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STRATEGY
ON
RULE OF LAW
2021-2026

July, 2021

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List of abbreviations

AMSCA - Agency for Management of Sequestered and Confiscated Assets

KAJ - Kosovo Academy of Justice

ACA - Anti-Corruption Agency

FLAA - Free Legal Aid Agency

TAK - Tax Administration of Kosovo

EU - European Union

CEPEJ -European Commission for the Efficiency of Justice

ERA - European Reform Agenda

EULEX - European Union Rule of Law Mission in Kosovo

ECtHR - European Court of Human Rights

OI - Ombudsperson Institution

PIK - Police Inspectorate of Kosovo

ECHR - European Convention on Human Rights

KJC - Kosovo Judicial Council

CoE - Council of Europe

KPC - Kosovo Prosecutorial Council

MD – Ministry of Justice

MIA - Ministry of Internal Affairs

SAA - Stabilization and Association Agreement

KBA – Kosovo Bar Association

NGO - Non-Governmental Organization

CSO – Civil Society Organizations

PK– Kosovo Police

NPISAA - National Program for the Implementation of the Stabilization and Association Agreement

PLL - Free Legal Professions

SPRK - Special Prosecution of the Republic of Kosovo

FRRLS - Functional Review of the Rule of Law Sector

KCS - Kosovo Correctional Service

KPS - Kosovo Probation Service

CMIS - Case Management Information System

UNDP - United Nations Development Program

USAID - United States Agency for International Development

ADR - Alternative Dispute Resolution

EXECUTIVE SUMMARY

The rule of law sector in the Republic of Kosovo faces various challenges. This has led to low trust in Kosovo institutions. Considering this, the Government of Kosovo in cooperation with the Judicial and Prosecutorial Council, as well as other institutions in this sector, but also civil society and international donors, has launched the Functional Review Process of the Rule of Law Sector years ago.

This process has gone through several stages and after a comprehensive consultation, has specifically identified the shortcomings of the sector that are mainly focused on the justice sector. These shortcomings and recommendations for addressing them are listed in 16 (sixteen) policy documents, grouped in four pillars: (1) judicial and prosecutorial system; (2) criminal justice; (3) access to justice and non-judicial services; and (4) anti-corruption. The Rule of Law Strategy has been developed based on these documents.

The strategy has a five years duration, its implementation will start in the mid 2021 and will expire in the mid 2026. It is divided into a total of 7 (seven) chapters. The first chapter is the introduction of the Strategy which explains the reasons for initiating the Strategy, which is in fact the bad situation in the sector and the link between the Strategy and the Government's priorities, namely the prevention and fight against crime and engagement to comply with human rights. and gender equality, but also Kosovo's advancement in the European integration process.

The second chapter explains the analytical approach used to draft the Strategy and emphasizes the role of the Ministry of Justice, as the main bearer of this process, judicial and prosecutorial councils, Academy of Justice, Ministry of Internal Affairs, Kosovo Police, Anti Corruption Agency and other bodies, including civil society and donors, in developing relevant analyses for this Strategy and drafting it.

The third chapter explains the current situation in the sector and defines the problem indicating that the sector still has shortcomings in the prompt and effective administration of justice. More specifically, the problems identified in the sector are divided into three components. Component 1 - functioning of the judiciary, highlighting delays in the system, including the number of unresolved cases; the need for increased professionalism, which lacks the aspect of proper training planning and adequate specific training; insufficient accountability, i.e problems with performance assessment of judges and prosecutors; as well as the vulnerability of the judicial and prosecutorial system to external actors, or the lack of a proper verification and integrity check system. Component 2 - criminal justice, identifies problems in this area, mainly in preventing and combating organized crime and corruption, or lack of capacities, coordination and willingness in that regard, as well as inadequate functioning of the system of confiscation of assets used or acquired through a criminal offense; as well as problems in the execution of criminal sanctions, the insufficient use of alternative measures, but also the need to establish a probation system, i.e the capacity of the KPS in cooperation with the KCS. Component 3 - access to justice, highlights barriers to citizens' access to courts and prosecution offices, especially with regard to vulnerable

groups, challenges with legal remedies especially lack of effective remedies to address the problem of length of proceedings in Kosovo courts, delays in cooperation with civil society, problems related to the provision of legal services by the free professions, especially the low use of mediation, arbitration and bankruptcy proceedings, but also the need for proper monitoring, and finally the limited role and capacities of the Ministry of Justice, in relation to policy-making based on data and advancement in the European integration process in general.

Chapter 4 of the Strategy emphasizes the vision of the Strategy which is to restore the trust of citizens in the justice, judicial and prosecutorial system. This Chapter also lists the objectives that are intended to be achieved through the Strategy and the measures that are to be taken, in relation to all the above mentioned areas. Related to the Objectives, the Strategy also highlights the indicators for measuring the success of the Strategy.

The implementation, monitoring and reporting arrangements are mentioned in Chapter 5 of the Strategy, which mentions the institutional coordination structures in this regard, namely 1) Ministry of Justice; 2) Inter-institutional coordination body and 3) Strategy Steering Committee. Reports on the implementation of the Strategy are expected to be on a semi-annual and annual basis. The Strategy is expected to undergo a mid-term review, no later than the end of 2023 to assess the effectiveness and efficiency of its implementation, while the final evaluation of the Strategy is expected to be done at the end. Chapter 6 of the Strategy presents the budgetary impact that the foreseen activities are expected to have.

The Action Plan is an integral part of the Strategy, which specifically presents all activities, within the policy measures, which are expected to be undertaken by the Government, Ministry of Justice, KJC, KPC, Academy of Justice, Kosovo Police and other public institutions to address the identified problems and achieve the intended objectives. The action plan sets out the outcome indicators for each activity, which contribute to other specific and general objectives in addition to the indicators mentioned above.

1.0. INTRODUCTION

The rule of law is one of the main principles of the constitutional order of the Republic of Kosovo. In this regard, the Government of the Republic of Kosovo in its program has also determined rule of law as a basic principle on which it will work with the main objective to protect and guarantee citizens' rights and freedoms. More specifically, the vision of the government is independent, impartial, efficient and professional judiciary, and the aim is to achieve this through empowerment of justice system and increase citizens confidence.¹ This is fully compliant with the purpose of the Process of Functional Review of the Rule of Law Sector, initiated in 2016. Several year work during this process has resulted in this Strategy on Rule of Law.

The activities foreseen in this Strategy will contribute to reaching other government priorities, such as prevention and fight against crime, as well as engagement in complying with human rights guaranteed under the Constitution and International Conventions, and achievement of gender equality. In terms of gender aspect, the Strategy aims to ensure equal representation of women in decisionmaking in all levels of the rule of law sector, as the only way to achieve effective gender equality, including strengthening of institutional mechanisms and awarenessraising of the society on access to justice. The strategy is of special importance in the Kosovo's European integration process, as it contributes to direct implementation of the SAA.

The process of Functional Review and drafting of the Strategy have been initiated upon becoming aware of the need for a comprehensive reform of the sector, to address legal and practical problems identified whether from the Government, other state institutions, international reports, civil society, and citizens as well.

This process has been led by the Ministry of Justice, according to the decision of the Government, in cooperation with other relevant ministries, judiciary and prosecution institutions and other state institutions, as well as involving international partners, civil society and general public.

This Strategy complies with integrated planning framework in Kosovo, i.e. it is foreseen to operate in a coherent, efficient and integrated manner with other Government planning documents, namely policy planning and budget planning. The main scope of the strategy is justice system in Kosovo, but also elements that are related to this system, such as the work of the Kosovo Police or actions of institutions in prevention and combating of corruption. In this regard, the rule of law sector can also have other planning documents of the Government or other institutions, be them of horizontal nature or those of specific internal nature, which of course should be fully compliant with the Strategy and integrated planning framework in Kosovo.

¹ Kosovo Government Program 2021-2025, page 12. Accessible at: <https://kryeministri-ks.net/wp-content/uploads/2021/05/Programi-i-Qeverise-se-Kosoves-2021-2025.pdf>

Specifically, the drafting of this Strategy has been foreseen in the Government Annual Work Plan, Strategic Documents Plan, European Reform Agenda (ERA 2) and National Plan for Implementation of SAA.

The Strategy consists of 6 chapters. This Chapter (1) is followed by Methodology (2), Background (3), Objectives (4), Implementation, Monitoring and Reporting Arrangements (5) and Budgetary Impact (6). This Strategy concludes with the Action Plan, which determines the activities to be undertaken to implement the Strategy.

2.0. METHODOLOGY

This Strategy is output of the Process of Functional Review of Rule of Law Sector (FRRLS). FRRLS was designed to provide a thorough analysis of problems in the field of rule of law. Drafting of this Strategy was preceded by two other development phases within the FRRLS.

Phase One of FRRLS, which was concluded at the end of 2018, was focused on a broad analysis of issues impacting the functioning of rule of law sector. The output of this Phase were six preliminary analyses, which paved the way for further analyses.

Phase Two of FRRLS, which took place in 2019, was focused on deep analyses of policy and intervention priorities deriving from the preliminary analysis. This phase of the process has been conducted through Policy Documents, which have provided a thorough analysis of the legal framework, efficiency and institutional coordination, as well professional skills in the rule of law sector.

Topics of these documents have been identified following the comprehensive discussions, with the active participation of all institutions engaged in this sector. Policy Documents, 16 in total, are core to the Review Process, clustered into four pillars: (1) Judicial and Prosecutorial System; (2) Criminal Justice (3) Access to Justice and Non-Judicial Services; and (4) Anti-Corruption.

Analyses and policy documents have been produced with the expertise and support of EU, US Embassy, USAID, UK Embassy and UNDP. Each policy document discusses the methodology employed in that document. Methods employed for data collection for purposes of analyses have been mainly the revision of legislation and analyses documents produced earlier, including the monitoring report, court users' surveys, statistics and data from analysed institutions. Also, another method relevant for drafting the policy documents were interviews with relevant institutions and officials.

During the drafting and upon their completion, all analytical documents have been subject to a comprehensive consultation process. Separate workshops have been organized for each produced document, discussing the content, findings and their recommendations. Then, participants' comments have been integrated in the document. Thus, more than 45 workshops and public meetings have been held, with more than 1,000 participants from the government, judiciary, donors

and civil society. Upon the completion of this Phase, in March 2020, the Steering Committee held a meeting, discussing main findings and recommendations of this Phase. They were approved in principle by the Steering Committee in entirety, and MoJ was green lighted to continue with the last phase.

