other relevant info.
- 6) Similarly, for public consultations and public debates on policy documents and legislation, separate website section should be available. It can either be combined with the one from recommendation no. 5 or designed separately. However, finalised and on-going consultation processes should be easily identified and searchable, including responsible contact persons, calls to participate, programmes, necessary documents, and information on the outcome;
- 7) Although a single portal for online consultations has been established and is largely being used by institutions, the engagement of civil society is still unsatisfactory. Hence, the portal should be promoted on homepages of the website of all institutions so as to easily redirect visitors as well as promoted and raise awareness also via social media means such as Facebook pages, twitter and alike.

Perception of CSOs turned relatively negative regarding certain aspects of implementation of access to public documents in practice. In addition to more systemic issues, like absence of effective sanctions for non-responding authorities, smaller-scale issues with respect to the law compliance prevent smoother application of FOI rights, and greater satisfaction of information seekers. In this regard, when answering to FOI requests:

- 8) Public authorities should always provide information in the requested format(s). If there is reasonable barrier or justification for it, information seekers should be informed in advance;
- 9) Public authorities should completely avoid providing information in the scanned documents. It limits the further use of data, and search in case of larger documents;

There is no authority that oversees the implementation of the LAPD in Kosovo as to date the Information Commissioner has not yet been established. The new Law on Access to Public Documents and Information (LAPDI) foresees that the competencies of the second instance in monitoring the right to access public documents and information are to be transferred to the National Agency for the Protection of Personal Data (which is to change to Agency for Information and Privacy).

- 10) This said, the Government must ensure that the Agency for Information and Privacy, keeps a register of public authorities that are frequently irresponsible to requests, based on complaints received, and make it public. Exhibition of bad-case examples will promote accountability in the long run;
- 11) Finally, the on-going changes to the FOI legislation in Kosovo should ensure effective sanctions for all non-compliant authorities, to fully protect the FOI right.

6. SERVICE DELIVERY

6.1. WeBER indicators used Service Delivery and country values for Kosovo

P1 I1: Public perception of state administration's citizen orientation					
0	1	2	3	4	5
P1 I3: Public perception and availability of information on citizens' feedback regarding the quality of administrative services					
0	1	2	3	4	5
P4 I1: CSOs' perception of accessibility of administrative services					
0	1	2	3	4	5
P4 I2: Availability of information regarding the provision of administrative services on the websites of service providers					
0	1	2	3	4	5

6.2. State of Play in Service Delivery

There is no single strategy or programme document in the Republic of Kosovo that addresses comprehensively the service delivery policy. The strategic framework for specific aspects of service delivery is in place mainly through two of the PAR strategic documents namely, Strategy for Modernization of Public Administration (SMPA) 2015-2020 and Better Regulation Strategy 2.0 2017-2021²²⁵.

SMPA²²⁶ amongst others includes reforms in a) civil service; b) administrative procedures and delivery of public administration services and c) organization of state organization and accountability. Particularly, in terms of service delivery the strategy includes seven specific objectives. The objectives amongst others focus on "setting a clear vision and policies based on thorough analysis related to modernization of public services through the application the new Law on General Administrative Procedure (LGAP)". It also aims to establish mechanisms that will guide, plan, monitor and evaluate the quality of public services and help implement the LGAP.²²⁷ The strategy was followed by the AP for SMPA 2015-2017 and includes 54 activities among which 16 are fully completed whereas 22 other activities are in process of implementation. The rest of the activities have not been carried out and are foreseen in the AP 2018-2020.²²⁸ Of note is the specific objective related to the provision of services through the single points of the contact (one stop shop) was expected to be implemented in 2017. This objective has been rescheduled in the new AP for 2018-2020 and is foreseen to be implemented in the last quarter of 2018.²²⁹

In order to complement the strategic framework for the area of service delivery, the Government has adopted Better Regulation Strategy 2017-2021²³⁰, which aims to reduce administrative burdens, and the Strategy on Electronic Government (SEG) 2016-2020 which has been drafted but not adopted yet²³¹. According to SIGMA Report, the SMPA and the SEG are poorly synchronised. The former acknowledges the establishment of one-stop shops as the basis for improvement of service delivery, whereas the latter makes no reference to one-stop shops, with exception of the state portal.²³²

225 Available at: http://www.kryeministri-ks.net/repository/docs/Better_Regulation_Strategy_2_0_for_Kosovo_-_ALBANIAN.pdf

226 Available at: <http://www.kryeministri-ks.net/repository/docs/Strategjia-per-Modernizimin-e-Administrates-Publike-Shtator-2015-2020.pdf>

227 Strategy for Modernization of Public Administration 2015-2020, P.5. Available at: <https://map.rks-gov.net/institucion/Plan-and-Strategies/Strategjia-e-RAP.aspx>

228 GAP Institute (2017). Monitorimi i Strategjisë për Modernizimin e Administratës Publike 2015-2017. Available at: http://www.institutigap.org/documents/61657_monitorimi_strategjise_2015-2017%20GAP.pdf

229 Draft Work Plan for the Implementation of the Strategy for Modernization of Public Administration 2018-2020

230 Available at: http://www.kryeministri-ks.net/repository/docs/Better_Regulation_Strategy_2_0_for_Kosovo_-_ALBANIAN.pdf

231 SIGMA Monitoring Report for Kosovo 2017. Available at: <http://sigmaweb.org/publications/Monitoring-Report-2017-Kosovo.pdf>

232 Ibid

The Ministry of Public Administration's (MPA) is responsible to lead the reform in service delivery area. The responsibility to coordinate the reform of e-service delivery lies with its subordinate institution, the Agency for Information Society. Nevertheless, the coordination between these two institutions is assessed to be very poor.²³³ According to SIGMA Report, the capacities of MPA are weak mainly due to shortage of human resources and inadequate distribution of responsibilities. There is no clear assignment of responsibilities for service delivery co-ordination to any unit within the MPA, nor there are sufficient resources to follow up on implementation of the service delivery agenda. This has resulted in lack of adequacy in monitoring implementation of the reforms in the area of service delivery.²³⁴

Of major development in the legal framework of service delivery has been the adoption of Law No. 05/L-031 on General Administrative Procedures (LGAP), which came into force in June 2017²³⁵. The law presents a significant improvement on the previous law given that it contains all the fundamental principles of administrative law.²³⁶ Activities related to drafting of a law enforcement manual, training of officials in various institutions and public awareness activities about the impact on administrative procedures of the LGAP are currently in process of implementation.²³⁷

According to SIGMA Report, digitalisation is considered to be still in the early stages. Positive developments are noted in area of Central electronic identification (eID) and electronic signature where infrastructure has been installed. The implementation of the policy framework for interoperability was expected to begin in 2017 following its establishment and preparations of technical solution. According to the AP for SMPA 2018-2020, the implementation has not begun yet.²³⁸ Despite the lack of a central integration, SIGMA Report suggests that all the main registries can be digitally accessible. Some are already connected and exchange of data is taking place. E-Government portal has not been developed yet and it is foreseen to follow the development of technical solutions for interoperability.²³⁹ Development of single contact points for service delivery also has not been completed yet.²⁴⁰ No progress however is reported in the sub-area of service delivery standards and quality assurance mechanisms as well as ensuring access to public buildings for people with special needs.²⁴¹

233 SIGMA Monitoring Report for Kosovo 2017. Available at: <http://sigmaweb.org/publications/Monitoring-Report-2017-Kosovo.pdf>

234 Ibid

235 Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=12559>

236 Ibid

237 GAP Institute (2018). Monitorimi i Strategjisë për Modernizimin e Administratës Publike 2015-2017.

238 Available at: <http://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=40344>

239 GAP Institute (2018). Monitorimi i Strategjisë për Modernizimin e Administratës Publike 2015-2017. Available at: http://www.institutigap.org/documents/61657_monitorimi_strategjise_2015-2017%20GAP.pdf

240 Ibid

241 SIGMA Monitoring Report for Kosovo 2017. Available at: <http://sigmaweb.org/publications/Monitoring-Report-2017-Kosovo.pdf>

In terms of improving service delivery, valuable progress has been recorded in some agencies namely, the Kosovo Business Registration Agency and the Tax Administration. The former has successfully implemented the tools to register a business and the latter to declare taxes online.²⁴² Admittedly, this achievement is credited to the self-initiative of the agencies in spite of the insufficient leadership and co-ordination needed to support service delivery reforms, what has led to no particular progress among other public institutions²⁴³. This has been reflected in the improvement of several indicators. For instance, the share of citizens declaring personal income tax electronically is reported to have increased from 1% to 97%; the average number of days needed to set up a business decreased from 11 to 1.6 days and time spent on issuing personal IDs has been reduced from 7 days to 6.²⁴⁴ In addition, the placement of boxes where citizens can submit 'opinions on service delivery, or measuring citizens' satisfaction with service delivery by public administration has so far been completed for 35 institutions.²⁴⁵

6.3. What does WeBER monitor and how?

Under the Service Delivery area of PAR, three SIGMA Principles are monitored.

Principle 1: Policy for citizen-oriented state administration is in place and applied;

Principle 3: Mechanisms for ensuring the quality of public services are in place;

Principle 4: The accessibility of public services is ensured.

From the perspective of the civil society and the wider public, these Principles bear the most relevance in terms of addressing the outward-facing aspects of the administration that are crucial for daily provision of administrative services and contact with the administration. In this sense, these are the principles most relevant to the quality of everyday life of citizens.

The approach to monitoring these principles relies, firstly, on public perception of service delivery policy, including how receptive the administration is for redesigning administrative services based on citizen feedback. This is complemented with the perception of civil society about distinct aspects of service delivery. Moreover, the approach to the selected Principles goes beyond perceptions, exploring aspects of existence, online availability and accessibility of information on services.

Four indicators were used, two fully measured by perception data (public perception and civil society) and two by using a combination of perception and publicly available data.²⁴⁶ The public perception survey employed three-stage probability sampling targeting the public. It focused on citizen-oriented service delivery in practice, covering the various aspects of awareness, efficiency, digitalization and feedback mechanisms.

242 See SIGMA Monitoring Report for Kosovo 2017 and EC Report for Kosovo 2017. Available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-kosovo-report.pdf>.

243 Ibid

244 SIGMA Monitoring Report for Kosovo 2017.

245 GAP Institute (2018). Monitorimi i Strategjisë për Modernizimin e Administratës Publike 2015-2017.

246 Perceptions are explored using a survey targeting the general public (aged 18 and older) of 6 Western Balkan countries. The survey was conducted through computer-assisted personal interviewing (CAPI), using a three-stage random stratified sampling. It was implemented as part of the regional omnibus surveys conducted in Albania, Bosnia and Herzegovina, Montenegro and Serbia (ad hoc surveys were conducted for Kosovo and Macedonia) during 15 October - 30 November 2017. For Kosovo, the margin of error for the total sample of 1011 citizens is $\pm 3.08\%$, at the 95% confidence level.

In the measurement of accessibility of administrative services for vulnerable groups, and in remote areas, a survey of civil society and a focus group with selected CSOs were used,²⁴⁷ the latter for complementing the survey data with qualitative findings. The existence of feedback mechanisms was explored by combining public perception data and the online data on the sample of five services.²⁴⁸ Finally, the websites of providers of the same sample of services were analysed to collect information on accessibility and their prices.

6.4. WeBER Monitoring Results

Principle 1: Policy for citizen-oriented state administration is in place and applied

WeBER indicator SD P1 I1: Public perception of state administration's citizen orientation

Indicator elements	Scores
Citizens are aware of government administrative simplification initiatives or projects	1/2
Citizens confirm that administrative simplification initiatives or projects of the government have improved service delivery	4/4
Citizens confirm that dealing with the administration has become easier	4/4
Citizens confirm that time needed to obtain administrative services has decreased	4/4
Citizens consider that administration is moving towards digital government	2/2
Citizens are aware of the availability of e-services	1/2
Citizens are knowledgeable about ways on how to use e-services	1/2
Citizens use e-services	2/4
Citizens consider e-services to be user-friendly	2/2
Citizens confirm that the administration seeks feedback from them on how administrative services can be improved	1/2
Citizens confirm that the administration uses their feedback on how administrative services can be improved	4/4
Total	25/30
Indicator Value (0-5)	4

This indicator is fully informed by the data from public perception survey. Survey outcomes show a generally positive public perception towards administrative services in Kosovo as a result, Kosovo scores positively in this indicator (4/5 points). The results suggest that 57.8% of citizens surveyed have interacted with government to obtain administrative services during the past two years, which at the same time is one of the highest proportions in the region (after Albania).²⁴⁹ The interaction is found to be the highest amongst males, individuals in the 18-29 age cohort, highly educated and those employed in paid work and in public (Figure 1).

²⁴⁷ The data collection method included CASI (computer-assisted self-interviewing). In Kosovo, survey was conducted in the period from April 25rd to June 4th, 2018. Survey sample for Kosovo was N=52.

²⁴⁸ 1) Property registration, 2) company (business) registration 3) vehicle registration 4) Issuing of personal documents: passports and ID cards 5) value added tax (VAT) for companies.

²⁴⁹ This proportion in the WB countries ranges from 33.4% in BiH to 57.8% in Kosovo and 61.4% in Albania

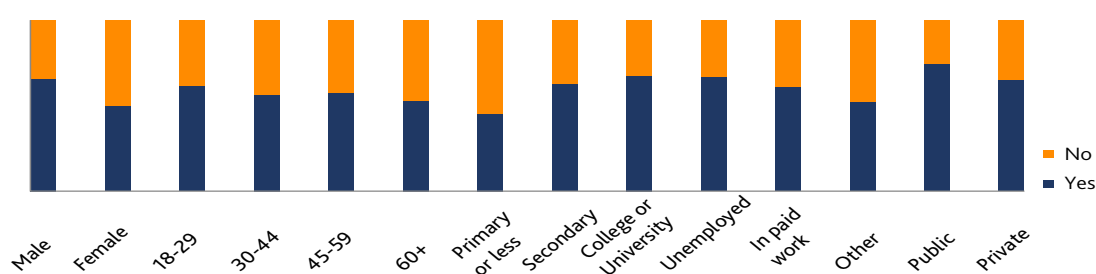
WeBER Platform members' findings

"Administrative services at the local level are mainly provided through the physical presence of citizens in the office desks that provide these services. The municipality of South Mitrovica has started a geodetic digitalization process and now through the Ministry of Finance is enabled the property tax bill to be issued and paid online. Novo Brdo Municipality does not offer any online service. The civil status offices in both municipalities cover most of the territory of the municipality, but the citizens in both municipalities have stressed the need to add more offices to have a full range in the entire territory of the municipality. Regarding the existence of mechanisms that enable citizens to provide suggestions / suggestions for improving service delivery, the two municipalities have the bases of complaint boxes and have not developed until now any reliable mechanism that offers suggestions for improving the services based on citizen satisfaction with service delivery. Regarding the physical access of persons with special needs, both municipalities have installed incinerators at the entrance of the municipal building (and annexes where the service center for citizens in Novobërdë / Novo Brdo), but the movement of this category of citizens to other parts of the municipality is limited.

