



Anti-Corruption
WEEK
9-14 DECEMBER 2018



USAID
FROM THE AMERICAN PEOPLE

PREVENTING AND FIGHTING CONFLICT OF INTEREST IN KOSOVO



#KLI #GLPS #ÇOHU #INPO
#GAP #COLUMBUS #KIPRED #ACDC

Pristina, december 2018

Authors: Kosovo Law Institute (KLI)
Group for Legal and Political Studies (GLPS)
Institute for Advanced Studies (GAP)
Organization for Democracy, Anti – corruption and Dignity (ÇOHU)
Kosovar Institute for Policy Research and Development (KIPRED)
Initiative for Progress (INPO)
Columbus Institute

No part of this material may be printed, copied, multiplied in any electronic or printed form, or multiplied in any other form without the consent of the authors.

“This project was financed through a grant by the American Embassy in Pristina. Opinions, finding and concussions or recommendations expressed here are the Authors and do not necessarily represent the opinion of the State Department”.

Design: Anymate

Content

I. Introduction	4
II. Law on Prevention of Conflict of Interest in Discharge of Public Function	5
III. Legislative Power:	10
1) The Assembly of Kosovo and independent institutions reporting to the Assembly	10
IV. Executive Powers	15
1) Government, Ministries and Executive Agencies.....	16
2) MALP and Municipalities.....	27
V. Judicial and Prosecutorial Power.....	31

I. Introduction

The Assembly of Kosovo, in accordance with the obligations regarding the fulfillment of criteria deriving from the European Reform Agenda has adopted the Law on Prevention of Conflict of Interest in Discharge of Public Function, which was enacted on April 20, 2018 by the President of the Republic of Kosovo. The law was published in the official gazette of the Republic of Kosovo on April 27, 2018 and entered into force 15 days after the publication, respectively on May 12, 2018.

Coalition “Anti – Corruption Week 2018”, based on the analysis and research of roughly 4,000 senior public officials, has identified that 659 senior public officials hold more than one position. Of 659 persons holding more than one position, the Coalition has identified 581 officials holding two positions, 63 officials have three positions, 10 officials have four positions and 5 officials have five positions.

Below are deliberated all aspects of the purpose of the new Law on Prevention of Conflict of Interest in Discharge of Public Function as well as the situation in all public institutions, where was investigated how senior officials hold many positions.

II. Law on Prevention of Conflict of Interest in Discharge of Public Function

The Assembly of Kosovo, in accordance with the obligations regarding the fulfillment of criteria deriving from the European Reform Agenda has adopted the Law on Prevention of Conflict of Interest in Discharge of Public Function, which was enacted on April 20, 2018 by the President of the Republic of Kosovo. The law was published in the official gazette of the Republic of Kosovo on April 27, 2018 and entered into force 15 days after the publication, respectively on May 12, 2018.

The European Commission Report for Kosovo 2016 demanded that during 2017, Kosovo should in particular change the legal framework on conflict of interest, adapting it to European standards.

On November 2016, Kosovo and the European Union (EU) using a high-level dialogue agreed on key priorities of the European Reform Agenda (ERA), on implementing priority actions by institutions in Kosovo, for the purpose of implementing the Stabilization and Association Agreement, thus advancing Kosovo on its European path. Kosovo, in meeting the criteria set out by the ERA, within the framework of good governance and rule of law, had undertaken to amend the law on conflict of interest and respective regulations, bringing them in line with European standards and determination of precise circumstances when public officials can engage in additional work and be appointed.¹

Upon the request of the ERA, the Law on Prevention of Conflict of Interest in the Exercise of Public Function should be amended in line with EU recommendations, including the following areas:

- a) Clearly determine the categories of public officials;
- b) Clearly emphasize the activities that officials are allowed and prohibited from performing while holding office;
- c) Clearly emphasize the activities that officials are forbidden to exercise after the end of their mandate;
- d) Clearly emphasize obligations of officials and their superiors in situations of conflict of interest; and
- e) Procedures to be applied after the occurrence of a conflict of interest.²

The purpose of this law is to strengthen the integrity of public sector and ensure the performance of public duties in an objective, impartial and transparent manner serving public interest through identification, prevention, management and resolution of officials' conflict of interests. The law has established the principle that the public official should perform his duty

¹ "Kosovo – EU high – level dialogue on key priorities – the European Reform Agenda (ERA)". November 2016. Page 5. (Follow link https://www.mei-ks.net/repository/docs/era_final_sq.PDF)

² Ibid. Page 10

with honesty, conscience, impartiality, preserve the authority of the official and the institution and with his work to strengthen the trust of citizens in the institutions.

The Minister of Justice, Abelard Tahiri, as the sponsor of this law, by a Facebook status, thanked the members of the Assembly of Kosovo who voted the Law on Prevention of Conflict of Interest in the Exercise of Public Function. According to Minister Tahiri, the adoption of this law is an important step on preventing the conflict of interest, since a genuine legal basis that fights different forms of abuse of power is created.

“Since the beginning of my term at the office, I have been committed to addressing the rule of law empowerment and to ensure legislation that prevents and fights corruption and enhances the integrity of public institutions. This mentality is also expressed in the Draft Law on Prevention of Conflict of Interest in the Exercise of Public Function. The content of this draft law reflects a sound legal basis combating the various forms of abuse of power and the institutional position that limits actions and private interests of public officials in the exercise of their official duty and thus making it possible to avoid conflicts of interest by focusing on prevention”.³

The Coalition “Week Against Corruption 2018” values that the purpose of this law itself stirs standards and principles that aim to have good governance and rule of law. Based on international standards in terms of the integrity of the public official in the exercise of public office, the values that regulate good governance and the rule of law, such as fairness and justice, should be considered. In this regard, public officials during the exercise of their public function always should perform their functions fairly and with honor. The exercise of functions fairly and honorably, includes both public trust and also the perception of the public if the official reflects confidence, security and impartiality.

KLI along with ACA have started a media campaign for the revolutions of this law, preparing a videoclip with key points, as a way of informing institutions and officials exercising public functions, to implement them in practice. Meanwhile, since September 2018, KLI has advocated by the Ministry of Justice as a sponsor and ACA as a central authority for the implementation of this law to interpret a few provisions of this law, the implementation of which directly affects the budget of the Republic of Kosovo. To this end, Minister Tahiri has established a working group composed of the Ministry of Justice, Ministry of Finance, Anti-Corruption Agency and Civil Society, but the document of the group has not yet been finalized. To address the topic of conflict of interest within the “Week Against Corruption 2018” all institutional stakeholders, including the Ministry of Justice and ACA, were informed. The impact of the “Week Against Corruption 2018” has brought to a press conference, various institutional stakeholders who after six months of the entry into force of the Law on Prevention of Conflict of Interest in Discharge of Public Function, informed the public about the entry into force of this law and the measures taken for its implementation in practice.

³ Abelard Tahiri, Minister of Justice, January 25, 2018.

On November 19, 2018, Kosovo Assembly Speaker Kadri Veseli, met with Minister of Justice Abelard Tahiri, Minister of Finance, Bedri Hamza and Director of Anti-Corruption Agency, Shaip Havolli. At this meeting was discussed about the Law on Prevention of Conflict of Interest in Discharge of Public Function and its implementation in practice.

