Monitoring Proactive Transparency:

Compliance of Selected Kosovo Public Institutions with Article 5 of the Law on Access to Public Documents

# Dumeditë
May 2025

Compliance of Selected Kosovo Public
Institutions with Article 5 of the Law
on Access to Public Documents

Author: Arianit Dobroshi -
FLOSSK

May 2025
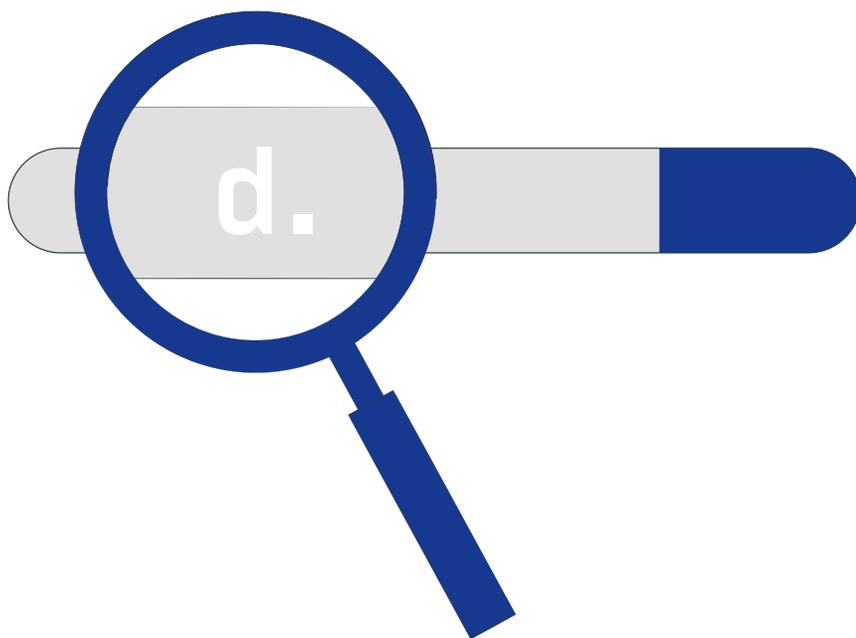
Background

In August 2023, FLOSSK launched Dumeditë, an online platform for submitting requests for access to public documents and publishing responses for access to all. Dumeditë is based on the open source software Alavateli developed by mySociety.

Dumeditë aims to increase the transparency of public institutions in Kosovo by providing a platform that makes it easy for citizens to submit requests for access to public documents to public institutions. The need for this project arose from the lack of transparency that undermines public trust in institutions. Although Kosovo has a rather good Law on Access to Public Documents, this right is not commonly used, and when it is, public authorities often choose to ignore these requests.

The creation of this platform makes it easier for citizens to send requests, track their status, and make responses public. This project and its development are important as they aim to promote transparency in central and local government through the use of new technology. Through the development and launch of an online platform, the project aims to increase access to public information and encourage citizen initiatives for advocacy and transparency.

This report

This report looks at proactive publication stemming from Article 5 of the Law on access to public documents. This article of the law is meant to ensure a minimum level of transparency of public institutions independent of the request process which is addressed by most of the rest of the Law. Proactive publication through public websites can be a good means to ensure transparency independent of requests by publicly minded citizens and media.

First phase of the research involved a review of the legal framework to determine legal requirements and establish a list of commonly required information in public websites.

In the second phase, systematic review of the official websites of 15 selected public institutions in Kosovo was carried out. This sampling strategy aimed to capture a diverse range of governmental bodies across different sectors and levels of administration, including key ministries, independent agencies, and municipalities. The content analysis focused on identifying the presence, accessibility, and comprehensiveness of information mandated for proactive publication under Article 5 of the Law on Publication upon Public Institutions' Initiative. A checklist, derived from the specific requirements of Article 5 and the bylaws, was utilized to ensure a structured and consistent evaluation of each institution's online presence.