GAP Institute, 2017

"Provision of Administrative Services at Local Level: Example of South Mitrovica and Novoberda"

Figure 28. Share of citizen that interacted with Government during the past two years, by demographic characteristics (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
Base: N=1011

Moving to awareness about the government efforts to simplify administrative procedures, results suggest that more than half of respondents (56.2%) are aware of such efforts, which marks the highest region.²⁵⁰ It is of note that the awareness is higher (70.8%) amongst those who have interacted with administration to receive services in the past two years (Table 12). Moreover, around 18% of respondents "don't know" or have "no opinion" about on the matter. This tends to suggest that appropriate measures to inform citizens about administrative simplification are not properly utilized.

²⁵⁰ This proportion in the WB countries ranges from 27.2% in BiH to 56.2% in Kosovo.

Table 12. Government initiatives to simplify administrative procedures have led to improved service delivery, by demographic characteristics (%)

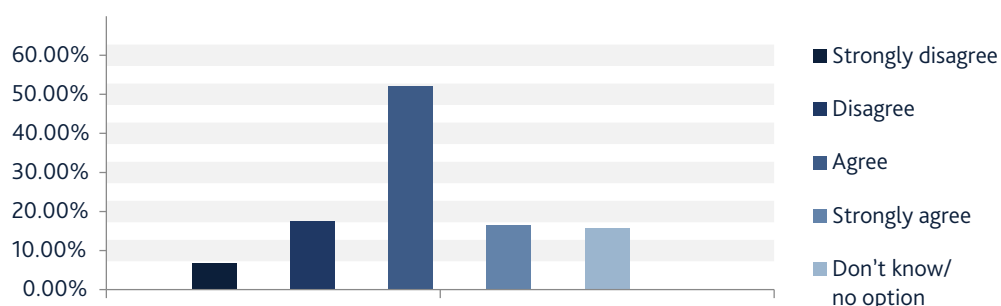
	Interacted with the administration to receive any administrative services in the past two years		Aware if e-services are offered in their country	
No. of respondents	YES=496	NO=256	YES=420	NO=332
Strongly disagree	1.1	3.2	1	2.9
Disagree	15.9	33.9	12.2	34.5
Agree	61.8	50.7	66.6	47.1
Strongly agree	20	7.8	19	11.8
Don't know/No opinion	1.2	4.4	1.2	3.6

Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.

Base: N=1011, n= 752

Moreover, about 60% of surveyed citizens, the highest share in the WB region, are aware of existence of e-services.²⁵¹ More than 70% of surveyed citizens and vast majority (85.6%) of those that are aware of existence of e-services confirm that such efforts have improved administrative service delivery; again marking the highest level of agreement within the region.²⁵² Similarly, those who have interacted with administration during the past two years share a high level of agreement (81.8%) (Table 12). No major differences are observed according to demographic characteristics nevertheless, the level of disagreement is the highest amongst the youngest age cohort (18-29 years), highly educated and unemployed individuals. These results tend to suggest that digitalisation is having a positive impact on everyday lives of citizens.

Figure 29. Dealing with the administration has become easier in the past two years, by interaction with the administration (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.

Base: N=1011, n=419

Along the same lines, citizens consider that simplification efforts have produced results and the perception is the most positive in the WB region. More precisely, 63% of respondents agree that dealing with the administration has become easier (Figure 29) and 66.4% agree that time needed to obtain administrative services has decreased (Figure 30).²⁵³ It should be noted that again the rate of agreement is higher amongst those who have interacted with administration in the past two years. In addition to changes in sub-legal acts, this result could reflect the efforts of the institutions in areas related to service delivery through optimisation of procedures required to obtain personal documents such as ID, passport, driving license, civil registry, as well as digitalization of services such as registering a business and declaring taxes.²⁵⁴

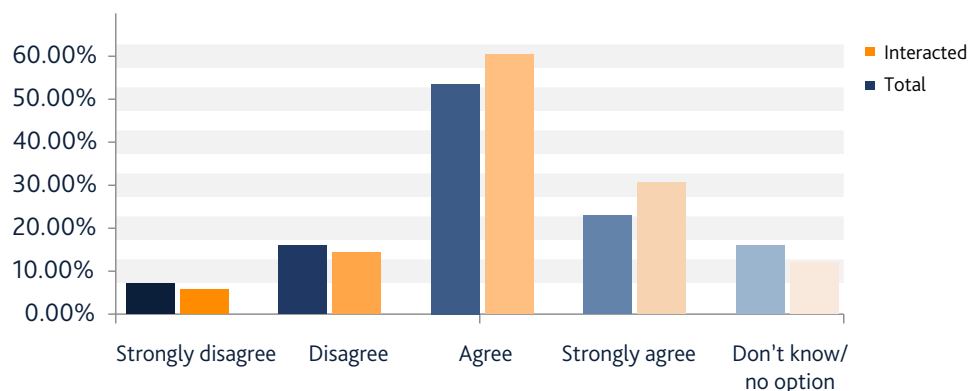
²⁵¹ This proportion in the WB countries ranges from 19% in BiH to 50.9% in Kosovo.

²⁵² This proportion in the WB countries ranges from 39% and 57.6%, respectively in BiH to 70.3% and 85.6%, respectively, in Kosovo.

²⁵³ The regional average for the first question is 46.7% and the second question is 44.3%.

²⁵⁴ Moreover, in May 2016, the Assembly adopted the Law on General Administrative Procedures (LGAP) that establishes a framework or standard of administrative procedures, and as a result all other special administrative procedures regulated by other laws should be compatible to the law in subject. These activities are foreseen in the AP for Implementation of SMPA and are scheduled to be mainly completed during 2018.

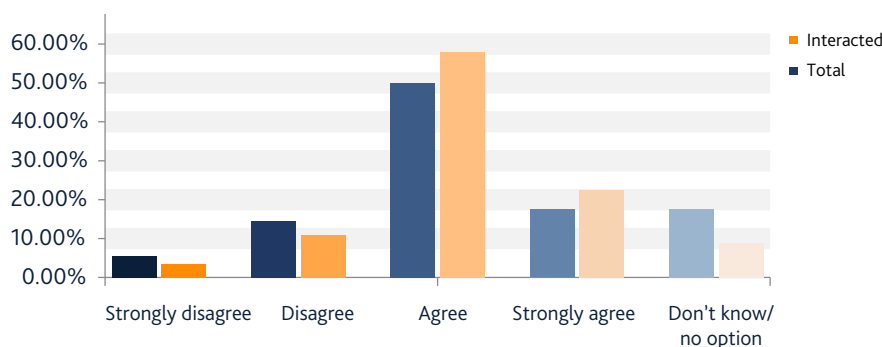
Figure 30. Time needed to obtain administrative services has decreased in the past two years (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
Base: N=1011 N=419

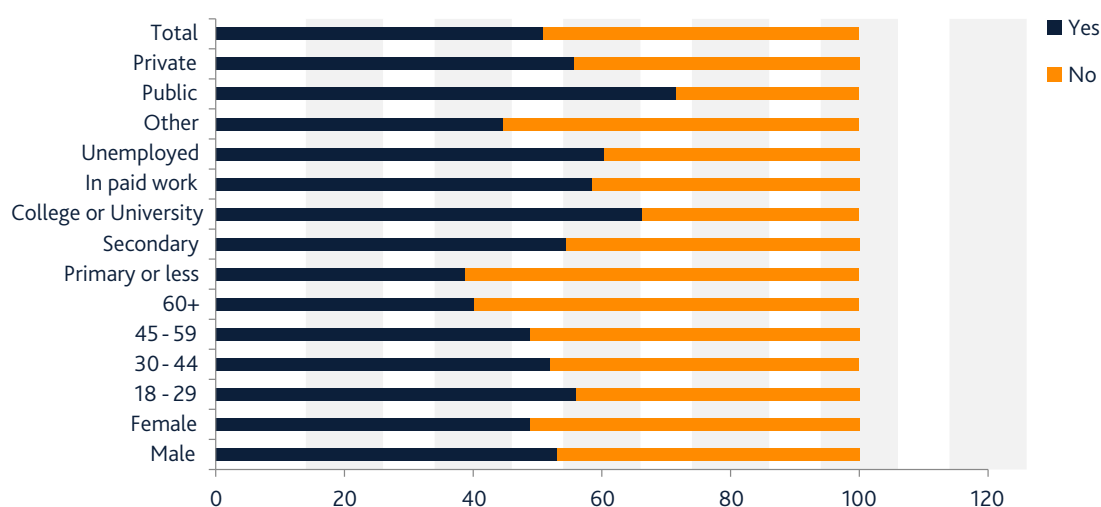
Moving on to digitalization, 64% of respondents recognize administration's effort to move towards digital government (Figure 31), despite the fact that slightly over half of them (50.9%) are aware of the availability of e-services (Figure 32), which again signals that additional efforts to promote digitalization are needed.

Figure 31. In the past two years, the Government has increasingly been moving towards digitalisation (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
Base: N=1011

Figure 32. Awareness about availability of e-services (%)

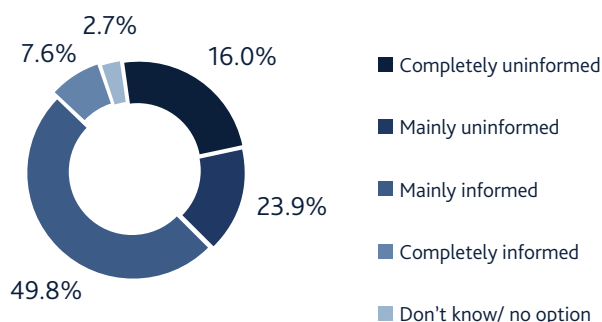


Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
Base: N=1011

The data according to demographics reveals differences on the level of awareness about e-services. More precisely, the level of awareness is higher the higher the level of education attained and the younger the age. Expectedly, the level of awareness is considerably higher amongst public sector as compared to private sector employees (Figure 32).

Figure 34. Level of Information about using e-services (%)

How informed or uninformed are you on the ways to use e-services of the administration



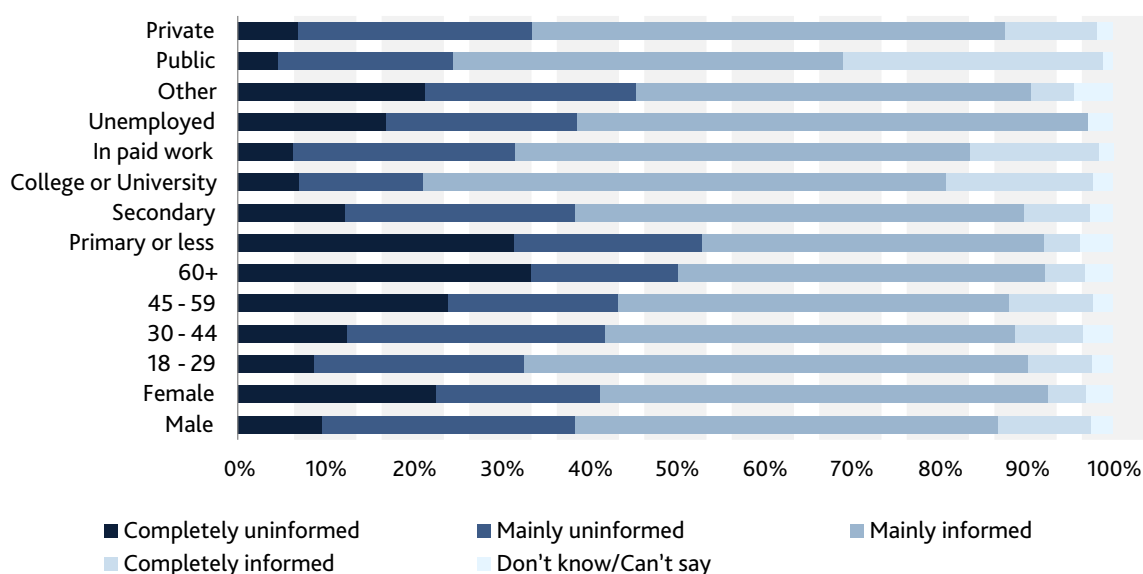
Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
Base: N=1011 N=514

Out of those who are aware of the availability of e-services, more than half (57.4%) of them are informed about the ways to use these services (Figure 33). In comparison to the WB region, this proportion is at the lower end of the range.²⁵⁵ Analysis of the data based on demographic characteristics reveal considerable differences on the level of knowledge about ways on how to use e-services (Figure 34). Share of females completely uninformed is more than double (22.7%) than the share of males (9.7%). Youngest cohort (those aged 18-29) are the most informed with 65% being completely or mainly informed compared to only 46% of those aged 60 or more. Differences based on education attainment are evident as share of those completely or mainly informed increases with increased level of education. Those in paid work and public sector employees are also more informed in comparison to their counterparts. Nevertheless, out of those who actually used e-services, in line with the WB region average, 80.5% consider them to be user-friendly (Figure 35).²⁵⁶ The data based on demographics suggest that the perception is most positive among 30-44 and 60+ age cohort, females, those with secondary education attainment, public sector employees and those in employed work.

²⁵⁵ In the WB region, the proportion ranges from 51% in Kosovo to 81.1% in Serbia.

²⁵⁶ The regional average of citizens that consider the e-services as easy or very easy to use is 80.6% and ranges from 76% in Bosnia and Herzegovina to 86% in Serbia.

Figure 34. Knowledge about ways on how to use e-services, by demographic characteristics (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
Base: N=1011 N=514

Yet, there is a high percentage of citizens who have interacted with service providers but have rarely or never used e-services in the past two years (69%). Nevertheless, the share is still one of the lowest in the region (following Serbia).²⁵⁷ In terms of demographics, the largest differences in perception are observed according to education level, the perception being most positive amongst the most educated. The results imply that efforts for familiarising general population with availability of e-services are unsatisfactory as are the efforts for informing them on the advantages, ways to use them, consequently making e-services available for as many citizens as possible.