The last phase, namely Phase Three of this process, was the drafting of this Strategy, using as the base the findings and recommendations deriving from the Policy Documents. The work for drafting the Strategy has been divided into two levels, namely the work of the Central Working Team responsible for drafting the strategy, as well as the work of working sub-groups for each of four abovementioned chapters. Even though it was planned that the Action Plan, as well as all sections of the Strategy, should be drafted by the sub-groups by organizing special workshops, this was not possible due to the emergence of the COVID-19 pandemic. Therefore, the working methodology was changed, focusing on online meetings and prior drafting of the drafts of documents by MoJ, which were then submitted to other institutions for comments and inputs.

Institutions involved in various phases of this process are: Kosovo Judicial Council (KJC), Kosovo Prosecutorial Council (KPC), Academy of Justice (AoJ), Ministry of Internal Affairs (MIA), Kosovo Police (KP), Anti-Corruption Agency (ACA), Supreme Court, Court of Appeals, University of Prishtina (UP), Kosovo Bar Association (KBA), Special Prosecution of Kosovo, State Prosecution, Appellate Prosecution, TAK, Kosovo Customs, Agencies within the MJ: Kosovo Correctional Service (KCS), Kosovo Probation Service (KPS) Agency for Management of Sequestered and Confiscated Assets (AMSCA), Notary Chamber, Chamber of Private Enforcement Agents, Association of Mediators, Free Legal Aid Agency (FLAA), Ombudsperson Institution, APSK, Representatives of the EU Office and EULEX, USAID, UNDP, Office of the President, as well as Kosovo Chamber of Commerce and German and American Chambers of Commerce.

The Strategy went through a process of consultation as required by the applicable laws and regulations in Kosovo, which was attended by institutions that implement the project, civil society organisations and international organisations, as well as representatives of missions of certain countries in Kosovo, which through their expertise offered comments, recommendations, proposals and specific proposals and data which have enriched the Strategy further and made it more practical.² In all consultative meetings there was almost an equal representation of men and women.

² For more see the Public Consultation Report on the Rule of Law Strategy. Accessible at: <https://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=41053>

3.0. BACKGROUND

The rule of law sector in Kosovo has made significant progress, especially since Kosovo's declaration of independence in 2008. Key institutions and legislation in this area have been continuously consolidated and reformed, in partnership with the international community and civil society, with the aim of achieving the best results. Despite the progress made, the sector still has shortcomings in the rapid and effective administration of justice, and as a result the level of public trust in it is rather low.

The problems are still numerous and of different kind. This is a general and very evident statement made by the Government, the international community operating in Kosovo, civil society, citizens who have faced the system, but also the members of the system themselves.

In order to understand more specifically the problems of the rule of law sector, more in-depth research has been needed. This was needed in order to understand what and who is hindering the full consolidation of this sector, and what the institutions and parties involved need to do in order to address the problems. This research was conducted through the Functional Review Process of this sector, using certain methods and tools. In this regard, significant data are collected and analyzed from the legal and practical aspect of implementation, on the problems of the sector, factors and their effects on Kosovo society. Their summary will be presented below.

These data have been compared against international and European standards of the rule of law sector, mainly those of the Council of Europe and the EU, their bodies or supported by them, taking into account with particular emphasis Kosovo's obligations in the EU membership process. Examples of other countries, depending on the context being addressed, are also considered, such as the USA, Germany, Italy, Slovenia, Croatia and others.

Problems with the rule of law have very negative effects on Kosovo society. They include violation of human rights and obstruction of economic and social development, lack of investments including foreign ones, and social development, where the growth of poverty, crime, weaker public infrastructure, stagnation in innovation, reduced quality of life, smaller opportunities of activity for the private sector and many others are emphasised.

Given that the legal and institutional framework of the rule of law sector has advanced significantly, as noted above, from the data collected, it is understood that the main, or more common, cause for delays in full consolidation of the system has to do with improper implementation of legislation. As a result, the actions for the reform of the system are mainly directed in this aspect. However, this does not exclude the necessary legislative changes, as well as current institutional practices, with the aim of achieving the objectives of this strategy.

In addition to the factors of improper implementation (1), which includes cases where the rules set by the existing framework of legislation are not implemented at all or are implemented incorrectly, there are two other important factors that have caused problems in the rule of law sector. These are: (2) legal and regulatory shortcomings - cases where the rules are incomplete, contradictory or

outdated, and (3) institutional practices - cases where there is a lack of cooperation between institutions, strategic thinking or the will to achieve important results.

For the purposes of presenting the problems identified in this Chapter, they are divided into three groups dealing with: (1) The functioning of the judiciary, (2) Criminal justice, and (3) Access to justice. In the following, within these three groups, a summary of the main findings will be presented, namely the problems, their factors and information on how these problems have developed over time.

3.1. Functioning of the judiciary

For the proper and independent functioning of the judiciary, four key elements should be in place: efficiency, professionalism, accountability and integrity. The main current problems related to these four elements are presented in the following table.

Table 1 – The main problems identified for the functioning of the judiciary



<p>Funksionimi i Gjyqësorit</p> <p>PROBLEMET</p> <ul style="list-style-type: none">• Vonesat në sistemin gjyqësor dhe prokurorial• Nevoja për rritje të profesionalizmit dhe kompetencës• Llogaridhënia e pamjaftueshme• Sistemi i cenueshëm ndaj akterëve të jashtëm

Delays in the judicial and prosecutorial system³

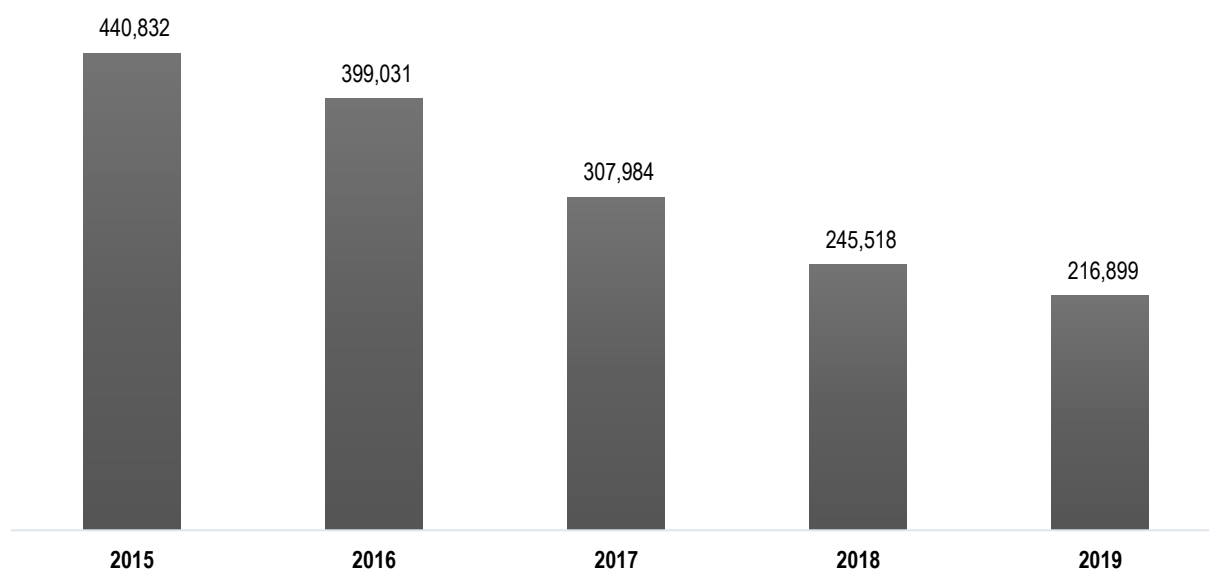
The length of proceedings remains one of the most critical and complex issues in the rule of law sector. It directly affects the right to a trial within a reasonable time, as defined by the Constitution and the ECHR. Significant reforms have been undertaken up to date to address this problem. For judges and prosecutors, for efficiency monitoring, the ‘oriented norm’ applies and the Case Management Information System (CMIS) also. The latter has also been operating for several years although not in a complete manner. The Alternative Dispute Resolution (ADR) mechanisms, through mediation and arbitration, exist and have been strengthened over the years. Likewise, with

³ See also the policy paper ‘Increasing the efficiency of the judicial and prosecutorial system’, 2019

the change of legislation in recent years, notaries have jurisdiction over a considerable number of non-contentious cases, which have previously been handled by the courts.

Although the objective of all these reforms has been to reduce backlogs in the courts⁴, they have partially delivered the intended results and the number of pending cases still remains extremely high.

*Table 2 – Trend of pending cases over the years*⁵



In terms of the backlog, the duration of civil and administrative cases is particularly problematic. On the other hand, the Prosecution has a very positive trend of declining backlogs, although there are still delays in the implementation of procedures.

The main factors that have influenced the large number of backlogs are different. First, based on the research done, it is noticed that there is an improper allocation of human resources in relation to the workload in the courts. This also comes as a result of inconsistent collection of statistics and the lack of comprehensive IT systems for courts and prosecutors. The best example of improper resource allocation is the Basic Court of Prishtina. At the national level, the proportion of pending cases belonging to this Court is much higher, compared to the percentage of judges assigned to work there.

The second factor for the duration of procedures includes the shortcomings of internal procedures. Although automatic distribution of cases has started initially, during proceedings the legal deadlines

⁴ Those older than 2 years

⁵ KJC Annual Statistical Report 2015-2018

for certain actions are often not respected and there are frequent postponements of hearings, for which the appropriate sanctions are not taken. It is also a common practice for cases to be returned for retrial by higher courts. Thus, further extending the time needed for their resolution. The limited managerial capacities of court presidents, i.e. chief prosecutors have an impact in this regard, too.

The third factor, is the low use of ADR possibilities. Despite the legal framework, which is genuine for arbitration and mediation, the parties seldom use them. Parties are little informed of the opportunities provided by the ADR for efficient dispute resolution.

The fourth factor is the judiciary's incompatible structure in relation to legislation. This is best seen in terms of commercial and administrative justice, where the two Departments, namely the Department for Administrative Matters and the Department for Economic Affairs within the Basic Court in Prishtina, have unclear mandates and sometimes both have jurisdiction over different issues within a dispute. This often forces businesses to separate their case and renders them unable to appear before a single court. This is challenging because even the departments themselves have limited possibilities of exchanging data and information with each other. In addition, they do not have sufficient resources to resolve these cases, especially in terms of engaging experts to resolve more complicated issues and linking to other institutions data, such as in the field of taxation, business register, procurement and others.⁶

The complex legislation is considered another major factor in the length of proceedings. If we take the above example of commercial justice, the legislation in that area is not consolidated and contains contradictions, which further complicates the prompt resolution of cases.⁷ This also applies to civil law, particularly on the property right legislation. It is worth noting in this section that women representation in the system in general, and in managerial positions in particular, is significantly lower than men.