Methodology

The third phase of the methodology involved the submission of targeted FOI requests to institutions where website reviews indicated a lack of compliance with specific legal provisions and to verify results. These requests, formulated in Albanian and submitted via the now established platform dumedite.org, specifically asked for the missing documents or information identified during the website analysis. This active information-seeking approach served to directly assess the institutions' willingness and capacity to fulfill their transparency obligations when prompted. The responses received, or the lack thereof within legally required timeframes, were documented and analyzed to gauge institutional responsiveness and adherence to access to information principles. Some institutions used this opportunity (as was hinted in the request email) to publish the requested missing documents. In these cases, the status of missing documents was updated.

The data gathered through both the website content analysis and the FOI request process was synthesized to provide a comprehensive assessment of the implementation of legal requirements across the selected institutions. Findings from the website reviews offered insights into the types of information most frequently absent or difficult to access, as well as identified any discernible patterns or best practices in proactive publication.

Methodology

The research aimed not only to document the current state of compliance but also to identify key areas for improvement and to inform recommendations for civil society organizations, policymakers, and the public institutions themselves. By combining systematic website analysis with active engagement through FOI requests, this methodology sought to provide an evidence-based assessment of the practical implementation of proactive publication obligations in Kosovo.

Methodology
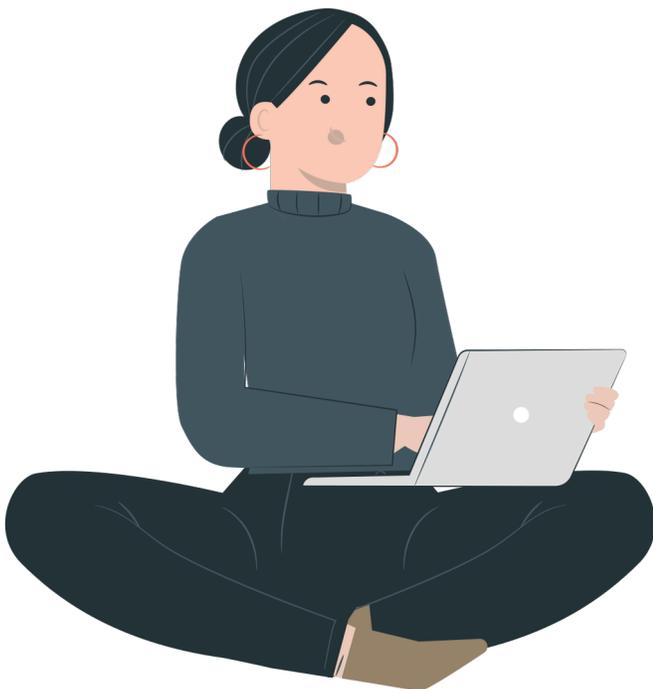
The institutions monitored in the report were:

- 15 selected public institutions in Kosovo
- Key ministries
- Independent agencies
- Municipalities

Methodology

They are:

- Office of the Prime Minister (OPM)
- Ministry of Finance, Labour and Transfers (MFLT)
- Ministry of Health (MoH)
- Ministry of Education, Science, Technology and Innovation (MESTI)
- Ministry of Justice (MoJ)
- Ministry of Environment, Spatial Planning, and Infrastructure (MESPI)
- Ministry of Internal Affairs (MIA)
- Municipality of Prishtina
- Municipality of Prizren
- Municipality of Peja
- Municipality of Gjilan
- Municipality of Gracanica
- Agency for Information and Privacy (AIP)
- Ombudsperson Institution of Kosovo (OIK)
- Regulatory Authority of Electronic and Public Communication (RAEPC)

Legal Framework Analysis

Publication of documents online by self-initiative in the Republic of Kosovo is regulated through three legal acts:

- Law No. 06/L-081 on Access to public documents which establishes high level requirements under the purview of the Agency for Information and Privacy,
- Administrative Instruction (MPA) no. 01/2015 on the Web Sites of Public Institutions under the purview of the ministry responsible for public administration, stemming from the same law, and
- Administrative Instruction (MAPL) No. 04/2023 on Open Administration in Municipalities under the purview of the Ministry of Local Administration, stemming from the Law on Access to Public Documents and Law No. 03/L-040 on Local Self-Government.