In 2017, the Government has launched a website which allows citizens to provide feedback on the services provided, according to institutions and type of services.²⁵⁸ This activity is foreseen in the AP for Implementation of the SMPA 2015-2020.²⁵⁹ Moreover, according to the latest assessment, the Government has also launched E-boxes in 35 institutions (28 of which are governmental institutions).²⁶⁰ The e-box portal allows the users to assess the services obtained, but only by choosing from a limited number of alternatives provided by the software, namely "satisfied", "dissatisfied" and "average". There is no option to provide specific feedback.

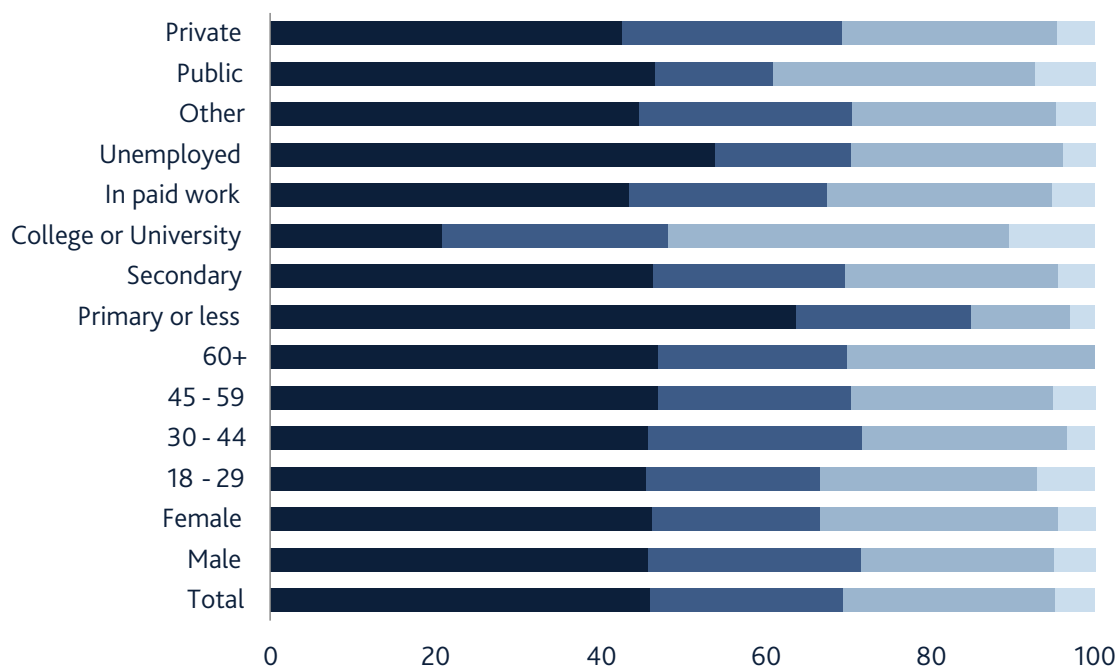
²⁵⁷ Among the WB region this proportion ranges from 84% in Bosnia and Herzegovina to 65% in Serbia.

²⁵⁸ <https://opi.rks-gov.net/>

²⁵⁹ Available at: <https://map.rks-gov.net/institucion/Plan-and-Strategies/Strategjia-e-RAP.aspx>

²⁶⁰ GAP Institute (2017). Monitorimi i Strategjisë për Modernizimin e Administratës Publike 2015-2017. Available at: http://www.institutigap.org/documents/61657_monitorimi_strategjise_2015-2017%20GAP.pdf

Figure 35. Frequency of using e-services of the administration during the past two years?

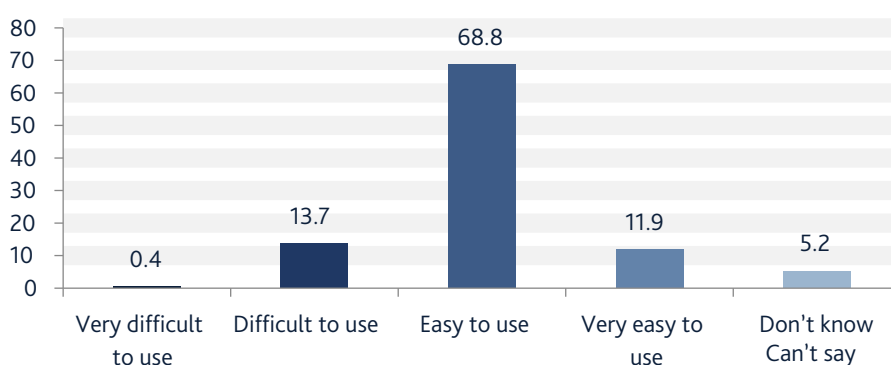


Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
Base: N=1011, n=418

Lastly, when it comes to e-services, when asked how often they managed to finalise the service they requested online, 74% of surveyed citizens reported that they always or sometimes, managed to obtain the service requested. The proportion is the second highest in the WB region (following Serbia).²⁶¹

In spite of the abovementioned efforts, the results suggest that administration lacks strong cooperative relationship with citizens when it comes to administration's availability for suggestions. More precisely, only 33.2% of respondents agree that the administration asks for proposals and suggestions on how to improve services, out of which 87.5% confirm that government has used their proposals to improve services.

Figure 36. How easy or difficult to use are e-services in general (%)

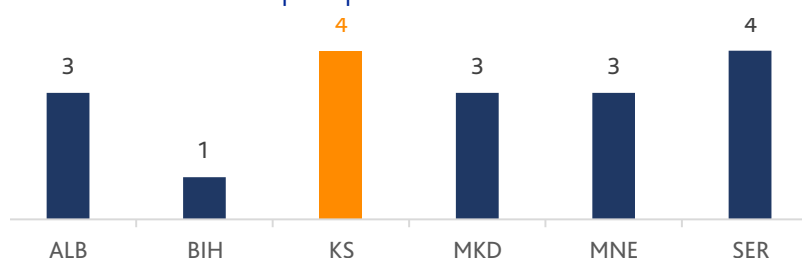


Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
Base: N=1011 N=226

²⁶¹ Among the WB region this proportion ranges from 60.3% in Albania to 77% in Serbia.

How does Kosovo do in regional terms?

Indicator P1 I1: Public perception of state administration's citizen orientation



Regional PAR Monitor Report with results for all WB countries is available at: www.par-monitor.org

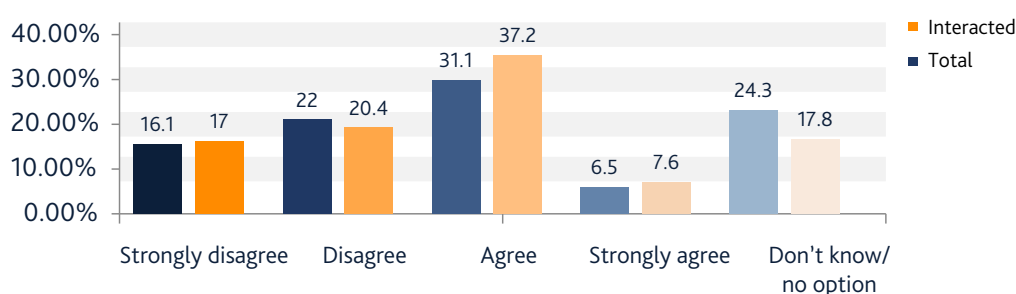
Principle 3: Mechanisms for ensuring the quality of public services are in place

WeBER indicator SD P3 I1: Public perception and availability of information on citizens' feedback regarding the quality of administrative services

Indicator elements	Scores
Citizens consider they have the possibility to provide feedback on the quality of administrative services	1/2
Citizens perceive feedback mechanisms as easy to use	4/4
Citizens perceive themselves or civil society as involved in monitoring and assessment of administrative services	2/4
Citizens perceive that administrative services are improved as a result of monitoring and assessment by citizens	4/4
Basic information regarding citizens' feedback on administrative services is publicly available	2/4
Advanced information regarding citizens' feedback on administrative services is publicly available	1/2
Total	14/20
Indicator Value (0-5)	3

The survey results show that 37.6% of citizens of Kosovo agree that they have the possibility to give opinion on the quality of the individual services received whereas 24.3% of them don't know or have no opinion (Figure 37). It is of note that despite being low, it is the highest level of agreement in the WB region in this regard.²⁶² Regarding demographic characteristics, the results suggest that the agreement is highest amongst males, individuals with secondary education attainment and those employed in paid work, compared to their counterparts.

Figure 37. Perception regarding the Possibilities to give feedback on the quality of services received (%)



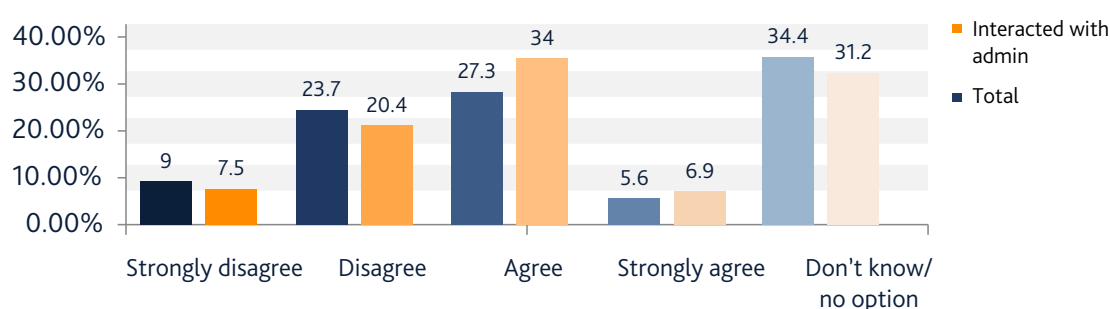
Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
Base: N=1011

²⁶² The regional average of all WB countries is 31%.

The perception of citizens regarding the ease of using feedback channels is however positive and higher than the regional average of 59.6%. More precisely, out of the respondents who in the past two years have given their opinion on the quality of the administrative services, 74.5% find it easy or very easy to use feedback channels; the share is highest amongst the two eldest age (45-59 and 60+) cohorts and it also increases with increased level of education attainment. Expectedly, almost 97% of respondents working in public sector find it easy or very easy to use the feedback mechanisms. Regarding perceptions on the inclusiveness of the process of monitoring service delivery, a third (32.9%) of respondents agree that in the past two years, citizens or civil society have been involved in the monitoring and assessment of administrative services (Figure 38). Again the proportion is the second highest in the region, following Albania.²⁶³

Out those who agree that, in the past two years, citizens and civil society have been involved in monitoring and assessment, 87.5% agree that the government has improved administrative services. It is of note that more than a quarter (34.4%) does not have an opinion on whether there has been such involvement in the last two years which is a potential indication of lack of awareness on the importance and meaning behind involving citizens, and civil society in monitoring services.

Figure 38. Citizens and civil society have been involved in the monitoring of services



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
Base: N= 1011

The assessment of the last two WeBER elements is based on a review of websites of the providers of a sample of five administrative services in search of basic and advanced performance information on citizens' feedback on the quality of those services. Basic performance data include information from at least one source - be it an administrative data or survey data, whereas more advanced reports include the combination of more than one data source or segregated data. The review of the website of the five sample services analysed shows that basic and advanced information on citizen feedback on administrative services is published only for tax administration and cadastral services. More precisely, Tax Administration of Kosovo (TAK) has conducted and published a Survey with Tax Payers in 2015 'Transparency, Efficiency, Fairness and Service Orientation of Kosovo Tax Administration'.²⁶⁴ The survey measures the perception of individuals as well as businesses regarding TAK's staff, procedures and services as well as tax-related policies such as TAK's approach to non-complying tax entities, risk-based audit case selection, etc. The main objective is to give a representative and reliable picture of the situation in Kosovo with respect to taxpayer's opinions. In addition, it is meant to serve as a baseline for potential evaluation of new TAK strategies in the future as well as highlight areas which need prioritization according to taxpayers' perception. Likewise, Kosovo Cadastral Agency also has conducted surveys with users in 2012, 2014 and 2016.²⁶⁵ The surveys assess user's satisfaction with regard to services provided by the agency. Moreover, advanced information with regard to citizens' feedback on administrative services such as segregation according to region, age of the individuals, size of the business and ethnicity is publicly available.

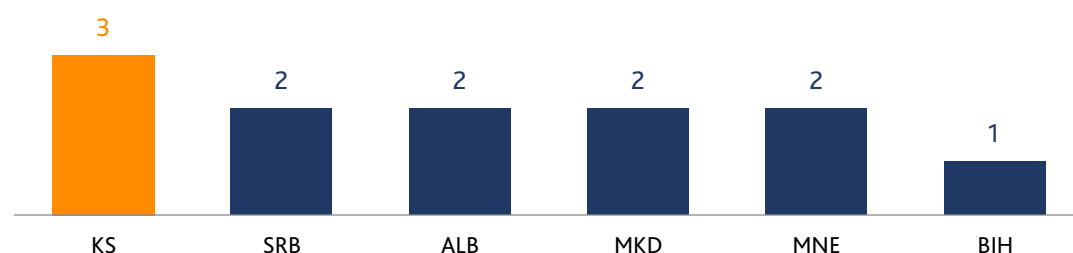
²⁶³ Among the WB region this proportion ranges from 11.3% in Bosnia and Herzegovina to 35.1% in Serbia.

²⁶⁴ Available at: http://www.atk-ks.org/wp-content/uploads/2017/08/TAX_REP_WEB.pdf

²⁶⁵ Available at: <http://www.kca-ks.org/librariaj;sessionid=A1A92D821C21544F87458BBD8CBF55A7>

How does Kosovo do in regional terms?