Kosovo Assembly Speaker Kadri Veseli, at the press conference regarding the implementation of this law stated that “we are acting in order to conclude that the rule of law is above all, and we congratulate the Minister of Justice for preventing the conflict by this law, there are a number of laws that directly relate to the part of law enforcement in Kosovo, I intend to send a message to the citizens of our country that we, the institutions of the Republic of Kosovo, are making the most of our efforts to minimize abuses of the position of senior official or public official, for the fact that we all get paid from the taxes of our country’s citizens. The message is this: the law is stronger than each of us, the Republic of Kosovo our independent and sovereign state is our priority and we will not tolerate anyone who abuses a position that can be public, in the same time for all who have been able or who commit acts that are in violation of the law, will be responsible facing the law and their assets will be seized”.⁴

Another important part to ensure good governance and rule of law is to guarantee the performance of public duties in an objective, impartial and transparent manner. International practices have built the standard that the exercise of public functions in an objective, impartial and transparent manner aims to promote and secure the personal integrity of the official and the institution one represents. An important component of this principle is efficiency and professionalism in exercising duties and responsibilities.

In this regard, the limitations set out in Articles 12 and 13 of this Law should in practice avoid the cases of exercising public functions in violation of the spirit of the law and the abovementioned articles which would violate the principle of efficiency, professionalism, personal integrity of a public official and the institution one represents, credibility and avoidance of situations that may reduce public trust in the public official or institution he or she represents.

Minister Abelard Tahiri at the press conference on November 19, 2018, stated “they take a very important step in order to more effectively implement the Law on Prevention of Conflict of Interest. Republic of Kosovo now has a new policy on preventing conflict of interest. There is a new policy that really prevents misuse of significant amounts of our taxpayers. There is also a new policy that also prevents the abuse of position by various officials within the institutions of the Republic of Kosovo. So, this law that is in effect affects more than 80,000 civil servants within the institutions of the Republic of Kosovo and it is already very important that on the eve of the decision regarding visa liberalization, it has also been a European Union demand, that such a policy is in force and we have approved it at the Assembly of the Republic of Kosovo. Undoubtedly, as the acting Minister of Justice, from now on will continue with a joint commitment along with the director of the agency, to let public enterprises, public universities in the Republic of Kosovo and institutions know regarding the policy that is in effect and what

⁴ Kadri Veseli, Kosovo Assembly Speaker, at the press conference on November 19, 2018.

we should prevent, otherwise normally all these officials should face the law in case of misuses and abuses of public money.”

Public perception and public trust in public officials and public institutions is seriously violated in cases when public officials during their working hours at the same time exercise two, three, four, five or more functions at the same time, and regarding this they accept compensation either through additional salaries or other incomes.

Shaip Havolli, Director of the Anti-Corruption Agency, stated at the conference of November 19, 2018 that Kosovo has a very advanced law. “There have been recommendations from the Kosovo institutions themselves, the Agency, and it has also been a recommendation from the EU Office to supplement, amend and advance this law. As you know, so far, senior officials have held many positions in different institutions, henceforward this new law shortens these positions and is only entitled to senior officials to be part of only one managing body. Also, we are working to empower internal mechanisms of institutions, within institutions to address the issue of conflict of interest.”

The Coalition “Week Against Corruption 2018” in order to address this phenomenon has analyzed and investigated the practical implementation of this law by public officials, acting in all three powers in Kosovo, legislative power, executive power and judicial power.

The Coalition “Week Against Corruption 2018” in order to conduct a more comprehensive analysis and research regarding the implementation of this law in practice, in accordance with the Law on Access to Public Documents and the Law on Protection of Personal Data had submitted requests for access to information, as following:

- a) Payrolls of public officials,
- b) Data including wages, remunerations, compensations, allowances and any other expenses in terms of payment of a public official, from the budget of the Republic of Kosovo.

Requests of access to public documents regarding the access to the aforementioned data were addressed to almost all institutions of the Republic of Kosovo, including the Assembly of Kosovo and the agencies and institutions that report to the Assembly of Kosovo.

The request was addressed to the Government of Kosovo, including the Office of the Prime Minister of Kosovo, all ministries, municipalities and agencies reporting to the Kosovo Government. The same request was addressed to the judicial and prosecutorial system in Kosovo, including the Academy of Justice.

Regarding the aforementioned requests, the National Agency for Personal Data Protection on October 19, 2018, responding to the Ministry of Justice, confirmed that access to the information requested by the Coalition “Week Against Corruption” is legal and that the Ministry of Justice respecting transparency has to provide the required data by anonymizing

only personal data of public persons, including anonymity of personal number, bank, date of birth etc.

The Coalition “Week Against Corruption 2018”, throughout its research and legal analysis and its impact on practice has identified two main areas that may create circumstances and situations of conflict of interest, if the respective institutions fail to take measures to prevent and fight situations of conflict of interest, cases where senior public officials exercise more than one position in the public sector and cases where senior public officials receive compensation in violation of the Law on Prevention of Conflict of Interest in Discharge of Public Function.

Law on Prevention of Conflict of Interest in Discharge of Public Function has finally addressed the issue of “supermen” in public institutions, who at the same time hold various managing positions. The practice of “supermen” is explicitly prohibited in Article 13, paragraph 2 of this law, which states that: “Senior official cannot be a member of more than one steering body of a public owned company, joined shareholding company in public ownership as well as bodies of other public institutions, unless otherwise provided explicitly by the law.”

Article 13 of this Law, Incompatibility with the discharge of public functions also determines situations when a public official is forbidden to exercise more than one position in governing bodies or institutions. Paragraph 2 of this Article stipulates that “Senior official cannot be a member of more than one steering body of a public owned company, joined shareholding company in public ownership as well as bodies of other public institutions, unless otherwise provided explicitly by the law. Senior official, as a member of the bodies referred in this paragraph, has no right of financial compensation, except for the right to reimbursement of travel costs and other costs associated with it.”⁵

The Coalition “Week Against Corruption 2018” based on the analysis and research of approximately 4,000 senior public officials, has identified in practice 563 senior public officials who exercise or have access to at least two sources paid by the budget of Kosovo, 63 senior public officials who receive revenue from sources paid by the budget of Kosovo, 10 public officials who receive revenues from four sources paid by the budget of Kosovo and 19 senior public officials who receive revenues from five sources paid by the budget of Kosovo.

Below are presented the data of senior public officials exercising more than one position in all three powers, institutions and law enforcement agencies in the Republic of Kosovo.

⁵ Law on Prevention of Conflict of Interest in Discharge of Public Function

III. Legislative Power:

“Çohu” Organization has investigated and analyzed data of senior public officials declaring assets in the legislative power. In general, data on 656 public officials were analyzed. Out of this, 581 officials have only one position in public institutions, 60 officials have two positions, 10 officials have three positions and five officials have four positions each.

1) The Assembly of Kosovo and independent institutions reporting to the Assembly

In order to monitor the implementation of the Law on Prevention of Conflict of Interest in the Exercise of Public Function (LAW No. 06/L-011), “Çohu” Organization has investigated the revenues of public officials who must declare their asset to the Anti-Corruption Agency, and who hold positions at the Assembly of Kosovo and all independent institutions that report to the Assembly. In addition to the asset registers, “Çohu” submitted the request for access to basic and additional payments for each public official in these institutions in order to analyze the source of revenue for the period April – September 2018, after the entry into force of the Law on Prevention of Conflict of Interest in the Exercise of Public Function.

In total, “Çohu” submitted requests to 34 public institutions from which it received replies from 12 institutions. Nonetheless, most of the answers were partial because they included only the basic salary and not the additional payments or the daily allowances. Thus, the analysis of “Çohu” Organization is based on the data provided by the Anti-Corruption Agency in order to have more accurate data regarding the revenues of public officials.

