



**Republika e Kosovës**

**Republika Kosova-Republic of Kosovo**

*Qeveria –Vlada-Government*

*Zyra e Kryeministrit – Ured Premijera –Office of the Prime Minister*

*Zyra për Komunikim Publik/ Ured za Javno Komuniciranje/ Public Communication Office*

## **COMPREHENSIVE REPORT - 2011**

ON PUBLIC INSTITUTIONS, ACHIEVING THE RIGHT TO ACCESS  
PUBLIC DOCUMENTS

**PRISTINA**  
**2012**





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REPORT DRAFTERS,

**ALBULENA SYLAJ ZEQRIRI**, SENIOR OFFICIAL FOR INFORMATION AND MANAGING  
REQUESTS FOR ACCESS TO PUBLIC DOCUMENTS,  
PUBLIC COMMUNICATIONS OFFICE IN THE PRIME MINISTER'S OFFICE



## 1. Introduction

### *First step*

*Arianit Bytyçi*

*Director of the Public Communication Office in the Office of the Prime Minister*

*Dear Sir,*

*Although it began as a movement in the last century, freedom of information and the right to know, or as known in our country, the right of access to public documents, is changing the very definition of democratic governance.*

*It is justly stated that freedom of information is the democracy of this century.*

*With this constitutional right, citizens are given the opportunity to be an active part of public life and governments can be accountable to their citizens.*

*As the Public Communications Office in the Prime Minister's Office, the Law on Access to Public Documents obliges us to monitor the full enforcement of this right by all public institutions. In a one year period, we have done great work in creating a network of public officials, who will accept requests, process and record them initially.*

*We are aware that this is a new task and has its challenges. It will take time before it becomes practice and the first difficulties are overcome.*

*Therefore, the goal of the Annual Report is to report and monitor the implementation of the Law on Access to Public Documents, so that it is clear where we have remained behind.*

*In the report, we have gathered observations regarding the right of access to public documents in public institutions. To this end, we have analyzed the type of response, time taken to issue a response, and the profile of applicants.*

*Many positive developments occurred in recent months, which are optimistic, as substantial changes are happening. We will offer whatever assistance is necessary to public institutions, so that this right, which is at its core a human right, is respected.*

*The report is not long, but it summarizes the work of dozens of officials in our central and local public administration.*

*Our greatest strength is the energy, enthusiasm and efficiency of these people.*

*On this occasion, allow me to sincerely express my gratitude to all the staff who manage requests for access to public documents and personally thank them for the great work they have done.*



## 2. Your rights

Access to public documents is regulated by these legal norms:

### 2.1. Constitution of the Republic of Kosovo,

- Article 40 (Freedom of expression)
- Article 41 "The right of access to public document"
- Article 42 (Freedom of the Media)

### 2.2. Law on Access to Public Documents,

The law can be found in number 88 of the Official Gazette, published on 25.11.2010

In the last moment prior to this report, to assist the successful implementation of the Law, the Government of the Republic of Kosovo approved:

**Regulation No. 04-2012 for official recording of requests for access to public documents**

## 3. Work done

Enforcement of the Law on Access to Public Documents

The Law on Access to Public Documents entered into force in December 2010. In contrast to the last Law, which assigned this job to archive officials, now the responsibility for its enforcement is held by the Public Communications Office.

The Law requires that a general report be prepared by the Public Communications Office in the Prime Minister's Office, and be submitted to the Kosovo Parliament.

From this perspective, we have taken our responsibility very seriously. We see the LAPD as a very strong symbol of transparency and opening up of the Government and we hope to do everything to ensure that the Law is implemented in all public institutions, and we are ready to fulfill all our responsibilities toward Parliament. We are very aware that the Government has been criticized by the European Commission for delay in implementing the Law.

To achieve this, last year we wrote to all public institutions, asking them to assign a responsible official for receipt and initial processing of requests for access to public documents.



Now, such a list exists and almost 100 officials deal with this in our institutions

Aware that such work is new for all of them, with the assistance of DFID and PAI, our Office organized three two-day workshops for all officials.

In these workshops, systems for receiving and processing requests were created, and for the drafting of regular progress reports.

This assisted also the Legal Office of the PMO to draft secondary legislation.

Considering the needs of these officials, the Legal Office completed the Regulation for the Recording of Requests for Access to Public Documents.

As you know, the lack of statistics is a key criticism in the 2011 Progress Report.

## 4. Challenges arising from the working process

### 1. Problem of the comprehensive report

The majority of independent organizations deriving from the Kosovo Parliament, including the Judiciary and Prosecution, did not want to report to the Government regarding requests for access to public documents, as is foreseen in the Law on Access to Public Documents, article 5.

This article, titled “**Unit/official responsible for public communication**” paragraph 5 states: “The unit or public relations official prepares regular reports and these reports are sent to the respective unit of the Kosovo Government/Prime Minister's Office which prepares a comprehensive report on public institutions, on achieving the right of access to public documents”

Also article 20, titled “**Transparency, reporting and informing of public institutions**”, under paragraph 4 states: “Each public institution must send an annual report for the previous year to the respective unit of the Kosovo Government / Prime Minister's Office, at the latest by the end of January of that year”

Although this report in question relates to statistics of how many requests there were and how they were dealt with, these institutions defined this reporting to the Government as interference in their independence.



