A Newsletter by atrc Advocacy Training & Resource Center

Volume 1, Issue 1

November 2003

THE ADVOCATE

INSIDE THIS ISSUE:

Public Participation Regulation Passed 2

Gender Equality Draft Law 2

Public Discussions: European Court on Human Rights Privatization Process 2

Transparency in Practice 3

Anti-corruption Publication 3

Parliament Efficiency Report 3

Guest Article: Access to Information Still Blocked 4

Upcoming Events

- Does your NGO have an upcoming event in December that you think other NGOs should know about?
- Do you want to build a coalition to support your advocacy effort or to attend your events?
- Do you want a space for your events?
- Contact Dafina Zherka at dafina@advocacy-center.org to learn more about what ATRC can provide for you!

NGOs Discuss Code of Conduct, A New Standard for Success

PRISHTINA, 16 Oct. – Representatives from seven member organizations of the Advocacy NGO Network of Kosova (AvoKo) convened to discuss the necessary steps for and potential benefits of writing a code of conduct at a workshop held at the ATRC.

Kreshnik Berisha

ATRC Director Kreshnik Berisha called for NGOs to establish a working group to draft a code of conduct by the first week of November. Berisha has appealed to all interested NGOs to review exemplary codes of conduct and to submit their ideas to this working group by the second week of November.

Berisha said that such a code would heighten the NGOs' public image, create a system of values, help the NGOs achieve their missions, and entice potential donors.

Amy Horton from the International Center for Not-for-profit Law (ICNL), who defined self-regulation as "when a NGO community agrees among itself to create and impose standards [in addition to what the law requires] that they all will meet and that will benefit all of them," stressed that those who follow a code of conduct must take part in creating that code and that joining must be voluntary.

Kreshnik Berisha

Gjyljeta Mushkolaj from IKDO (left) and Amy Horton ICNL (right) advised participants why and how to create a Code of Conduct.

Horton suggested that the coalition: 1) identify their core values, 2) set guidelines and standards, and 3) enforce the code of conduct, which can be done through peer certification (organizations certify that each other are following the code through specific guidelines) or self-certification (organizations fill out a questionnaire, describing how they followed the code).

Participants expressed concerns that a code of conduct might be "just another [meaningless] piece of paper", that organizations may not want to criticize themselves, or that organizations may not be able to follow the code.

Horton emphasized that devising a code of conduct was a process, which included training to help people achieve the goals in the code. "If an organization does not meet the code, they are not dismissed from the group," she said.

Gjyljeta Mushkolaj from the Kosovar Institute for NGO Rights (IKDO) said that creating a solid group of NGOs who all agreed to follow a code of conduct, written on paper as proof of its existence, would encourage donors to give to their organizations because this group would be more trustworthy than other NGOs.

The complete transcript from this workshop is available at ATRC.

FDI Releases October 2001-2002 Annual Report

PRISHTINA, 22 Oct. — The Foundation for Democratic Initiatives (FDI) organized a press conference where they presented their annual report for October 2001-2002.

Bashkim Rrahmani, FDI Executive Director, said that FDI's grant-giving program has greatly increased the capacity and financial sustainability of NGOs. NGO projects have also increased citizen requests for information from public authorities, he said.

Dale Pfeiffer, USAID Mission Director, emphasized that civil society in Kosovo is successfully shifting roles from service providers to agents of change, thereby influencing decision-making mechanisms in Kosova.

"Kosovar NGOs have greatly advanced compared to other NGOs in the region since they benefit from a rich history and have inherited a great public image," Fron Nazi, Kosovo NGO Advocacy Project/East-West Management Institute Chief of Party said.

Bashkim Rrahmani mentioned that FDI plans to allocate around 405,000 Euro for future grants next year.

Exercise your right for Access to Information.

Nicole Farnsworth

Demand that your Municipal Assembly open its doors.

For more information about the Freedom of Information Campaign, contact ATRC.

Municipal Assembly Adopts First Citizen-Initiated Public Participation Regulation

GJAKOVA, Sept. 2002 — The Municipal Assembly in Gjakova adopted Kosovo's first citizen-initiated public participation regulation. Its adoption was the culmination of a months-long advocacy effort by local NGO leaders to ensure effective exercise of the public's right to attend assembly meetings and inspect municipal documents. The regulation:

- Requires public notice of Assembly meetings and sets out how far in advance notice must be posted; where and how notice must be given; what information must be provided regarding subjects to be discussed at the meetings; and that items on the agenda must be clearly explained;
- Establishes procedures for public participation at Assembly meetings;
- Requires notice and written justification when a meeting is closed;
- Imposes time limits for the government's response to a citizen's request to inspect documents and written justification for a refusal to provide them; and
- Establishes minimum requirements and a time frame for the government to provide information regarding the public's right to documents and the government's structure and functioning.