Indicator P3 I1: Public perception and availability of information on citizens' feedback regarding the quality of administrative services



Principle 4: The accessibility of public services is ensured

WeBER indicator SD P4 I1: CSOs' perception of accessibility of administrative services

Indicator elements	Scores
CSOs confirm the adequacy of territorial network for access to administrative services	0/4
CSOs confirm that one-stop-shops are made accessible to all	0/4
CSOs consider administrative services to be provided in a manner that meets the individual needs of vulnerable groups	0/4
CSOs confirm that administrative service providers are trained on how to treat vulnerable groups	0/2
CSOs confirm that the administration provides different channels of choice for obtaining administrative services	1/2
CSOs confirm that e-channels are easily accessible for persons with disabilities	0/2
CSOs confirm the adequacy of territorial network for access to administrative services	0/2
Total	1/20
Indicator Value (0-5)	0

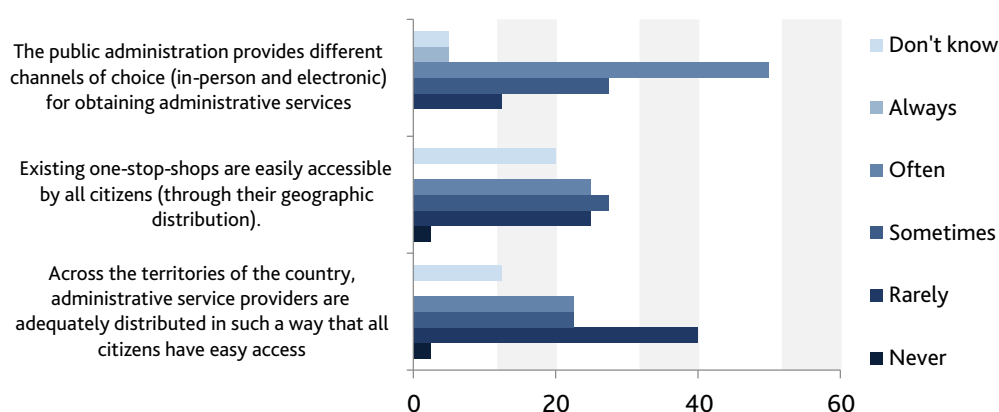
In contrast with the previous two indicators, survey results show a very dim perception of CSOs towards administrative services provided by relevant institutions, particularly towards disabled persons, persons in remote areas and minority groups (Figure 39). Hence, Kosovo scores zero points on this indicator. Although, the majority (55%) of CSOs find that the public administration provides different channels for obtaining administrative service, only 22.5% of surveyed CSOs “agreed” or “strongly agreed” that administrative service providers are adequately distributed in such a way that all citizens have easy access, across the territories of the country. In addition to problems with territorial distribution, accessibility of services can be further exacerbated in municipalities across the country through the absence of appropriate appliances, and physical infrastructure for people with disabilities.²⁶⁶ More precisely, accessibility of services is hampered first and foremost due to lack of reserved parking spots for disabled persons. Also there are no trails for visually impaired and deaf people. It is of note that very few public institutions that have built accessible entrance for wheelchairs. Nevertheless, not all of wheelchair ramps are constructed according to standards and most of them lack side carriers that would ease movement of wheelchair users.²⁶⁷ Moreover, absence of elevators in building (particularly relatively old ones) poses a serious limitation for disabled persons particularly wheelchair users in physically accessing the objects.²⁶⁸

²⁶⁶ Interview with a representative of HandiKos on 23 July, 2018

²⁶⁷ HandiKos (2017). Report of accessibility for public buildings. Available at: Report of accessibility for public buildings.

²⁶⁸ Ibid

Figure 39. CSOs perception on distribution, level of ease in accessing and channels of provision of administrative services (%)

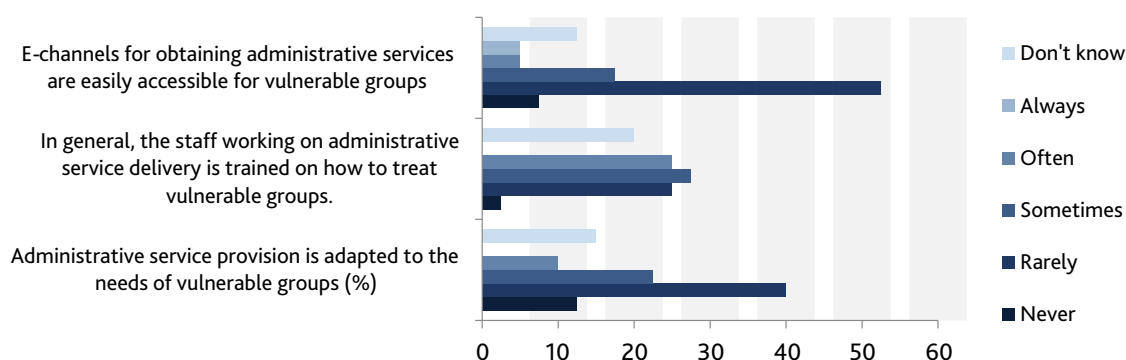


Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%, N=52, n=40

Likewise, CSOs perceive existing one-stop-shops as not easily accessible by all citizens, with only 25% of CSOs “agreeing” or “strongly agreeing” that they are so (Figure 40). However, it should be noted that 20% of CSOs answered “don’t know” when asked about the accessibility of one-stop-shops. Adaptation of service provision to the needs of vulnerable groups (including people with disabilities) by administrative service providers is perceived as largely unsatisfactory.²⁶⁹ Findings of the survey also confirm this as only 10% of CSOs agree that administrative service provisions are adapted to the needs of vulnerable groups and that e-channels for accessing administrative services are easily for vulnerable groups (Figure 40). Service providers in general do not address physical accessibility aspects. An example is the height of the windows where services are provided which is very high to be reached by people in wheelchairs.²⁷⁰

In addition, even a lower share of CSOs (7.5%) “agree” or “strongly agree” that the staff working on administrative service delivery are well-trained for communication and treatment of various categories of people with disabilities (Figure 40). This is also confirmed by representative of HandiKos. Regrettably, most of organizations focusing on issues faced by people with disabilities are based in Prishtina advocating for better policy and legislative solution for the benefit of people with disabilities, their presence in other cities and more rural areas is much lower.²⁷¹

Figure 40. CSOs perception regarding channels of choice, capacities of staff in dealing with and adaptability of services to the needs of vulnerable groups (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%, N=52, n=40

²⁶⁹ Interview with a representative of HandiKos on 23 July, 2018.

²⁷⁰ Ibid

²⁷¹ Ibid

WeBER indicator SD P4 I2: Availability of information regarding the provision of administrative services on the websites of service providers

Indicator elements	Scores
Websites of administrative service providers include contact information for provision of services	2/4
Websites of administrative service providers include basic procedural information on how to access administrative services	2/4
Websites of administrative service providers include citizen-friendly guidance on accessing administrative services	1/2
Websites of administrative service providers include information on the rights and obligations of users	1/2
Individual institutions providing administrative services at the central level publish information on the price of services offered	2/4
The information on the prices of administrative services differentiates between e-services and in-person services	0/2
Information on administrative services is available in open data formats	0/2
Total	8/20
Indicator Value (0-5)	1

The WeBER monitoring results suggest that online availability of information, ease of accessibility at official websites, practice of service providers differs across five sample institutions. Results suggest that contact information for service delivery is available in majority of sample services – usually through Contact sections, except for vehicle registration and personal documents (IDs and passports), both of which are issued by the Civil Registry Agency (CRA). Availability of contact information is mostly separated between general information (such as generic telephone numbers and email addresses), and more specific information for a concrete service in the case of CRA. It is of note that the website of CRA is not functional yet, hence information for the services it provides are (fragmented) spread across the website of the Ministry of Internal Affairs and the State Portal. Basic procedural information on how to access administrative services (such as description of services, physical location and instruction on how to utilize online services, and original forms) however is provided only for two types of services – business registration, and declaration of VAT for companies.

TAK has approached disclosing contact information proactively. TAK website includes information manuals for different types of services it provides.²⁷² Moreover, the website has a specific section on frequently asked questions (FAQ) which in addition to publishing FAQ it allows businesses to ask new questions.²⁷³ Likewise, KBRA website, on top right side of the main page provides the description of each service and the original forms are available for download and are part of the online platform.²⁷⁴ A common weakness of the rest of sampled institutions is failure to provide information on physical location and working hours as well as the availability of forms.

²⁷² Available at: <http://www.atk-ks.org/multimedia/manualeprezantime/>

²⁷³ Available at: <http://www.atk-ks.org/pyetje-te-shpeshta/>

²⁷⁴ Available at: <https://arbk.rks-gov.net>

Citizen friendly guidance on accessing administrative services, and information on the rights and obligations of a user are available for three types of sample services: property registration, business registration, and payment of VAT. Cadastral Agency has published a document on "Procedures for Registration of Property and Services on Cadastre", which provides detailed information on the rights and obligations of users. The document also describes the role and process to be followed by officials of the Municipal Cadastral Offices during the process of registration of property.²⁷⁵ KBRA on the other hand, under the description of each service provides information on the obligations of the applicant and the KBRA official. The name of each service is provided in the front page and for each service the description of the procedure to be followed - amongst others the rights and obligations of users - are described.²⁷⁶ TAK has published a flyer on the rights and obligations of taxpayers which provides contact information of "The Professional Standards Office and the Tax Payers Advocate" to provide assistance in case their rights are violated.²⁷⁷

The document presents information in a user friendly way and also contains the contact information for the contact points related to information and complaints (protection of rights). This is a very good practice that can be followed by other institutions.²⁷⁸ The information on the rights and obligations of the applicants for vehicle registration, obtaining an ID and Passport are specified only in the respective laws and administrative instructions available on the website of the Ministry of Internal Affairs under legislation section. It is of note that this information is not easily accessible as the user should read the legal documents due to such information not provided in a certain section of the website. It is of note that MPA is in the process of updating and correcting some of the data in database of public administration services which then will be published on its website.²⁷⁹ The database is expected to also include contact details for each institution and person responsible for providing the relevant services.

Similarly, information on the price of services is published online for three out of five sample services, and once again, information is missing for issuing personal documents, and vehicle registration. Moreover, where information on the prices is actually published, it does not differentiate between e-services and in-person services. Lastly, no information related to services in the sample is published in an open data formats.

275 Available at: <http://www.kca-ks.org/documents/10179/203853/PROCEDURAT+E+REGJISTRIMIT+TE+PRONES+NE+KA-DASTER.pdf/c47abb39-1667-4396-948d-1aeca1f58fdf> under Library section

276 The link to the front page can be accessed here: <https://arbkrks.gov.net/page.aspx?id=1,1> whereas the link for the registration of the business as an example can be accessed here: <https://arbkrks.gov.net/Page.aspx?id=1,33>
Available at: <http://www.atk-ks.org/wp-content/uploads/2017/12/Statusi.pdf>

277 Available at: <http://www.atk-ks.org/en/multimedia/flyers/>

278 Available at: <https://mpb.rks.gov.net/Document.aspx>

279 GAP Institute (2017). Monitorimi i Strategjisë për Modernizimin e Administratës Publike 2015-2017. Available at: http://www.institutigap.org/documents/61657_monitorimi_strategjise_2015-2017%20GAP.pdf

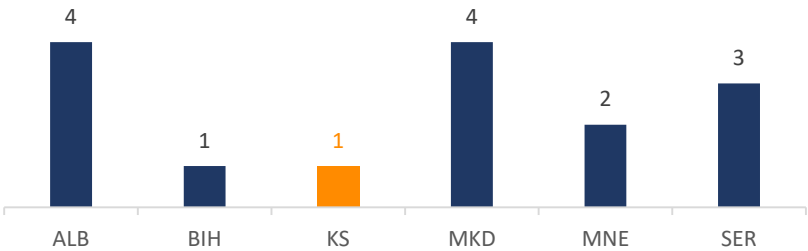
How does Kosovo do in regional terms?

Indicator P4 I1: CSOs' perception of accessibility of administrative services



Regional PAR Monitor Report with results for all WB countries is available at: www.par-monitor.org

Indicator P4 I2: Availability of information regarding the provision of administrative services on the websites of service providers



Regional PAR Monitor Report with results for all WB countries is available at: www.par-monitor.org

6.5. Summary results: Service Delivery

WeBER approaches service delivery from the perspective of its citizen orientation, focusing on public and civil society perceptions regarding the availability and accessibility of services. It also explores aspects of availability and accessibility of information on services. The results suggest that in general, citizens of Kosovo consider that the administration pursues user-oriented service delivery and a positive perception on service delivery policy prevails. The perception in most cases is found to be the most positive within the region. There is relatively high awareness on government efforts to simplify administrative procedure and alike is the perception that these efforts are fruitful in practice. Citizens highly recognize the digitalisation efforts nevertheless, only a low share of citizens that are informed about ways on how to use e-services, actually use such services. Of note is also the finding that a considerable share of citizens finds e-services to be user-friendly.

In spite of the notable progress in terms of service delivery, the administration lacks strong cooperative relationship with citizens when it comes to administration's availability for suggestions. Similarly, availability of at least basic information on citizen feedback on their webpages is in general not evident. Along the same lines, the perception of the civil society organizations (CSOs) regarding accessibility aspects of service delivery in Kosovo is rather negative, in particular towards disabled persons, persons in remote areas and minority groups. Alike citizens negatively perceive the accessibility of one-stop-shops, adaptation of service provision for vulnerable groups, way they are treated by administration, and accessibility of e-channels to these groups on the other hand. On a positive note, CSOs confirmed that administration bodies provide different channels of choice for obtaining service, such as in-person and e-channels.

Also, practice of publishing all necessary information for obtaining a service is still unsatisfactory. Complete basic procedural information on how to obtain the service are provided yet, only by some institutions in the sample. Likewise, availability of citizen-friendly guidance is largely not evident. Lastly, monitoring suggests that no information related to services in the sample is published in open data format.

6.6. Recommendations for Service Delivery

Given the awareness about simplifications of procedures as well as availability of e-services is still unsatisfactory, service providers should engage more with citizens to increase their awareness.

- 1) This can be achieved by using citizen-friendly ways of informing citizens online. Some of the means that can be used include multi-media contents, illustrated and easily understandable tutorials and brochures. The publication of these important pieces of information and documents in addition to being published on the website of service providers should also be promoted through social media and other communication channels.

Two service providers have successfully implemented the tools to offer services online with the initiative of the agencies themselves. This comes due to insufficient leadership and co-ordination needed to support service delivery reforms, which has led to no particular progress among other public institutions.

- 2) Best practices in the service delivery area should be shared so the institutions could learn and implement such practices. To achieve this, communication (information sharing) among institutions should be facilitated and ways to share experiences should be developed as suggested by SIGMA Report. This will as a result increase co-ordination and cooperation amongst service providers as well as steer progress in reforms amongst other institutions.