It is also worth noting that during 2020, but also partially 2021, the COVID-19 pandemic has caused consequences, among other things, in the efficiency of the judicial and prosecutorial system. During 2020, both the KJC and the KPC have adopted action plans for crisis management.⁸

Despite the analysis of data provided by the KJC, in terms of administrative cases in the first instance, and despite the fact that there were 40% fewer cases received during 2020 compared to the previous year, 34% fewer cases were resolved. In civil cases the impact has not been significant. However, the time available for resolving both administrative and civil cases has increased by 51% and 25%, respectively.

⁶ See also the policy paper 'Commercial Justice', 2019

⁷ Ibid.

⁸See KJC - Crisis Management Action Plan 01/267 dated 02.06.2020, accessible at: https://www.gjyqesori-rks.org/wp-content/uploads/reports/69352_KGJK_Plani_veprimit_per_menaxhimin_krizes.pdf dhe KPK - Action Plan on Crises Management accessible on: <https://www.prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Plane%20te%20Punes/Plani%20i%20Veprimit%20p%C3%ABr%20Menaxhimin%20e%20Kriz%C3%ABs.pdf>

Similarly, during 2020 there has been a significant decline in efficiency in resolving criminal cases. Despite the fact that 21% fewer cases of serious criminal offenses were received compared to 2019, 38% fewer cases were solved compared to the same year. The situation has been even worse in terms of efficiency in resolving minor criminal (misdemeanor) cases. During 2020, 85% fewer cases were resolved compared to 2019. As a result, the time available for resolving serious criminal cases has increased by 66%, while for minor criminal offenses (minor offenses) has increased significantly compared to the previous year.

Even in the second instance there has been a significant decline in efficiency during 2020. From this year's data, it results that 11% fewer civil cases and 25% fewer administrative cases of the second instance have been resolved, compared to 2019. As a result, the time available has also increased by 1% in civil cases and 76% in administrative cases. The situation has been similar in terms of efficiency in resolving criminal cases in the second instance. During 2020, 22% fewer cases of serious criminal offenses and 42% fewer cases of minor criminal offenses (minor offenses) were solved, compared to the previous year. For this reason, the time available for solving serious criminal offenses has increased by 64%, and much more for minor offenses.

It should be noted that the decline in the efficiency of the judiciary is also due to the lack of local legislation that would enable holding of hearings through video conferencing. The Criminal Procedure Code does not authorize holding of hearings through video conferencing, although the KJC's emergency plan for dealing with the pandemic allows this in emergencies. In this regard, the courts have limited the use of video conferencing mainly in civil cases, while they have been reluctant to use the same technology in criminal cases, for fear of lack of necessary technological equipment, concerns related to breach of privacy and integrity of online sessions.⁹

The need for increasing professionalism and competency¹⁰

Professionalism and competence are preconditions for proper administration of justice. Despite the continuous yearly delivery of training by the Judicial Institute, and subsequently by the Kosovo Justice Academy (KJA), the professionalism and competence still need to be enhanced.

One of the key factors causing obstacles in this regard, is that the ongoing training of judges and prosecutors remains predominantly depended of their will. They should attend continuous training, only in cases where they have a low performance appraisal, which in practice has not happened. The voluntary aspect of the ongoing training does not encourage attendance, which undermines opportunities for specialization and quality of work. In fact, targeted trainings coordinated with real needs are scarce, as are interdisciplinary training on issues such as integrity, preparation of decisions and reasoning, critical thinking and analysis, stress management and others. There are also significant shortcomings in linking performance appraisals to training needs.

⁹Special Report of the European Union Rule of Law Mission (EULEX) on the Impact of COVID-19 on the Rule of Law in Kosovo - Facts (Findings and Recommendations) - Available at: <https://www.eulex-kosovo.eu/?page=2,11,2392>

¹⁰ See also policy paper 'Increasing the professionalism and competence of judicial and prosecutorial staff', 2019. and 'Improving professionalism in the fight against organized crime and high-level corruption', 2019.

Another important factor is the classical method of training delivery. Trainings are usually designed in the ex-cathedra style of classroom organization and physical presence¹¹, with limited opportunities for 'role play' or case studies. Trainer evaluation is done, but it is mainly formal, and the evaluation of the trainees is done just as formally. KJA's electronic platform is not yet sufficiently developed to be used continuously for the needs of judges and prosecutors. Finally, the third factor has to do with the deficient criteria of selecting trainers and mentors, which affects the quality of training. The police, as part of the detection and investigation of criminal offenses, also have limited capacities. There is a further need for specialised and joint trainings.

As an additional information, it is worth noting that women remain underrepresented in the justice system.

Insufficient accountability¹²

Until now, the judges and prosecutors' accountability related legislation and system have been established in Kosovo. This was initially done through the Judicial Law Package¹³ in 2010, and further reformed in 2018, and 2019 respectively. These laws and regulations, as well as other measures deriving therefrom, have addressed accountability, defining the transparency of the functioning of the system and possibilities for filing complaints regarding the work of judges and prosecutors. However, accountability is still not at the adequate level. The lack of an adequate accountability system is the main reasons behind the reduced motivation for efficiency at work.

There are two main factors that have created insufficient accountability. The first is inadequate performance appraisal. This includes individual judges and prosecutors, as well as court presidents and chief prosecutors. Current evaluation mechanisms have not proven to be effective. The current system in most cases produces high evaluations, which is not consistent with the evident delays and violations that occur during the administration of justice.

The second factor is low transparency and lack of proper communication with the public. The reporting of both councils is not of an analytical nature and often is not published in a timely manner. This applies to the reporting by the Presidents of the Courts and the Chief Prosecutors, which is inconsistent. The publication and the reasoning of certain decisions and information are lacking. In terms of the composition of the councils, there are restrictive criteria for membership of persons outside the system. In particular, the number of prosecutors in the KPC is quite high. Oversight and accountability over the regulatory framework issued by the councils is lacking. Also, public access to court hearings, information on specific cases, and court and prosecutorial decisions, especially indictments, are often problematic. As an illustration, most of the hearings are still held in the judges' offices. The institutions' websites are not complete in all official

¹¹ The state of public health, as a result of COVID-19, has changed this fact, because the trainings used to be held mainly with physical presence.

¹² See also the policy paper 'Increasing accountability of the judicial and prosecutorial system', 2019.

¹³ Law on Judicial Council, Law on Prosecutorial Council, Law on Courts and Law on State Prosecutor

languages. It seems that cooperation and mutual trust between rule of law institutions and civil society is still in the early stages.¹⁴

In terms of accountability, it is also worth mentioning that the Law on Disciplinary responsibility¹⁵ is a relatively new law and can be concluded that it has not produced the desired results yet.

Vulnerable system to external stakeholders¹⁶

The vulnerability of the judicial and prosecutorial system to external stakeholders, whether in terms of organizations or individuals, remains troublesome in Kosovo. This means that certain judges and prosecutors may lack integrity, which in turn potentially influences their decisions. In Kosovo, the above-mentioned package of laws, rules and implementing measures are intended to bring the integrity to an appropriate level. The procedures to ensure this are considerably detailed, but issues emerge mainly during implementation, which is the case to other areas as well. Institutional will and practice have also had an impact on this aspect. All these create a need for interventions of a reforming nature to ensure the achievement of the intended results.

However, in order to make this intervention, factors that undermine integrity must be understood. Primarily, the system faces setbacks in recruitment procedures. There are shortcomings in the confidentiality of the testing and interviewing process, criteria that are not based on the assessment of competence and lack of transparency and legal remedies when finalizing the list of recommendations for appointment by both councils. There is also a lack of clear basis according to which the President may refuse the appointment or re-appointment of a judge.

Moreover, there is a lack of a proper vetting system. This is aimed to conduct the initial verification and continuous integrity check, where both face certain drawbacks. Civil servants with verification competencies are not subject to verification and have limited capacities. Verification objectives are unclear and there are no procedures or guidelines on how verification should be performed. The process is generally not transparent to understand if someone is disqualified due to verification. Following the appointment, in addition to the asset declaration process, judges and prosecutors are not subject to repeated and regular verification, which is a significant shortcoming for the purpose of ensuring integrity.

Integrity is also affected by the limited management and leadership capacities in the system. Although in accordance with the legal basis, judges and prosecutors with modest experience are appointed as members in KJC and KPC. There is also lack of management and leadership training, which makes it difficult to develop these skills to ensure the integrity of their subordinates and more efficient organization of work.

¹⁴ Shih gjithashtu dokumentin e politikave 'Rritja e rolit mbikëqyrës dhe avokues të organizatave të shoqërisë civile', 2019.

¹⁵ Law No. 06/1 – 057 on Disciplinary responsibility of judges and prosecutors. Accessible at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18336>

¹⁶ See also the policy paper 'Increasing the integrity of the judicial and prosecutorial system', 2019.

The integrity of the police is also important for the functioning of the system. The system among police officers can also be considered to be vulnerable. There is a lack of adequate training on integrity and ethics, and security clearance for all police officers is not provided. Another factor for the violation of integrity is the non-placement of cameras on the body, which is already applied in certain developed countries, but also lack of audio and video recording of the interview. Moreover, the declaration of assets within the police is done only by senior officials, and not by those who may be in sensitive positions.¹⁷

3.2. Criminal justice

Criminal offences are among the phenomena that hinder the development of Kosovo the most. To prevent or detect those, institutions with integrity, capacities and clear competencies are needed. Such institutions must enable adequate sanctioning of perpetrators of criminal offences and work effectively to reintegrate them into society and prevent recidivism.

In this regard, during the research conducted, significant problems have been identified which hinder the implementation of criminal justice. The main focus has been on organized crime and corruption, as well as the execution of criminal sanctions, as priority areas in this regard.

Problems in preventing and combating organized crime and corruption

The institutional framework for preventing and combating organized crime and corruption can generally be considered to be in place. The Anti-Corruption Agency is one of the main institutions in this regard. Offences related to these phenomena are sanctioned under the Criminal Code and the procedure set out in the Criminal Procedure Code provides a solid basis for their successful prosecution. The SPRK has an exclusive competence in prosecuting organized crime and an additional competence in high-level corruption cases. Despite the steps taken, these negative phenomena are still quite present in Kosovo society. Their prevention and fight represent a problem, but also their sanctioning.

