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MONITORING REPORT

**PUBLIC CONSULTATIONS WITH CIVIKOS PLATFORM
MEMBER ORGANIZATIONS DURING 2016**

May 2017



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Author: Dardan Kryeziu – Monitoring, Evaluation and Reporting Officer

Researcher: Doruntina Rexhaj

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LIST OF ACRONYMS

CiviKos	CiviKos Platform
CSO	Civil Society Organization
KCSF	Kosovar Civil Society Foundation
KSI	Kosovar Stability Initiative
OGG/OPM	Office on Good Governance within Office of the Prime Minister
LO/OPM	Legal Office/Office of the Prime Minister
Government documents	Draft Laws, Administrative Instructions, Draft Regulations, Strategies
Government Strategy	Government Strategy for cooperation with civil society 2013-2017
Council	Council for Implementation of the Government Strategy for cooperation with civil society
Regulation	Regulation on Rules of Procedures of the Government No. 09/2011 for Public Consultations

INTRODUCTION

During 2016, CiviKos continued to facilitate participation of civil society organization in the public consultation process. The most common forms of participation by civil society organizations in this process this year have been through invitations for written contributions in government documents and invitations for public debates.

Inclusion of civil society in the early stages of development of government documents has been rare. Civil society organizations were mostly involved on the individual level, without any regulated inclusion. This is an overview of the organization of public consultations that the Government of Kosovo has organized through CiviKos during 2016. In addition, CiviKos has also carried out research to summarize the accomplishments of the Legislative Program by the government in 2016 and the organization of public consultation. This research was implemented by CiviKos member organizations to see how active they were in the public consultation process in 2016, and what their experiences in this process were.

During 2016, the Government of Republic of Kosovo sent CiviKos a total of 137 government documents for public consultation. In the Legislative Program of Government of the Republic

of Kosovo during the 2016 there were foreseen 112 Draft laws needing to be amended and supplemented. During 2016 only 53 draft laws were adopted in the Government . Out of the 53 draft laws that were adopted, only 27 of them were sent for public consultation through the Secretariat of CiviKos Platform.

In addition to organizing public consultation through invitations for written contributions, CiviKos has facilitated participation of the civil society organizations in working groups by advocating and promoting inclusion of civil society at the early stages of developing government documents. Development and adoption of the Minimal Standards for Public Consultation Process remains a good example of inclusion of civil society at the initial stages of drafting government policies. The Regulation for Minimal Standards for the Public Consultation Process empowers participation of civil society and citizens in the public consultation process. This regulation was adopted in April of 2016 and has been fully implemented as of January 1, 2017. After the adoption of the regulation, the online platform <http://konsultimet.rks-gov.net/> was released for utilisation, a platform that will be a main source for organizing public consultations.

¹ http://www.kryeministri-ks.net/repository/docs/PROGRAMI_LEGJISLATIV_PER_VITIN_2016_perditesuar_me_09._12.2016.pdf

² http://www.kryeministri-ks.net/repository/docs/Raport_Vjetor_i_Punes_se_Qeverise_per_vitin_2016_final.pdf

³ http://www.kryeministri-ks.net/repository/docs/Regullore_QRK_Nr._052016_per_standardet_minimale_per_procesin_e_konsultimit_publik.pdf

Public Consultation with member organizations of CiviKos during 2016

During 2016, CiviKos forwarded to its member and non-member organizations, through 5 Regional Centres of Kosovo (CBM-Mitrovica, NOPM- Gjilan, Dora Dorës-Prizren, Syri i Vizionit Peja, Inpo- Ferizaj), **137 government documents** that were received for public consultation from the Government of Republic of Kosovo.

In addition to the written consultations, ministries have often sent invitations for participation in public debates as well as requests for inclusion of civil society organizations in different working groups.

Participation of members from civil society in these groups was made transparent by CiviKos according to the Work Regulations of CiviKos.

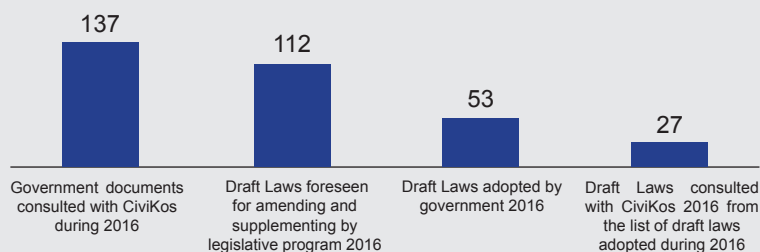
This monitoring report is a summary of the organization of public consultation that the Government of Kosovo has conducted through CiviKos, and does not include organization of public consultation that the Government of Kosovo and line ministries have conducted with civil society organizations individually.