The law:

Article 5 of the Law No. 06/L-081 on Access to public documents mandates publication of certain types of documents by public institutions on their websites.

Legal Framework Analysis

The documents mandated include but are not limited to:

- the mission and functions of the public institution, including those of the subordinated units;
- the organizational chart of the public institution, including those of the subordinated units;
- the basic legislation on organization, functioning and functions of the institution;
- the daily data on public activity of the respective institution, legal acts and sublegal acts;
- other strategies and documents of approved actions in line with the scope and functions of the public institution;
- the detailed list of services provided to the public by the institution such as: licenses,permits, authorizations, certificates, confirmations, other public services, including therein:
  - the procedures and conditions for being provided with such services,
  - the necessary documentation and service cost;
  - the application form for each service and guidelines on how to fill it in;
  - the mandatory time limit to receive a reply for the requested service;
  - the time limit and the body where an appeal can be filed in case of refusal to reply or failing to provide a service within the legal mandatory time limit.

Legal Framework Analysis

From the list, one can see that the focus is somewhat on facilitating reception of services while the article is somewhat broad on specifics for other types of documents.

It suggests that the person responsible for public communication may be responsible for updating, ensuring access and credibility of information posted on the public institutions' websites.

The Law stipulates that the Government of Kosovo may determine, by means of a decision, the additional content on the public institutions websites, which is the basis for Administrative Instruction (MPA) no. 01/2015 discussed below.

Public Websites Requirements

The Law states that the sub-legal acts issued in compliance with the Law No.03/L-215 on Access to Public Documents continue to be applied until the issuance of new acts in compliance with the new Law. To this end, Administrative Instruction (MPA) no. 01/2015 on the web sites of public institutions, Article 9, elaborates categories of documents that should be contained in the web sites of public institutions.

Legal Framework Analysis

List of content requirements for public institution websites based on Article 9 of the Administrative Instruction (MPA) No. 01/2015 includes:

- Institution's working plan for the calendar year;
- Institution's mission and functions, including those of subordinate institutions;
- Institution's organizational scheme, including those of subordinate institutions;
- Basic legislation for organizing, functioning, and functions of the relevant institution;
- Draft normative acts for the purpose of public consultations in accordance with existing legal norms for the drafting legislation process;
- Updated records of institution's activity;
- Strategies and other policy documents approved in the scope and functions of the public institution;

Legal Framework Analysis

- Tabular information related to all existing permits and licenses issued, suspended, or revoked by the public institution as defined under the law in force on the permits and licenses' system and other services provided by the public institution;
- Detailed list of services provided by the institution for the public, such as: licenses, permits, authorizations, certifications, or other public services, including:
    - Procedures and conditions for obtaining these services;
    - Required documentation and service delivery costs;
    - Application form for every service and instructions for filling in the application;
    - Mandatory deadline for responding to the required service;
    - Deadline and the body where complaints shall be filed, in case of refusal to respond or not providing services according to the mandatory legal deadline;
- Institution's annual reports;
- Approved annual budget;
- Records on institution's expenditures;
- Public procurement annual plan;
- Other data foreseen under other legislation.

Legal Framework Analysis

Municipal transparency

When it comes to municipal administration, the Ministry of Local Government Administration has issued extensive standards on the types of documents to be published by self-initiative online by local government. Administrative Instruction (MAPL) No. 04/2023 on Open Administration in Municipalities mandates publication of the following:

1. Municipal Assembly & Committees:
   - Approved acts and decisions
   - Minutes of Municipal Assembly meetings
   - Annual Work Plan of the Municipal Assembly

2. Mayor & Executive:
   - Decisions and orders issued by the Mayor
   - Acts and documents issued by Municipal Directorates
   - Annual Work Plan of the Mayor and Directorates
   - Periodic official reports of the Executive

3. Financial Documents:
   - Municipal annual budget
   - List of capital projects
   - Medium-Term Budget Framework (MTBF)
   - Annual and quarterly financial reports
   - Report of the National Audit Office and accompanying recommendations
   - Budget proposals and explanatory documents for budget hearings
   - Reports from budget hearings

Legal Framework Analysis

4. Procurement:
   - Procurement activities as determined by sectoral legislation
   - Procurement plan and report
   - Decisions and information necessary for monitoring contract implementation (payments, reports, etc.)