## **2. Who should respond?**

Since assigned officials only receive requests, record and report on them, the majority of officials did not receive responses from officials to whom they forwarded requests at the time. In their reports, one of their concerns remains being ignored by those responsible in their institutions.

## **3. Keeping records**

Reporting was poor also because the majority of institutions did not keep records of requests made, whether someone responded or not.

While an official or office to receive requests was not appointed, requests were sent directly to the Archives Office, but this procedure was avoided when responding, sending answers by email or by letter, but they were not archived. As a result of this, in some cases, records are not precise. This is the biggest criticism regarding implementation of the Law in the Progress Report last year.

Because of this, a new Regulation has now been drafted for the recording of requests for access to public documents.

## **4. Lack of information campaigns**

The lack of budget caused a lack of information campaigns. Though the law notes that the right of access belongs to everyone, as can be seen from this report, journalists make most requests.

## **5. Costs**

Article 21 of the Law, "Payment for access to official documents", specifies that a reasonable price can be set for applicants. As no regulation exists for this field, this presents a problem and various institutions in specific cases have taken their own decisions about prices.

The Ministry of Finance is now drafting a Regulation on Prices, which will facilitate this issue.

## **6. Classified documents**

As we are still in the first stages of this process, there is still no list of documents which are classified and for a range of issues it is not known how to respond.

Though most requests relate to the budget and finance, there is still no decision whether bills should be published or not.

Up to now, institutions have taken their own decisions about this issue.



## 5. Central institutions

Below, are tables explaining the realization of requests for access to public documents.

The table in question explains the number of access requests allowed, refused and restricted.

Because of Article 10 (refusal of applicants request and no answer by the public institutions within the specified deadline is considered a negative response and gives applicants the right to start a procedure with the Ombudsperson, and other public institutions, like competent courts, in accordance with the law in force), the table also notes cases where applicants did not receive a response.

Under “others” are noted requests for which it is not known whether a response was sent, when records are lacking, and cases when applicants were asked to clarify requests or when it was explained that the document requested did not exist in that institution.

Note: The ministries are ranked according to the number of requests they received

No.	Name of Institution	Access allowed	Refused	Restricted	No response	Other	Total
	President's Office	0					0
2	Kosovo Parliament	8			5		13
3	Prime Minister's Office	16			2	3	21
3.1	• Kosovo National Archive Agency						0
3.2	• Veterinary and Food Agency						0
3.3	• Gender Equality Agency						0
3.4	• AAIC						0
3.5	• Water Task - Force						0
4.	Ministry of Finance			1			1
4.1	• Customs	336					336
4.2	• KTA	1					1
5.	Ministry of Education, Science and Technology						0
5.1	• Institute of History	97					97
5.2	• Albanological Institute	0					0
5.3	• Pedagogical Institute						
5.4	• Kosovo Accreditation Academy						
5.5	• National Qualifications Authority						
5.6	• Students Center						
5.7	• National and University Library of Kosovo						
6.	Ministry of Health	3			3		6
6.1	• Kosovo University Clinical Center						
6.2	• Regional hospitals						
6.3	• National Institute of Public Health						
7.	Ministry of Infrastructure	1				5 Not known	6





8.	Ministry of Environment and Spatial Planning				1		1
8.1	<ul style="list-style-type: none"> <li>• Kosovo Cadastral Agency</li> </ul>	3	1		1		5
8.2	<ul style="list-style-type: none"> <li>• Kosovo Environmental Protection Agency</li> </ul>	0					0
8.3	<ul style="list-style-type: none"> <li>• Kosovo Agency for Radiation Protection and Nuclear Security</li> </ul>						
9.	Ministry of Local Government Administration	5					5
10	Ministry of Internal Affairs	3					3
10.1	<ul style="list-style-type: none"> <li>• Kosovo Police</li> </ul>	1					1
10.2	<ul style="list-style-type: none"> <li>• Civil Registration Agency</li> <li>• Kosovo Academy for Public Security</li> <li>• Emergency Management Agency</li> <li>• Kosovo Police Inspectorate</li> <li>• Kosovo Forensic Agency</li> <li>• Kosovo Statistics Agency</li> </ul>	0					0
10.3							
10.4							
10.5							
10.6							
10.7							
11.	Ministry of Economic Development	2		1			3
12.	Ministry of European Integration	3					3
13.	Ministry of Trade and Industry	2					2
13.1	<ul style="list-style-type: none"> <li>• Business Registration Agency</li> <li>• Promoting Investment Agency</li> <li>• Supporting Small and Mid-Sized Enterprises Agency</li> <li>• Kosovo Standardization Agency</li> </ul>	1					1
13.2							
13.3							
13.4							
14.	Ministry of Public Administration	2					2
14.1	<ul style="list-style-type: none"> <li>• Kosovo Institute for Public Administration</li> </ul>	0					0
15	Ministry of Culture, Youth and Sport	2					2
15.1	<ul style="list-style-type: none"> <li>• Kosovo National Theatre</li> <li>• Kosovo Art Gallery</li> <li>• National Song and Dance Ensemble, "Shota"</li> <li>• Kosova Philharmonic</li> <li>• Kosovo film</li> <li>• Kosovo Cinematographic Center</li> <li>• Kosovo Museum</li> <li>• Kosovo Archaeological Institute</li> </ul>						
15.2							
15.3							
15.4							
15.5							
15.6							
15.7							
15.8							
16	Ministry of Communities and Return	2					2
17.	Ministry of Foreign Affairs	1					1
18	Ministry of Justice		1				1
19.	Ministry of Agriculture, Forestry and Rural Development	1					1
19.1	<ul style="list-style-type: none"> <li>• Kosovo Forestry Agency</li> </ul>	0					0
20	Ministry of Diaspora						0
21	Ministry of Security Force						0