“Çohu” Organization has analyzed the asset declarations of 2017 regarding these institutions:

- The Assembly of Kosovo
- Privatization Agency of Kosovo
- Kosovo Property Agency
- Agency for the Management of Kosovo’s Memorial Complexes
- Agency for Free Legal Aid
- The National Agency for the Protection of Personal Data
- Kosovo Intelligence Agency
- Kosovo Anti-Corruption Agency
- Authority for Electronic and Postal Communication
- Civil Aviation Authority
- Kosovo Competence Authority
- Regulatory Authority of Kosovo Railways
- Ombudsperson Institution
- Central Bank of Kosovo
- National Audit Office
- Water and Waste Regulatory Office
- Energy Regulatory Office

- Radio Television of Kosovo
- Procurement Review Body
- Transmission and Market System Operator
- Public Prosecution Regulatory Commission
- Central Election Commission
- Kosovo's Independent Commission for Mines and Minerals
- Independent Media Commission
- The Independent Oversight Board Civil Service of Kosovo
- Kosovo Council for Cultural Heritage
- Constitutional Court
- Kosovo Pension Savings Trust

Overall have been analyzed data regarding 656 public officials. Out of this, 581 officials have only one position on public institutions, 60 officials have two positions, 10 officials have three positions and 5 officials have four positions.

The Assembly of Kosovo

Out of the data of the Anti-Corruption Agency there are 154 officials who declare their assets, who hold positions at the Assembly of Kosovo. From the analysis of "Çohu" Organization it has been found that of these officials, 127 have only one public position, 20 officials have two positions while 7 officials have three positions.

Privatization Agency of Kosovo

Out of the data of the Anti-Corruption Agency there are 41 officials who declare their assets, who hold positions at the Privatization Agency of Kosovo. From the analysis of "Çohu" Organization it has been found that of these officials, 37 have only one public position, 3 officials have two positions, while 1 official has three positions.

Kosovo Property Agency

Out of the data of the Anti-Corruption Agency there are 14 officials who declare their assets, who hold positions at the Kosovo Property Agency. From the analysis of "Çohu" Organization it has been found that of these officials, 12 have only one public position, while 2 officials have two positions.

Agency for the Management of Kosovo's Memorial Complexes

Out of the data of the Anti-Corruption Agency there are 5 officials who declare their assets, who hold positions at the Agency for the Management of Kosovo's Memorial Complexes. From the analysis of "Çohu" Organization it has been found that of these officials, 4 have only one public position, while 1 official has two positions.

Agency for Free Legal Aid

Out of the data of the Anti-Corruption Agency there are 7 officials who declare their assets, who hold positions at the Agency for Free Legal Aid. From the analysis of "Çohu" Organization it has been found that of these officials, 5 have only one public position, while 2 officials have two positions.

The National Agency for the Protection of Personal Data

Out of the data of the Anti-Corruption Agency there are 3 officials who declare their assets, who hold positions at the National Agency for the Protection of Personal Data. From the analysis of “Çohu” Organization it has been found that these officials, each, have only one public position.

Kosovo Intelligence Agency

Out of the data of the Anti-Corruption Agency there are 3 officials who declare their assets, who hold positions at the Kosovo Intelligence Agency. From the analysis of “Çohu” Organization it has been found that of these officials, each, have only one public position.

Kosovo Anti-Corruption Agency

Out of the data of the Anti-Corruption Agency there are 5 officials who declare their assets, who hold positions at the Kosovo Anti-Corruption Agency. From the analysis of “Çohu” Organization it has been found that of these officials, 3 have only one public position, while 2 officials have two positions.

Authority for Electronic and Postal Communication

Out of the data of the Anti-Corruption Agency there are 13 officials who declare their assets, who hold positions at the Authority for Electronic and Postal Communication. From the analysis of “Çohu” Organization it has been found that of these officials, each, have only one public position.

Civil Aviation Authority

Out of the data of the Anti-Corruption Agency there are 13 officials who declare their assets, who hold positions at the Civil Aviation Authority. From the analysis of “Çohu” Organization it has been found that of these officials, each, have only one public position.

Kosovo Competence Authority

Out of the data of the Anti-Corruption Agency there are 8 officials who declare their assets, who hold positions at the Kosovo Competence Authority. From the analysis of “Çohu” Organization it has been found that of these officials, each, have only one public position.

Regulatory Authority of Kosovo Railways

Out of the data of the Anti-Corruption Agency there are 11 officials who declare their assets, who hold positions at the Regulatory Authority of Kosovo Railways. From the analysis of “Çohu” Organization it has been found that of these officials, 9 have only one public position, while 2 officials have two positions.

Ombudsperson Institution

Out of the data of the Anti-Corruption Agency there are 19 officials who declare their assets, who hold positions at the Ombudsperson Institution. From the analysis of “Çohu” Organization it has been found that of these officials, each, have only one public position.

Central Bank of Kosovo

Out of the data of the Anti-Corruption Agency there are 32 officials who declare their assets, who hold positions at the Central Bank of Kosovo. From the analysis of “Çohu” Organization it has been found that of these officials, 24 have only one public position, 6 officials have two positions, 1 official has three positions, while 1 official has 4 positions.

National Audit Office

Out of the data of the Anti-Corruption Agency there are 152 officials who declare their assets, who hold positions at the National Audit Office. From the analysis of “Çohu” Organization it has been found that of these officials, 150 have only one public position, while 2 officials have two positions.

National Audit Office

Based on the information of the Anti- Corruption Agency, there are 152 officials that declare their assets and that hold positions at the National Audit Office. The analysis conducted by Çohu Organisation found that from these officials, 150 hold one public position whereas 2 officials hold two positions.

Water and Waste Regulatory Office

Based on the information of the Anti- Corruption Agency, there are 7 officials that declare their assets and hold position at the Water and Waste Regulatory Office. The analysis conducted by Çohu Organisation found that these officials hold only on position.

Energy Regulatory Office

Based on the information of the Anti- Corruption Agency, there are 12 officials that declare their assets and hold positions at the Energy Regulatory Office. The analysis conducted by Çohu Organisation found that these officials hold only on position

Radio Television of Kosovo

Based on the information of the Anti- Corruption Agency, there 123 officials that declare their assets and hold positions at the Radio Television of Kosovo. The analysis conducted by Çohu Organisation found that from these officials, 19 hold public positions whereas 4 officials hold two positions.

Procurement Review Body

Based on the information of the Anti- Corruption Agency, there are 8 officials that declare their assets and hold positions at the Procurement Review Body. The analysis conducted by Çohu Organisation found that from these officials, 7 hold one public position whereas 1 official hold two.

Transmission, System and Market Operator

Based on the information of the Anti- Corruption Agency, there are 16 officials that declare their assets and hold a position at the Transmission System and Market Operator. The analysis

conducted by Çohu Organisation found that from these officials, 14 have one public position whereas two hold two positions.

Public Procurement Regulatory Commission

Based on the information of the Anti- Corruption Agency, there are nine officials that declare their assets and hold position at the public Procurement Regulatory Commission. The analysis conducted by Çohu Organisation found that from these officials, 6 hold one public position, whereas 3 officials hold two positions.

Central Election Commission

Based on the information of the Anti- Corruption Agency, there are 20 officials that declare their assets and hold position at the Central Election Commission. The analysis conducted by Çohu Organisation found that from these officials, 17 hold one public position whereas 3 officials hold two positions.

The Independent Commission for Mines and Minerals

Based on the information of the Anti- Corruption Agency, there are 16 officials that declare their assets from the Independent Commission for Mines and Minerals. The analysis conducted by Çohu Organisation found that from these officials, 14 hold one public position whilst 2 officials hold 2 positions.

Independent Media Commission

Based on the information of the Anti- Corruption Agency, there are 21 officials that declare their assets from the Independent Media Commission. The analysis conducted by Çohu Organisation found that from these officials, 20 hold one public position whilst 1 has three positions.

Independent Oversight Board for the Civil Service of Kosovo

Based on the information of the Anti- Corruption Agency, 8 officials declare their assets that hold a position at the Independent Oversight Board for the Civil Servants of Kosovo. The analysis conducted by Çohu Organisation found that these officials have only one public position.