Only some of the sampled service providers in Kosovo publish online some information regarding the services they offer. Hence, there is room for improvement in structure, quality and visibility of information.

- 3) Basic procedural information on how to access administrative services (such as description of services, physical location, instruction on how to utilize online services, and original forms) must be provided at websites of all service providers, as it is the case with Kosovo Business Registration Agency and Tax Administration.
- 4) Likewise, service providers should provide crucial information on services they offer, citizens' rights and obligations, and service fees, instead of only providing dry, bureaucratic description of basic information. Differences between e-services and in-person services if evident should also be clearly specified.
- 5) Similarly, citizen friendly guidance using multi-media contents, easy to understand tutorials and brochures, innovative mechanisms for communication, basic information on accessing administrative services, and information on the rights and obligations of a user should be available in the website of service providing institutions - as in the case of Kosovo Business Registration Agency, Cadastral Agency and Tax Administration.

Government of Kosovo has introduced the e-box portal as well as has installed e-boxes in 35 institutions where citizens can provide feedback on the service received. Although the feedback mechanism is designed to be citizen friendly, the initiative is not properly and sufficiently promoted, the lack of which is not allowing complete utilization by both citizens and service providers.

- 6) Hence, the e-boxes should be implemented across all service providers. Moreover, in addition the initiative should be promoted in the website of service providers as well as via existing social media channels.
- 7) Lastly, information related to service should be published in open data formats on official websites as to date no institution in our sample publishes data in such format.

Available official channels for two-way communication with service recipients still do not allow for collection of meaningful and systematic feedback. As the consequence, service delivery policy is hardly based on customer satisfaction.

- 8) Service providers and other public administration bodies should proactively publish feedback results and trends at least via their websites. Moreover, there should be an integrated approach amongst service providing institutions in assessing customer's satisfaction with regard to services provided by their institution. This would serve as a baseline to help institutions to assess citizens satisfaction with service delivery, highlight areas which need prioritization according to customer's perception, identify characteristics of customers so the services are designed and delivered in a way that needs of each group could be met in the future.
- 9) Additionally, service providers should encourage users to send improvement proposals themselves. Collected either online, or at the premises of service providers, result of these proposals need to be reported to the public, and channels for submitting them distinguished from general commenting section.

Although accessibility measures have been recently introduced, and this seems to be largely reflected by perception data analysed earlier issues with addressing properly accessibility of services to all, particularly citizens with disabilities, remain evident. Without properly addressing the issue of accessibility of services to all, service delivery policy may unintentionally end up discriminating against and deepening of social disparities.

- 10) This said, service providers should ensure accessibility for this group of citizens first by ensuring access to public buildings for people with special needs. In addition, the needs of people with disabilities and vulnerable groups in the country should be identified and followed by development of a needs-based approach which will allow smooth service reception and reduce discrimination.

7. PUBLIC FINANCE MANAGEMENT

7.1. WeBER indicators used in Public Finance Management and country values for Kosovo

P5 I1: Transparency and accessibility of budgetary documents					
0	1	2	3	4	5
P6_8 I1: Public availability of information on public internal financial controls and the parliamentary scrutiny					
0	1	2	3	4	5
P16 I1: Supreme Audit Institution's communication and cooperation with the public pertaining to its work					
0	1	2	3	4	5

7.2. State of Play in Public Finance Management

The public administration reform in Kosovo consists of three main pillars²⁸⁰ and the division of the reform areas is done based on institutional areas and responsibilities of institutions responsible for their implementation. Public Financial Management - falls under the responsibility of Ministry of Finance (MoF).

The legal framework for implementing the public financial management (PFM) is in place and is assessed to have improved gradually.²⁸¹ The Public Financial Management Reform Strategy 2016-2020 (PFMRS) is one of the four strategic planning documents. It covers the full scope of the principles of public administration and public financial management (PFM), including public procurement and external audit. The PFMRS is a comprehensive strategy divided in four main pillars and aims to achieve sound financial management by improving the systems that ensure fiscal discipline, operational efficiency and effective allocation of Kosovo's public resources, as well as cross cutting PFM issues (amongst others the budget transparency).²⁸² An important objective under this pillar is publication of Citizens Budget document as an additional document alongside Budget Law and budget tables.²⁸³ The report on implementation of PFMRS highlights that this objective has been fulfilled as the Citizen's Budget for 2017 (and for 2018²⁸⁴) is published.²⁸⁵

The PFMRS foresees the key reform plans in the management of the budget process amongst other incorporating 'strategic planning and budget preparation', 'budget execution', 'accounting and reporting' and 'audit and oversight'. In some of the PFM sub-systems, government has also adopted strategies such as Strategy for Public Internal Financial Control (PIFC) 2015-2019, National Public Procurement Strategy 2017-2021 and the Strategy to Integrate Tax Administration and Customs into a Revenue Administration.

280 For more details on the key pillars see chapter on Strategic Framework of PAR.

281 SIGMA Monitoring Report for Kosovo 2017. Available at: <http://www.sigmaweb.org/publications/Analysis-of-the-professionalisation-of-the-senior-civil-service-and-the-way-forward-for-the-Western-Balkans-SIGMA-Paper-55-May-2018.pdf>

282 Available at: http://www.kryeministri-ks.net/repository/docs/Public_Finance_Management_Reform_Strategy2016-2020.pdf

283 PFMRS, Activity 11.6

284 Available at: <https://mf.rks-gov.net/page.aspx?id=2,33;>

285 Annual Progress Report 2017 on the Implementation of Public Finance Management and Reform Strategy 2016-2018 Available at: <https://mf.rks-gov.net/desk/inc/media/41CD8CEC-6019-425E-9618-3AC38CD76F81.pdf>

PFMRS includes indicators which monitor progress in relation to specific objectives. The indicators are described and defined in detail in the indicator passports developed separately (for each of the four strategies). The indicator passports are publicly available for 2017.²⁸⁶ The reports on the progress of implementation of PFMRS are produced²⁸⁷ and are publicly available on the website of the MoF.²⁸⁸ The report on the PFMRS explicitly states outputs for each of the planned activities and it is the only report within the PAR strategic framework to include a clear overview of values for all outcome-level indicators (in relation to targets set for 2017).²⁸⁹

Strategy for Public Internal Financial Control 2015-2019 (SPIFC) aims to address the main challenges of internal control.²⁹⁰ According to SIGMA Report "SPIFC is based on a thorough assessment of weaknesses and has a comprehensive coverage." The implementation of SPIFC action plan however is delayed. No progress on legislative framework in the domain of internal audit (IA) took place during the last period. The report also notes that the current PIFC requirements are not fully harmonised with the overall administrative framework.²⁹¹ Government has prepared a new PIFC Law. However, it has not been adopted yet, although it was foreseen to be approved by the end of 2015. Currently, there is a separate legislation covering internal control and IA provisions; more precisely the Law on Public Financial Management and Accountability (LPFMA) and in the Law on Internal Audit (IA). Hence, the new law on PIFC aims to address the issue of separate legislation. Further development of IA is foreseen in the PFMRS, which according to its 8th Pillar, has the objective of establishing a "Strengthening the Internal Audit". Actions to achieve this objective include professionalization of IA through amendment of the Law on IA, update of internal audit manuals and training of internal auditors.²⁹²

A medium-term budgetary framework (MTBF) covering a three-year period is also in place. However, according to SIGMA Report, the budget ceilings included in the MTEF were not maintained during the budget process. Significant performance improvements in terms of the credibility of both the MTEF projections and of the budget estimates are reported.²⁹³ This is considered to be partly a result of increased realism in the projection of revenues, improved commitment controls and effective use of in-year budget reallocations, the deviations between aggregate estimates and also a considerable reduction in outturns has been observed since 2015. The annual budget documentation submitted to the Assembly includes basic information such as estimates of the budget balance, revenue and expenditure of the current year for comparison. It presents the budgetary organizations' (OB) appropriations using both an economic and a detailed "programme" classification. The external audit function in Kosovo is established in the Constitution, which regulates its independence, and it is exercised by the National Audit Office (NAO). The independence and organisation of NAO are further regulated in the Law on the Auditor General²⁹⁴ and the National Audit Office, in line with the International Standards of Supreme Audit Institutions (ISSAIs).

286 Available at: <https://mf.rks-gov.net/page.aspx?id=1,117>

287 SIGMA Monitoring Report for Kosovo 2017. Available at: <http://www.sigmaweb.org/publications/Analysis-of-the-professionalisation-of-the-senior-civil-service-and-the-way-forward-for-the-Western-Balkans-SIGMA-Paper-55-May-2018.pdf>

288 Available at: <https://mf.rks-gov.net/page.aspx?id=1,117>

289 SIGMA Monitoring Report for Kosovo 2017. Available at: <http://www.sigmaweb.org/publications/Analysis-of-the-professionalisation-of-the-senior-civil-service-and-the-way-forward-for-the-Western-Balkans-SIGMA-Paper-55-May-2018.pdf>

290 http://kryeministri-ks.net/repository/docs/Public_Internal_Financial_Control_Strategy_2015-2019.pdf

291 "For example, compared to internal control requirements, there are inconsistencies in the roles and responsibilities of the head of a BO, the Chief Administrative Officer (CAO), the Authorising Officer, Certifying Officer and Chief Financial Officer (CFO)." For more information see SIGMA Monitoring Report for Kosovo 2017. P.136

292 The Public Finance Management Reform Strategy (PFMRS) 2016-2020. P.7. Available at: Available at: http://www.kryeministri-ks.net/repository/docs/Public_Finance_Management_Reform_Strategy2016-2020.pdf Available at: <https://mf.rks-gov.net/page.aspx?id=1,117>

293 SIGMA Monitoring Report for Kosovo 2017. Available at: <http://www.sigmaweb.org/publications/Analysis-of-the-professionalisation-of-the-senior-civil-service-and-the-way-forward-for-the-Western-Balkans-SIGMA-Paper-55-May-2018.pdf>

294 Law No. 05/L-055 on Auditor General and the National Audit Office of the Republic of Kosovo. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=12517>

Since 2016, SAI has fully met its mandate as it completely performs a regularity audit of all budget organisations and the consolidated financial statements. According to SIGMA Report, there is general compliance with the ISSAs when it comes to the applicable audit manuals and internal quality control and assurance arrangements.²⁹⁵ Nevertheless, except for a light assessment of the NAO conducted by the National Audit Office of Sweden in the first half of 2017, no external quality assurance has yet been carried out to assess the effectiveness of the external audit function. Accordingly to the legal procedures the Assembly uses the NAO's annual audit report to scrutinise the Government but the implementation rate of the recommendations is low.²⁹⁶

7.3. What does WeBER monitor and how?

Monitoring of the Public Finance Management area is performed against four SIGMA Principles.

Principle 5: Transparent budget reporting and scrutiny are ensured;

Principle 6: The operational framework for internal control defines responsibilities and powers, and its application by the budget organisations is consistent with the legislation governing public financial management and the public administration in general;

Principle 8: The operational framework for internal audit reflects international standards, and its application by the budget organisations is consistent with the legislation governing public administration and public financial management in general

Principle 16: The supreme audit institution applies standards in a neutral and objective manner to ensure high-quality audits, which positively impact on the functioning of the public sector.

Coverage of these Principles includes transparency of budget reporting and scrutiny, the existence and application of framework for public internal financial control (PIFC) in public administration (including financial management and control – FMC, and internal audit - IA), and lastly, application of standards of neutrality and objectivity of external audit.²⁹⁷ As these Principles are thoroughly assessed by SIGMA, WeBER approach incorporates and enhances elements of transparency, and accessibility of information, external communication but also proactive and citizen-friendly approach to informing the citizens.

WeBER monitoring is based on three indicators, one per each PFM sub-area covered: annual budget policy, PIFC, and external audit. Firstly, transparency and accessibility of budgetary documents is assessed, measuring how accessible are key budget documents to the citizens (annual state-level budget and budget execution reports), but also to what extent is budgetary information presented and adapted to the needs of citizens and civil society. To this end, web presentations of ministries in charge of finance and data available thereon were analysed as the primary online source, but also official portals of governments and open data portals depending on country-specific practices.

Secondly, public availability and communication of essential information on PIFC (consolidated reporting, IA quality reviews, FMC procedural information) to the public and other stakeholders is also measured by analysing official websites and available documents of government institutions

²⁹⁵ Available at: <http://www.sigmaweb.org/publications/Analysis-of-the-professionalisation-of-the-senior-civil-service-and-the-way-forward-for-the-Western-Balkans-SIGMA-Paper-55-May-2018.pdf>

²⁹⁶ SIGMA Monitoring Report for Kosovo 2017. Available at: <http://www.sigmaweb.org/publications/Analysis-of-the-professionalisation-of-the-senior-civil-service-and-the-way-forward-for-the-Western-Balkans-SIGMA-Paper-55-May-2018.pdf>

²⁹⁷ SIGMA Principle 5: Transparent budget reporting and scrutiny are ensured; SIGMA Principle 6: The operational framework for internal control defines responsibilities and powers, and its application by the budget organisations is consistent with the legislation governing public financial management and the public administration in general; SIGMA Principle 8: The operational framework for internal audit reflects international standards, and its application by the budget organisations is consistent with the legislation governing public administration and public financial management in general; SIGMA Principle 16: The supreme audit institution applies standards in a neutral and objective manner to ensure high-quality audits, which positively impact on the functioning of the public sector

in charge of PIFC policy. However, for availability of specific FMC related information the websites of all ministries are analysed, and also official parliamentary documentation for the measurement of regularity or parliamentary scrutiny of PIFC.

Lastly, in the external audit area, indicator approach considers supreme audit institutions' (SAI) external communication and cooperation practices with the public. It covers existence of strategic approach, means of communication used, citizen-friendliness, use of data visualisation, existence of channels for reporting on issues identified by external stakeholders, and consultations with civil society. For this purpose, combination of expert analysis of SAI documents and analysis of SAI websites is used but complemented with semi-structured interviews with SAI staff to collect additional, or missing information.