5. Municipal Property:
   - List of municipal properties (including location, purpose, etc.)
   - Properties planned for use or given in use
   - Information on processes like auctions, leasing, exchanges

6. Publicly Owned Enterprises:
   - Reports submitted by municipal enterprises to the Municipal Assembly
   - Monitoring and auditing reports of these enterprises
   - Bylaws and other official documents drafted by these enterprises

7. General Official Documents & Information:
   - Strategies and other policy documents
   - Municipal spatial plans (Development Plan, Zonal Maps, Detailed Regulatory Plans)
   - Documents produced during public calls (grants, subsidies, tenders, auctions)
   - Contacts and data of the responsible officer for access to public documents
   - Annual report on handling requests for access to public documents
   - Information on municipal services provided
   - Information on the organizational structure, tasks, responsibilities, addresses, and contacts for administrative units
   - Information on heads of authorities and responsible persons in administrative units (emails, contact numbers)
   - The Municipal Transparency Action Plan
   - Annual report on the implementation of this Administrative Instruction

In addition it is required that the published documents should be machine-readable (not scanned).

These requirements are extensive and an excellent model to adopt at the national level. However, while the Administrative Instruction foresees monitoring of its implementation and can incentivize, it does not have a direct means of enforcement.

Overall the compliance levels are better at the municipal level than at central level. At the central level, agencies such as the Regulatory Authority of Electronic and Public Communication stand at a high level as well as the Ministry of Health and Ministry of Justice. At the local level, Prishtina and Prizren stand out.

Compliance by Information Category:

The Law mandates a designated official responsible for Art. 5 implementation. In general it is not made clear in public who is the person responsible for ensuring compliance of an institutional website with the legal requirements. Assigning this task and making it public would help with better compliance.

Institutional information such as organizational structure (organigram) is rather well presented as well as the name of the person responsible for access to public information.

On texts of applicable laws in the institution's field, central institutions stand rather well, while municipalities ignore this category of legislation.

On texts of relevant bylaws issued by the institution, again central institutions stand well overall with a few exceptions, agencies do rather well, while municipalities are a mixed bag.

Institutions overall do a poor job in presenting strategies in their area of competence.

Central institutions often do not present their work plans with the exception of Performance Plans which are applicable for some agencies.

Central institutions do not present their annual budgets and financial reports. Neither audit reports. Local ones generally comply with this requirement.

Thanks to the eProkurimi platform, Information on public procurement procedures followed and List/details of concluded public contracts are public.

Information on procedures for awarding grants/subsidies and List of awarded grants/subsidies overall are lacking. While municipalities publish lists of awardees, they are not compiled into a general report. Exceptions for good are MESTI and Municipality of Gracanica.

On public consultation, overall institutions do publish documents for public consultation on the Consultation Portal (konsultimet.rks-gov.net) while some Municipalities also publish them on their website. The issue here is that it is not made obvious that this information is published on the Consultation portal. As a second and third item, reports summarizing received comments and Responses/reasoning regarding comments acceptance/rejection is haphazard.

No institution publishes a document register.

Findings: Website Monitoring (Proactive Publication Status)

Most institutions are presented in an understandable manner and there have been attempts to organize information better. Standardization of websites as is the plan at the central level and has been done already at the Municipal level has made these websites more organized however they are not used to their full extent.

On required official languages, again it's a mixed bag with most institutions not maintaining 1:1 their Albanian and Serbian versions. The English version was not checked.

Information appears regularly updated with news and developments.

Compliance by Institution Type

There are noticeable differing levels of Article 5 compliance among government entities—agencies demonstrating the highest adherence, municipalities second best, and ministries displaying the lowest. The comparatively high compliance within agencies may stem from more direct and consistent oversight mechanisms, potentially clearer mandates with less ambiguity, and potentially more streamlined operational procedures. Access to dedicated resources, both human and financial, could also play a significant role in facilitating adherence to the stipulations of Article 5.