Overview of the implementation of the Legislative Program by the Government of Republic of Kosovo, and organization of public consultation.

Graphic charts below present implementation of the Legislative Program of the Government of Republic of Kosovo for 2016, as well as organization of public consultations through CiviKos. The re-

sults below also present the type of government documents that have been adopted by the government and consulted through CiviKos during 2016.

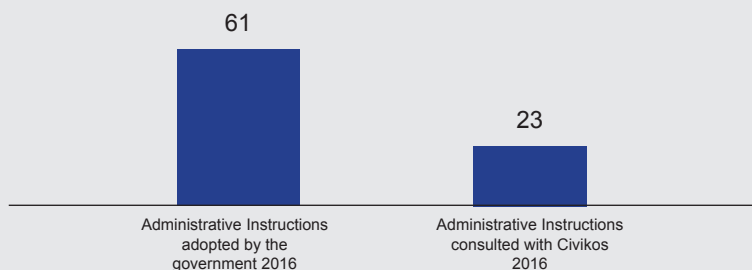
Public Consultation 2016- Legislative Agenda of the Government of Republic of Kosovo



During 2016 there were a total of 137 government documents that were sent for public consultation to CiviKos. In the Legislative Agenda of the Government of Kosovo there were foreseen 112 draft laws needing to be amended and supplemented.

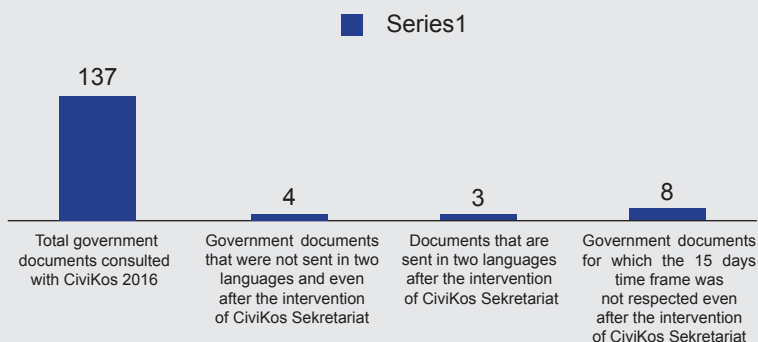
During 2016, the Government of Republic of Kosovo adopted 53 draft laws. From the 53 draft laws adopted, only 29 of them were sent for public consultation to CiviKos.

Administrative instructions adopted and consulted with CiviKos 2016



In regard to Administrative Instructions, the work reports of the Government do not give precise figures as to how many Administrative Instructions were amended and supplemented during 2016. A search on the webpages of line ministries showed that 61 Administrative Instructions⁴ were adopted during 2016 and only 23 Administrative Instructions were sent for public consultation through CiviKos.

Public consultation 2016- use of official languages and adhering the deadline



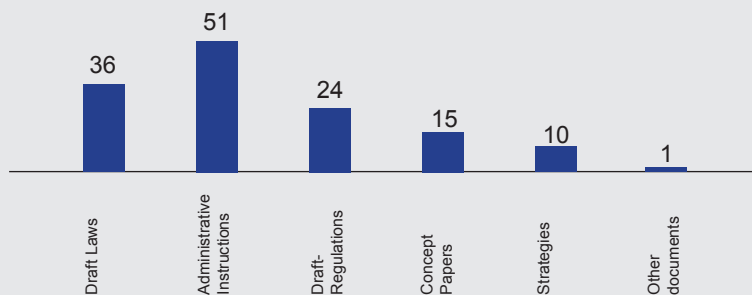
Because the two official languages of the Republic of Kosovo are Albanian and Serbian, the CiviKos Platform Secretariat has made continuous efforts to make sure that all draft laws that come for public consultation by the Government of Kosovo are in both languages.

From a total of 137 government documents that were sent for public consultations in CiviKos, 4 of them were not sent in two official languages even after intervention by CiviKos, whereas only 3 documents were sent in two official languages after intervention by CiviKos.

From a total of 137 government documents consulted with CiviKos, 8 did not adhere to the 15 day time frame after intervention by CiviKos, whereas the deadline for 4 government documents was extended after intervention by CiviKos.