WeBER Monitoring Results

Principle 5: Transparent budget reporting and scrutiny are ensured

WeBER indicator PFM P5 I1: Transparency and accessibility of budgetary documents

Indicator elements	Scores
Enacted annual budget is easily accessible online	4/4
In-year budget execution reports are easily accessible online	4/4
Mid-year budget execution reports are easily accessible online	4/4
Budget execution reports (in-year, mid-year, year-end) contain data on budget spending in terms of functional, organization and economic classification	2/4
Annual year-end report contains non-financial information about the performance of the Government	0/2
Official reader-friendly presentation of the annual budget (Citizen Budget) is regularly published online	4/4
Budgetary data is published in open data format	2/2
Total	20/24
Indicator Value (0-5)	4

The Budget of the Republic of Kosovo is prepared by the Government, led by the MoF, and is approved annually by the National Assembly at the end of each fiscal year. According to Article 42 of the Law No. 03/L-048 on Management of Public Finance, thirty (30) days upon approval by the Assembly and the promulgation of the Kosovo Consolidated Budget and the annual Appropriations Law, the Minister of Finance is obliged to prepare and publish in the Official Gazette of Kosovo and on the Ministry's website the budget together with explanatory documents. The documents should be prepared in a comprehensive and publicly understandable form in the languages required for official documents of the Government.²⁹⁸ Analysis of budgetary information and related documents show very much satisfying results in terms of transparency and availability of data. As a result, Kosovo scores maximum points for the first three elements.

The (current) Annual Budget 2018 was approved on 10.12.2017 with Law No. 06/L-020.²⁹⁹ Enacted annual budgets are available on the website of the MoF and can be found in less than three clicks away from the homepage; making them very easily accessible for the public. In addition to the availability of the budget, monthly, quarterly, semi-annual, and year-end annual budget execution reports are all available online, and also easily accessible (less than three clicks away). Monthly budget execution reports are published and updated in a timely manner in a consolidated excel database that includes monthly expenditures data since January of 2006. In contrast to the general practice, this file is available in a downloadable excel file (open data format) and free of charge. Granted, these data only include economic expenditures, but quarterly, semi-annual, and end year reports are presented in a very comprehensive way, and entail detailed data based on each local and

²⁹⁸ Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2524>

²⁹⁹ Available at: <https://mf.rks-gov.net/desk/inc/media/668E7D87-490C-4229-881B-E66CE614F4C1.pdf>

centre level institutions' expenditure execution i.e. expenditure for goods and salaries, expenditures for subsidies and transfers, capital expenditure, expenditures for debt service etc. To that extent, budget reports are presented only according to economic and organizational classification whereas functional classification was not evident. In other words, budget reports do not contain any non-financial information on the performance of the Government, i.e. policy outcomes and consequences of budget execution.

On the other hand, the Law on Public Financial Management and Accountability (LPFMA) stipulates the obligation of the Minister of Finance to regularly monitor budget execution and to report to the Government quarterly and annually. In this regard, "the Minister shall prepare and the Government shall review quarterly reports covering the fiscal year through the end of the quarter that just ended. Such reports shall be submitted to the Assembly within thirty (30) days from the end of each quarter and then published by the Minister."³⁰⁰ In line with the LPFMA, MoF publishes the Annual Financial Statements (AFS) before the end of March. Content wise, AFS includes comprehensive information covering all key budget headings (including local government). Nevertheless, in terms of quality, SIGMA Report assesses that in the AFS the information is "mainly presented in quantitative tables, with no explanations of variations from the original budget allocation, either for recurrent or for capital expenditures."³⁰¹ Moreover, the level of detail is poorer compared to the annual budget, given the reporting in AFS is done only at the programme and not at the sub-programme level.³⁰²

Although, as noted above reports contain only financial information, MoF has initiated the practice of publishing Citizens Budget. The first Citizen Budget was first published in 2017 and the practice is followed in 2018 as well. The data are visualized and presented in an understandable way and are easily accessible for any interested party.³⁰³ The document amongst others contains visualized information of the process of budget preparation, sources of budget income, per capita budget spread across municipalities, how the state spends the money and also illustrations of the main macroeconomic indicators.

Regional PAR Monitor Report with results for all WB countries is available at: www.par-monitor.org

WeBER Platform members' findings

The analysis of the audit reports of financial statements of the Municipality of Ferizaj for 2014 highlight several aspects of misuse of public money and violation of the relevant laws. One of the most persistent violation is the frequent practice of significant payments by the Municipality without start of the project. It is not clear why the municipality is subject to such terms of agreement that payments are to be made several months before projects are started. It is also not clear why procurement procedures are not conducted by the municipality itself. This situation contains a high degree of risk for payments to be made while projects are not being completed.

Also, the analysis identifies as other violations, recruitment of employees without official vacancy; lack of monitoring of subsidies by the Municipality; lack of complete asset registration and non-compliance with the asset management regulation; introduction to obligations more than the approved budget; non-payment of invoices according to legal deadline; failure to address the recommendations of the Office of Auditors, etc.

INPO, 2015

"Summary of findings from the Audit Report for the 2014 financial statements of the Municipality of Ferizaj"

300 The Law on Public Financial Management and Accountability. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2524>

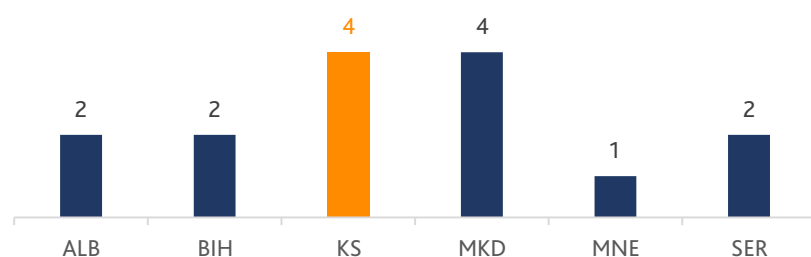
301 SIGMA Monitoring Report for Kosovo 2017. P.134. Available at: <http://www.sigmaweb.org/publications/Analysis-of-the-professionalisation-of-the-senior-civil-service-and-the-way-forward-for-the-Western-Balkans-SIGMA-Paper-55-May-2018.pdf>

302 Ibid

303 Available at: <https://mf.rks-gov.net/page.aspx?id=1,33>

How does Kosovo do in regional terms?

Indicator P5 I1: Transparency and accessibility of budgetary documents



Regional PAR Monitor Report with results for all WB countries is available at: www.par-monitor.org

Principle 6: The operational framework for internal control defines responsibilities and powers, and its application by the budget organisations is consistent with the legislation governing public financial management and the public administration in general;

Principle 8: The operational framework for internal audit reflects international standards, and its application by the budget organisations is consistent with the legislation governing public administration and public financial management in general

WeBER indicator PFM P6_8 I1: Public availability of information on public internal financial controls and the parliamentary scrutiny

Indicator elements	Scores
Consolidated annual report on PIFC is regularly produced and published online	0/4
Quality reviews of internal audit reports are regularly produced and published online	0/2
Ministries publish information related to financial management and control	0/2
CHU proactively engages with the public	0/2
The Parliament regularly deliberates on/reviews the consolidated report on PIFC	2/2
Total	2/12
Indicator Value (0-5)	0

Article 28 of Law Nr. 06/L-021 (2018) on the Financial Management and Control (FMC)³⁰⁴ regulates the deadline of publishing of the consolidated annual reports. The law stipulates that the Minister of Finance presents to the Government for approval and submission to the Assembly, each year by the end of June, an annual report on the quality and functioning of public financial internal control for the previous year. In practice PIFC reports on "The Public Internal Financial Control System in the Public Sector of Kosovo" are drafted from the Central Harmonization Unit (CHU) within the MoF, but are not accessible on the website of the Ministry. However, consolidated annual reports on PIFC are not regularly published in Kosovo. Hence, Kosovo scores zero points in the first WeBER element. The latest available report produced is the 2015 report. According to SIGMA, the PIFC report contains comprehensive information, including the state of play in implementing internal control in public sector organisations and statistics. The report is mostly fed from a self-assessment survey of the progress in implementing internal control (and IA) each year.³⁰⁵

³⁰⁴ Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2524>

³⁰⁵ SIGMA Monitoring Report for Kosovo 2017. Available at: <http://www.sigmaweb.org/publications/Analysis-of-the-professionalisation-of-the-senior-civil-service-and-the-way-forward-for-the-Western-Balkans-SIGMA-Paper-55-May-2018.pdf>

Likewise, quality reviews of internal audit reports are not published online. The latest EU Country Report for Kosovo states that "the CHU has implemented internal audit reviews on a sample basis but has not yet implemented internal control reviews."³⁰⁶ According to SIGMA Report, the annual report on the progress of PIFC development amongst other, includes an assessment of implementation of internal control in public sector organisations. Nevertheless, the application of risk management is considered to be still at a low level."³⁰⁷

Review of the websites of the sampled ministries shows that information related to financial management and control online (incl. risk registers, book of procedures and information on the appointed FMC manager) is largely not available online.

Likewise, the information on the FMC managers/directors is lacking for the majority of ministries. Two institutions provide an exception. The Ministry of Agriculture, Forestry and Rural Development which published information on the FMC managers/directors on its website³⁰⁸ and the Ministry of Finance which has published the "Book of Procedures for Management of Public Finance".³⁰⁹ In general the ministries contain information on the department or the division upon which the responsibility for FMC falls. In most cases the only reference made to FMC is under the description of the responsibilities of the Division for Budget and Finance where it is stated that the department manages cash reserves and ensures that internal financial control is based on accountability principles. Nevertheless information about the manager of the division is missing.³¹⁰

Moving to the next WeBER element, no evidence is found on the CHU department proactively engaging with the public. The evidence of public outreach includes a brochure (targeting internal audits and employees of financial management) on procedures of financial management and control as well as Internal Audit brochures available at the MoF website.³¹¹ Nevertheless, it is insufficient to qualify for proactive engagement with the public. Evidence from the last two reporting cycles indicated that the parliament and the relevant committee regularly deliberated on the consolidated reports on PIFC; main findings were discussed on June 2016 and 2017. This resulted in Kosovo scoring maximum points for the last WeBER element. It is of note that, in addition to reviewing the report for 2016 and in principle suggesting to the MPs to approve the report, the Committee for Oversight of Public Finance has also presented a list of recommendations to be addressed.³¹² Moreover, the transcripts show that the 2015 and 2016 report have been comprehensively discussed and debated amongst the members of the committee and several recommendations have been put forward.³¹³

306 p. 75 Available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-kosovo-report.pdf>

307 SIGMA Monitoring Report for Kosovo 2017, p.137

308 Available at: <http://www.mbpzhr-ks.net/sq/departamenti-per-financa-dhe-sherbime-te-pergjithshme->

309 Available at: <https://mf.rks-gov.net/page.aspx?id=2,126>

310 See for example: <http://mi-ks.net/sq/departamenti-i-financae-dhe-sherbimeve-te-pergjithshme>

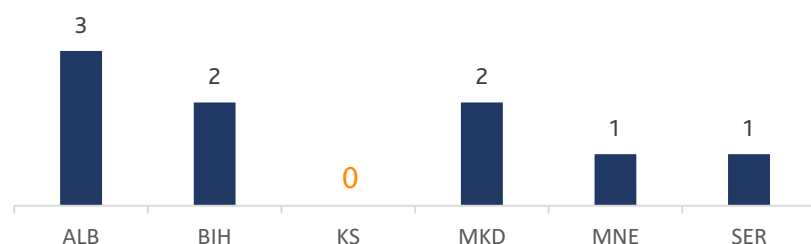
311 Available at: <https://mf.rks-gov.net/page.aspx?id=1,79>

312 Transcript available at: http://www.kuvendikosoves.org/common/docs/proc/trans_s_2017_11_23_10_7106_al.pdf

313 Transcript available at: http://www.kuvendikosoves.org/common/docs/proc/proc_2016_06_22_10_6526_al.pdf

How does Kosovo do in regional terms?

Indicator P6_P8 I1: Public availability of information on public internal financial controls and the parliamentary scrutiny



Regional PAR Monitor Report with results for all WB countries is available at: www.par-monitor.org

Principle 16: The supreme audit institution applies standards in a neutral and objective manner to ensure high-quality audits, which positively impact on the functioning of the public sector

WeBER indicator PFM P16 I1: Supreme Audit Institution's communication and cooperation with the public pertaining to its work

Indicator elements	Scores
SAI develops a communication strategy for reaching out to the public	0/4
SAI has dedicated at least one job position for proactive communication and provision of feedback towards the public	2/4
SAI utilises various means of communication with the public	1/2
SAI produces citizen-friendly summaries of audit reports	4/4
Official channels for submitting complaints or initiatives to SAI by external stakeholders are developed (wider public, CSOs)	0/2
SAI consults CSOs and their work for the purpose of identifying risks in the public sector	2/2
Total	9/18
Indicator Value (0-5)	3

Kosovo scores average points in the first WeBER element (3/5 points). Monitoring results reveal that KNAO has not developed specific communication strategic documents for reaching out to the public, and communicating their work/results/goals etc. Despite this, there is some evidence that it is gradually moving towards greater communication of its work to the public. KNAO has adopted the Corporate Development Strategy 2015-2020 which aims to secure local ownership and institutional sustainability, to contribute in strengthening good governance and increase audit quality.³¹⁴ Although the strategy includes external communication goals and objectives, the published version of the Strategy does not contain an action plan for its implementation nor does it contain a list of activities or measures for achieving the established objectives, indicators of performance or output.

Next, WeBER monitors if KNAO has dedicated at least one job position for proactive communication and provision of feedback towards the public. Research suggests that KNAO has dedicated at least one job position for proactive communication and provision of feedback towards the public. The Regulation of Internal Organization and Job System, available on the KNAOs website, stipulates duties and responsibilities of the Public Communication and Translation Unit, which is the responsible body for communication with the public. Among others, it is responsible for providing professional support to KNAO in the field of communication and information with the Assembly, Parliamentary Committees and other public institutions. That includes preparing press conferences, press releases, statements, reports and publication in the written electronic media;

³¹⁴ Available at: http://www.zka-rks.org/wp-content/uploads/2017/06/ENG_Corporate_Development_Strategy_2015_2020_3107261.pdf

preparing meetings and forums with civil society; updating KNAO official website; coordinating activities related to the publication of audit reports; coordinating requests for access to public documents etc. As such, the position contains at least one of the listed tasks in the methodology, namely, "Preparation of information, documents, and other materials designed for proactive communication towards the public".