There are currently a large number of institutions in Kosovo directly or indirectly involved in the fight against corruption, but it is difficult to identify where the system falters. This is because they are not well integrated with each other. Their competencies are unclear or conflicting, resulting in a lack of ownership and leadership for the reform agenda in general and addressing certain cases in particular. There is also lack of procedures and mechanisms for cooperation between them, including limited capacities. In terms of prevention, there is particularly a lack of adequate monitoring of the National Anti-Corruption Strategy and important tools for anti-corruption assessment of legislation, corruption risk assessment, Integrity plans and control of institutional integrity.¹⁸

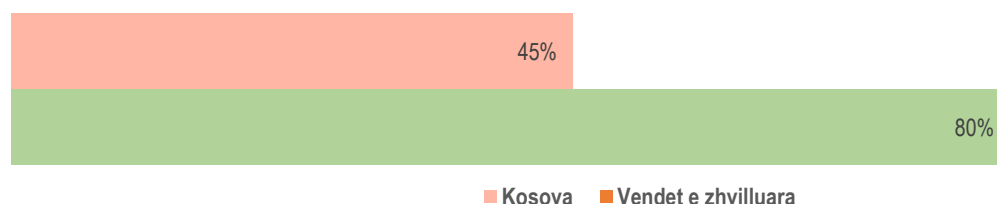
¹⁷ See also the policy document 'Kosovo Police Integrity', 2019.

¹⁸ See also the policy paper 'Improving the Anti-Corruption Institutional Framework', 2019.

Declaration of assets by officials is also one of the measures that needs to ensure prevention, but also enable the detection of criminal offences. The current declaration system has its drawbacks. These are primarily expressed in defining concepts, where definitions for officials are not harmonized and the definition of gift is missing. Also, the declaration forms are not specialized on the basis of different ranks of officials, and no assessment is made of the most sensitive positions to the risk of corruption, but all senior officials are obliged to declare assets in the generic sense. The declaration of beneficial ownership of the shares is not made at all, which is another factor of the problem. Verification of declarations also has its drawbacks, where other sources of information are not considered in accordance with the law, and there is a lack of standardization of the verification process and cooperation with other governments to obtain information on potential illegal assets, which are located abroad. There are only Criminal Sanctions for non-declaration or unrealistic reporting, which is contrary to European standards.¹⁹

Despite the shortcomings in prevention, some of the acts of organized crime and high-level corruption are also detected. But, unfortunately, the average of those sanctioned is quite small, compared to developed countries.²⁰

Table 3 – Average of successful prosecutions ending with a conviction



This happens as a result of various factors. The first being the ambiguity in the interpretation of legal provisions between the courts and the prosecution. There is a significant inconsistency, especially in the definition of defendants' 'intent' in alleged violations related to the offenses in question, which causes cases to fail before the courts.

The second obvious factor is procedural shortcomings for adequate investigation of these offenses. The deadline for investigation can be considered short in general, but especially for more complex cases, especially considering that the investigative actions are suspended, while the general deadline is not, in case the element of international legal cooperation is included therein. On the other hand, the standard for initiating an investigation is very low, which in some cases violates human rights without grounds, as investigations can take a long time. In general, investigative

¹⁹ See also the policy document 'Improving the system for declaration of assets and regulations for receiving gifts', 2019.

²⁰ See also policy papers 'Assessment of the fight against organized crime and high-level corruption. 2019. and 'Improving professionalism in the fight against organized crime and high-level corruption', 2019.

capacities are limited by the limited number of expert police officers and prosecutors and judges with the necessary specialization to understand particularly complex cases.

Confiscation of property used to commit criminal offenses or derived from criminal offenses also remains a key challenge. Despite the fact that a certain part of such property is successfully seized, it is generally not confiscated by a final court decision. To illustrate, in 2018, only 1% of the seized property ended up in confiscation, which is alarming.

With regard to the investigation of criminal offenses in general, it is worth noting the limited capacity of the Police. Their database has not been linked completely to that of the judiciary and prosecution authorities. It is also unclear how joint investigative teams should be set up within the police and internationally.

Problems in the execution of criminal sanctions²¹

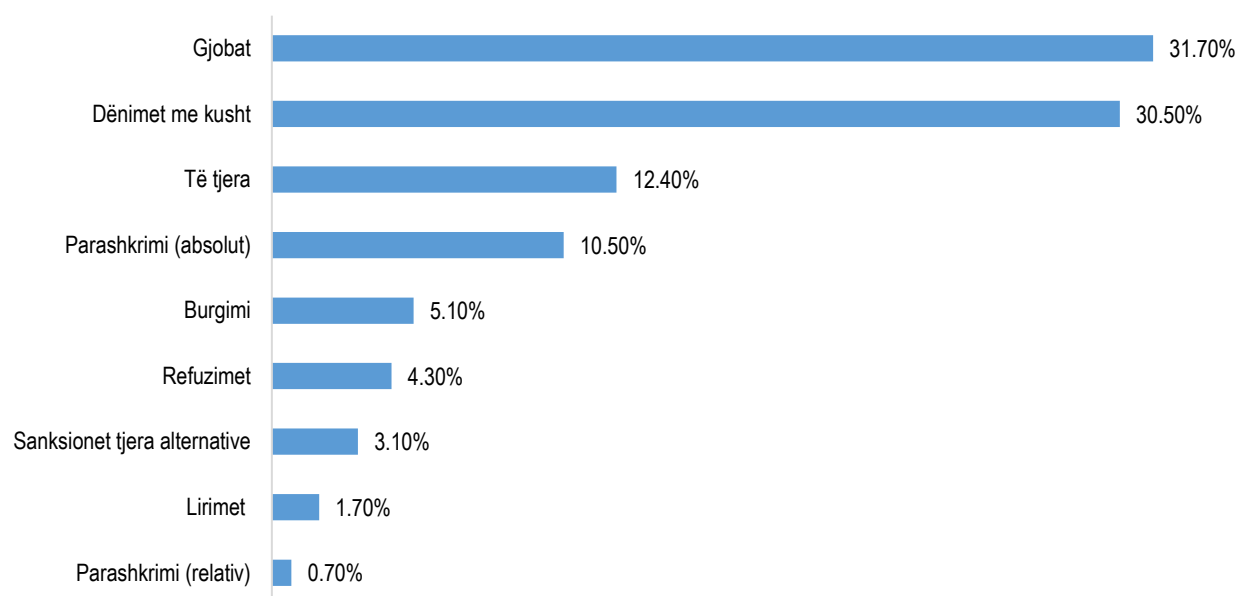
The manner of sanctioning perpetrators of criminal offenses and the execution of these sanctions is of primary importance in terms of reducing crime. The aim should always be the rehabilitation and reintegration of convicts into society but also prevention and protection of the public.

The Criminal Code of Kosovo is the main act by which criminal offenses are sanctioned and the types and calculation of sanctions are determined. The Law on the Execution of Criminal Sanctions defines the manner of execution, with the KCS and the KPS being the two main government agencies in this regard. Since the establishment of these two government agencies, after the war, their capacities have advanced significantly. In recent years, four new correctional centers have started operating, increasing the number of institutions for the execution of criminal sanctions to a total of eleven. Despite this progress, various factors of a legal and enforcement nature hinder the achievement of the legitimate purpose of criminal sanctions.

Regarding the manner of imposing sanctions, great preference is still given to the sanction of imprisonment, including detention that has a high budgetary impact. It can be said that imprisonment is not applied as a last resort, as defined by European standards. On the other hand, the number of sanctions and alternative measures imposed by the Courts is very low, around 3.1%. They are mostly ordered for minors.

²¹ See also the policy paper 'Improving the execution of criminal sanctions', 2019.

Table 4 – Types of criminal sanctions imposed in 2018²²



Court decisions are also affected by the lack of a pre-sentencing report, which is not carried out by the KPS, as well as affected by more specific instructions for measuring sentencing. An important drawback of alternative sanctions is that the relevant legislation does not provide details regarding the content of alternative sanctions and obligations, as well as the rights of the offender. This also applies to other sanctions, which are not fully harmonized with those of the EU. It is also worth noting that those fined are not registered in the criminal records, which should be further developed and enable easier communication with other databases.

Thereafter, in terms of execution of sanctions, initially the four new centres are not used sufficiently, while all the old centres are still used, despite the fact that some of them do not provide suitable conditions. Some of them have more staff than prisoners. This means that strategic planning skills, and especially those for human resource management, lack in the KCS. There is also a low number of female staff in the KCS. Further, the risk assessment and the need to do individual planning for each prisoner is lacking. Activities for prisoners, such as work, education and rehabilitation programs, do not reach more than half of prisoners. On the other hand, as far as the KPS is concerned, electronic monitoring is not implemented and does not legally cover all possible sanctions. The KPS also has limited capacity for strategic planning and in general the cooperation with the KCS needs to be further enhanced.

²² Criminal cases available at the General Department and the Serious Crimes Department.

3.3. Access to justice

Justice is provided by the institutions of the judicial system as well as those that provide legal services, the free legal professions and the Ministry of Justice as the main policy-making institution. These mechanisms, like any other public service, must be at the service of society. All individuals, including those from vulnerable groups, should be given adequate access to them, in order to have their voice heard, to exercise their rights and hold mechanisms accountable, as they operate on the basis of their taxes. Below, the current situation will be presented with access to courts and prosecutors, as well as the provision of legal services outside the judiciary.

*Problems with access to courts and prosecution offices*²³

To date, Kosovo institutions have taken important steps to ensure access to courts and prosecution offices. This is particularly noticeable in terms of legislation which is significantly in line with European standards. The Constitution and sector legislation provide for the provision of the right to translation, information, legal aid during court proceedings, and the submission of legal remedies to administrative and judicial decisions. Nevertheless, in some areas or for some categories access becomes more difficult, mainly due to factors of improper implementation of legislation.

There are some aspects that are worth highlighting in terms access to justice. First, it remains challenging for the most vulnerable groups in society, such as women, children, the elderly, persons with disabilities, the LGBTI community, and ethnic minority communities. This is a result of lack of financial means, information, social status, lack of infrastructure, and low level of trust in the system. Domestic violence remains at high levels, and the administration of justice in this regard is not yet at a satisfactory level. It is worth noting that due to, among other things, low trust in institutions and widespread stigma, domestic violence remains very underreported.