## 6. Analysis of last year's requests

### 6.1. TOTAL NUMBER OF REQUESTS

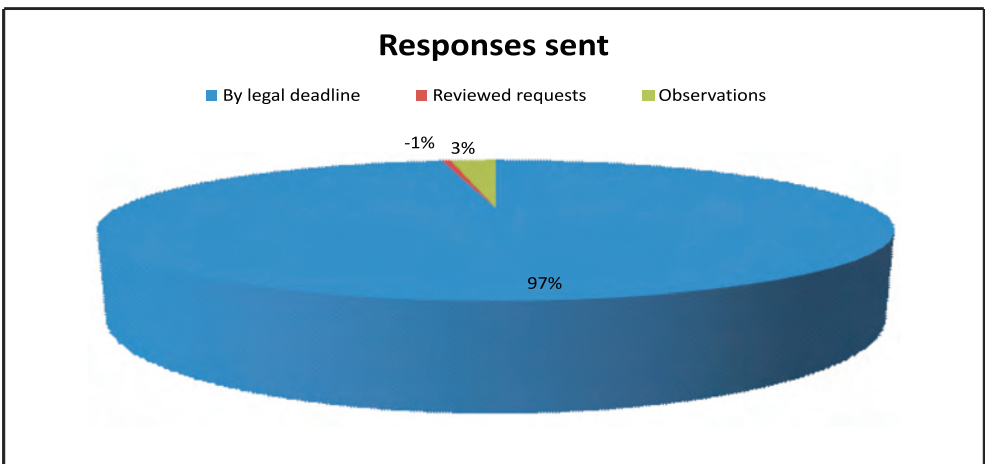
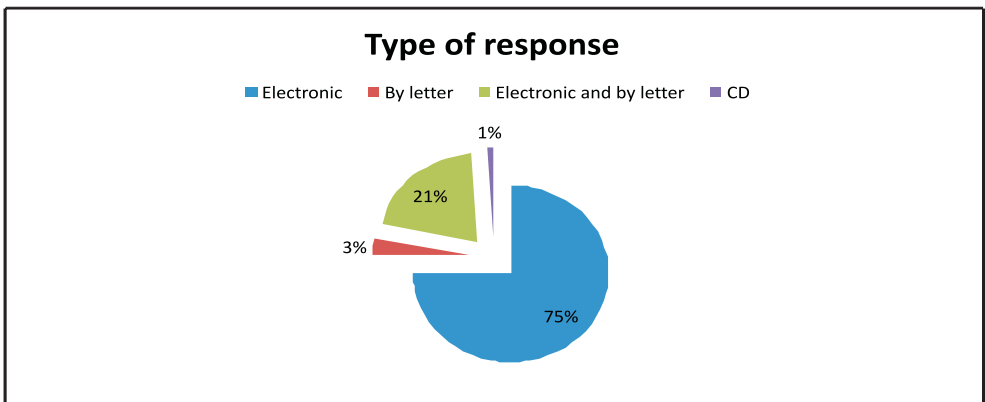
Number of requests received					
Total number	Access allowed	Refused	Restricted	No response	Other reason
514	490	2	2	12	8

### 6.2. Responses

The two tables below, separate how requests were managed, and concretely how responses were sent.

The first identifies responses sent electronically and by letter, while the second table details whether responses sent were within the legal deadline, how many requests were reviewed and how many requests were not responded to (Article 10).