In addition, results suggest that KNAO utilises at least two additional means of communication with the public. More specifically, by actively maintaining KNAO Facebook account and organizing public events or issuing press releases. The events are mainly organized in the form of roundtable discussions for the purpose of presenting audit and performance reports. Likewise, events particularly related to main audit issues and progress of implementation of recommendations given in audit reports where organized.³¹⁵

Moving on to the WeBER element, the review of audit and performance reports suggest that in general they are assessed to be written in a citizen-friendly manner. More precisely, out of all audit reports published in the period July 2017 - July 2018³¹⁶, 71% (82 of 115 reports) of reports contain citizen-friendly summaries.³¹⁷ All reports contain an executive summary which tackles the problem, overall conclusions and key recommendations and are written in a non-technical language.

Notably, the executive summary contains a graph that includes main findings and recommendations related to addressing each finding. Likewise, each report maintains the same structure of the report as well as of the executive summary. Notably, the performance reports stand out as they are more detailed and written in a more citizen-friendly manner. Around a quarter of reports are assessed as not written in a citizen-friendly manner mainly due to executive summary being limited both in terms of main findings and recommendations. The value and level of utilisation by the external stakeholders of audit reports in particular could be improved by providing rather more enriched summaries, as it is the case with performance reports. However, it should be noted that there is an extensive use of abbreviations without proper introduction, except for the list of abbreviations provided the beginning of the report.

Next, KNAOs approach in consulting CSOs and their work for the purpose of identifying risks in the public sector is positively assessed. KNAO audit methodologies and guidelines (or similar internal NAO acts) do not foresee consultations with CSOs related to audits that it performs. However, the Annual Performance Report 2017 refers to the practice and importance of consulting CSOs. Along the same lines, Assistant National Auditor (ANA) Ms. Vlora Spanca confirmed that CSOs are consulted via two main channels: via Consultative forums and secondly, during public events or consultative meetings organized in particular with CSOs.³¹⁸

Given for regularity audits KNAO by law is obliged to audit all budget organizations, no formal mechanisms have been developed for consulting CSOs regarding public sector risk. However, KNAO consults CSOs for the other type of audits, the performance audits. Over the past two years, KNAO has initiated the practice of holding consultative forums with civil society organizations for performance audits. In these forums, the proposal of topics from the KNAO is made on aspects that can be audited in various fields that have material and/or social impact.

315 See for example Public events: Presentation of the SAI Performance Audit Report - March 2018 <http://www.zka-rks.org/news/prezantohet-raporti-i-auditimit-te-performances-efikasiteti-dhe-efektiviteti-ne-implementimin-e-sistemit-informativ-unik-te-integruar-shendetesor/>; c) Presentation of the SAI Performance Report on "Efficiency and Effectiveness in Implementation of the Integrated Health Information System" 22 March 2018. Available at: <http://www.zka-rks.org/en/news/a-performance-audit-report-is-presented-efficiency-and-effectiveness-in-implementation-of-integrated-health-information-system/>; d) Roundtable Discussion on "Presentation of the Main Audit Issues for 2016 and Progress in Implementing Recommendations given in Audit Reports" Available at: <http://zka-rks.org/en/news/presentation-of-the-main-audit-issues-for-2016-and-progress-in-implementing-recommendations-given-in-audit-reports/> Press Release: <http://www.zka-rks.org/en/news/press-release-efficiency-and-effectiveness-in-implementation-of-the-integrated-health-information-system/ess-in-implementing-recommendations-given-in-audit-reports/>;

316 Total of 115 reports of all type of audits - financial, compliance, and performance audits.

317 Citizen-friendly summaries of audit reports consider shortened and concise explanation of the main findings, results and conclusions of conducted audits, free of highly technical language, produced either separately or as part of actual audit reports.

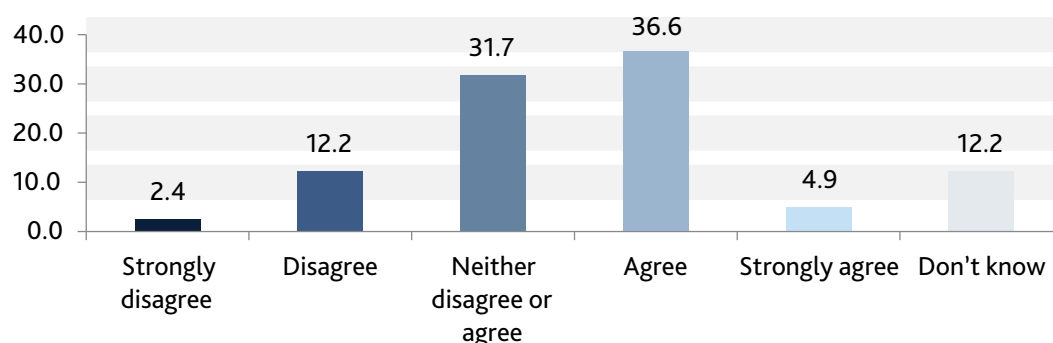
318 The Annual Performance Report 2017, p.35. Available at: http://www.zka-rks.org/wp-content/uploads/2018/05/RVP_2017_Eng.pdf

Initially, these topics/proposals are shared with CSOs and leave them some time to review it. The forum with CSOs where these topics and other topics proposed by CSOs are discussed follows this. This indicates that KNAO also consults CSO reports focusing on topics that may be an initial source of performance audit initiation in those particular areas. Last year, two of the themes that were proposed by CSOs namely the performance audit of Centralized Procurement and Revenue Management at the local level, were taken into considerations and the reports have already been published.³¹⁹

According to ANA, KNAO also invites CSOs to events organized for the purpose of publishing performance reports. To date, two events have been organized at the National Library and according to the ANA, interest of CSOs to participate has been relatively small. The involvement of CSOs however is not done based on an open call. The office maintains a list of CSOs that are more active and interested in cooperating with KNAO and it is those organizations that are invited to participate in public events. Finally, KNAO has also discussed the draft strategy of the office for the next 3 years with CSOs.

On a different note, research has revealed that KNAO website does not have any specific channels for submitting complaints or initiatives on issues identified by external stakeholders are interpreted to mean any system for receiving, filing, processing and reporting on complaints, tips, and inputs regarding the utilisation of public funds made by CSOs or citizens. In spite of the absence of such channels, KNAO has consulted CSO on other matters over the last two years, in addition to those discussed above. This is confirmed in the "The Annual Performance Report 2017" indicates that KNAO consults the CSOs and also in the interview with Assistant National Auditor. Lastly, survey findings suggest that around 42% of surveyed CSOs in Kosovo "agree" and "strongly agree" that the NAO's oversight of administration bodies is effective, whereas more than 30% share a neutral opinion (Figure 41).

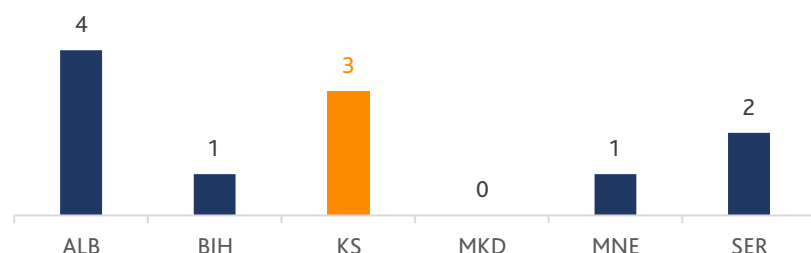
Figure 41. KNAO effectively oversees the work of the state administration (%)



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%.
Base: N=52, n=41

How does Kosovo do in regional terms?

Indicator P16 I1: Supreme Audit Institution's communication and cooperation with the public pertaining to its work



Regional PAR Monitor Report with results for all WB countries is available at: www.par-monitor.org

319 Available at: <http://www.zka-rks.org/publications/>

7.4. Summary results: Public Finance Management

In the PFM area, WeBER monitors the transparency and accessibility of budgetary data, how the government communicates with citizens about public internal financial control, and the degree of the supreme audit institutions' external communication. The Ministry of Finance (MoF) makes enacted annual budget documents (Law on Budget) easily accessible at the official website and the same applies to end of year, semi-annual and quarterly monthly budget execution reports. Monthly budget execution reports are published and updated in a timely manner in a consolidated excel database that includes monthly economic expenditures data since January of 2006. Quarterly, semi-annual, and end year reports are presented in a very comprehensive way and entail detailed data based on each local and centre level institutions' expenditure execution. To that extent, budget reports are presented only according to economic and organizational classification. Functional classification is not evident.

In addition, non-financial performance information on the results achieved by the Government in relation to the annual budget spending is not being reported on. More on, MoF publishes citizen-friendly version of the annual budget regularly since 2017. Central Harmonisation Unit (CHU) produces quality reviews of internal audit reports nevertheless, the reports are not published online. In addition, information on financial management and control (incl. risk registers, book of procedures and information on the appointed FMC manager) is largely not available online. The ministries mostly contain information on the department or the division upon which the responsibility for Financial Management and Control (FMC) falls. In most cases the only reference made to FMC is under the description of the responsibilities of the Division for Budget and Finance.

Moreover, no evidence is found on the CHU department proactively engaging with the public. The evidence of public outreach includes a brochure (targeting internal audits and employees of financial management) on procedures of financial management and control as well as Internal Audit brochures available at the MoF website. Finally, there easily found evidence that the Parliament reviewed consolidate PIFC reports, for the last two reporting cycles. Moreover, the transcripts show that the 2015 and 2016 report have been comprehensively discussed and debated amongst the members of the committee and several recommendations have been put forward.

Kosovo National Auditor Office (KNAO) has not developed specific communication strategic documents for reaching out to the public, and communicating their work/results/goals etc. Nevertheless, KNAO has dedicated at least one job position for proactive communication and provision of feedback towards the public. In addition, research has shown that KNAO utilises at least two additional means of communication with the public. More specifically, by actively maintaining KNAO Facebook account and holding of press conferences to present findings of KNAO performance Audit Reports as well as by organizing roundtable discussion with different stakeholders.

The assessment of the audit and performance reports suggest that in general more than 50% of audit reports published by the KNAO are written in a citizen-friendly manner, with performance audit reports being most detailed and largely free of technical language. KNAO documents and the interview with a senior official suggests that KNAO consults CSOs via two main channels. Over the past two years, KNAO has initiated the practice of holding consultative forums with civil society organizations for performance audits. KNAO also invites CSOs to events organized for the purpose of publishing performance reports or to discuss the draft strategy of the office. Finally, on a different note, research has revealed that KNAO website does not have any specific channels for submitting complaints or initiatives on issues identified by external stakeholders.

7.5. Recommendations for Public Finance Management

MoF publishes certain amount of information on budget spending on its website in a regular manner. For the public to have a full benefit of the disclosed information, fully comprehensive and enhanced presentation is essential. Quarterly, semi-annual, and end year reports are presented in a very comprehensive way and entail detailed data based on each local and centre level institutions' expenditure execution. To that extent, budget reports are presented only according to economic and organizational classification.

- 1) Publishing of budget execution data should be as comprehensive as possible, for better understanding of external stakeholders and greater transparency. Meaning, besides the usual publishing of information based on economic categories, each report should allow for accessing execution data according to the functions of the Government, and individual budget users' execution for the whole public sector (state budget, local self-governments, social security organisations, state-owned enterprises);
- 2) In addition, year-end budget report should provide performance information of the Government. Firstly, this information should be disclosed in concise and citizen-friendly way explaining achievements by the Government in terms of budget execution, and secondly, more detailed information can be provided by disclosing information on programme-budget indicators at the level of programmes of all budget users, at least.

MoF continues to proactively publish citizen-friendly version of the annual budget, and certain datasets are published in open (excel) format. Although commendable, enhancing these practices will increase their practical value for external stakeholders.

- 3) To that end, MoF should consider increasing the quality of its contents and making data more telling, e.g. by placing highlight on functions/purpose of budget spending, on key budget projects and measures planned for the year, on possibilities for citizen participation in budget formulation at different levels; but also by providing more advanced data visualisation in order to keep data simple and understandable but still increasing their visual appeal;
- 4) MoF should pursue open data policy to the fullest, by publishing ALL budgetary data in preferably more than one open format, in line with the open data standards. This should also entail making datasets available through the national open data portal, and easily accessible website banner/section.

Information on PIFC in state administration are prepared but are not published online. Whereas CHU runs a website where all basic information is stored and updated, but also publishes annual reports on that state of play in public sector, ministries are greatly lagging in terms of information provision.

- 5) Ministries in Kosovo, but also other direct budget beneficiaries, should dedicate an easily accessible, single website section for updates on PIFC within the organisation. Beyond descriptions and static information, this section should be regularly updated with results of PIFC implementation in daily functioning of the organisation.

Although the PFC report includes comprehensive information, including statistics and the state of play in implementing internal control in public sector organisations, MoF does not make the reports available online and communication of PIFC to the public in a citizen-friendly manner is completely unavailable.

- 6) MoF should publish the PIFC reports online, less than three clicks away. In addition it should establish external communication, by publishing dynamic materials for explaining PIFC and highlighting important developments in the public sector to the citizens, using simple language and examples from practice. This can be done through various means such as infographics, videos, or brochures. Existing social media

channels (e.g. MoF Facebook), or new ones, can serve as the additional platform beside the MoF website.

Finally, KNAO has invested noteworthy efforts in terms of better communication of its work to the public hence is assessed to produce in general citizen-friendly summaries of the report. Yet, the performance audit reports are assessed more positively, providing short, comprehensive and concise summaries. Hence, SAI can consider further improving the quality of its reports hence strengthening two-way communication with citizens.

- 7) SAI should produce citizen-friendly summary for all the reports and for each audit report published, regardless of the audit type. As a good starting point, short and concise summaries produced for performance audit reports can be replicated and the graphs with main findings and recommendations in some cases should, be further enriched with more and concise information, to better reflect the findings of the report.
- 8) On specifically dedicated website location, SAI should clearly promote information on receiving and handling procedure of citizens' inputs, tips, and complaints. Since SAI has already established internal system for receiving and handling them, increased visibility and promotion of this practice can positively affect citizens' engagement in reporting irregularities as well as government accountability;
- 9) In addition to CSOs forums, in the next cycle of strategic development and planning, SAI should consider adopting a separate communication plan or strategy. This will make the SAI's approach to external communication, and planned involvement of civil society in its work more transparent and predictable, and strengthen SAI's credibility as an end.
- 10) Finally, SAI should consider using as much citizen-friendly tools as possible for communication of its work. Possible options include but are not limited to infographics, videos, or brochures, and social media. Moreover data visualisation should also be practices given that SAI is in possession of large amount of data on utilisation of public funds in Kosovo. Such tasks can be included to the existing job positions within KNAO in charge of external communication and processing of citizens' inputs.