Kosovo Council on Cultural Heritage

Based on the information of the Anti- Corruption Agency, 9 officials declare their assets that hold a position with the Kosovo Council on Cultural Heritage. The analysis conducted by Çohu Organisation found that from these officials, 8 have one public position, whereas one official holds four positions.

Constitutional Court

Based on the information of the Anti- Corruption Agency, there are 18 officials that have declared their assets whom hold a position at the Constitutional Court. The analysis conducted by Çohu Organisation found that from these officials, 16 have one public position whilst 2 officials hold 2 positions.

Kosovo Pensions Savings Fund

Based on the information of the Anti- Corruption Agency, there are 8 officials that declare their assets and hold a position at the Kosovo Pensions Savings Fund. The analysis conducted by Çohu Organisation found that from these officials,4 hold one public position, whilst 4 officials hold two positions.

IV. Executive Powers

GLPS has analysed the declaration of assets of senior officials of the ACA of the Prime Minister Office of Kosovo (PMO), Ministry of Justice (MoJ), Ministry of European Integration (MEI), Ministry of Diaspora and Strategically Investments (MDIS) and the Ministry of Foreign Affairs (MFA).

KIPRED has analysed the asset declarations of senior officials in ACA from the Ministry of Labour and Social Welfare (MLSW), Ministry of Public Administration, (MPA), Ministry of Environment and Spatial Planning (MESP), Ministry of Culture, Youth and Sport (MCYS) Ministry of Education, Science and Technology (MESC).

The GAP Institute has gathered and analysed the data and asset declarations of senior officials in ACA of Ministry of Finance, Ministry of Economic Development, Ministry of Trade and Industry and Ministry of Infrastructure.

The “Columbus” Institute, has analysed data on public engagement of senior officials of the four ministries: the Ministry of Agriculture and Forestry, the Ministry of Internal Affairs, the Ministry of Health and the Ministry of the Security Force

Organization INPO in this research analysed the data on the declaration of assets of public officials in the ACA of the 38 municipalities of the Republic of Kosovo, and officials of the Ministry of Local Government Administration (MLGA).

Below are the reports of every organisation for each particular institution, of which research and analysis of data from asset declarations given by public officials to ACA was conducted.

1) Government, Ministries and Executive Agencies

GLPS report:

Report regarding the implementation of the Law on the Prevention of Conflict of Interest:

1. Office of the Prime Minister of Kosovo – OPM;
2. Ministry of Justice – MoJ;
3. Ministry of European Integration – MEI;
4. Ministry of Diaspora and Strategic Investments – MDSI;
5. Ministry of Foreign Affairs - MFA.

Research findings based in the declaration of income at the Anti-Corruption Agency:

GLPS analysed the asset declarations of senior officials made to the Anti-Corruption Agency (ACA) of Office of the Prime Minister of Kosovo (OPM), Ministry of Justice (MoJ), Ministry of European Integration (MEI), Ministry of Diaspora and Strategic Investments (MDSI) and Ministry of Foreign Affairs (MFA).

Based on the research, from these 5 institutions, 429 officials have declared their assets to the Anti-Corruption Agency (ACA). Of these officials, 52 of them hold more than one position, 33 of them in public institutions and 18 in private institutions.

However, of the 429 officials whom have declared their assets, 17 of them take more than a salary from the Budget of the Republic of Kosovo while 24 from private institutions.

While from the 429 officials in total, 70 of them receive supplements, daily pay and compensation from the Budget of the Republic of Kosovo and 12 of them receive a pension. 14 of them have not declared that they receive pay from state institutions and from the state budget, while 14 of them have declared nothing apart from their name and position on the declaration form. 1 of 429 officials did not declare their salary but only the daily pay, whereas, 7 of them have not declared their salary taken from public institutions but only of those from private institutions.

Consequently, in the **Office of the Prime Minister of Kosovo (OPM)**, 120 officials declare their assets to the Anti-Corruption Agency (AKM). Out of a total of 120 statements, 33 officials hold more than 1 position. 18 of them hold more than one position in public institutions while 15 in private institutions. While 13 of the officials in this institution stated that they are receiving a salary and 4 of these officials have declared that they receive a pension from the Budget of the Republic of Kosovo. 2 of these officials did not declare the value of their salary from the state budget. Moreover, 5 of them have not declared the salary they receive from the public institution but only from the private institution

From the **Ministry of Justice (MoJ)**, 53 officials declared their assets to the Anti-Corruption Agency (AKM). Of the total of 51 officials, 12 of them hold more than one position, 8 of them hold more than one position in public institutions, and 3 of them in private institutions. 10 of

these officials stated that they are receiving a salary and 3 of these officials have declared that they receive a pension from the Budget of the Republic of Kosovo

From the **Ministry of European Integration (MEI)**, 22 officials declared their assets to the Anti-Corruption Agency (ACA). Based on statements by this agency, none of these officials hold a second position. 12 of these officials have declared that they are receiving a salary from the Budget of the Republic of Kosovo. Whereas, based on the declarations made in this agency, none of these officials receive a pension from the Budget of the Republic of Kosovo

From the **Ministry of Diaspora and Strategic Investments (MDIS)**, 27 officials declared their assets to the Anti-Corruption Agency (ACA). Based on statements by this agency, only one official holds more than one position in a public institution. 13 of these officials have declared that they receive supplements and 1 of these officials stated that they receive a pension from the Budget of the Republic of Kosovo. While, 3 of these officials did not declare the value of their salary from the state budget. At the same time, 1 of the officials did not declare the salary but only the wage and 1 of them did not declare the salary received from the public institution but only the private one.

From the **Ministry of Foreign Affairs (MFA)**, 207 officials declared their assets to the Anti-Corruption Agency (AKM). Out of 207 officials, 5 of them hold more than one position in public institutions. 20 of these officials stated that they are receiving a salary and 4 of these officials have stated that they receive a pension from the Budget of the Republic of Kosovo. While, 8 of these officials have not declared the value of their salary from the state budget. Moreover, 1 of them did not declare the salary received from the public institution but only from the private institution.

Research findings based on the data offered by the relevant institutions:

Part of the research conducted was the collection of data on salaries, compensations and supplements of each official from each relevant institution where they work.

GLPS pursuant to Law No.03/L-215 on Access to Public Documents, submitted a request for access to public documents to the Office of the Prime Minister of Kosovo (OPM), Ministry of Justice (MoJ), Ministry of European Integration (MEI), Ministry of Diaspora and Strategic Investments (MDSI) and Ministry of Foreign Affairs (MFA). Based on this request, GLPS requested from each institution to provide access to documents such as payroll of public officials, list of compensation, wages, allowances, and any other expenses in terms of remuneration of the public official, from the Budget of the Republic of Kosovo, for the period 1 April 2018 to 30 September 2018.

Of these 5 institutions, the **Office of the Prime Minister of Kosovo (OPM)** was the only cooperative institution in sending the requested information whereby they sent the information of officials from the Cabinet of Minister, Official Gazette, Office of the Prime Minister, Administration, Commission for Investigation of Aeronautical Accidents and Incidents, the Millennium Challenges Office in Kosovo, the Office for Communities , the Language

Commission Office, the Agency for Legal Equality, the Nuclear Radiation Protection Agency, the Kosovo Veterinary and Food Agency, as well as the data on persons classified as Resistance Symbol and Citizens with Special Merits. While for the Kosovo Statistics Agency (KSA), the Kosovo Agency for Radiation Protection and Nuclear Safety and the Inter-Ministerial Water Council (ex-task force) no response was received concerning the submitted request.

Meanwhile, **the Ministry of Justice (MoJ)** partially replied to the request. This institution did not provide information regarding the data on supplements, daily pay and compensation that was given to the officials of this ministry.