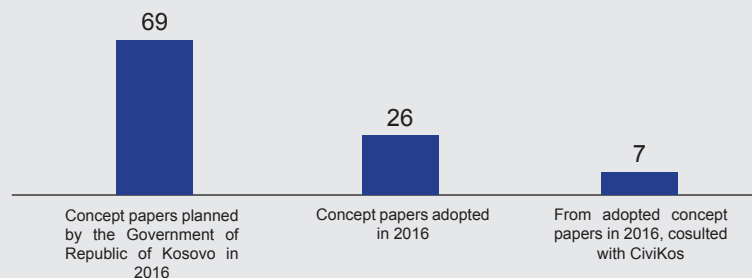
⁴ This number does not explicitly present accurate number Administrative Instructions adopted by the Government in 2016, since this number has been extracted from the webpages of the line ministries that have been published, and verifiable that are adopted during 2016

Government documents consulted with CiviKos during 2016



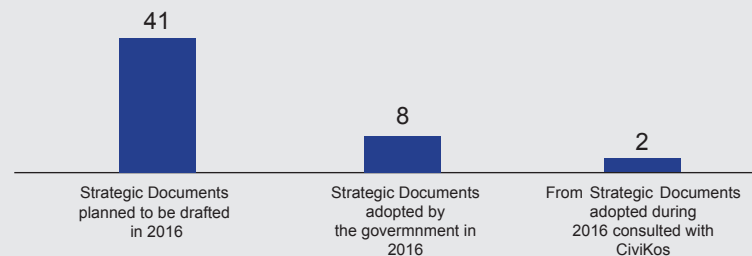
From 137 government documents disseminated for public consultation during 2016, 34 were Draft Laws, 51 Administrative Instructions, 24 Draft-Regulations, 15 Concept Papers, 10 Strategies, and 1 other document.

Concept papers adopted and consulted with CiviKos 2016



Of the 69 Concept papers planned by the Government of Republic of Kosovo in 2016⁵, only 26 were adopted by the Government in 2016, and only 7 of those adopted concept papers were sent to CiviKos for public consultation.

Strategies adopted by government and consulted with CiviKos- 2016



Of the 41 Strategic Documents planned to be drafted in 2016⁶, 8 have been adopted in the government, and only 2 of these strategic documents were sent to CiviKos for public consultation.

⁵ http://www.kryeministri-ks.net/repository/docs/Raport_Vjetor_i_Punes_se_Qeverise_per_vitin_2016_final.pdf

⁶ http://www.kryeministri-ks.net/repository/docs/Raport_Vjetor_i_Punes_se_Qeverise_per_vitin_2016_final.pdf

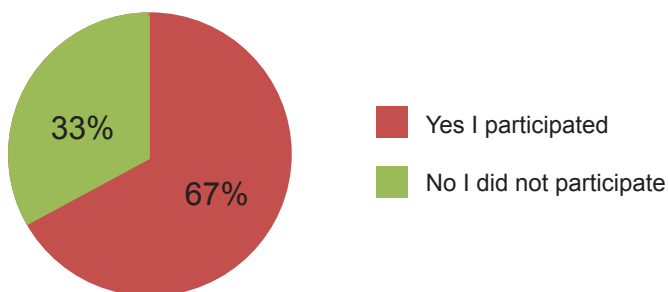
Results of the Research on participation of member organizations in CiviKos public consultation process during 2016

Besides regular monitoring of organization of public consultation process, the Secretariat of the CiviKos Platform sent a questionnaire to all its member organizations to assess their perception of the participation in the public consultation process with the government and the experiences and difficulties of this process.

A questionnaire containing 10 questions was disseminated through the *Google Drive* platform to all member organizations of CiviKos, and 24 organizations responded to this questionnaire.

Results of the Research

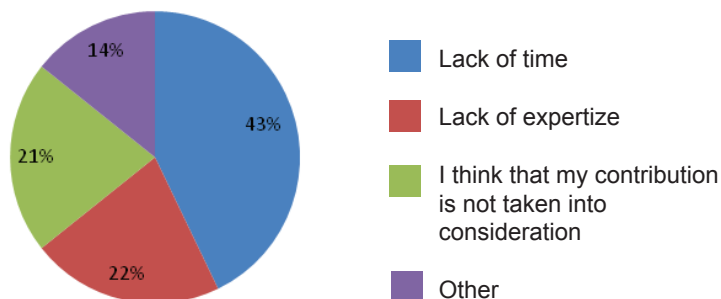
1. Did you participate in public consultation process during 2016?