NJOFTIM

Njoftohen qytetarët e komunës së Gjakovës se më datën 28.12.02 në ora 11.[00] ditë e shtunë në sallën e madhe të kuvendit komunal do të mbahet debat i hapur me publikun.

KRYETARI
z. Agim Shehu

While notices of meetings have yet to be displayed on the assembly building, notices like this are sent to the media, requesting public participation.

Women's Groups Discuss Gender Equality Draft Law

PRISHTINA, 17 Sept. — Participants from various fields of expertise exchanged their views on drafting a Gender Equality Law, auth-ored by the Parliamentary Gender Equality Committee. The law, which gives general outlines to achieve gender equality, should eliminate gender-based discrimination in all institutions, including education, health, the economy and the media, better protecting the interests of women who are victims of war, participants said.

Kosovo Women's Network and the Star Network of World Learning hosted the discussion in preparation for a public debate of the draft law, which will be organized by the Gender Equality Committee.

One panelist, Vjosa Dobruna welcomed the law as a step forward for Kosovar institutions. "However, there are some gaps," she said.

In an effort to improve the law's terminology while subscribing to terms from the field of gender equality and ensuring continuity, participants stressed that the definition of victimization must be clear so as not to be misused and recommended taking out paragraph 14.3, which defines discrimination based on gender, so as not to hinder freedom of speech.

Participants recommended that the Law on Gender Equality avoid the use of quotas in achieving gender equality because any quota of less than 50 percent, especially if implemented in all sectors, would conflict with democratic principles.

Participants also suggested that the law include implementation measures, and that while a person advocating for gender does not need a degree of jurisprudence, he or she should have experience on advocating for gender equality rights (Paragraph 6.1).

Igballe Rogova, Kosovo Women's Network Chairwomen gave introductory remarks, and Ariana Qosaj Mustafa and Gregory Fabian from Operation for Security and Cooperation in Europe suggested improvements for the law.

Conclusions from the discussion will be presented to the Gender Equality Committee.

ATRC Public Discussions

"Taking a Case to the European Human Rights Court"

PRISHTINA, 26 Sept. — Alan Simmons from the Criminal Defense Resource Center (CDRC) presented in detail to 15 participants how a person, group or political party can bring a case to the European Human Rights Court in Strasbourg. Gazmend Nushi from the Council for the Defense of Human Rights and Freedoms (CDHRF) who represented a Kosovar family against Kosovo Force (KFOR) in submitting their case to the European Human Rights Court, enriched the discussion by illustrating the claim procedure.

The discussion received coverage from RTK, RTV 21 news and Koha Ditore newspaper.

"Kosovar Privatization Process"

PRISHTINA 12 Sept. — At an ATRC public discussion, panelists offered their perspectives on the privatization process. Kosovo Trust Agency (KTA) representatives Teki Shehu and Arten Bajrushi discussed the latest outcomes in the privatization process, challenges toward achieving KTA's desirable goals and plans for upcoming months and years. RIINVEST Institute for Development Research Vice President Muhamet Sadiku and Ali Dragusha from Kosovo Trade Union Association questioned how the privatization process benefits factory workers. Sadiku suggested that workers play a larger role in the privatization process.

Public Discussions to be Held at ATRC

- "Lessons Learned: What can Kosovar NGOs learn from Slovakia on issues such as the environment, community organizing and human rights."
- "Public Discussion: Debate on the contrasting reports regarding corruption in the Customs Service"

Watch your e-mail closely for more information about these and more upcoming events.

FDI/KNAP Grantee Projects

Transparency in Practice

NOTABLE PROJECT

DEÇAN, July — "Epoka e Re" [New Era] completed its project "Transparency in Practice", which the organization initiated in August 2002 to increase transparency in Deçan's Municipal Assembly. The project analyzed how to advance democratic processes while avoiding conflict with regulations and codes.

The project included surveying citizens and establishing a working group composed of Deçan NGOs and local experts.