The **Ministry of European Integration (MEI)** responded to the request by providing a list of wages and salaries, allowances and compensation for officials engaged in the Office of the Minister and the Central Administration of the Ministry.

The **Ministry of Diaspora and Strategic Investments (MDIS)** has sent data on salaries and supplements of officials to the Cabinet of the Minister, the Office of the Secretary-General (Public Communication Division, Public Procurement Division and Internal Audit Division), Department for Diaspora Cultural Centres (Division for Establishment and Supervision of Cultural Centres in Diaspora, Division for Drafting and Updating of Diaspora and Diaspora Registry), Department for Conservation and Cultivation of Diaspora Education and Culture (Division for Supplementary Education in Diaspora, Division , Division for Diaspora Investment Research and Support (Division for Diaspora Investment Coordination and Support, Division for Research and Analysis), Department for Strategic Investments (Division for Strategic Investment Promotion, Division for Culture, Youth and Sports in Diaspora) Division for Preparation and Implementation of Strategic Investment Projects), Legal Department (Division for Supervision and Enforcement of Legislation, Department for Drafting and Harmonization of Legislation), Department of Finance and General Services (Division for Human Resources and Division for Budget and Finances, Division of Information Technology and Logistics Services).

Meanwhile the **Ministry of Foreign Affairs (MFA)** has been ranked as the least cooperating institution since the same has not offered any replies to the request that was sent several times. Therefore the same has violated the provisions set in Law No.03/L-215 on the Access to Public Documents and has denied the rights of citizens to public information on expenses of public money.

Based on the data gathered from each institution, below are the research findings:

The **Office of the Prime Minister of Kosovo (OPM)** has a total of 388 officials, with 364 of them receiving supplements from the Budget of the Republic of Kosovo. **The Minister's Cabinet** has a total of 86 officials, with 53 of them receiving additions from the Budget of the Republic of Kosovo. **The Official Gazette** of the Republic of Kosovo has a total of 2 officials and both receive supplements from the Budget of the Republic of Kosovo. **The Office of the Prime Minister** has a total of 18 officials, all of whom receive supplements from the Budget

of the Republic of Kosovo. The **OPM Administration** has a total of 66 officials and all of them receive supplements from the Budget of the Republic of Kosovo. **The Aeronautical Accident and Incident Investigation Commission** has a total of 4 officials and none of them receives supplements from the Budget of the Republic of Kosovo. **The Office for Challenges of the Millennium in Kosovo** has a total of 3 officials, all of whom receive supplements from the Budget of the Republic of Kosovo. **The Agency for Gender Equality** has a total of 17 officials and all receive supplements from the Budget of the Republic of Kosovo. **The Office of the Language Commission** has 7 officials in total and seven receive supplement from the Budget of the Republic of Kosovo. **The Nuclear Radiation Protection Agency** has a total of 6 officials and all receive supplements from the Budget of the Republic of Kosovo. **The Office for Communities** has 5 officers in total and 4 from them receive supplements from the Budget of the Republic of Kosovo. **The Kosovo Veterinary and Food Agency** has 170 officials in total and all receive supplements from the Budget of the Republic of Kosovo. While as a **Resident and Citizen Special Merit Symbol, OPM** counts 4 people.

The **Ministry of Justice (MoJ)** has a total of 1,817 officials, 23 of whom are engaged in the **Cabinet of the Minister**, 14 of them in the **Secretariat Office**, 25 of them in the **Department of Finance and General Services**, 19 of them in the **Department for International Legal Co-operation**, 15 of them in the **Legal Department**, 5 of them in the **Department for European Integration**, 4 of them in the **Department of Free Professions**, 11 of them in **State Advocacy**, 61 of them at the **Institute of Forensic Medicine**, 7 of them at the **Institute for War Research and Crime**, 75 of them in the **Kosovo Probation Service**, 99 of them in the **Detention Centre in Prizren**, 107 of them in the **Detention Centre in Peja**, 142 of them in the **High Security Prison**, 80 of in **Mitrovica Detention Centre**, 140 of them in the **Detention Centre in Lipjan**, 55 of them in the **Central Directorate**, 54 of them in the CD Smrekonicë, 87 of them in the **Gjilan Detention Centre**, 85 of them in the **Lipjan Detention Centre**, 85 of them in the **Detention Centre in Pristina**, 599 of them in the **Kosovo Correctional Service** and 25 of them in **Agency for Administration of Sequestered or Confiscated Assets**. Of all officials in this ministry, 22 of them receive allowances and compensation. Thus, out of 107 officials in the **Detention Centre in Peja**, one of them receives compensation. Of 142 officials in the **High Security Prison**, one of them receives compensation. Out of 80 officials in the **Detention Centre in Mitrovica**, one of them receives compensation. Of 55 officials in the **Central Directorate**, 2 of them receive compensation. Out of 85 officials in the **Detention Centre in Lipjan**, one of them receives compensation. Out of 85 officials in the **Detention Centre in Pristina**, one of them receives compensation. Out of 599 officials in the **Kosovo Correctional Service**, 11 of them receive compensation. Out of 25 officials in the **Agency for Administration of Sequestered or Confiscated Property**, 4 of them receive compensation.

At the **Ministry of European Integration (MEI)** there are 94 officials of whom 22 persons were engaged in the Ministers Office and 7 of them receive compensation, 5 of them receive supplements and 3 are paid supplements for the work completed. From 94 officials in total, 72 persons are engaged in Central Administration of the ministry of which 67 of them receive supplements from the Budget of the Republic of Kosovo.

In the **Ministry of Diaspora and Strategic Investments (MDIS)** there are 78 officials in total, with 34 of them receiving supplements from the Budget of the Republic of Kosovo. The **Minister's Cabinet** has a total of 27 officials, with 17 of them receiving supplements from the Budget of the Republic of Kosovo. **The Office of the Secretary General** has a total of 51 officials divided into separate Departments and Divisions where 26 of them in total receive supplements from the Budget of the Republic of Kosovo. Thus, 2 officials from the **Office of the Secretary-General**, 2 officials from the **Public Communications Division**, 1 from the **Public Procurement Division**, 1 from the **Internal Audit Division**, 1 from the **Department for Cultural Centres in Diaspora**, 0 from the **Division for Establishment** and 1 from the **Department for Conservation and Cultivation of Diaspora Education and Culture**, 2 from the **Division for Complementary Education in Diaspora**, 3 from the **Division for Culture, Youth and Sport in Diaspora**, 0 from the **Department for Investigation and Support to Diaspora Investments**, 1 from the **Division for Coordination and Support for Diaspora Investments**, 0 from the **Division for Research and Analysis**, 1 from the **Strategic Investment Department**, 1 from the **Promotion Division of Strategic Investments**, 0 by the **Division for Project Preparation and Implementation** 1 from the **Legal Department**, 1 from the **Division for Supervision and Enforcement of Legislation**, 1 from the **Division for Drafting and Harmonizing Legislation**, 1 from the **Department of Finance and General Services**, 1 from the **Human Resources Division**, 1 from the **Division for Budget and Finance** and 2 from the **Division for Information Technology and Logistics Services** receive additions from the Budget of the Republic of Kosovo.

KIPRED Report:

For the project “Anti-Corruption Week 2018”, Kosovo Institute for Policy Research and Development (KIPRED), has analysed the data of senior officials that are obligated to declare their salaries, official positions and assets, reports that they have to complete for the Anti-Corruption Agency (ACA). The analysis of the data includes the period of 2017. For the purpose of this report KIPRED also analysed the data sent from respective Ministries to KIPRED after submitting access to public documents requests. The data sent by these Ministries include data such as, salary, supplements, commission etc. and the analysis includes the period April - September 2018.