8. Methodology Appendix

PAR Monitor Methodology was developed by the research and expert team of WeBER and widely consulted among all relevant WeBER associates. Overall, the methodology is based on the selection of 21 SIGMA Principles within six key areas of PAR, and selected Principles are monitored through 23 compound indicators that focus on different aspects of PAR.

PAR Monitor methodology (master) document provides details on the overall approach of WeBER PAR monitoring, the process of developing the methodology, the selection of the Principles which the WeBER project monitors and the formulations of indicators with the basic methodological approaches. Detailed information needed for the measurement of each indicator is provided in separate detailed indicator tables. Each detailed indicator table contains the formulation and focus of a specific indicator, as well as the following information for each of the indicator elements: formulation, weigh, data sources, detailed methodology, and point allocation rules.

PAR Monitor methodology, and detailed indicator tables are available at the following link: <http://www.par-monitor.org/pages/par-monitor-methodology>

For producing this National PAR Monitor report, the following research methods and tools were used for data collection and calculation of indicators:

- Analysis of official documentation, data and official websites
- Requests for free access to information
- Focus groups
- Interviews with stakeholders
- Public perception survey
- Survey of civil servants
- Survey of civil society organisations.

8.1. Analysis of Official Documentation, Data and Official Websites

Monitoring heavily relied on the analysis of official documents publicly available on the websites of administration bodies and on the data and information contained therein. Documents which were analysed to this end include:

- legislation (laws and bylaws);
- policy documents (strategies, programmes, plans, action plans, etc.)
- official reports (implementation reports, public consultation reports etc.);
- analytical documents (impact assessments, explanatory memorandums to legislation, policy concepts, policy evaluations etc.);
- individual legal acts (decisions, conclusions etc.);
- Other documents (agendas, meeting minutes and reports, announcements, guidelines, directives, memorandums etc.);

In some instances, responsible authorities were directly contacted by researchers for missing documents and data. In Kosovo, the documentation needs for calculating indicators for the Strategic Framework of PAR were directly communicated with the Ministry of Public Administration, the Prime Minister's Office, and the Ministry of Finance.

Additionally, official websites of public authorities were used as sources of data and documents for all indicators, except for the ones completely based on survey data. In certain cases, the websites of public authorities were closely scrutinised as they were the key sources of information and units of analysis. In the area Policy Development and Coordination, for monitoring transparency of governmental decision-making (indicator PDC_P6_I1), and public availability of information on Government's performance reporting (PDC_P5_I1), the following website was analysed:

- 1) Office of Prime Minister - <http://kryeministri-ks.net/en/>

In the Public Service and Human Resource Management Area, for the monitoring of openness, transparency and fairness of recruitment into the civil service (PSHRM_P3_I1), and for public availability of official data and reports about the civil service and employees in central state administration (PSHRM_P2_I1), the following websites were analysed:

- 1) Ministry of Public Administration - <http://map.rks-gov.net>
- 2) Ministry of Infrastructure
- 3) Ministry of Trade and Industry
- 4) Ministry of European Integration
- 5) Office of Prime Minister
- 6) Tax Administration

In the Accountability area, for monitoring proactive informing of the public by public authorities (ACC_P2_I2), the following websites were analysed:

- 1) Ministry of Education Science and Technology - <https://masht.rks-gov.net>
- 2) Ministry of Health - <https://msh.rks-gov.net>
- 3) Ministry of Diaspora and Strategic Investments - <https://mdis.rks-gov.net>
- 4) Ministry of Finance - <http://mf.rks-gov.net>
- 5) Office of Prime Minister - <http://kryeministri-ks.net>
- 6) Tax Administration - <http://www.atk-ks.org>
- 7) Kosovo Business Registration Agency - <https://arbk.rks-gov.net>

In the Service Delivery Area, for monitoring availability of information regarding the provision of administrative services on the websites of service providers (SD_P5_I2), the following websites were analysed:

- 1) Kosovo Kadastral Agency - <http://www.kca-ks.org>
- 2) Kosovo Business Registers Agency - <https://arbk.rks-gov.net>
- 3) Ministry of Internal Affairs - <http://mfa-ks.net>
- 4) Tax Administration - <http://www.atk-ks.org>

In the Public Finance Management area, for monitoring transparency and accessibility of budgetary documents (PFM_P5_I1), public availability of information on public internal financial controls and the parliamentary scrutiny (PFM_P6&8_I1), and supreme Audit institution's communication and cooperation with the public (PFM_P16_I1), the following websites were analysed:

- 1) Ministry of Finance - <https://mf.rks-gov.net>
- 2) Kosovo National Audit Office - <http://www.zka-rks.org>

8.2. Requests for Free Access to Information (FOI)

As the PAR Monitor methodology strongly relies on the analysis of public availability of information and data, usually based on the websites of public authorities, FOI requests were not comprehensively sent out for each area of the Principles of Public Administration or every indicator. Requests were sent in cases where monitoring focus was on the proper identification of certain practice within administration, rather than public availability of information. Hence, where specific indicator requires online availability of information on specific websites, FOI request were not sent.

That said, the researchers used FOI requests as a data collection tool in three areas: Policy Development and Coordination (indicators PDC_P6_I1, PDC_P10_I1), Public Service and Human Resource Management (PSHRM_P3_I1, PSHRM_P2_I1), and Accountability (ACC_P2_I2). In Kosovo a total of 21 FOI requests were sent in the monitoring period from September 2017 to September 2018.

Table 13. FOI requests sent in Kosovo

Institution	Date of request	Date of reply/information receipt
Office of Prime Minister	11 October 2017 (ACC) 09 November 2018 (PDC) 22 November 2018 (PDC)	10.11.2017 30 November 2018
Ministry of Public Administration	09 November 2017 (PSHRM) 27 August 2018 (PSHRM)	14 November 2017 29 August 2018
Ministry of Education Science and Technology	11 October 2017 (ACC)	Not delivered within the legal deadline
Ministry of Health	11 October 2017 (ACC)	24 October 2017
Ministry of Finance	11 October 2017 (ACC)	23 October 2017
Ministry for Economic Development	5 March 2018 (PDC)	20 March 2018
Ministry of European Integration	5 March 2018 (PDC) 13 June 2018 (PSHRM)	21 March 2018
Anti-Corruption Agency	5 March 2018 (PDC)	20 March 2018
Kosovo Business Registration Agency	5 October 2017; 9 November 2017 (PDC) (reminder)	Delayed response: 15 November 2017
Ministry of Infrastructure	13 June 2018 (PSHRM)	21 June 2018
Ministry of Diaspora and Strategic Investments	5 October 2017 (ACC) 31 October 2017 (PSHRM) 13 June 2018 (PSHRM)	22 June 2018
Tax Administration	5 October (ACC) 13 June 2018 (PSHRM)	19 October 2018 21 June 2018
Office of Prime Minister	13 June 2018 (PSHRM)	22 June 2018

8.3. Focus groups

Focus groups were conducted for collecting qualitative, in-depth inputs from stakeholders for a selection of indicators - for the ones either fully based on survey data to complement them, or for those that relied on otherwise collected information that needed to be corroborated by focus group participants. The PAR Monitor methodology envisaged focus groups for:

- Strategic Framework of PAR, with civil society organisations (for indicators SFPAR_P1_I1, SFPAR_P2&4_I1);
- Policy Development and Coordination, with civil society organisations (covering PDC_P5_I2, PDC_P6_I1, PDC_P10_I1, PDC_P11_I1, PDC_P12_I1)
- Public Service and Human Resource Management, with former candidates who previously applied for a job in central state administration bodies (for indicator PSHRM_P3_I1);
- Accountability, with civil society organisations (for indicator ACC_P2_I1), and
- Service Delivery, an interview with the representative of civil society organisations specifically dealing with accessibility issues, vulnerable groups and persons with disabilities is conducted instead of a focus group. This, due to other CSOs not responding to our invitation (for indicator SD_P4_I1).

For selection of participants, purposive non-probability sampling was used, targeting CSOs with expert knowledge in the topics concerned. In Kosovo, 1 focus groups with civil society organisations and 1 focus group with candidates who previously applied for job positions in central state administration.

Table 14. Focus groups conducted in Kosovo

Date/Place	Group	#	PAR Area
11 July 2018, Prishtinë	Civil society	6 participants	Strategic Framework of PAR, Policy Development and Coordination, Accountability
4 July 2018, Prishtinë	Former applicants in civil service	5 participants	Public Service and Human Resource Management

8.4. Interviews with Stakeholders

Interviews were conducted to collect qualitative, focused and in-depth inputs from stakeholders on monitored phenomena. For a number of indicators, interviews are envisaged as data sources according to the indicator tables. Nonetheless, they were additionally used in the research to complement and verify otherwise collected data and findings.

Interviews were semi-structured, composed of set of open-ended questions, allowing for a discussion with interviewees and on-the-spot sub-questions rather than strictly following a predetermined format. Selection of interviewees was based on purposive, non-probability sampling, targeting interlocutors based on their expertise and relevance for the topic.

In Kosovo, a total of 11 interviews was held within the monitoring period. Interviewees were given full anonymity in terms of personal information and institutional/organisational affiliation, in order to ensure higher response rate and facilitate open exchange.

Table 15. Interviews conducted in Kosovo

Date/Place	Interviewees	PAR Area
18 July 2018, Prishtinë	Managerial level civil servant	SFPAR
4 July 2018, Prishtinë	Former candidate for job position in central administration body	PSHRM
4 July 2018, Prishtinë	Former candidate for job position in central administration body	PSHRM
4 July 2018, Prishtinë	Former candidate for job position in central administration body	PSHRM
5 July 2018, Prishtinë	Former candidate for job position in central administration body	PSHRM
6 July 2018, Prishtinë	Former candidate for job position in central administration body	PSHRM
23 July 2018, Prishtinë	Representative of CSO working with vulnerable groups	SD
23 July 2018, Prishtinë	National expert in civil service	PSHRM
19 July 2018, Prishtinë	National expert in civil service	PSHRM
18 July 2018, Prishtinë	Senior civil servant	PSHRM
20 July 2018, Prishtinë	Senior civil servant	PSHRM

8.5. Public Perception Survey

The public perception survey is based on a questionnaire targeting the general public (aged 18 and older) of 6 Western Balkan countries. It was implemented as part of regional omnibus surveys conducted in Albania, Bosnia and Herzegovina, Montenegro and Serbia (ad hoc surveys were conducted for Kosovo and Macedonia) during 15 October - 30 November 2017. The survey was conducted through computer-assisted personal interviewing (CAPI), using a three stage random stratified sampling.

For Kosovo, the margin of error for the total sample of 1013 citizens was $\pm 3.08\%$, at the 95% confidence level. Table 16 provides a breakdown of the sample.

Table 16. Public Perception Survey - Sample characteristics

Key groups	Frequency	%
Gender		
Male	501	49.5
Female	510	50.5
Age		
18-29	331	32.7
30-44	319	31.6
45-59	212	21
60+	149	14.8
Educational attainment		
No education		
Primary school	309	30.6
High school	618	61.2
University degree or higher	84	8.3
Employment status		
In paid work	319	31.5
Unemployed	414	41.8
In education	140	13.8
Permanently sick or disabled	4	0.4
Retired	90	8.8
Other	45	4.5
Employment sector		
Public	163	16.2
Private	847	83.8
Area of residence		
Rural	567	56.1
Urban	444	43.9

8.6. Survey of Civil Servants

Civil Servant survey results are based on a unified questionnaire targeting civil servants working in the state administrations of Albania, BiH, Kosovo, Macedonia, Montenegro and Serbia. The survey instrument included 5 sections covering: recruitment of civil servants, temporary hirings in the administration, status of senior civil servants, salary/remuneration, and integrity and anti-corruption. Data collection was conducted from April through May 2018 using a self-administered questionnaire (web SAQ).

For Kosovo, a total of 427 civil servants completed the survey from 3rd to 25th of April 2018. The Ministry of Public Administration (MPA) facilitated the dissemination of the survey.

Final survey data were processed statistically with the statistical package SPSS. All percentages are based on the total number of respondents who replied to a given question, rather than the overall number of respondents in the survey. Table 17 provides a breakdown of the sample.

Table 17. Breakdown of the Civil Servants sample

Key groups	Frequency	% (of cases)
Civil service position		
Senior managerial level (head of authority)	6	2.5
Senior managerial level (not head of authority)	67	27.7
Managerial level	124	51.2
Professional level	32	13.2
Administrative level	13	5.4
State administration institution		
Ministry	151	66.8
Subordinate agency	10	4.4
Central of Government institution ¹	40	17.7
Independent institutions	25	11.1
Gender		
Male	145	59.9
Female	80	31.1
Other	7.0	7.0
Years working in the administration		
Mean= 10.1 years; SD=6.5; Range=0-35 years		
Sector worked before joining the administration		
Local or regional administration	20	8.8
Other branch of power	12	5.3
Public services	42	
International organisation	26	18.4
Non-governmental organisation	16	11.4
Media	5	7.0
Private sector	73	2.2
This was my first job	34	32
Other	0	14.9

Table 18. Survey of civil servants, margin of error (MoE) per question at the 95% confidence level

Question	Q1_1	Q1_2	Q1_3	Q2	Q3_1	Q3_2	Q3_3	Q3_4	Q3_5
Margin of error	1.75-4.54	2.12-4.60	2.20-4.38	2.20-5.08	2.63-5.11	2.63-5.05	1.78-5.04	2.63-5.14	2.43-5.04
Question	Q4_1	Q4_2	Q4_3	Q4_4	Q5_1	Q5_2	Q5_3	Q5_4	Q5_5
Margin of error	1.57-5.42	2.52-5.57	2.59-5.57	1.91-5.44	1.80-5.50	1.19-5.57	N/A	3.15-5.45	1.80-5.44
Question	Q6	Q7	Q8_1	Q8_2	Q8_3	Q9	Q10		
Margin of error	2.61-5.65	3.03-5.66	2.49-5.75	2.20-5.80	1.97-5.81	1.42-4.13	1.23-5.73		

Group for Legal and Political Studies

is an independent, non-partisan and
non-profit public policy organization based in
Prishtina, Kosovo.

Our mission is to conduct credible policy
research in the fields of politics, law and
economics and to push forward policy
solutions that address the failures and/or
tackle the problems in the said policy fields.

legalpoliticalstudies.org