#### Type of response

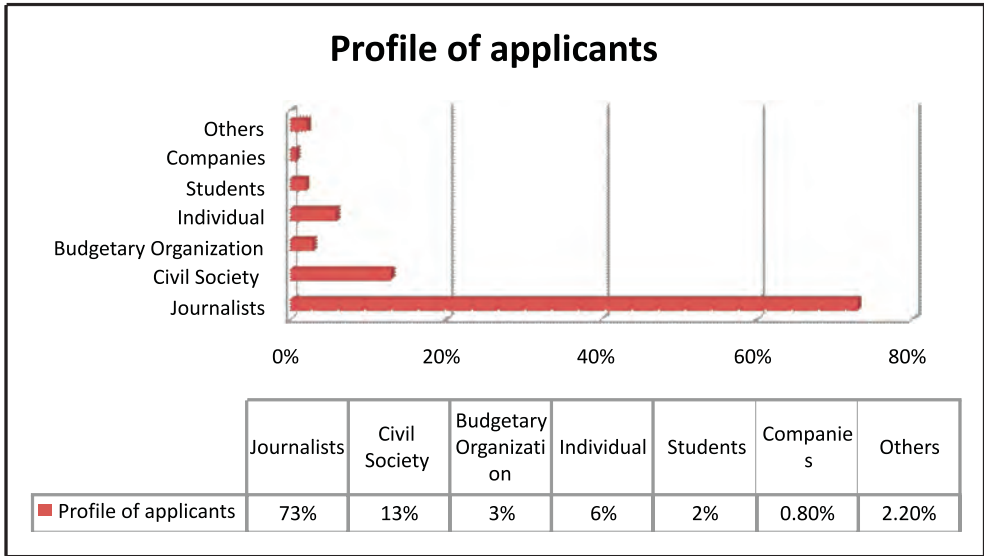




### 6.3. Profile of Applicants

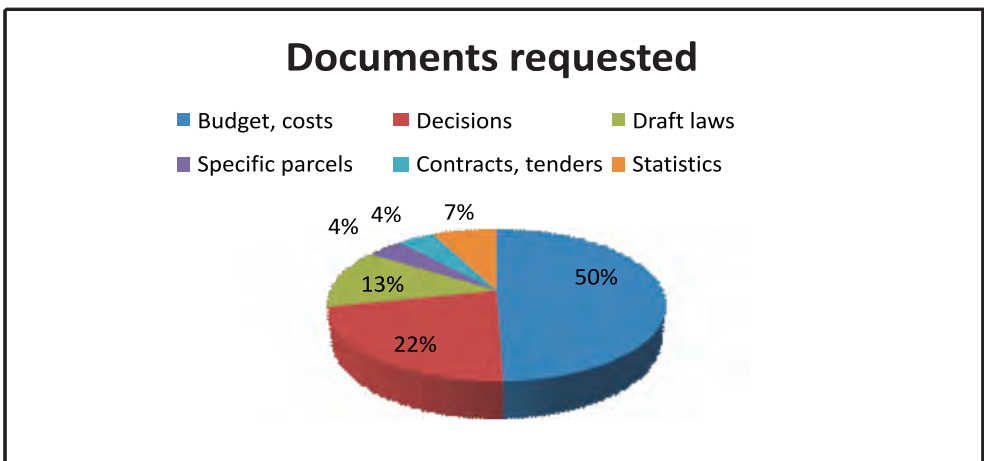
Last year, journalists sent the most requests to central institutions. Civil society also made some requests, though less than half those of journalists.

As well as these two categories, though with much less interest, requests were made by students and other individuals.



### 6.4. Documents requested

Most requests for access to public documents related to the budget and expenditure. Other requests were made for decisions and draft laws, and also for contracts signed by central institutions



## 7. Municipality

### The report on implementing the law in municipalities was prepared by the Public Communications Office in the Ministry of Local Government

- Following the procedure for receiving reports from municipalities, it can be noted that there is no contact point in all municipalities or official who enjoys full responsibility for implementing and reporting on requests for access to public documents.
- MLGA received reports from municipality Departments of Administration, which means that not all Information Officers in municipalities or contact points assigned to address RAPD, in practice are responsible for this area.
- Most requests for access to public documents are implemented by municipalities.
- In most reports sent by municipalities, there are a small number of requests made by interest groups which were not responded to by municipalities.
- Requests sent to municipalities mostly related to interest in the budget, documents and management of contracts.
- Municipality recommendations focus on the need by training to build capacities of municipal officials.
- The reports of statistics presented by municipalities are not considered trustworthy, until the Ministry of Local Government commits to building municipal capacities for precise reporting regarding the implementation of the Law on Access to Public Documents.

No.	Municipality	Access allowed	Access refused	Access restricted	No response	Other reason	Total
1	Gjilan	55	00	00	4	00	59
2	Kaçanik	48	00	00		00	48
3	Peja	38	00	00		00	38
4	Ferizaj	19	9	00	7	00	35
5	Partesh	28	00	00		00	28
6	Prizren	10	00	00		00	10



7	Prishtina	4	00	00	3	00	7
8	Deçan	4	00	00	2	00	6
9	Lipjan	3	1	00	1	00	5
10	Istog	2	00	00		00	2
11	Kamenica	2	00	00		00	2
12	Klina	2	00	00		00	2
13	Skënderaj	1	00	00	1	00	2
14	Malisheva	1	00	00		00	1
15	Podujeva	1	00	00		00	1
16	Shtime	1	00	00		00	1
17	Graçanica	1	00	00		00	1
18	Fushë Kosova	00	00	00	00	00	00
19	Gjakova	No report sent					
20	Drenas						
21	Novobërda	00	00	00	00	00	00



22	Mitrovica	10	00	00	00	00	10
23	Obiliq	00	00	00	00	00	00
24	Rahovec	00	00	00	00	00	00
25	Suhareka	00	00	00	00	00	00
26	Viti	00	00	00	00	00	1
27	Vushtrri	3					3
28	Mamusha	00	00	00	00	00	00
29	Junik	00	00	00	00	00	00
30	Hani i Elezit	00	00	00	00	00	00
31	Killokot	00	00	00	00	00	00
32	Ranillug	1060	17	00	22	00	1077
33	Dragash	00	00	00	00	00	00
34	Shtërpca	1	00	00	00	00	1
35	Peja	38	00	00	00	00	38



## 8. Independent agencies

Most agencies established by the Kosovo Parliament have not appointed a person responsible for receiving requests for access to public documents and have not sent Annual Reports.