KIPRED has analysed the declaration of senior officials in the following Ministries:

- **Ministry of Labour and Social Welfare (MLSW)**
- **Ministry of Public Administration (MAP),**
- **Ministry of Environment and Spatial Planning (MESP)**
- **Ministry of Culture, Youth and Sports (MCYS),**
- **Ministry of Education, Science and Technology (MEST).**

According to the information reported to the Anti-Corruption Agency, from the senior officials of the Ministry of Labour and Social Welfare, shows that 38 of them handed in their asset declaration. Of them, 34 persons hold only one position at MLSW, whereas 3 of them hold 2 positions, and one person holds 3 positions. The positions of the officials that hold more than one position at the MLSW are Council Members, Lecturers at the Chamber of Commerce and trainers in KIPA (Kosovo Institute for Public Administration) etc.

Meanwhile, with regards to income of the MLSW officials, 30 officials have reported one income, 4 persons with two incomes and 4 persons with three incomes. Two of the officials also have KLA pension.

Furthermore from the data from April-September 2018, sent by MLSW, shows that senior officials receive their salary only as income, whereas nearly all of them receive supplements from MLSW.

Ministry of Public Administration

According to the information reported to the Anti-Corruption Agency, from the senior officials of the Ministry of Public Administration, shows that 32 people handed in their asset declaration. Of them, 23 hold only one position at MPA, 5 of them hold two positions and 1 person hold three positions. The positions of the officials that hold more than one position are Council Members, Lecturers at UP, Advisors to the Municipal Assemblies etc. Meanwhile, with regards to the number of incomes of the officials of MPA, 26 persons have only one income, 4 persons with two incomes and 2 persons with three incomes. Two of them receive a salary form MPA and also as Advisors to the Municipal Assemblies and a pension from MLSW.

Furthermore from the data from April-September 2018, sent by MPA, shows that senior officials apart from the salary they receive, they also receive income classified as supplements. Almost every official received supplements from MPA.

Ministry of Environment and Spatial Planning

According to the information reported to the Anti-Corruption Agency, from the senior officials of the Ministry of Environment and Spatial Planning, shows that 48 persons have declared their assets. Of them, 42 hold only one position at MESP, 5 persons with two positions and 1 person with three positions. The positions of the persons holding more than one position from MESP are Lecturers at UP, Advisors to the Municipal Assemblies, Doctors etc.

Whereas, with regards to the number of income of MESP officials, 43 persons have only one income, 3 persons with two incomes and 2 persons with 3 incomes. Two of them have income from MEST, Ministry of Health, Municipal Assembly and UCCK.

From the data from April-September 2018, sent by MESP, shows that senior officials receive salary and also almost all of them receive supplements from MEST for official trips.

Ministry of Culture, Youth and Sports

According to the information reported to the Anti-Corruption Agency, from the senior officials of the Ministry of Culture, Youth and Sports, shows that 106 persons have declared their assets. Of them, 64 hold only one position at MCYS, 31 hold two positions, 10 with three positions and 1 person with four positions. The positions of the officials that have more than one position at MCYS are Lecturer at UP, Advisor to the Municipal Assembly, Member of Managing Councils, High School Teacher, and many positions with other names.

Several senior officials at MCYS primary jobs are at public institutions. Meanwhile at MCYS are Members of the Managing Councils and other positions but that receive income from MCYS.

Meanwhile, with regards to the number of incomes for the officials at MCYS, 41 receive one income, 36 receive two incomes, 9 persons with three incomes and 2 persons with five incomes. Some of these officials receive income from MCYS, MEST, Municipal Assembly, MFSK, Philharmony, KLA, etc

From the data from April-September 2018, sent by MCYS, shows that senior officials that receive salary and supplements, and data that shows at senior officials whose primary job is at other institutions, whereas in MCYS the income is more of a compensation.

Ministry of Education, Science and Technology

According to the information reported to the Anti-Corruption Agency, from the senior officials of the Ministry of Education, Science and Technology, shows that 281 persons have declared their assets. Of them, 165 persons hold only one position in MEST, 98 persons with two positions, 17 persons with three positions whereas one person with four positions. The positions of the officials that hold more than one position in MEST are Lecturers at the public University, Primary and Secondary School teachers, Deans at the public University, advisors at two different institutions, members of the managing council in other ministries and 2 or more positions in other institutions such as the Kosovo Assembly, Ministry of Health Prosecution, UCCK, History Institute, ASAK etc.

With regards to the number of incomes of MEST officials, 141 persons have one income, 79 persons with two incomes, 43 persons with three incomes, 8 persons with four incomes and 4 persons with 5 incomes.

Officials that have more than one income they receive them from other government institutions such as CBK (Central Bank of Kosovo), Ministry of Health, Municipal Assembly, Municipal Directorates, MYCS, Prosecution and Court.

Meanwhile, from April to September 2018, the MEST did not send the data for its senior officials, as the Secretary General of MEST did not approve their submission, although they were prepared by Department of Finance, and approved by the Legal Department.

GAP Institute:

Source of incomes of the senior officials

This report discloses the tendency of employment in public institutions by raising for discussion the issue of the level of quality of work performance by senior officials who have two or more job positions and sources of incomes, whether as lecturers, experts of various fields, consultants, or even owners and managers of companies. Although some scope of activities are lawful under Law no. 06 / 1-011 on the prevention of conflicts of interest in the exercise of a public function, the quality of the work is questioned when with certain positions are required big responsibilities and results are lacking.⁶

I. Collection of data of the declaration of assets of senior officials in MF, MED, MTI and MI

The GAP Institute has collected and analyzed data from the declarations of assets of senior officials of the Ministry of Finance, the Ministry of Economic Development, the Ministry of Trade and Industry and the Ministry of Infrastructure at the Anti-Corruption Agency (ACA). To make a comparison of the data, we have also sent requests to the abovementioned ministries, but we have received answers only from the Ministry of Infrastructure and Economic Development and only with information on the salaries of senior officials within the ministry but not the incomes from the other sources either by public institutions or various private and non-governmental entities.

Therefore, the data reviewed in this section are based on the own statement of the officials, but we do not have information about potential officials who may not have declared all sources of income.

II. The number of officials with more than one source of incomes from public institutions

Below we have listed the number of senior officials who have declared two or more sources of incomes from public institutions whether those departments within different ministries,

⁶ See some provisions of Law no. 06 / 1-011 on prevention of conflict of interest in the exercise of public function: Article 10, paragraph 2 "During the exercise of a public function, an official may carry out work in the field of science, sports, education, culture and humanitarian activity unless otherwise provided by law".

Article 12, paragraph 1, "the senior official can not exercise professional activities of advocacy, notary, private bailiff, bankruptcy administrator, licensed expert, consultant or agent of legal persons and can not be employed full-time in another duty. "

Article 13, paragraph 1, "the senior official can not be a manager, authorized representative or member of any management or supervisory body of private legal entities, under the law applicable to commercial companies and non-governmental organizations, excluding the entities specified in Article 14 of this law, political entities as well as cases when such a function is dedicated by the law because of the function. "

Article 13, paragraph 2 "The Senior Official can not not be a member of more than one governing body of a publicly owned enterprise, public limited liability company and other public institution bodies (...). the senior official, in the capacity of the member of the bodies mentioned in this paragraph shall not be entitled to a remuneration in addition to the right to reimbursement of travel expenses and other related expenses. "

agencies, public universities or economic chambers, without including incomes from private companies or private colleges.

In total of 120 declarations of assets of senior officials at the Ministry of Finance (MoF), 12 of them had income sources from one or more public institutions.

Whereas, from 32 declarations of assets of senior officials in the Ministry of Economic Development (MED), two had income sources from one or more public institutions and three did not declare salary from MED, but only incomes from other public institutions or private institutions.