On the question: **Did you participate in public consultation process during 2016?**

From 24 participants, 16 or 67% answered with Yes I participated, whereas 8 or 33% answered with No I did not participate.

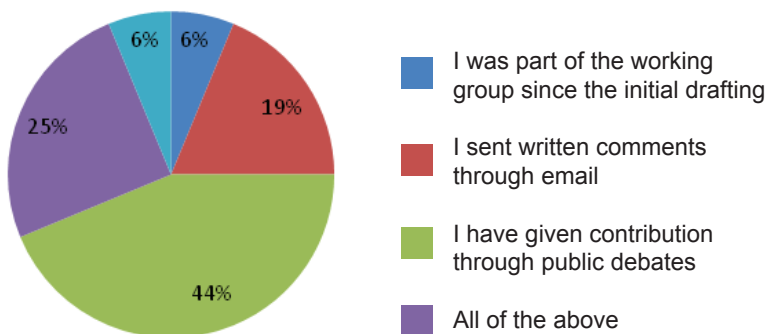
2. (if No, answer only to this question) - If you never participated in public consultation process in 2016 what was the reason?



On the question: **If you never participated in public consultation process in 2016 what was the reason?**

From 14 participants that responded, 6 or 43% answered that they were not able to participate due to lack of time, 3 or 22% answered that have lack of expertise, 3 or 22% answered that I think that my contribution is not taken into consideration, and 2 or 14% of the remaining part gave other reasons.

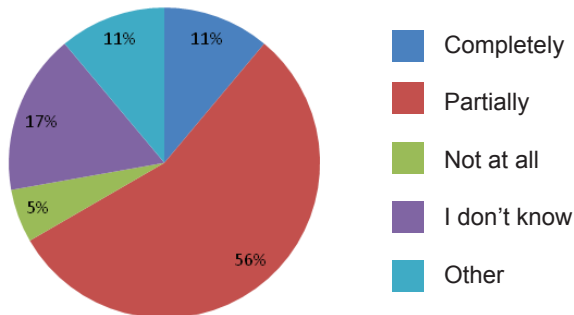
3. (If YES) In what way you have contributed to public consultation process?



On the question: **If you have contributed to public consultation process, in what way you have contributed to public consultation process?**

1 respondent (6) stated that was part of the working group since the initial drafting, **3 or 19 %** answered that have sent written comments through email, **7 or 44%** answered that: I gave my contribution through public debates, **4 or 25%** answered All of the above, and **6%** answered something else.

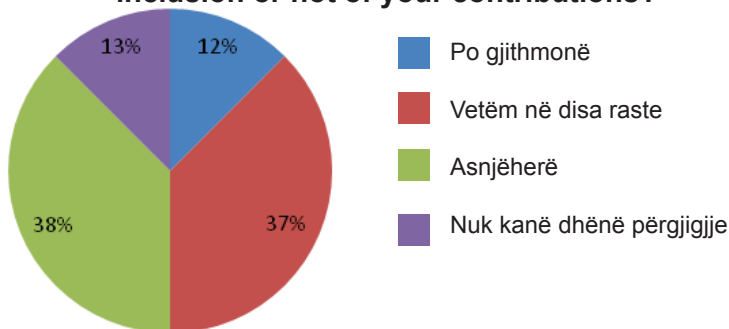
4. How much was contribution taken into consideration?



On the question: **How much your contribution taken into consideration?**

2 or 11% answered Completely, **10 or 56 %** answered Partially, **1 or 5 %** answered Not at all, **whereas 3 or 17%** answered I don't know, and **11 %** gave other reasons.

5. (If you have sent written contributions) Did you receive an answer from the responsible officials for inclusion or not of your contributions?



On the question: **Did you receive an answer from the responsible officials for inclusion or not of your contributions?**

2 or 12 % answered with Yes always, **6 or 37 %** answered Only in few occasions, **6 or 38%** answered Never, and **2 or 13 %** Did not give an answer.