Their proposed regulation envisioned the provision of information on Assembly activities through bulletin boards at Municipal Assemblies and community districts, advertising through local radios and additional new forms of information-sharing. The draft regulation was sent to all key actors and the project was presented at political parties and to the municipal authorities.

Epoka e Re representatives Shkelzen Tahirsyla (left), Nora Gervalla, and Xhem Shehi, Director, work to make Deçan's Municipal Assembly more transparent.

Constraints to the project's implementation included insufficient information, lack of internet access, and low citizen participation.

This project was achieved in cooperation with Delina Fico and International Center for Not-for-profit Law (ICNL) and Kosovar Institute for Not-for-profit Law (IKDO) representatives. They used Gjakova municipality's pilot project as a model [*see Page 2, "Municipal Assembly Adopts First Citizen-Initiated Public Participation Regulation".*]

Nicole Farnsworth

"A true measure of your worth includes all the benefits others have gained from your successes."

—Cullen Hightower

RIINVEST Releases Anti-corruption Publication

PRISHTINA, Sept. — With financial support from a FDI/KNAP anti-corruption grant, RIINVEST released a report, *Corruption and Its Impact on Kosova Economy*, which identifies perceived corrupt institutions and makes recommendations for the government. RIINVEST found that the customs service and international organizations are the most corrupt institutions and that entrepreneurs find corruption leads to unfair competition, an unfavorable business and investment environment and increases in business costs due to bribes.

For the project, RIINVEST surveyed 607 small and medium private business enterprises, 1315 households and a number of public officials. The interviews conducted with public officials were in-depth, qualitative analyses; they interviewed CEOs and directors from the Economy and Finance departments in six municipalities: Prizren, Kaçanik, Viti, Vushtri, Besiana and Peja.

RIINVEST started the project in an effort to initiate anticorruption activities in the government as well as to raise public awareness regarding corrupt practices in local institutions, the private sector and amongst citizens.

The report received financial support from USAID, East-West Management Institute, and FDI. The Good Governance Office and advisors from the Ministry of Trade and Industry assisted with the project.

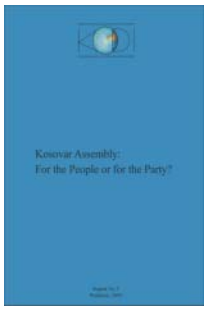
This is one of the many anti-corruption projects sponsored by FDI/KNAP. Other projects have included the 2002 anti-corruption conference; Flaka's "Elected Official Monitoring"; 21st Century's "Exploring public opinion on corruption"; The Forum's "Anti-Corruption Boxes"; Epoka e Re's "Transparency in practice"; Shekulli 21's "Exploring public opinion on corruption publishing results and their handling"; and KODI's "monitoring the campaign".

RIINVEST's Suggestions for Addressing Corruption:

- ***Approve anti-corruption laws:***
  1. ***Anti-trust law***
  2. ***Law against money-laundering***
  3. ***Law against conflict of interests***
  4. ***Freedom of information law***
- ***Train officials regarding corruption and transparency***
- ***Improve communication between KTA, social enterprises and civil society***
- ***Engage NGOs, unite in umbrella association to exert pressure over decision-makers***
- ***Increase use of investigative reporting in the media***

KODI Releases Report

PRISHTINA, Sept. — KODI has prepared a publication with recommendations for a more efficient parliament, *Kosovar Assembly: For the People or for the Party?*, which will be publicly distributed 7 Nov. at ATRC. In it, KODI concludes that the weaknesses of Kosovar institutions are incompetence and the inability to make decisions or set priorities.



With the help of a public policy grant from FDI/KNAP and to better understand the process of drafting a law, KODI analyzed UNMIK legislation and conducted interviews with officials from five ministries and five parliamentary committees, including Head of Parliament, Nexhat Daci and the Minister of Public Services, Jakup Krasniqi.

MAR Promotes Environmental Conventions

GJAKOVA, Sept. — With FDI/KNAP support, Environmental Protection and Rehabilitation (MAR) implemented a project on the Aarhus Convention, originally adopted by Denmark in 1998, which includes access to information, public participation in decision-making and access to justice in environmental matters.