Municipalities, positioned with moderate compliance although of a higher standard, face a more diverse set of responsibilities and varying levels of resources depending on their size and economic standing. The complexity of their operations, which often involve direct service delivery and interaction with citizens on a wide range of issues, could present clear wins for better presented information. Consistent template websites and focus of donors on transparency at this level has yielded results.

The observed lower compliance among ministries (although of varying levels) could be attributed to the oversight structures for ministries and political will.

Detailed Institutional Findings

Detailed compliance status for each monitored institution against the checklist item is attached as appendix.

Below are some issues from improvement.

Standardization of central government websites:

This would go a long way to enforce compliance with requirements as well as make it easier for citizens to locate information. Currently ministry websites are all unique, taking time to get familiar with the structure.

Findings: Website Monitoring (Proactive Publication Status)

Information on services offered to citizens:
Key among areas that need improvement are services offered to citizens which in Ministry websites are haphazard. Tasks of the ministries are not clearly listed.

Key information here were Procedures/forms for licenses, permits and assistance. A recent donor-supported project at https://lejelicenca.rks-gov.net/ lists licenses and permits for central public institutions. However, institutions observed did not list it so it's not clear to what extent institutions are maintaining this up to date and whether they intend to keep this portal as a reference point for citizens being served. If they do, central institutions may simply refer to their exact section for the service in question as well as eKosova (mostly citizen facing eGovernment portal) so as not to duplicate information and risk offering contradictory information. eKosova could however be improved by elaborating legal basis and necessary documents for the services being offered.

Central institutions do not link to the procurement portals although they rely on this portal to handle this activity.

Findings: Website Monitoring (Proactive Publication Status)

Municipalities

Information about some key Municipality services or tasks are not all listed or elaborated although the new websites support this kind of thinking.

Information on the process of municipal grants or a general report of those awarded is missing.

Municipalities have very little feedback on the consultation portal and no consultation reports. They should be encouraged to use it and publish reports as mandated by law.

Most critical information by municipalities are Municipal spatial plans (Development Plan, Zonal Maps, Detailed Regulatory Plans), a category mandated by local government Administrative Instruction, and this is not made public in some of the municipalities checked. Although not part of the checklist, transparency in this area, including online public consultation of these plans, would help in reducing corruption and improving quality of life.

Centralized specialized websites

Three centralized websites exist specialized on certain categories of information: eProkurimi (eProcurement), Konsultimet (Public Consultations), and LejeLicenat (Permits and Licenses).

eProkurimi is full fledged although not user friendly. All categories of documents are covered there and it goes a long way to achieve transparency.

Konsultimet is also well used by all categories of institutions. Level of engagement varies by document and some initiatives do not receive any feedback. Situation with consultation reports which could include those from other forms of consultations allowed by law and not just in writing are sometimes lacking.

A third central website is the recently established LejeLicencat based on Law No. 04/L-202 on the System of Permits and Licenses promulgated in December 2013, which determines the creation, management, and functioning of the register of permits and licenses at the central level. The register is meant to contain all types of permits and licenses (including certifications, authorizations, approvals, consents, etc.) that central-level institutions issue to regulate professional economic, commercial, as well as public and private activities. This however includes only central government institutions and although a good resource, central institutions do not link to it therefore remaining unknown.

To further confirm the findings and encourage covered institutions to improve their websites and thus access by citizens, all institutions were sent a similar list of requested documents proposing that they could respond by providing the URL of the document on their website.

Of the 14 FOI requests sent, 8 responded at all, while 7 provided information. Peja suggested that NGO staff look more closely at their website, which is not in line with the Law which stipulates support for those seeking information. Gracanica responded in Serbian although they were addressed in Albanian.

Of those that responded, thorough responses were provided by the Ministry of Justice and Ministry of Health (MoH).