Second, providing legal aid, especially free legal aid, remains challenging. A significant number of people in need are not provided with this assistance, especially in criminal proceedings, or it is of poor quality. This situation mostly affects vulnerable groups, including women, children, victims of domestic violence and victims of sexual violence. This comes from various factors, such as the budget and limited capacity of the FLAA to cover the entire territory of Kosovo, the lack of clear definition of the 'interest of justice' when free protection should be provided by law, the lack of a mechanism of NGO licensing and other factors. Access to a lawyer is often provided only after questioning by the police and especially not to witnesses who are detained by the police.

Third, judicial system organization and poor infrastructure are barriers for the access to justice. Administrative justice is a priority issue. The fact that only one centralized Department, within the Basic Court in Prishtina is competent for all administrative disputes, in principle, makes access to justice more difficult. Adding also the fact that this Department does not settle disputes based 'on

²³ See also policy papers 'Improving access to courts and prosecutors', 2019. and 'Improving the effectiveness of remedies', 2019.

merit', returning the cases for review to the administrative bodies, which results in non-delivery of justice to the parties. The lack of legal procedures for small value claims, as provided by EU law, is another obstacle. Certain courts lack the necessary courtrooms and equipment.

Fourth, the right to interpretation and translation, and the right to information remain another important challenge for access to justice. There is an emphasized discretion in determining when and who needs interpretation and translation in the procedure and the legal remedies lack to challenge such a decision. The quality still remains unsatisfactory. In about 61% of cases, according to a report, the translation was not provided or was of poor quality. The parties also find it difficult to obtain information about their rights and litigation due to, inter alia, procedural shortcomings and unwillingness to use modern communication technology. The models of different court proceedings are more focused on the members of the system and not the citizens. Therefore, those without a lawyer find it difficult to anticipate and understand the procedure in order to protect their rights.

Fifth, court fees are another barrier for access to justice. In some proceedings, such as that of an administrative dispute, the parties are obliged to divide the costs into equal parts, which is inadequate for the persons who have suffered damage.

Finally, in terms of legal remedies, mentioned above the number of unresolved cases is pretty high and procedural delays are multiple, therefore it was noted that the parties lack an effective legal remedy to expedite proceedings in cases of significant delays in resolving their cases, as well as the possibility of compensation for such delays. Regarding other specific remedies, there is a lack of legal remedies for victims to the prosecutor's decisions regarding the initiation or termination of investigations. It is also a flaw that these decisions are not sufficiently justified by prosecutors. It is also worth noting that effective remedies remain challenging, especially in certain institutions for the execution of criminal sanctions. Moreover, there are shortcomings on legal remedies to provide compensation for damages caused by administrative bodies but also in cases of unlawful deprivation of liberty.

Problems related to the provision of legal services²⁴

A number of free professions have been created in Kosovo during the last ten years, with competence to provide justice. In addition to the lawyer's profession, which is of a classical nature, the newest free professions in Kosovo include notaries, mediators, private enforcement agents and bankruptcy administrators.

So far, some of the free professions have been significantly consolidated, while others are still in the early stages of development and need further support. The chambers of these free professions, especially that of mediators, private enforcement agents and bankruptcy administrators, are not yet fully functional to increase the quality of these professions.

²⁴ See also the policy document 'Improving the provision of free professions services', 2019.

The quality of services in general remains a need to constantly increase. This is due to the fact that training and opportunities for specialization are limited and mainly supported by donors, while in some cases, such as the case of lawyers who are much better at continuing legal education, skills training is lacking. Ethics standards are not yet at the right level, in general. There are also complaints about the implementation of illegal tariffs. Notaries, in particular, have a number of areas where not all notaries have a unified approach.

Performance oversight remains an important challenge as well. The capacities of the MoJ in this regard are limited and according to the legislation, they do not have the competence to supervise the bankruptcy administrators. Chambers also have limited capacity and opportunities for training the staff involved in oversight.

Awareness remains low on the use of services provided by the free professions. The use of mediation opportunities and the implementation of bankruptcy procedures, through bankruptcy administrators, remains particularly low. This applies not only to their potential users, but also to other stakeholders, such as judges, prosecutors, lawyers and administrative bodies, who may recommend services provided by the free professions.

The role of the Ministry of Justice²⁵

MoJ together with the KJC and the KPC are the main policy-making institutions in the field of rule of law sector. MoJ is therefore responsible for the strategic coordination of addressing the problems identified in this sector, through various policy analyses, proposing primary legislation and adopting secondary legislation, monitoring the implementation of legislation and other measures. This is particularly evident in relation to the EU accession process, which requires undertaking significant reforms in the implementation of EU standards, in particular Chapters 23 and 24 of the *acquis*.

The current organization and capacities of the MoJ to undertake strategic coordination steps face several challenges. First, the strategic approach is fragmented by specific strategic plans, as opposed to the comprehensive strategy, and the MoJ's competencies are incomplete, lacking them for free legal aid, victim and witness support, and others. Furthermore, the MoJ does not regularly follow, for its own needs, the work and functioning of the judiciary, in order to collect statistics and make analyses, which would serve the informed policy making. The capacities of key departments are limited, especially in terms of knowledge of the obligations arising during the EU membership process and lobbying in this process, in the field of justice.

²⁵ See also the policy document 'The role of the Ministry of Justice in the proces of EU accession', 2019.

4.0. VISION AND OBJECTIVES OF THE RULE OF LAW STRATEGY

The vision of the Functional Review process for the Rule of Law Sector is to restore citizens' trust in the justice, judicial and prosecutorial system.

As discussed above, this trust has been found to have waned as a result of challenges with independence, accountability, efficiency, professionalism and integrity of the judicial and prosecutorial system, accompanied by weakened access to justice. As a result of this, but also of similar shortcomings identified in institutions beyond the judiciary and prosecution, the fight against corruption, organized crime and money laundering has so far produced unsatisfactory results. All of these challenge the achievement of a comprehensive strategic objective and therefore the steps that need to be taken towards achieving it require that they be just as comprehensive. This central strategic objective is intended to be achieved through the achievement of four strategic objectives oriented towards it. First, strengthening the judicial and prosecutorial system of the Republic of Kosovo (5.1.); second, strengthening the criminal justice (5.2.); third, strengthening access to justice (5.3.); and, fourth, the strengthening the fight against corruption (5.4.).

4.1. Strengthening the Judicial and Prosecutorial system

Before elaborating all these objectives, it is worth emphasising that during the Functional Review Process, a certain part of recommendations that derived from policy documents mentioned in Chapter 2, be it for drafting certain laws, secondary legislation or implementation measures have already started to be implemented by the Government of Kosovo, KJC, KPC but also other institutions foreseen for implementation thereof.

The measures selected within the objective of strengthening the judicial and prosecutorial system aim to target building citizens' trust in justice by intervening in addressing four main elements in this regard: increasing the accountability of judges and prosecutors (5.1.1), increasing the efficiency of the judicial and prosecutorial system (5.1.2), increasing professionalism (5.1.3) and integrity of judges and prosecutors (5.1.4).

	Strategic objective 1	Specific objectives	
1	Strengthening the Judicial and Prosecutorial system	5.1.1	Increasing the accountability of judges and prosecutors
		5.1.2	Increasing the efficiency of the judicial and prosecutorial system
		5.1.3	Increasing professionalism
		5.1.4	Increasing integrity of judges and prosecutors

The interventions envisaged under the specific objective of increasing accountability aim to achieve and increase the level of responsibility that judges, prosecutors and support staff give to

the citizens they serve, oversight institutions and the general public. The specific objective for increasing the efficiency of the judicial and prosecutorial system aims to increase, through the proposed measures, the speed and effectiveness of judicial processes and procedures led by prosecutors, so that justice is served more quickly and fairly.

By increasing professionalism and competence of judges, prosecutors and support staff the goal is to increase the quality of decision-making and of the justice being served, targeting the increase of professional capacities towards the performance of their duties. Meanwhile, the objective for building the integrity of judges, prosecutors and support staff is intended to be achieved through targeted interventions in reforming the system of recruitment, promotion, verification and vetting.

4.1.1. Increasing the accountability of the judicial and prosecutorial system

This specific objective focuses on increasing the accountability of the judicial and prosecutorial system both inside and outside the system. An accountability system guarantees individual responsibilities of professionals within the judicial or prosecutorial system itself by guaranteeing transparency at work and meritorious and qualitative mechanisms for their promotion and eventual disciplining. At the same time, this accountability system guarantees the protection and freedom of judges and prosecutors in the performance of their duties, but also the responsibility of the system itself towards the citizens.

This specific objective is intended to be achieved through the implementation of the envisaged measures, starting with legal changes in the composition of the KJC and KPC.

Further, the planned measures to reform the system for reporting and measuring the performance of judges and prosecutors will increase the level of accountability by paying attention to qualitative performance criteria, as opposed to quantitative criteria. In order to facilitate the more effective exercise of the mandate of judges and prosecutors, the plans are to harmonize the provisions on the status of judges and prosecutors, including the essential elements leading to their dismissal, as well as to introduce control over the decision of prosecutors to terminate criminal prosecution. Accountability is also expected to be increased by constructing more sophisticated mechanisms for informing the public, including procedures for handling requests for access to public documents, as well as overseeing the implementation of the Code of Ethics.

Implementation of the measures envisaged for this specific objective is expected to build an improved system of checks and balances, to increase transparency for the work of the KJC, KPC, to ensure transparent and reliable evaluations of the performance of judges and prosecutors, a process of promotion of judges and prosecutors based on merit, qualitative criteria and clear indicators, increased transparency of the judicial system towards the citizens it serves but also the public in general, improved independence of the judiciary and prosecution, consistent implementation of legislation, and broad and clear ways and opportunities for cooperation between civil society organizations, associations, chambers and academia for cooperation with the justice sector, while also allowing for increased oversight by external actors.

4.1.2. Increasing the efficiency of the judicial and prosecutorial system

The specific objective of increasing efficiency aims to increase the speed and improve the process of resolution of cases by the courts, as well as their efficient prosecution. In addition to speed, this objective also targets cases accumulated in the courts, allocation of human resources in proportion to the backlog of cases in courts, certain departments and prosecution offices, the phenomenon of postponement of court hearings and the low rate of use of alternative dispute resolution tools. In order to increase the efficiency of the entire rule of law sector there will be further efforts in digitalisation and use of modern technology in the sector.

Consequently, this objective aims to build a system which deals with cases within a reasonable time, with clear and predictable procedures, which prevents the accumulation of cases in courts and prosecution offices. The solutions provided to achieve the objective of increasing efficiency are: proper allocation of resources in proportion to the backlog of cases in courts and prosecution offices, clarification of internal working procedures of courts and prosecutors, proper and continuous use of CMIS and central criminal register system, creation of conditions for handling cases within a reasonable period and resolving old cases based on the principle of priority and, lastly, the use of ADR in resolving civil and criminal cases.