The Ombudsperson, on February 15, informed us that he was preparing the eleventh Annual Report, which would include a report on the right of access to public documents, including statistics regarding access to official documents.

“When this Report is submitted to the Parliament of the Republic of Kosovo (as we are obliged to do by Constitution and the Law on the Ombudsperson) the PMO and all interested can avail themselves of data” states their explanation.

Other Agencies did not send an explanation about why they were not part of the Report.

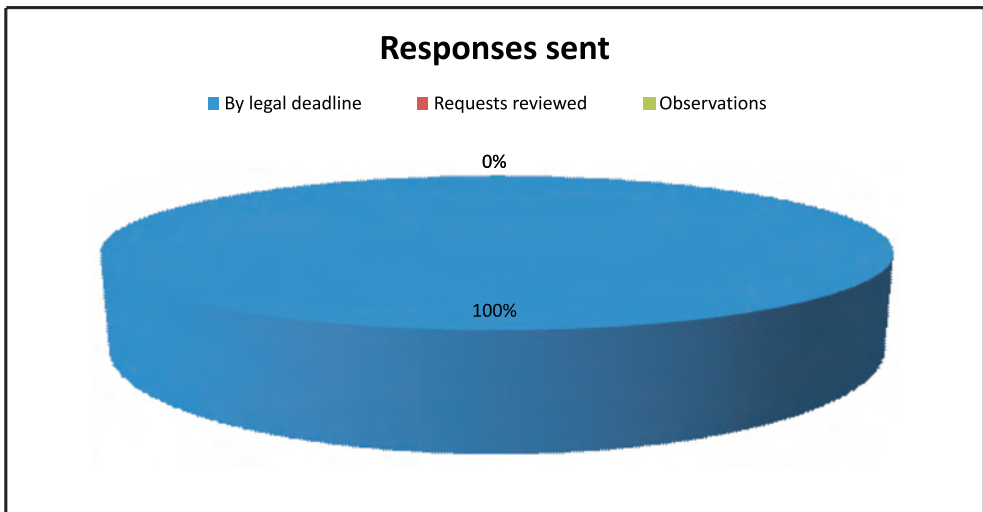
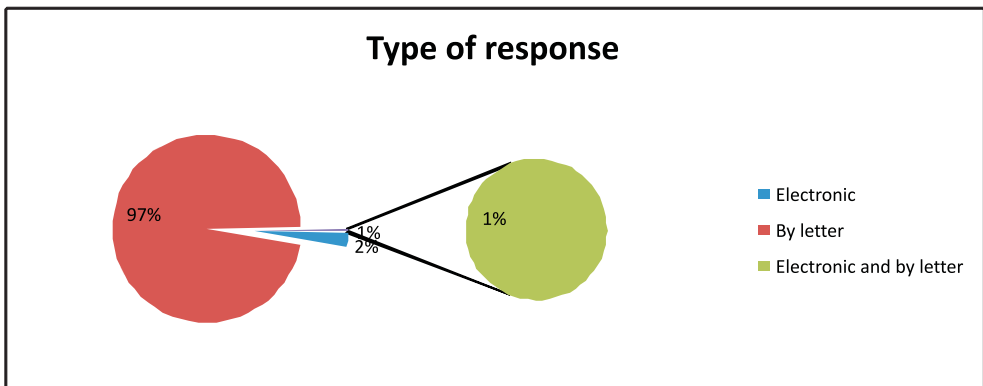
Agency	Access allowed	Access refused	Access restricted	No response	Other reason	Total
Kosovo Academy of Sciences and Arts						0
Independent Media Commission						0
Kosovar Property Agency	622					622
Public Procurement Regulatory Commission						0
Kosovar Privatization Agency	75	5	3			83
Office of the Auditor General	8	1			1	10
Independent Oversight Board of Kosovo Civil Service	0					

## 9. Analysis of last year's requests

### 9.1 TOTAL NUMBER OF REQUESTS

Number of requests received					
Total number	Access allowed	Access refused	Access restricted	No response	Other reason
715	705	6	3		1