In the Ministry of Trade and Industry (MTI), from 42 declarations of assets of senior officials, eight senior officials have declared income from two or more public institutions.

Meanwhile, from 31 declarations of assets of senior officials at the Ministry of Infrastructure (MI), six senior officials have declared incomes from two or more public institutions and a senior official has not declared personal income at all, either from the institution through which he has declared his wealth.

III. Basic salaries, wages and more frequent types of secondary jobs

There are cases when senior officials have received more wages than basic salary for a month but not more than annual salary. However, the exact number of senior officials with this phenomenon is difficult to measure since most have reported a total amount of incomes including the basic salary and wages from their respective ministry positions.

Some characteristics that we have faced during the data analysis were that most of senior officials that have at least two sources of incomes from public institutions, and other incomes from non-governmental organizations, international institutions and private companies that include, but are not limited to the following positions:

- Lecturer in public universities of Kosovo, such as the University of Pristina “Hasan Prishtina”, University of Gjilan “Kadri Zeka”, University of Peja “Haxhi Zeka”
- Lecturer/Trainer at the Kosovo Academy for Public Safety (KAPS), the Academy of Justice (AJ), or Kosovo Institute for Public Administration (KIPA)
- Members of Kosovo Chamber of Commerce (KCC)
- Members of various commissions within the ministry where they work or other ministries
- Experts for the Kosovo Energy Corporation (KEC)
- Traffic experts in case of accidents
- Experts for international organizations and institutions with branches in Kosovo
- Managers/Owners of private companies

Although the Law on the Prevention of Conflict of Interest in the Exercise of Public Function does not prohibit any activity of education, science or humanitarian activities, this law prohibits

offering of services as experts or consultants, compensation with salary or wages as members of commissions or boards of public institutions - except covering travel expenses as well as exercising managerial / leadership duties in private companies even when the company is owned by a senior official.

“Columbus” Institute:

The Columbus Institute has analyzed the data of public engagement of senior officials of the four ministries. The Ministry of Agriculture and Forestry, the Ministry of Internal Affairs, the Ministry of Health which have been the object of the study, have a large number of officials who benefit from more than two monthly salaries from public institutions.

The main engagement of the officials in these ministries remains engagement in education in the capacity of a professor or a teacher, but there are a large number of these officials who, as well as senior officials in the state institutions, and part of the public universities they are engaged in many cases as professionals for different expertises. There are such that at the same time keep five or six different duties.

Another issue that the Columbus institute has identified is the large number of senior officials who benefit state pensions. There are those who, in addition to the three or four duties they carry out in public institutions, benefit from the veteran's pension and pension of the Kosovo Protection Corps (KPC).

Form that how the data was extracted

The Columbus Institute has made a request for access to public documents in the four ministries that were analyzed. In addition, through official request access to payments has been asked for agencies operating within the ministries but that have independent budget from them.

Most of the institutions that have been asked for information have responded but the data they provided were scarcity.

As more problematic institutions for extracting data is Kosovo Police. Although several days after the request they said that they are in the process of collecting and selecting data, information provided by this institution has been very facile.

"Columbus" has repeated for three times the request for this information and the three responses have been the answer with the data such as the names of senior public officials in this institution or the positions they hold, as well as salary coefficients but not the other payments that they receive from this institution.

The Ministry of Health as one of the institutions with the most public officials who are obliged to declare the data in the Anti-Corruption Agency (due to the hospitals and agencies that operate within MoH) also offered co-operation immediately after "Columbus " has addressed the request for data. However, the data provided by this ministry have not been complied at all with the data that the public officials themselves have declared to the Anti-Corruption Agency. Thus, the public officials themselves have declared much more engagements than the MoH has provided in the data for Columbus. Started from this, the inconsistencies have been verified

and it has come that more approximate are the data that the officials themselves have declared than the institution.

Comparison of data

With some differences as highlighted above, a large number of public officials receive 2-3 salaries per month only from the public sector. There are some who have engagements even in the private sector.

The Ministry of Health is one of the institutions with the largest number of public officials who are obliged to make the declaration of assets. This is because of the health sector specifics. Apart from being legally obliged by law, the MOH officials to declare their assets, are also obliged the hospital management, the Leading Board of the University Clinical Hospital Service of Kosovo, directors of clinics. On the other hand, within the MoH, function also agencies which in the budget and decision line are independent from the MoH, such as the Kosovo Agency for Medical Products and Devices (KAMPD) and the Health Insurance Fund (HIF).

The Ministry of Internal Affairs also has a large number of senior officials that keep two or more public positions. Among the officials are also included the Kosovo Police Officers and Kosovo Police Inspectorate.

The Ministry of Agriculture is the institution that has less officials that keep more than one public position. Also officials that keep more than one position mainly have the second position as professionals engaged in the field of education.

The Ministry of Kosovo Security Forces has dozens of officials that in addition to salary they benefit pensions. Some of them receive two pensions.

Types of payments:

Professor in Public Universities – The Ministry of Agriculture and other institutions under its subordinate has five officials that, besides the basic salary in the Ministry of Agriculture, also receive salaries from public universities.

Ministry of Health – has thirty-one officials who, besides that in hospitals or MH, are also engaged as professors or assistants mainly at the Faculty of Medicine.

Ministry of Internal Affairs – has seventeen senior public officials who in addition to the MIA are also engaged in the educational part (mainly at the Kosovo Academy for Public Safety)

Ministry of Kosovo Security Force has five senior public officials who, besides the salary in MKSF, are also paid for the educational part.

Other payments

59 officials of the **Ministry of Agriculture** declare their assets in the Anti-Corruption Agency, of which 21 have more than two positions from the public institutions. Mainly these officials

are part of the commissions, are municipal councilors, part of the boards (eg in the Veterinarian Agency, or board member "Hidroregjioni", PTK etc.).

209 officials of the **Ministry of Health** declare their assets in the Anti-Corruption Agency. Of the 209 officials, 80 officials receive more than one salary. The second payment starts from a municipal advisor, members of the commission, and board members within the MoH, political positions and positions of health professionals at the same time, experts engaged in the service of the justice system. It is worth mentioning that some officials as expert engagement according to data have bigger salary than the basic salary.

About 15 officials of the MoH are identified with over 5 positions. There are those who have six or seven with most of it being identified by "Columbus". One issue that is worth mentioning is that most of them have also declared the actions in the private sector and adding to the fact their much engagement based on salaries, then their effectiveness at work is questioned.

Ministry of Internal Affairs has 132 officials that declare assets in the Anti-Corruption Agency has 34 officials with more than one position. Officials are part of the commissions, members of the Boards etc. It is worth mentioning that some of the senior officials even though they do not have second job, receive salary in the form of pensions (over ten senior officials)

Ministry of Kosovo Security Force (MKSF) has 46 public officials that declare assets to the Anti-Corruption Agency. Out of 46 officials, about 20 receive KPC pension, and some of them receive not only the KPC's pension but also that of the veteran.

2) MALP and Municipalities

Findings of research on Conflict of Interest for Municipal Officials of the Republic of Kosovo Initiative for Progress - INPO

The INPO organization has researched the income of public officials of local institutions of governance of the Republic of Kosovo through two ways:

- (i) through declarations of assets that public officials have made to the Anti-Corruption Agency (ACA), and
- (ii) through the data that the municipalities of the Republic of Kosovo have sent to us for public officials.

For the collection of this data, the INPO organization has faced continuous problems during their analysis, starting from incomplete data or non-delivery of required documents from Kosovo municipalities to incomplete data which have declared municipal officials in ACA. However, the research has managed to identify cases of conflict of interest in the municipalities of Kosovo, indicating that this problem exists and is not fought by public institutions.