Some of the perceptions of civil society organizations that have responded to the questionnaire regarding public consultation process with Government of Kosovo

- *“In general we have contributed in few government documents in public consultation process, but there is a lacks of response by the responsible officials on whether our contribution that we have sent was incorporated or not in the draft”.*
- *We have asked few times to be included in drafting legislation through working groups, since there we can give greatest contribution, but we have never received any answer about possible participation.*
- *Our comments in the Strategy for Culture have been taken into consideration and there were mostly satisfactory consultations.*
- *Some of the comments we have sent as a minority organization are incorporated in the Strategy for Integration of RAE community.*

Minimal Standards for Public consultation process

Establishing Minimal Standards for the public consultation process was a process foreseen by the Government Strategy for Cooperation with civil society 2013-2017. In April of 2016 the Regulation for Minimal Standards for Public Consultation Process was adopted. This regulation was based on the document prepared by organization KCSF, where through the Council it was delivered to the Prime Minister’s Office. The Regulation was developed with wide participation of civil so-

ciety and other stakeholders. After the adoption of the Regulation, training of civil servants about use of the Regulations began. The main mechanism for implementation of this Regulation is the online Platform for public consultation process <http://konsultimet.rks-gov.net/> that is expected to be operationalized during 2017 and where all the government documents for public consultations will be placed.

ANNEX 1

Draft laws Adopted by the Government and consulted through Civikos during 2016

	DRAFT LAWS ADOPTED BY THE GOVERNMENT 2016	- DATE WHEN ADOPTED IN THE GOVERNMENT AND NO. OF DECISION	- PROPOSING BODY OF THE DRAFT LAW	ORGANIZED PUBLIC CONSULTATION THROUGH CIVIKOS
1	Draft law for amending and supplementing of Law No.04/L-042 on Public Procurement of Republic of Kosovo, amended and supplemented by the Law No.04/L-237 and with Law No.05/L-068	No.07/71	MF	NO
2	Draft Law on Noise Protection	No.02/72, 29.01.2016	MESP	NO
3	Draft Law on the ratification of the Convention Abolishing the Requirement of Legalisation for foreign Public Documents (5 October 1961).	No. 02/79, 15.03.2016	MFA	NO
4	Draft Law on amending and supplementing the Law No. 03/L-223 on the Kosovo Judicial Council, amended and supplemented with the Law No. 05/L- 033 and Law No. 04/L-115.	Nr.No.Br.13/81	MJ	YES
5	Draft Law on Justice Academy.	Nr.No.Br.01/82, 30.03.2016	MJ	YES
6	Draft Law on the Prevention of Money Laundering and Financing of Terrorism.	No. 02/85	MF	YES
7	Draft Law for the Population, households and dwellings census in the Municipalities of Kosovo that did not participate in the population census in 2011.	No. 03/86, 29.04.2016	PMO	YES
8	Draft Law on Ratification of the Financial Agreement between the Government of the Republic Of Kosovo and the European Investment Bank on the Project for Rehabilitation of the Railway Line 10.	No.05/86	MF	NO
9	Draft Law on Loan Ratification Between the Republic of Kosovo and the European Bank for Reconstruction and Development for Regional Road Rehabilitation.	No. 04/86, 29.04.2016	MF	NO
10	Draft Law on State Aid.	No. 02/89, 25.05.2016	MF	YES

11	Draft Law for Energy Performance of Buildings.	No. 01/89	MESP	YES
12	Draft Law on Child Protection.	No. 01/88, 20.05.2016	PMO	YES
13	Draft Law on the ratification of the Agreement concerning the establishment of the Western Balkans Fund.	No. 01/91. 08.06.2016	MFA	NO
14	Draft Law on Ratification of the Loan Agreement Between KFW Frankfurt Am Main and the Government of the Republic of Kosovo for the Program "Energy Efficiency Measures for Public Buildings at Municipal Level in Kosovo".	No.04/92, 10.06.2016	MF	NO
15	Draft Law on the Loan Agreement between the Government of the Republic of Kosovo and Unicredit Bank Austria AG for financing the modernization Project of Invasive Cardiology Services at the University Clinical Centre of Kosovo.	No. 01/94, 15.06.2016	MF	NO
16	Draft Law on ratification of the international agreement between the Republic of Kosovo and the European Union on the European Union rule of law mission.	No. 01/95, 16.06.2016	PMO	NO
17	Draft Law on amending and supplementing the laws related to the Mandate of the European Union rule of law mission in the Republic of Kosovo.	No. 02/95, 16.06.2016	PMO	NO
18	Draft Law on amending and supplementing of Law No.03/L-049 on Local Government Financing.	No. 01/96, 22.06.2016	MF	NO
19	Draft Law for adoption and amendment of Law No.05/L-071 on Budget of Republic of Kosovo for 2016.	Nr.No.Br.01/99, 01.07.2016	MF	NO
20	Draft Law on Ratification of the memorandum of understanding between the United States of America Embassy in Prishtina, Kosovo and the Ministry of Education, Science and Technology of the Republic of Kosovo Fulbright Academic Exchange Program.	No. 01/100, 15.07.2016	MEST	NO
21	Draft Law for interests on arrears on Commercial Transactions.	No. 02/100, 15.07.2016	MTI	YES
22	Draft Law on ratification of the Guarantee Agreement between the Republic of Kosovo and European Bank for Reconstruction and Development for Urban Traffic Project.	No. 03/100, 15.07.2016	MF	NO

