



Non-governmental Organisation Emancipimi Civil Ma Ndryshe
EC MA NDRYSHE

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PRESS RELEASE

Municipality of Prizren violates the Law on Access to Public Documents

Within the project of monitoring the transparency of the executive branch of Prizren Municipality, EC Ma Ndryshe, during September, has examined the issue of implementation of the Law on Access to Public Documents, as it has received complaints for violations in this regard.

The first complaint was submitted by a teacher, who in August of last the year has approached to municipal authorities, raising the concern about the usurpation of a school property by an economic operator. The second case has been identified by the GAP Institute when on 24 July 2013 sought access from the Municipality of Prizren to the Medium Term Budget Framework 2014–2016.

In relation to the first case, although the teacher's request lacks the clarity, it has deserved at least a proper reply from the municipal authorities, as the request has been addressed to the Municipal Directorate of Education and the Mayor of Prizren. Article 6 of the Law on Access to Public Documents (which can be found at the link, <http://www.assembly-kosova.org/common/docs/ligjet/2010-215-eng.pdf>) says: "If an application is not sufficiently precise, the public authority shall ask the applicant to clarify the application and shall assist the applicant in doing so."

EC Ma Ndryshe sought clarification from the Municipality of Prizren in this regard. MDE informed EC Ma Ndryshe with the decision of the Municipal Assembly No. 01/011-8415 dated 4 July 2013, and with the confirmation of the Ministry of Local Government Administration No. 0204-14/15 dated 05.08.2013, regarding this issue but did not provide an explanation if a reply was given to a teacher.

Article 7, paragraph 8, stipulates that, "The public authority shall, within seven (7) days from registration of the application, be obliged to issue a decision, either granting access to the document requested, or provide a written reply, state the reasons for the total or partial refusal and inform the applicant of his or her right to make a application for review. Refusal of the request is done with a decision in writing for its refusal"; whereas Article 10 outlines that refusal of the application of the applicant as well as the failure by the public authority to reply within the prescribed period of time shall be considered as a negative reply and shall entitle the applicant to initiate the procedure before other public institutions.

Teacher's request was made on 7 August 2012. He states for receiving no reply from the municipal authorities. At the same time, the municipality not even recorded the aforementioned teacher's request submitted in the list of applications received for the year 2012, on which document appears that the total number of applications received is 19 and that access was granted for all the 19 requests.

The principles set forth in Article 7 were not adhered to in the case of GAP Institute, which on 24 July 2013 has requested access from the Municipality of Prizren to the Medium Term Budget Framework 2014–2016, but did not receive any reply from this public institution (http://www.institutigap.org/documents/1479_PRIZRENI.pdf, page 6).

Based on these findings, EC Ma Ndryshe concludes that the Municipality of Prizren has failed to implement certain provisions of the Law on Access to Public Documents in these two cases. This failure does not meet the commitments for good and transparent governance.

For these reasons EC Ma Ndryshe recommends the Municipality of Prizren:

- To take appropriate measures for the implementation of the Law on Access to Public Documents in each case, without exception;
- To inform the public on his rights for access to official documents and the manner in which this right can be exercised;
- To provide assistance and advice for citizens in relation to drafting requests for access to public documents; and
- To ensure participation and involvement of citizens by disclosing the data.

EC Ma Ndryshe's project for the oversight of transparency of the executive branch will continue on publicizing monitoring findings through regular press releases and the project's website, where the findings will be posted directly by the monitors. So far, all monitoring findings, including regular press releases and other information relative to local governments of Prizren and Mamuşa/Mamushë, are being regularly published on the project's website: www.online-transparency.org.

Thank you for your cooperation,

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