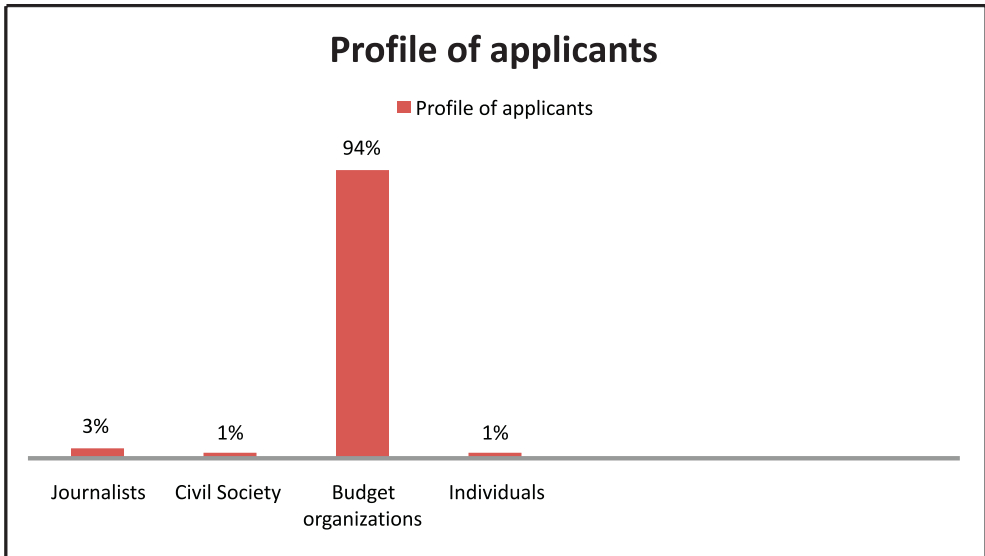
### 9.2 Responses



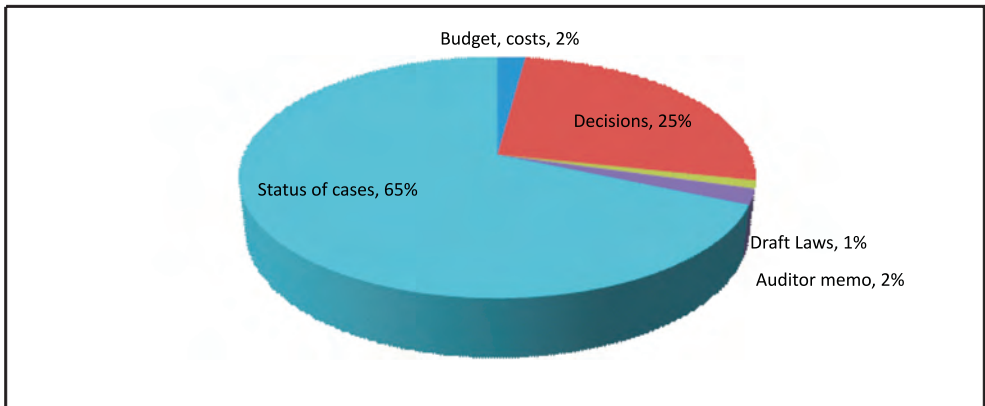




### 9.3 Profile of Applicants



### 9.4 Documents requested



## 10. Prosecution and judicial institutions

Regulation No. 04-2012 on official records of requests for access to public documents, foresees that the Judicial Council prepare the report on courts and sent it to the Public Communication Office in the Prime Minister's Office. However, this institution although appointing an official responsible for receiving and recording requests for access to public documents, has not sent the report in question.

By this regulation, the Prosecutorial Council is foreseen to prepare a report on all prosecutors, but neither has this institution sent a report on last year.

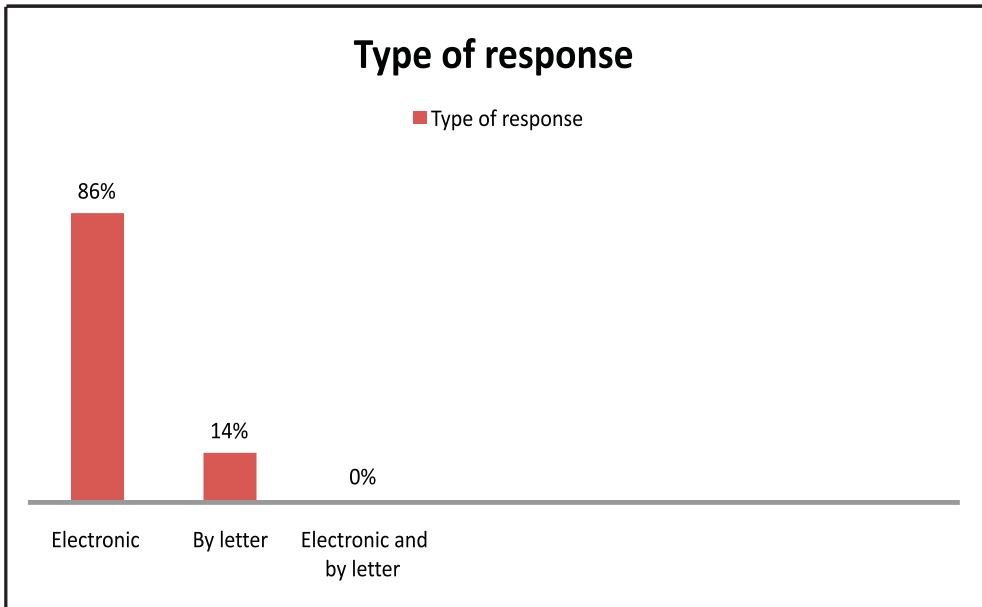
According to them, reporting to the Public Communications Office in the Prime Minister's Office is contrary to their independence.