23	Draft Law on Inspectorate of Education in Republic of Kosovo.	No. 02/101, 22.07.2016	MEST	YES
24	Draft Law on amending and supplementing the Law No. 04/101 on pension Funds of Kosovo, amended and supplemented by the Law No. 04/L-115 and Law No. 04/L-168.	No. 02/104, 10.08.2016	MF	YES
25	Draft Law on Accreditation	No.02/107, 31.08.2016	MTI	YES
26	Draft Law on amending and supplementing of Law No. 04/L-139 on Enforcement Procedure.	No.01/108, 08.09.2016	MJ	NO
27	Draft Law for adoption and amendment of Law No. 05/L - 043 on Public Debt Forgiveness.	No..01/109, 16.09.2016	MF	YES
28	Draft Law on amending and supplementing of Law No. 02/L-31 on Religious Freedom in Kosovo.	No.02/110, 30.09.2016	PMO	NO
29	Draft Law on Internal Control of Public Finances.	No. 03/110, 30.09.2016	MF	YES
30	Draft Law on Trepça.	No. 02/111, 05.10.2016	MZHE	NO
31	Draft Law on Health Inspectorate.	No. 01/112, 18.10.2016	MSH	YES
32	Draft Law on Budget of Republic of Kosovo for 2017.	No. 02/113, 31.10.2016	MF	NO
33	Draft Law on Ratification of the Financial Agreement for IPA 2015 between Kosovo and European Union.	No.04/113, 31.10.2016	MIE	NO
34	Draft Law on amending and supplementing of Code No. 04/L-123 on criminal procedure.	No.03/113, 31.10.2016	MJ	NO
35	Draft Law on Services.	No. 01/116, 16.11.2016	MTI	YES
36	Draft Law on amending and supplementing of Law No. 04/L-149 on Execution of Criminal Sanctions.	No. 02/116, 16.11.2016	MJ	YES
37	Draft Law on legalisation of weapons and surrender of small arms and light weapons, ammunition and explosive materials.	No. 02/117, 23.11.2016	MIA	YES
38	Draft Law on Vehicles.	No. 03/117 23.11.2016	MI	YES

39	Draft Law on amending and supplementing of Law No.04/L-036 on Official Statistics of Republic of Kosovo.	No.02/118, 30.11.2016	PMO	NO
40	Draft Law on establishing national infrastructure of spatial information in the Republic of Kosovo.	Nr.No.Br.01/119, 07.12.2016	MESP	YES
41	Draft Law on Mediation.	No.02/119, 07.12.2016	MJ	YES
42	Draft Law on Prevention of the Conflict of Interest while exercising Public Function.	No. 03/120, 14.12.2016	MJ	YES
43	Draft Law on Social Enterprises.	No.02/120, 14.12.2016	MLSW	YES
44	Draft Law on amending and supplementing the Code of Juvenile Justice.	No. 02/121, 21.12.2016	MJ	NO
45	Draft Law on Protection from Radiation and Nuclear Safety.	No.01/122, 23.12.2016	PMO	NO
46	Draft Law on amending and supplementing of Law No. 04/L-072 on state border control and surveillance, amended and supplemented by the Law No. 04/L-214.	No. 02/122, 23.12.2016	MIA	NO
47	Draft law on amending and supplementing of Law No. 04/L-261 on Kosovo Liberation Army War Veterans.	29.12.2016 48	MLSW	NO
48	Draft Law on Salaries.	30.12.2016	MPA	YES
49	Draft Law on Notary.	30.12.2016	MJ	YES
50	Draft Law on amending and supplementing of Law No.03/L-004/26 on Cultural Heritage of Kosovo.	30.12.2016	MJ	YES
51	Draft Law on amending and supplementing of Law No.03/L-007 on Non-Contentious Procedure.	30.12.2016	MJ	YES
52	Draft Law on amending and supplementing of Law No.03/L-209 on Central Bank of Republic of Kosovo.	30.12.2016	MF	YES
53	Draft Law on Ratification of the Agreement for Establishing Regional Office for Youth Cooperation between Kosovo, Albania, Bosnia and Herzegovina, Montenegro, Macedonia and Serbia	30.12.2016	MCYS	NO

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