MAR aimed to establish public awareness of the Aarhus Convention, especially among environment NGOs, enabling them to encourage local authorities to implement the convention in Kosovo. In cooperation with REC and other environmental NGOs, MAR carried out a number of activities, which included: organizing the "Aarhus Convention and its ratification in Kosova" seminar in Prishtina, holding meetings with Ministry of the Environment and Spatial Planning representatives, distributing information on the Aarhus Convention, and coordinating public discussions. MAR also established a coalition of Kosovar environmental NGOs, which aims to expedite the ratification process of the Aarhus Convention in Kosovo. Due to these efforts, the Kosovar Law on Environmental Protection includes two Aarhus Convention rights: access to information and access to justice in environmental matters.

Now, in cooperation with the "Coalition on the Aarhus Convention", MAR has drafted a project called the "Campaign for the Promotion of the Aarhus Convention and Public Participation in Kosova".

Advocacy Training and Resource Center
Rr. Agim Ramadani Nr. 15
(formerly Ramiz Sadiku)
2nd Floor

Phone: +381 38 244 810
Fax: +381 38 244 810
Email: atrcknap@yahoo.com

EXECUTIVE DIRECTOR
KRESHNIK BERISHA
keka@advocacy-center.org

GENERAL MANAGER
KIMETE KLENJA
kimete@advocacy-center.org

TRAINING MANAGER
NATYRA ZHJEQI
natyra@advocacy-center.org

INFORMATION AND OUTREACH OFFICER
NICOLE FARNSWORTH
nicole@advocacy-center.org

INFORMATION AND OUTREACH COORDINATOR
DAFINA ZHERKA
dafina@advocacy-center.org

OFFICE ADMINISTRATOR
GANI ASLLANI
gani@advocacy-center.org

We'll soon be on the Web!

www.advocacy-center.org

Mission

The Advocacy Training and Resource Center (ATRC) is a Kosovar nonprofit organization that works to increase citizen and civil society participation in decision-making, as a prerequisite for a developed democratic society and regional stability.

ATRC aims at strengthening the role of NGOs as agents of change in society; increasing the capacity of NGOs and civic initiatives to undertake advocacy campaigns; and contributing to the creation of governing institutions that meet international standards.

ATRC works with NGOs, civic initiatives, public administration and political institutions regardless of religion, political affiliation, ethnicity, age, capability, and sexual orientation.

ATRC accomplishes its goals through advocacy, training, information exchange, and networking in and out of Kosovo.

Do you have suggestions for ATRC? Or for ATRC's newsletter: THE ADVOCATE?

Please contact Dafina Zherka, dafina@advocacy-center.org.

Guest Article: Koha Ditore

Access to Official Documents Still Impossible

PRISHTINA, 28 August – The draft law on access to official documents, while approved by the Kosovar Assembly in July, is still pending and according to Assembly officials, the "Kthimi" and UNMIK coalition should be blamed.

"The assembly has adopted the law on access to official documents, but it has not been signed by Special Representative of the Security Council [Michael Stainer], and until this law is signed, it cannot be implemented" Bujar Dugolli, a member of the Commission for Public Services said.

He stated that it is ludicrous that the law is still unsigned. "The administrator was missing but if we wait months for the law to be signed, then the final result could be very damaging" Dugolli said.

The draft law adopted by the Municipal Assembly on access to official documents stated that "this draft law conforms to all European standards to enable the Kosovar citizens to participate closely in the decision-making process in public institutions so decision-makers can be legitimate, efficient and more accountable to Kosovar citizens".

Article 4, section 4.1 allows institutions to refuse access to documents which if made public would endanger the protection of public interest in regards to public security and international relations.

Although the draft law on access to official documents is not yet functioning, Parliament member Hydajet Hyseni said that you cannot limit the basic rights of Kosovar citizens to have access to documents related to their interests because other legal grounds exist. "If at the end of the day even though this issue is not regulated by law, there can be other legal provisions that regulate it, a legal vacuum cannot constrain those who possess a fundamental right," Hyseni said.

Access to official documents was established long ago in western democracies, and it ensures that institutions are accountable to citizens, which enhances the efficiency of the institutions' work.

Advocacy Calendar

Sun	Mon	Tue	Wed	Thu	Fri	Sat
2	3	4	5			8
9	10	11				
16	17	18 14:00 ATRC Lessons Learned: Slovakia Discussion	19			22
23	24	25 14:00 ATRC Public Participation Regulation Discussion	26	27	28	29
30	1	2	3	4	5	6

Let ATRC know your upcoming events for December!