6 institutions that did not bother to respond are:

- Office of the Prime Minister (OPM)
- Ministry of Finance, Labour and Transfers (MFLT)
- Ministry of Environment, Spatial Planning, and Infrastructure (MESPI)
- Ministry of Internal Affairs (MIA)
- Municipality of Prizren
- Municipality of Gjilan.

Responsiveness to Freedom of Information (FOI) Requests
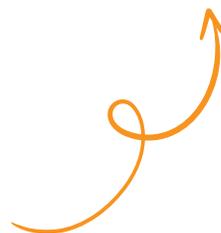
Overall Compliance Analysis & Discussion

Overall, the implementation of Article 5 of the Law on Access to Public Documents in Kosovo shows potential for enhancing transparency through proactive publication, but significant gaps and inconsistencies persist across different levels and types of public institutions. While some institutions, particularly at the municipal level and certain central agencies, demonstrate better compliance, ministries generally lag behind.

Key challenges include a lack of standardization in websites, incomplete information on services, inconsistent publication of essential documents like budgets and audit reports, and varying levels of responsiveness to FOI requests. The existence of centralized specialized websites offers a positive framework, but their integration and promotion by individual institutions need improvement. Addressing these issues through enhanced oversight, clear guidelines, capacity building, and stronger enforcement mechanisms is crucial for realizing the full benefits of proactive transparency for public accountability and citizen engagement in Kosovo.

Suggestions and Recommendations

For Public Institutions

To enhance their adherence to Article 5, monitored public institutions should proactively undertake several key actions. Internally, regular audits specifically focused on the legal requirements are essential to identify existing gaps.

Following these assessments, institutions need to dedicate efforts to updating website sections that are found to be non-compliant or lacking in detail. A crucial step also involves the formal designation of specific officials who will be responsible for overseeing Article 5 compliance, coupled with empowerment to fulfill these responsibilities effectively.

Furthermore, institutions should focus on making their websites more user-friendly by improving navigation to ensure citizens can easily locate the proactively published information.

Finally, a commitment to allocating the necessary financial and human resources will be vital to sustain these improvements and ensure ongoing compliance with transparency obligations.

Suggestions and Recommendations

For the Agency for Information and Privacy (AIP)

Enforcement mechanisms should be enhanced, and awareness should be raised among relevant institutions.

To be able to ensure compliance with Article 5, the oversight body should be able issue binding implementation guidelines, conduct proactive audits and inspections, and utilize its sanctioning powers when necessary.

On the Administrative Instruction (MPA) no. 01/2015 on the Web Sites of Public Institutions, there is a conflict of interest as the government (executive branch) determines what kind of information it should publish. The current Law on access to public documents does not authorize the AIP to determine through sublegal acts the categories of information to be published. While the categories of information mandated through the ministry bylaw are quite good, this is on fragile grounds as it's the ministry (formerly of Public Administration, now within Internal Affairs) that determines its content.

Furthermore, it's not clear that AIP would be able to monitor implementation of a sublegal act issued by an executive unit of the government.

Suggestions and Recommendations

For the Government / Assembly of Kosovo

For the Government and Assembly of Kosovo, key recommendations include reviewing and strengthening Article 5 so that the authority to issue bylaws under this article is moved to AIP.

Allocating specific budget provisions for institutional capacity building in the area of transparency and proactive publication would empower public bodies to improve their practices. Crucially, it is recommended to ensure that the Agency for Information and Privacy (AIP), the primary oversight body, is equipped with adequate financial and human resources to effectively carry out its mandate of monitoring, guiding, and enforcing compliance with transparency legislation.

Developing and enforcing standard websites with categories of information built-in would help in strengthening compliance.

For Civil Society and Media

Continue monitoring, advocating, conducting public awareness campaigns, pursuing strategic litigation, and utilizing monitoring findings to engage with public institutions and the Agency for Information and Privacy (AIP).

flossk

About the Author

Arianit Dobroshi's involvement with access to public information dates back to 2011. He initiated the dumedite.org project and similar public access initiatives within FLOSSK and authored also the previous report within this project, Our Experience with Access to Public Information in Kosovo (2024).