The INPO organization in this research has analyzed the data of the declaration of assets of public officials in the ACA of the 38 municipalities of the Republic of Kosovo, and officials

of the Ministry of Local Government Administration (MLGA). In total, were analyzed declarations of assets of 1,765 public officials.

Regarding Article 13 of Law no. 06 / L-011 on the Prevention of Conflict of Interest in the Exercise of Public Function, INPO has identified 47 cases of violation of this Article by senior municipal officials. Based on the data taken from the ACA web site, this is the list of identifications divided into municipalities and for the MLPA:

- In the municipality of Dragash is identified one case,
- In the municipality of Ferizaj are identified nine cases,
- In the municipality of Fushe Kosova are identified two cases,
- In the municipality of Gjakova is identified one case,
- In the municipality of Glllogoc is identified one case,
- In the municipality of Gracanica are identified two cases,
- In the municipality of Istog are identified four cases,
- In the municipality of Leposaviq is identified oen case,
- In the municipality of Malisheva is identified one case,
- In the municipality of South Mitrovica are identified two cases,
- In the municipality of North Mitrovica is identified one case,
- In the municipality of Peja are identified five cases,
- In the municipality of Podujevo is identified one case,
- In the municipality of Pristina are identified five cases,
- In the municipality of Prizren are identified three cases,
- In the municipality of Rahovec is identified one case,
- In the municipality of Shtime is identified one case,
- In the municipality of Skenderajt are identified two cases,
- In the municipality of Suhareka is identified one case,
- In the municipality of Vitia is identified one case,
- In the municipality of Zubin Potok is identified one case,
- In the MLPA is identified one case.

Regarding to Article 12 of Law no. 06 / L-011 on the Prevention of Conflict of Interest in the Exercise of Public Function, INPO has identified 29 cases of violation of this Article by senior municipal officials. Based on the data from the ACA web site, this is the list of identifications divided into municipalities and for the MLPA:

- In the municipality of Dragash are identified three cases,
- In the municipality of Ferizaj are identified five cases,
- In the municipality of Fushe Kosova is identified one case,
- In the municipality of Gjakova is identified one case,
- In the municipality of Gjilan is identified one case,
- In the municipality of Mamusha is identified one case,
- In the municipality of South Mitrovica is identified one case,
- In the municipality of Novoberda is identified one case,

- In the municipality of Peja are identified two cases,
- In the municipality of Podujeva are identified two cases,
- In the municipality of Pristina are identified four cases,
- In the municipality of Prizren are identified two cases,
- In the municipality of Rahovec is identified one case,
- In the municipality of Shtime is identified one case,
- In the municipality of Skenderaj is identified one case,
- In the municipality of Suhareka is identified one case,
- In the MLPA is identified one case.

The INPO organization has tried to realize this research also through the data obtained from the municipalities of Kosovo, which through the right of access to public documents, has requested from the 38 municipalities of the Republic of Kosovo, data for six (6) months on salaries, wages and other additional compensations of senior public officials. From the 38 municipalities of the Republic of Kosovo, only 28 of them have responded.

Municipalities that did not offer access, even after the requests for review of the case are: Dragash, Klina, Klllokot, Leposaviq, South Mitrovica, North Mitrovica, Novo Brdo, Podujevo, Prizren, Zubin Potok. From the 28 responses, nine of them came after the request for review. So, only 19 municipalities of the Republic of Kosovo have responded after the first request for access to public documents. Regarding the responses received from the municipalities, 16 out of 28 responses have contained to the request of INPO Organization.

Since the INPO Organization did not get responses from all municipalities of the Republic of Kosovo, due to the research objective, the data of the ACA were used.

Among other problems that the INPO Organization has identified during this research are:

- Lack of job position in the declarations of public officials where they have only declared the source of the data (eg Municipality, Municipal Assembly, etc.)
- The unrealistic reflection of the incomes of members of Municipal Assemblies, where some of them did not regularly declare their salary, some have not mentioned income as members of communal committees, and some have not declared the salary at all but only have declared their work position,
- The Declaration System of the ACA does not automatically identify the data deriving from declarations of public officials, where cases where an official declaration is attributed to only one of the positions, although in the declaration he has written two positions (eg case of the salary declaration of a deputy minister who has written the position of a member of the Municipal Assembly but does not reflect as an official in the category of the respective municipality)
- Only 11 senior public officials of the municipality of Vushtrri have declared their incomes to the ACA, among them who have not declared the income is also the mayor of Vushtrri municipality,

- The declaration system of the ACA does not categorize regularly senior public officials of municipalities where there are certain cases that officials of a municipality finds them in the category of another municipality,
- The declaration system of ACA does not have the updated data where senior public officials have declared old data (example: the mayor gets the position of a member of the municipal assembly or the director, positions that he held before).

V. Judicial and Prosecutorial Power

Kosovo Law Institute (KLI) has submitted requests for access to public documents regarding list of salaries of public officials and data including salaries, compensations, wages, extras and any other expense in terms of paying remuneration of senior public officials in the judicial, prosecutorial system and the Academy of Justice.

While the Academy of Justice has offered access to the requested information, the Judicial Council and the Kosovo Prosecutorial Council, contrary to the law, have refused to provide the requested data despite the legal obligation defined under the applicable law and the letter of the Agency for Protection of Personal Data.

Lack of the data and information provided by the Judicial and Prosecutorial Council regarding salaries, compensations, wages, extras and any other expenses in terms of remuneration of senior public officials in the judicial and prosecutorial system, KLI has been obliged that analysis and research be based on through analyzing and extracting information from forms of declaration of assets in the Anti-Corruption Agency for any senior official in judicial and prosecutorial system of Kosovo.

In this regard, the KLI has analyzed the forms of declaration of assets of 631 senior public officials in the judicial and prosecutorial system and the Academy of Justice, of which 420 in the judicial system, 203 in the prosecutorial system and 18 in the Academy of Justice.

From 631 senior public officials exercising public functions in the judicial, prosecutorial and the academy of justice, including members of the Judicial Council, members of the Prosecutorial Council, judges, prosecutors, and civil servants, the KLI identified a large number of them that at the same time exercise more than two positions in the public sector.

From 631 senior public officials, the KLI has identified one prosecutor and one judge that exercise at the same time five functions, one prosecutor and three judges who exercise four functions, 13 officials of the prosecutorial system and 11 officials of the judicial system that exercise three functions, and 38 officials in the prosecutorial system and 23 officials in the judicial system that exercise two positions.

From 420 senior public officials in the judicial system of Kosovo, 38 of them exercise at least two functions at the same time. Out of 203 senior public officials in the prosecutorial system of Kosovo, 53 of them exercise at least two public functions at the same time. While in the Academy of Justice have not been identified senior public officials who exercise two functions at the same time.

KLI during the analysis of the declaration of assets of senior public officials in the judicial and prosecutorial system found that large numbers of senior officials, during the declaration of assets, on purpose have made disguise of the financial gains they receive, either through the second salary or other material compensations that are paid from the state budget due to the

exercise of other functions or their participation in various boards, working groups or committees.

KLI in many cases has identified when senior public officials in the same column of declaration of assets, have included, besides the basic salary, also salaries or compensations that they receive in other public institutions.

Such an access of senior public officials, may also be related to the restriction that the Law on Courts and the Law on State Prosecutor stipulate that judges and prosecutors who exercise professional activity except for the position of a judge and a prosecutor are prohibited to accept remuneration or compensation that exceeds the value from twenty-five percent (25%) of the basic salary.

KLI during the analysis of incomes of senior public officials has identified in many cases when public officials, receive compensation and extra incomes except from the Kosovo budget and external donors, and in rare cases including income or compensation from the non-governmental organizations.

Characteristic of the findings presents the fact that not rarely senior public officials receive extra compensation in wages that are almost equivalent to the primary salary.