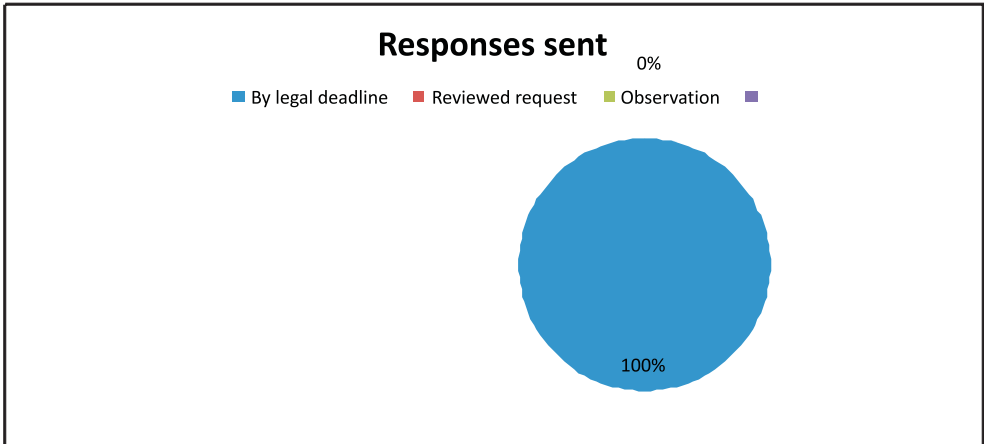
The only judicial institution which sent a report is the Constitutional Court.

### Report of Constitutional Court

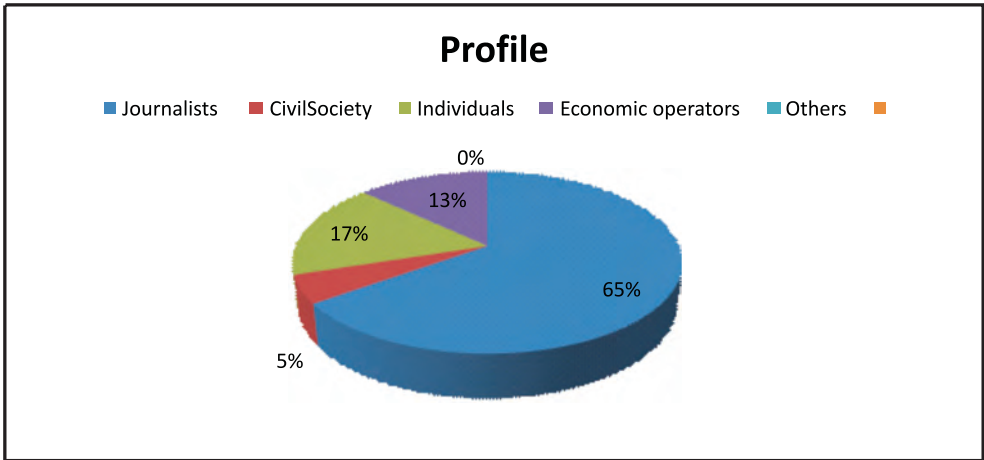
Number of requests received					
Total number	Access allowed	Access refused	Access restricted	No response	Other reason
23	22	1			

### 10.2 Responses

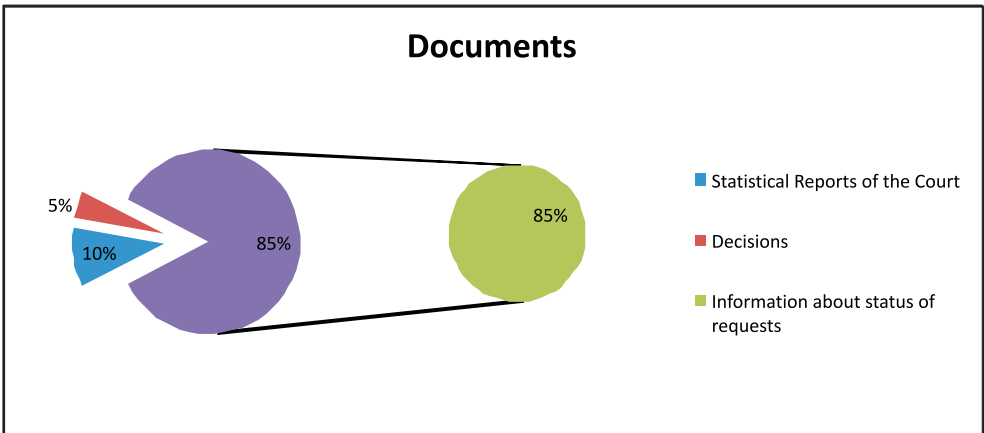




### 10.3 Profile of Applicants



### 10.4 Documents requested



## 11. Recommendations

The Public Communications Office in the Prime Minister's Office recommends that:

1. It is required that independent agencies, founded by the Kosovo Parliament, and the Judicial Council and Prosecutorial Council, respect the Law on Access to Public Documents and send three monthly and annual reports to the Prime Minister's Public Communications Office, which is obliged to prepare a Comprehensive Report on the implementation of the Law in public institutions. This in no way represents an interference with their independence, since it relates only to information about the number of requests for access to public documents and how they were dealt with.
2. All public institutions should publish a special link on their official websites, where you can find contact details for officials appointed to deal with access to public documents.