As the Basic Court in Prishtina carries the main burden of cases of all spheres, including cases of economic nature, The Strategy aims at the drafting of a special plan for this court. This plan would enable the proportionality of human resources with the backlog of cases in this court, as well as a more targeted approach to the specific needs of this court in drafting rigorous transparency policies and specialized training.

The essential change proposed here is the establishment of the Commercial Court, as a single, specialized, court with jurisdiction to resolve all cases related to businesses. The establishment of this court, being the sole address of businesses and foreign investors, will enable the current unblocking of resolution of the cases of this nature and the elimination of the conflict of competencies of commercial and administrative nature. Through the Law on Commercial Court, the court will have dedicated resources and management, specialized judges at both levels, special case management procedures in line with the CMIS, thus leading to faster and more professional case resolution.

Through measures to clarify internal procedures, it is expected to improve case allocation and prioritisation procedures, treatment of inactive materials and in general the case flow management. The introduction of automatic assignment of cases, mandatory implementation of CEPEJ time management as well as taking punitive measures against parties for their absence in sessions are some of the measures proposed here. Using the FIFO principle (first one in - first one out) will enable activation and solving older cases. Moreover, the construction of a better system for reporting on the KJC and KPC, will allow better collection and reliable data and, ultimately, analysis and use thereof for proper policy development.

Encouraging the use of alternative mechanisms for dispute resolution (ADR), such as arbitration (for civil cases) and mediation (civil and criminal matters) will significantly contribute to reducing the number of materials needed to be solved by the courts. In this regard, investments are proposed in the completion of the secondary legal and infrastructural framework to enable the referral of cases in mediation, as well as the promotion of the use of arbitration by businesses.

The implementation of these measures it is expected to ease the burden on the courts with cases and to create a system that resolves cases within a reasonable time, strengthens the economy by enabling efficient resolutions of commercial cases, and prevents the collection and obsolescence of cases.

4.1.3. Raising the professionalism and competence of judicial and prosecutorial personnel

The objective of increasing professionalism and competence aims to increase the quality of justice, by investing in the professional capacity of judges, prosecutors and support staff. Increasing the professionalism of these officials will affect clearer, more transparent and sustainable decision-making, which directly affects a more positive perception of the justice system.

This objective is oriented towards building a stable institutional framework and a legal framework for professional development, as a first measure. Within this measure, it is planned to adopt a special law on the status of judges and prosecutors, which would unify and clarify the provisions on the status, instruments and opportunities for career development, and the specific responsibilities of institutions towards these professionals.

As a second measure, it is planned to adapt vocational training programs to the specific needs of the sector and specific professionals. This would be possible through the use of data from performance assessments, thus identifying professional gaps, reforming and continuous review of the curriculum of the Justice Academy, and cooperation of KJC, KPC and Academy in designing modern curricula.

Within the third measure, the Academy of Justice enjoys a special focus and its capacity to serve the needs of the justice sector. Thus, it is planned to allocate the budget and a number of other measures to enable a sustainable structure of the Academy.

As a result of these measures, it is expected to clarify the status and opportunities for professional development of judges and prosecutors, thus ensuring their legal and institutional protection, as well as strengthening the Academy of Justice in providing quality services of training which meet the needs of justice sector. This enables vocational training to translate into tangible increase of the quality and delivery of justice.

4.1.4. Increase of the integrity of the judicial and prosecutorial system

Specific objective 4 aims at creating a judicial and prosecutorial system composed of professionals with high moral and professional integrity, who shall be recruited and advanced through a merit-based and sustainable system, and who prove this integrity throughout their service on duty.

The first measure within this objective focuses on building a stable KJC and KPC, that maintain integrity. The review of criteria is planned within this objective in that manner as to only enable the participation of judges and prosecutors with permanent mandate and with experience, the review of criteria for participation of non-judges and non-prosecutors, as well as the stimulation of other law professionals to participate.

Another proposal focuses on building a system of recruitment, transfer and advancement of judges and prosecutors, based on competency. This will reform the manner of testing and interviewing in a way that highlights the professional and practical skills of professionals in recruitment. The review of legal remedies available to unsuccessful candidates is planned as well. Through the measures that reform performance measurement and focus on quality indicators, it is aimed to transfer and advance judges and prosecutors based solely on merit and professionalism.

The current system of vetting of judges and prosecutors has a long list of deficiencies, among which we can distinguish the performance of vetting only at the time of recruitment and the extremely narrow range of information collected as part of this process. Therefore, the main measure within this specific objective plans to build an independent system that provides continuous and regular checks of the integrity of judges and prosecutors, otherwise known as "Vetting", in line with the Concept Document that was drafted for this purpose. This system will include the entire spectrum of effective integrity control. In legal terms, it will enable the expansion of the spectrum of data collected for vetting candidates, thus enabling the collection of data not only from public registers but also other financial and health information for candidates. It will also guarantee the legal protection of candidates' data as well as the legal remedies available for this.

In terms of time of this spectrum, it will be possible for integrity control or vetting to be performed on a regular and continuous basis. Thus, each judge or prosecutor will pass through vetting every time after some years, and every time that such judge or prosecutor is transferred or promoted.

Consequently, the implementation of planned measures of this specific objective will guarantee the establishment of a system that recruits and retains the worthy judges and prosecutors to serve in the justice system and to decide on the rights of citizens.

4.2. Strengthening the Criminal Justice system

The selected measures within the objective of strengthening the criminal justice system are aimed at improving public confidence by addressing the four main challenges in this regard: empowerment of the fight against organized crime and high-level corruption (5.2.1), improvement of professionalism in the fight against organized crime and high-level corruption (5.2.2), guaranteeing the integrity of Kosovo Police (5.2.3) and improving the execution of criminal sanctions (5.2.4)

	Strategic Objective 1	Specific objectives	
1	Strengthening the Criminal Justice system	5.2.1	Strengthening of the fight against organized crime and high-level corruption
		5.2.2	Improving professionalism in the fight against organized crime and high-level corruption
		5.2.3	Guaranteeing the integrity of the Kosovo Police
		5.2.4	Improving the execution of criminal sanctions

The objective dealing with the strengthening of the fight against organized crime and high-level corruption focuses on issues related to combating high-level corruption and the fight against organized crime and the effective prosecution of these groups. The special objective for improving professionalism in the fight against organized crime and high-level corruption aims to fight high-level corruption against organized crime through professional development and also to combat money laundering. This objective also aims at elimination of interventions in the judiciary and strengthening the confiscation regime.

The specific objective for the guaranteeing integrity of the Kosovo Police focuses on issues related to the functioning of the Kosovo Police, including internal accountability mechanisms and combating the phenomenon of corruption within the institution, then the role and interaction with the PIK, cooperation, and interaction with other law enforcement institutions. The objective of improving the execution of criminal sanctions is aimed at making improvements of this important sector by underscoring the pressing need to apply measures that would affect not only individuals but also the society.

4.2.1. Strengthening of the fight against organized crime and high-level corruption

This specific objective focuses on issues that adversely impact the rule of law sector, in particular regarding the effective investigation and prosecution of organized criminal groups acting in and around the Republic of Kosovo, as well as the investigation of high-level corruption.

Although the Criminal Code and the Criminal Procedure Code provide a solid basis for the successful prosecution of these types of cases, the percentage of such cases which result in a conviction is significantly lower than the international average.

The objective has identified three areas where the justice sector has failed to consistently hold accountable those who abuse their public position through their involvement in high-level corruption, and recommends that legal mechanisms be better utilized to address the organized crime issues, high-level corruption and conversion of illegally acquired assets. The other aspect is related to the fact that holding accountable those who are involved in corrupt affairs helps to build the trust of citizens such as in those elected, as well as in the justice sector. Also, the other aspect that represents a challenge has to do with the quality of investigations that take place in cases of high-level corruption and organized crime specifically when it comes to financial investigation, which requires better coordination so that illegally acquired assets are confiscated. It is important here for the role of the prosecutors to be empowered in leading investigations and use the “follow the money” principle, which is of special importance for financial investigations. The aim is to also strengthen Financial Expertise.

The aim is also to change the current scheme of confiscation of assets, whereby it would be possible to separate a certain percentage of the proceeds from the sale of confiscated assets for the benefit of the criminal justice sector.

In order to achieve the goals envisaged by this objective, it is necessary to support the better implementation of the laws in force, to have greater accountability of judges and prosecutors, as well as to have additional training for the judicial and prosecutorial sector. Especially in cases where the crime crosses borders, international co-operation is essential and should be further strengthened to succeed in investigating and convicting these crimes.

4.2.2. Improving professionalism in the fight against organized crime and high-level corruption

The objective related to improving the professionalism and capacity building of the criminal justice sector aims to enable successful prosecutions of organized crime offenses, high-level corruption and money laundering. While corruption is seen as the second biggest problem after unemployment according to a 2018 survey, and prosecutors file indictments for organized crime and corruption, there are few defendants found guilty of these offenses. The parties involved in this process blame each other, respectively the courts and the prosecution. Therefore, this objective aims to specifically look at the aspects related to the assessment of the performance and the

assessment of the power of the judiciary, training of judges and prosecutors, as well as looking at issues related to the independence of institutions.

The performance evaluation of prosecutors and judges is intended to undergo changes and, among other things, to specifically include general mentoring and management, including the semi-annual reports of the control and progress of the regional chief prosecutors as well as the presidents of the courts for the prosecutors respectively the subordinate judges. Special emphasis is given to the advocacy skills of prosecutors in court and their interaction with other parties and the importance that this be taken into account in their annual assessment. It is also intended that the in performance evaluation occupies a special place in the writing and legal reasoning by judges and prosecutors in decisions respectively indictments.

There is a strong need to organize training for judges and prosecutors dealing with organized crime and high-level corruption, due to the fact that increasing professionalism directly contributes to their effectiveness in successfully combating these phenomena. In order to be as successful as possible in the fight against high-level corruption and organized crime in this objective, there is a need for continuous mandatory annual legal education for judges and prosecutors once or twice a year, especially in addressing fight against organized crime and corruption. The mandatory training should also include legal ethics, then cover the area of practice of judges and prosecutors to improve their career development, as well as create space for the development of interest in new areas. For the purpose of training, it is recommended that the AoJ develop appropriate programs for legal writing and develop programs for progressive management. However, in addition to judges and prosecutors, the training should also be provided to members of the KJC and KPC especially on administration and financial matters.