Arianit has held several positions within FLOSSK, including Executive Board President, and contributed to free knowledge, open licensing and public policy advocacy efforts within FLOSSK. He is also a board member at the Wikimedians of Albanian Language User Group and has worked on a project advising Kosovo government on eGovernment efforts.

Free Libre Open Source Software Kosova

(FLOSSK) is a non-governmental organization based in Pristina, founded in 2009 with the aim of supporting, promoting, and developing free and open-source software. In addition, FLOSSK also contributes to open and participatory knowledge, education in information technology through open courses, and open society.

Since its founding, FLOSSK has been involved in bringing the information technology community closer to free and open source projects by organizing annual conferences, seminars, meetings, and actively participating in the development of open policies.

dumedite@flossk.org

Appendices

Appendix A: List of Monitored Institutions and Website URLs

Central Government Institutions

- Office of the Prime Minister - OPM
  Website: https://kryeministri.rks-gov.net/

- Ministry of Finance, Labour and Transfers - MFL
  Website: https://mf.rks-gov.net/

- Ministry of Health - MoH
  Website: https://msh-ks.org/

- Ministry of Education, Science, Technology and Innovation - MESTI
  Website: https://masht.rks-gov.net/

- Ministry of Justice - MoJ
  Website: https://md.rks-gov.net/

- Ministry of Environment, Spatial Planning, and Infrastructure - MESPI
  Website: https://mmphi.rks-gov.net/, https://www.mit-ks.net/en/

- Ministry of Internal Affairs - MIA
  Website: https://mpb.rks-gov.net/

Municipalities

- Municipality of Prishtina - Prishtina
  Website: https://prishtina.rks-gov.net, https://prishtinaonline.com

- Municipality of Prizren - Prizren
  Website: https://prizren.rks-gov.net/

- Municipality of Peja - Peja
  Website: https://peja.rks-gov.net/

- Municipality of Gjilan - Gjilan
  Website: https://gjilan.rks-gov.net/

- Municipality of Gracanica - Gracanica
  Website: https://gracanica.rks-gov.net/

Appendices

Independent Agencies and Other Bodies

- Agency for Information and Privacy (AIP)
  Website: https://aip.rks-gov.net

- Ombudsperson Institution
  Website: https://oik-rks.org/en/

- Regulatory Authority of Electronic and Postal Communications (RAEPC)
  Website: https://www.arkep-rks.org/

Appendix B: Monitoring Checklist

Checklist Items
- Institutional Information
  - Organizational structure (organigram)?
  - Name/contact of official for access to public documents?
- Legal Framework
  - Texts of applicable laws in the institution's field?
  - Texts of relevant bylaws/regulations issued by the institution?
  - Strategic Documents & Reports
  - Current institutional strategies or plans?
  - Current work programs?
  - Annual work reports (e.g., last 1-2 years)?
- Services & Procedures
  - Information about public services offered?
  - Procedures/forms for licenses, permits, assistance, etc.?
- Budget & Finance
  - Approved annual budget?
  - Financial reports (e.g., budget execution)?
  - Audit reports (internal/external)?
- Public Procurement
  - Information on public procurement procedures followed?
  - List/details of concluded public contracts?
- Grants & Subsidies
  - Information on procedures for awarding grants/subsidies?
  - List of awarded grants/subsidies?

Appendices

- Public Consultations
  - Draft laws/bylaws/strategies published for consultation?
  - Reports summarizing received comments?
  - Responses/reasoning regarding comments acceptance/rejection?
- Decision-Making
  - Information about decision-making processes affecting the public?
- Official Publications
  - Official gazettes, bulletins, info leaflets produced by the institution?
- Document Register
  - List/register of main categories of public documents held?
- Other Important Info
  - Any other proactively published info deemed important for transparency?
- General Requirements
  - Is the information easily searchable/navigable?
  - Is the information presented in an understandable manner?
  - Is the information free to access?
- Available in other required languages?
- Does the information appear regularly updated? (Check dates)
- Clearly designated official responsible for Art. 5 implementation?

Appendix C - Aggregated Compliance Data Table
- Aggregated Compliance Data Table