## 12. List of officials responsible for access to public documents

### CENTRAL INSTITUTIONS

No.	Name and surname	Ministry	Electronic address
1	Florent Rrahmani	Office of the President	f.rrahmani@hotmail.de
2	Musli Krasniqi	Kosovo Parliament	Musli.krasniqi@assembly-kosova.org Musli.krasniqi@rks-gov.net
3	Albulena Sylaj-Zeqiri	Office of Prime Minister	Albulena.zeqiri@rks-gov.net
4	Nora Krasniqi	Ministry of Health	Nora.krasniqi@rks-gov.net
5	Valdete Tahiri	Ministry of Environment and Spatial Planning	Valdete.tahiri@rks-gov.net
6	Astrit Kolaj	Ministry of Justice	astrit.kolaj@rks-gov.net



7	Muhamet Gubetini	Ministry of Agriculture, Forestry and Rural Development	Muhamet.gubetini@rks-gov.net
8	Diana Krasniqi	Ministry of Economic Development	Diana.Krasniqi@rks-gov.net
9	Behar Haziraj	Ministry of Internal Affairs	Behar.haziraj@rks-gov.net
10	Saranda Jusufi	Ministry of Infrastructure	saranda.jusufi@rks-gov.net
11	Shkelzen Dragaj	Ministry of Culture, Youth and Sports	Shkelzen.dragaj@rks-gov.net Shkelzen.dragaj@live.com Shkelzen.dragaj@gmail.com
12	Lumnije Demi	Ministry of Local Government Administration	Lumnije.demi@rks-gov.net
13	Jelena Popovic	Ministry of Community and Return	Jelena.popovic@rks-gov.net
14	Haki Leci	Ministry of Public Administration	Haki.leci@rks-gov.net
15	Shpresa Kokollari	Ministry of Education, Science and	Shpresa.kokollari@rks-gov.net
16	Bajram Shala	Ministry of Trade and Industry	Bajram.shala@rks-gov.net
17	Jehona Bunjaku-Arifi	Ministry of Labor and Social Welfare	Jehona.bunjaku@rks-gov.net
18	Shpetim Hajzeraj	Ministry of Finance	shhajzeraj@mfe-ks.org
19	Fisnik Musa	Ministry of Foreign Affairs	Fisnik.musa@rks-gov.net
20	Gëzim Dushi	Ministry of European Integration	Gezim.dushi@rks-gov.net
21	Liridonë Gashi	Ministry for the Kosovo Security Force	liridonagashi@live.com
22	Kosovare Kilaj	Ministry of Diaspora	Kosovare.Maloku.Kilaj@rks-gov.net

**MUNICIPALITIES**

Nr.	Name and surname	Municipality	Electronic address
1.	Ibish Gërvalla	Deçan	<a href="mailto:Ibish.gervalla@rks-gov.net">Ibish.gervalla@rks-gov.net</a> ; <a href="mailto:ibishgervalla@hotmail.com">ibishgervalla@hotmail.com</a>
2.		Dragash	
3.	Afrim Matoshi	Ferizaj	<a href="mailto:afrimmatoshi@hotmail.com">afrimmatoshi@hotmail.com</a> ; <a href="mailto:ferizaj_komuna@yahoo.com">ferizaj_komuna@yahoo.com</a> ; <a href="mailto:afrim.matoshi@ks-gov.net">afrim.matoshi@ks-gov.net</a>
4	Lendita Tërmkolli	Fushë Kosova	<a href="mailto:lenditazagragja@hotmail.com">lenditazagragja@hotmail.com</a>
5	Kastriot Shehdadi	Gjakova	<a href="mailto:k_shehdadi@hotmail.com">k_shehdadi@hotmail.com</a>
6	Muhamet Pajaziti	Gjilan	<a href="mailto:Muhamet.pajaziti@ks-gov.net">Muhamet.pajaziti@ks-gov.net</a>
7	Ibrahim Hajdari	Drenas	<a href="mailto:Ibrahim_hajdari@hotmail.com">Ibrahim_hajdari@hotmail.com</a> <a href="mailto:Ibrahim.hajdari@ks-gov.net">Ibrahim.hajdari@ks-gov.net</a>
8	Gjevahire Ibrahimaj	Istog	<a href="mailto:Gjevahire.ibrahimaj@ks-gov.net">Gjevahire.ibrahimaj@ks-gov.net</a> <a href="mailto:xhevahireibrahimaj@hotmail.com">xhevahireibrahimaj@hotmail.com</a>
9	Hetem Krasniqi	Kaçanik	<a href="mailto:hetemkrasniqi@hotmail.com">hetemkrasniqi@hotmail.com</a>
10	Sylejman Morina	Kamenica	<a href="mailto:sylejmanmorina@hotmail.com">sylejmanmorina@hotmail.com</a>
11	Rrahman Jakupi	Shtime	<a href="mailto:Rrahman.jakupi@ks-gov.net">Rrahman.jakupi@ks-gov.net</a>
12	Hamit Geci	Skënderaj	<a href="mailto:Hamit.geci@ks-gov.net">Hamit.geci@ks-gov.net</a>
13	Haxhi Mamaj-	Theranda	<a href="mailto:haxhimamaj@live.com">haxhimamaj@live.com</a>
14	Mustafë Mehmeti	Viti	<a href="mailto:Mehmeti.m@hotmail.com">Mehmeti.m@hotmail.com</a>
15	Bahri Bivolaku	Vushtrri	<a href="mailto:Bahri.b@live.com">Bahri.b@live.com</a>
16		Mamusha	



17	Nevruz Krasniqi	Junik	nevruz.krasniqi@rks-gov.net
18	Bashkim Sopa	Hani i Elezit	Bashkim.sopa@ks-gov.net Bashkim.sopa@gmail.com
19	Mustaf Emini	Kllokot	mustafemini1@gmail.com
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