4.2.3 Guaranteeing integrity of the Kosovo Police

The objective related to guaranteeing Integrity of the Kosovo Police focuses on issues related to the challenges facing the organization i.e. police corruption, integrity and other real and perceived criminal behaviours. The Kosovo Police is well-equipped and well-trained in terms of logistics, but it is also necessary to challenge the perception of violations of rules and corruption. For this reason, the misconduct of police officers should be addressed institutionally in order to increase public confidence and encourage men and women to even more report cases, although the Kosovo Police in general enjoys a very positive reputation in relation to other law enforcement institutions.

Kosovo Police and KIP have shown willingness to cooperate in the fight against corruption and violations and other misconduct of police officers. Fighting corruption and organized crime also requires political will and a more effective coordination and cooperation of law enforcement agencies. The cooperation of the Kosovo Police and the KPI with the Prosecution Office is extremely important as it would create the preconditions to implement appropriate investigations which then translates into positive results in the fight against organized crime and corruption.

It is also recommended that the Kosovo Police creates an ethical culture which means that its employees should be able to deal with the code of ethics and know how to apply it in practice. To this end, training is needed from the recruitment to then continue with the field training program. When it comes to declaration of assets, the aim is to consider the possibility that all investigators in charge of high-level criminal investigations to be subject to such a procedure, in addition to senior officials who are already obliged to be subject to the latter.

Joint trainings with law enforcement officials, prosecutors and judges should also be supported in order to create synergy, complementarity, coordination and more cooperation both in becoming familiar with the laws covering this specific area but also seeing the possibility of cross-sector digital unification to manage cases for the police, the prosecution and the court, by holding and reporting separate data, including on gender basis.

The courts are recommended properly pursuing efforts of the Kosovo Police to the institutional integrity by aggressively pursuing all cases of criminal conduct alleged against police personnel when there is grounded suspicion and adequate evidence to support proving them guilty. Also, the Kosovo Police, in cooperation with the KPI, should conduct regular inspections and internal audits to enhance the control and accountability at all levels within the institution itself.

4.2.4. Improvement of the execution of criminal sanctions

The fourth objective related to the execution of criminal sanctions is related to the continuous investments to develop and strengthen this important sector, in order to adapt to global standards and changes. In order to succeed in strengthening the system for the execution of criminal sanctions, the cooperation between the KCS and the KPS should be increased, so that in addition to their focus on rehabilitating offenders, they should also establish mechanisms to use common resources in achieving the required goals.

This cooperation should aim at achieving the objectives that lead to the rectification and improvement of the identified problems which are related to: Strengthening of the strategic planning capacities of these institutions; Reorganization of KCS infrastructure; Development of KCS and KPS Human Resources policy; Establishment and development of a consistent risk and needs assessment and individual system for imprisonment planning for prisoners and probationers; Focus on rehabilitation and re-socialization of prisoners; Development of legislation; Development of the Kosovo Probation Service and support for the use of sanctions and alternative measures; as well as the development of legislation on Community Sanctions and Measures.

Law on the execution of criminal sanctions has been developed and has undergone frequent changes in recent years. However, it has not clearly defined the structure and functioning of the KCS and KPS as it is a combination of laws defining the execution of criminal sanctions and, for this reason, it is necessary to issue special laws that regulate the organizational structure of the KCS and KPS.

The use of criminal sanctions and alternative measures should be further promoted in Kosovo. Juveniles are mostly subject to alternative measures, but this is not applied as much to adults. For this reason, a greater implementation of these measures would reduce the state expenditures because imprisonment would be avoided. Also, the imposition of these measures and the avoidance of imprisonment would have an impact on the social and family aspect as the perpetrators would remain a part of society, thus reducing the social consequences.

In order to achieve a satisfactory level of implementation of alternative measures, the aim is to increase the awareness of prosecutors and judges in promoting these measures. Attaining this goal requires better cooperation of all stakeholders involved, in order to achieve a successful implementation. The KPS would play this role by drafting the pre-sentence report whereby the KPS would assess the relevance of an alternative sanction to the individual and thus increase the credibility of alternative sanctions to prosecutors and judges.

4.3. Strengthening of Access to Justice

The measures selected in the framework of the strategic objective for strengthening the access to justice aim at building citizens' trust in justice and the realization of their rights in practice by intervening in addressing the five main challenges in this regard: improving access to court and prosecution office (5.3.1), increasing the efficiency and effectiveness of legal remedies (5.3.2), improving the provision of services by the free professions (5.3.3) increasing cooperation and coordination with civil society and (5.3.4), strengthening the role of the Ministry of Justice (5.3.5).

	Strategic objective 3	Strategic objective	
1	Strengthening access to justice	5.3.1	Improving access to courts and prosecutions
		5.3.2	Increasing the efficiency and effectiveness of legal remedies
		5.3.3	Improving the provision of services by free professions
		5.3.4	Increasing cooperation and coordination with civil society
		5.3.5	Strengthening the role of the Ministry of Justice

The interventions foreseen under the specific objective for strengthening access to justice for citizens are intended to facilitate the access of citizens to courts and prosecutions through the improvement of legal safeguards, decrease of number of old cases, increase of competencies and the role of the Ombudsperson Institution as well as improvement of cooperation between judicial and non-judicial bodies. By increasing the effectiveness and efficiency of legal remedies for

citizens and their implementation in practice, justice and law enforcement institutions will be closer to citizens and at their service. The right to a trial within a reasonable time, the right to a defence counsel, the realization of rights and freedoms guaranteed by the Constitution and law, both in substantive and procedural terms, are the essential orientations of this specific objective.

The objective of improving the provision of services by the free legal professions (FLP), will strengthen their role on the one hand, and at the same time guarantee the provision of quality and efficient services to citizens on the other hand. Whereas, the fourth objective through cooperation and interaction with civil society will contribute to increasing the external transparency and accountability of justice and security institutions, restoring citizens' trust in institutions and facilitating access to information for civil society and advocacy to improve the integrity, image and credibility of institutions.

4.3.1. Improving access to courts and prosecutors

This specific objective puts the citizen at the centre. Access to justice as a key component of the rule of law, inclusive development and growth, and good governance ensures equality in society, reduces violence and discrimination, especially against vulnerable groups, and reduces the cost and time of exercising the rights of individuals.

The first measure of this objective is to improve formal legal guarantees for a fair trial, including free legal aid. In this regard, the adoption of a single law on free legal aid is envisaged in order to create a unified, transparent and accountable system, and at the same time able to provide services in all areas, to all those in need. There will also be clearer criteria for the appointment of lawyers for legal aid.

Further, measures to enhance access to court and prosecution services will increase the use of alternative dispute resolution (ADR) mechanisms, provide cost-effective and more predictable services, and make public information, which are more accessible to citizens. Under this measure, among other things, the re-evaluation of the only territorial competence of the Administrative Department of the Basic Court in Prishtina will be done based on the CEPEJ practices. As part of this measure, the determination of court costs and fees is foreseen through the adoption of the primary law by the Assembly of Kosovo.

A series of concrete actions are foreseen within the third measure of this objective that are aimed at improving access to justice for vulnerable persons and groups, also in line with the CoE Convention on preventing and combating violence against women and domestic violence, which is already a part of the Kosovo Constitution. Activities proposed under this measure are aimed at advancing the capacities of relevant institutions for combating gender-based violence, deepening cooperation and coordination between judicial and non-judicial institutions for combating gender-based violence and greater financial support for shelters for victims of gender-based violence.

The fourth measure envisaged within this objective proposes activities towards establishing effective cooperation between non-judicial bodies and courts and prosecutions. Specifically, this

measure addresses the empowerment of the role of the Ombudsperson Institution (OI). This would significantly improve the human rights in Kosovo and would also increase the responsibility of public authorities towards citizens' allegations of human rights violations.

4.3.2. Increasing the efficiency and effectiveness of legal remedies

Specific objectives for increasing the efficiency and effectiveness of legal remedies is aimed at promoting the improvement of legal guarantees for judicial protection related to the achievement of fundamental rights in criminal, civil, and administrative matters. Increasing the number of legal remedies available to address non-functioning of the justice system and to increase their effectiveness as well as providing legal services that are timely, effective and efficient for all citizens of Kosovo will increase citizens' trust in the justice system and contribute to the implementation of their rights in practice.

This strategic objective will improve access to legal aid services for low-income citizens, including improving and adequately protecting the rights of persons deprived of their liberty. As stated above, it also aims to strengthen the role of the Ombudsperson in addressing human rights violations.

This strategic objective aims to enable citizens of Kosovo to benefit from the constitutional right to a fair trial within a reasonable time and making legal remedies available and effective in practice. This will be done through the possible legal amendments for protecting the right to a trial within a reasonable time to determine effective remedies for cases involving delays in court proceedings. Such a law could present, inter alia, the right to appeal to the Constitutional Court; the right to appeal to a higher instance court; introduction of accelerating and compensatory legal remedies specific to criminal justice. Thus, additional legal remedies, which would increase the effectiveness of the protection of the fundamental and procedural rights of citizens.

A comprehensive and analytical assessment of the applicable procedural deadlines set in the criminal, civil and administrative fields, would determine the need for the relevant legislation to be substantially amended by setting new procedural deadlines that are realistic and practical, taking into account the current situation in Kosovo's courts and prosecutions, as well as the target professional standards.

Furthermore, this strategic objective aims to promote human rights and freedoms, by increasing the legal protection measures of persons who are subject to criminal proceedings (protection against ill-treatment, the right of access to a defines lawyer, the right to interpretation and translation), in line with European standards, as well as other measures in civil and administrative dispute proceedings.

Through fulfilment of these strategic objectives, public institutions in Kosovo will take the necessary measures to step up their institutional cooperation, in developing the knowledge and skills of staff regarding the understanding of and becoming familiar with the basic principles and standards embodied in the ECHR and the case law of the ECHR. Justice institutions and law

enforcement agencies will organize regular trainings provided to their professionals on the case law of the ECHR.

4.3.3. Improving the provision of services by the free professions

The objective of improving the provision of services by free legal professions (FLP), aims to further strengthen the respective roles and competencies of FLPs in order to increase the quality of services provided by FLPs, given their special characteristics.

One of the first measures envisaged under this objective is the further development and consolidation of mediation and bankruptcy procedures. This measure envisages the law on bankruptcy to be amended and harmonized with other relevant laws in order to remove the current obstacles to the implementation of bankruptcy proceedings. Also, the establishment of the Chamber of Bankruptcy Administrators and the provision of the necessary financial and infrastructural support to make it operational as well as the Chamber of Mediators is foreseen. This measure also envisages the establishment of an effective and flexible coordination mechanism between the relevant state authorities in order to make the mediation offices in courts and prosecutions operational. Another activity envisaged is to raise awareness among citizens and businesses, but also within the justice system, for the role and benefits of mediation and bankruptcy mechanisms, and increase the use of these mechanisms. This measure also foresees to increase the number of private enforcement agents for a better geographical coverage, and to create a uniform system for data collection, in order to have a better overview of the system performance.

The second measure envisaged a series of activities aimed at increasing the quality of services of all FLPs. This will be achieved through the design/improvement of initial, ongoing and specialized training curricula for all FLPs based on a comprehensive analysis of relevant training needs. The training will be mandatory for FLPs, in order to increase the knowledge and skills of FLPs and increase public confidence in the services provided by them. This will require effective inter-institutional coordination and cooperation where the Academy of Justice will play a key role. In addition to training, this measure also envisages the improvement of monitoring of FLPs, through the drafting/amendment of Codes of Conduct, the establishment of professional standards and the clarification and empowerment of competencies and capacities and the coordination of operations within the MoJ structures. Another measure through which this objective will be achieved is the improvement of inter-institutional cooperation (FLPs, judicial and prosecutorial system and other stakeholders), through the establishment of effective mechanisms and channels of communication and cooperation.

This objective will also reduce the workload in courts and prosecutions and will guarantee the existence of the Rule of Law that provides citizens with the right to a fair trial and review within a reasonable time frame.

4.3.4. Increase of cooperation and coordination with civil society

The fourth specific objective aims to increase cooperation and interaction between justice and security institutions with the civil society sector in Kosovo, through increasing the transparency of these institutions. This will be achieved by facilitating access to effective monitoring of the work and performance of justice systems and security institutions by civil society organizations, the media and the public in order to further increase the accountability and transparency of their operation, including access to information in the judicial and prosecutorial system, the Ministry of Justice, the Ministry of Internal Affairs and the Kosovo Police.

The first measure within this objective focuses on providing opportunities and constructive access to civil society for effective participation of civil society in monitoring public institutions, using its role in advocacy and public awareness functions related to the functioning and the operation of these institutions.

This objective aims to share the experience and expertise of non-governmental organizations with judges and prosecutors, in cooperation with the Academy of Justice and the Judicial and Prosecutorial Council. This aims to build the practice for the KJC, KPC, courts and prosecution offices, in accordance with the Law on Access to Public Documents and the Law on Data Protection, to respond to requests for access to public information and documents, including on a regular basis, the disclosure of such data to all interested parties.

The other proposal focuses on building bridges of cooperation between the KJC, KPC, court presidents and chief prosecutors with interested NGOs, in the form of regular meetings between them, thus allowing the exchange of experiences and timely provision of feedback, ensuring that all courts provide conditions that allow trials to be monitored and public access to court hearings, the KJC and the KPC ensuring that interested NGOs can give opinions in the public debate on the functioning of the judiciary. Such a public debate should be substantive and aimed at resolving problems and increasing knowledge and trust between the judicial and prosecutorial system on the one hand, and CSOs on the other.

Another measure of this strategic objective is for the MoJ, MIA and Kosovo Police to further increase their internal skills and capabilities and human resources for communication with the media, the public and CSOs, including the requirement that these institutions develop and further maintain accessible communication channels, websites, as well as make available to the public information, data and statistics related to their institutional functioning and operation etc.

4.3.5 Strengthening the role of the Ministry of Justice

The fifth strategic objective aims to increase the role of the Ministry of Justice in monitoring and overseeing the implementation of justice reform. Specifically, the Ministry of Justice, through the implementation of this objective, will have a key role in full cooperation with the KJC and the KPC and other bodies in the justice system in identifying weaknesses in the functioning of the justice system and addressing them through adequate planning and drafting the necessary policy

and legislation measures to improve the problems presented, towards raising independence, impartiality, accountability, professionalism and efficiency of the justice system in Kosovo.

Another goal of this strategic objective is the organizational review of the Ministry of Justice, and the strengthening of existing departments. Through the implementation of the measures set out in this objective, the aim is establish to create the unit for policies of the judiciary. The Ministry of Justice also aims to increase the professionalism and specialization of the Legal Department in specific areas such as criminal, civil, administrative, commercial ones.

Most importantly, it is proposed to create a Division of Analytical Analysis and Monitoring, which is expected to provide the Ministry with empirical data, derived from sound scientific methods, which will help it in better policy-making for the judiciary as well as for the entire justice system. Finally, a number of investments are proposed towards strengthening the IT Division to be able to coordinate information and computer systems with those of the judiciary, and further strengthen the Department for European Integration and Policy Coordination.

4.4. Strengthening the fight against corruption

The measures envisaged within the objective for strengthening the fight against corruption aim at: improving the institutional framework against corruption (5.4.1) and improving the assets declaration system and regulations on acceptance of gifts (5.4.2).

	Strategic objective	Specific objective	
5.4	Strengthening the fight against corruption	5.4.1	Improving institutional framework against corruption
		5.4.2	Improving assets declaration system and regulations on acceptance of gifts

The specific objectives for improving the institutional framework against corruption reveal the strategic interventions which aim at advancing the fight against corruption through the coordination and structuring as efficiently as possible of all stakeholders involved. The interventions envisaged in the framework of the objective for improving the assets declaration system and regulations on acceptance of gifts, on the other hand, aim to achieve an accountable, sustainable and transparent system of assets declaration and acceptance of gifts.

4.4.1 Improving the anti-corruption institutional framework

Improving the anti-corruption institutional framework, as specific objective, focuses on building a sustainable institutional and legislative framework which is equipped with all the necessary tools to prevent and successfully fight corruption.

Given that the current institutional scheme against corruption is extremely complex, with over 20 institutions directly or indirectly involved in it, one of the main measures provided by this objective is the clarification of the role and responsibilities of each competent body in fighting the corruption. In addition, the Strategy envisages the transformation of the Anti-Corruption Agency into the Agency for Prevention of Corruption. Broadening of the mandate of the Agency for prevention of corruption is expected to provide longer-term results compared to limiting it in just fighting the corruption. Improving the work of key structures in the fight against corruption within the Police, Police Inspectorate, and Special Prosecution of Kosovo are other measures envisaged within this objective. These measures are mainly related building the capacities of relevant structures, strengthen the legal and operational basis for their functioning and improve the standards of integrity and accountability. Finally, in order to fight corruption as successfully as possible and optimize the yield of results, the cooperation with non-state actors involved in fighting corruption is envisaged, as well as empowerment of whistleblowing system.

The implementation of these measures is expected to increase confidence in political engagement in the fight against high-level corruption, prevent major economic losses as a result of corrupt practices and, ultimately, bring long-term yield in the fight against corruption.

4.4.2 Improving the assets declaration system and regulations on acceptance of gifts in Kosovo

The specific objective for improving the assets declaration system and regulations for accepting gifts, aims at creating a system that promotes a culture of integrity and accountability, encourages ethical behaviour and enhances citizens' trust in the public sector. An efficient and consistent system of declaration of assets and acceptance of gift would also serve as a reliable source of information for investigating unlawful assets and combating corruption in general.

Incorporation of amendments in the legal framework, training and capacity building of relevant structures and advancement of international cooperation, are the three concrete measures that foresee the implementation of this objective.

The changes proposed by the first measure would clarify and harmonize the defining concepts of the entities that are subject to the obligation of declaring their assets, expand the content of what should be declared, introduce detailed rules regarding the declaration of gifts, and set the criteria for public disclosure of these declarations. This measure also guarantees the verification and monitoring of declarations in order to verify their accuracy. Also, it is proposed to re-qualify the non-declaration of assets as an administrative and/or disciplinary violation, while the initial

designation of non-declaration as a criminal offense is suggested to be applied only in cases of recurring of non-declaration.

Training and capacity building, as a second measure, focuses on developing a training program for public officials engaged in the administration and investigation of declaration of assets and developing a training curriculum for judges and prosecutors that would encourage uniform interpretation and application of the same legal provisions regarding non-declaration or false declaration of assets, gifts or other material goods.

The advancement of international cooperation, as a last measure, aims at strengthening the Kosovo's participation in the negotiations for the adoption of international treaties in this field and the conclusion of bilateral agreements and memoranda of understanding with foreign and domestic agencies responsible for monitoring the declaration of properties.

The implementation of these measures advances the fight against corruption through the establishment of an accountable, transparent and consistent system of assets declaration and a solid regulation on gift acceptance.

5.0. ARRANGEMENTS OF IMPLEMENTATION, MONITORING AND REPORTING

The monitoring part of the implementation of the Rule of Law Strategy, as a sectoral strategy is regulated in accordance with the manual for planning, drafting and monitoring of strategic documents and their action plans, deriving from the AI no. 07/2018 on planning and drafting strategic documents and action plans.

The leading institution for continuous monitoring and coordination of strategy implementation is **Ministry of Justice (MoJ)**. Some of the key support institutions in the process of monitoring and implementing the sectorial strategy for the rule of law sector include, in particular: Kosovo Judicial Council, Kosovo Prosecutorial Council, Supreme Court, Court of Appeals, Kosovo Correctional Service, Kosovo Probation Service, Kosovo Police, Academy of Justice, Anti-Corruption Agency, Kosovo Bar Association, Kosovo's Special Prosecution, State Prosecution, Appellate Prosecution, TAK, Kosovo Customs, Notary Chamber, Chamber of Private Enforcement Agents, Association of Mediators, Agency for Free Legal Aid, Ombudsperson Institution, Public Procurement Regulatory Commission, Office of the Prime Minister, Strategic Planning Office, Ministry of Finance, Ministry of Internal Affairs, Ministry of Public Administration, and Ministry of Trade and Industry.

An integral part of the strategy is the action plan for the period 2021-2023, which elaborates in detail the strategic and specific objectives, activities, responsible institutions, financial cost for implementation and indicators (baseline, medium and final target). It is worth noting that this action plan takes into account the gender aspect and where possible, data from its implementation will be disaggregated based on gender.

Ministry of Justice will lay down more detailed implementation, monitoring and reporting procedures for participating institutions on a periodic basis, based on the following key principles:

- At the technical level, Ministry of Justice will establish and coordinate the inter-institutional coordinating body to ensure regular monitoring of the implementation of the strategy and action plan, conducting interim reviews and final evaluation of the strategic document. The inter-institutional coordinating body of the strategy will meet at least twice a year to discuss progress and periodic reports.
- The main representatives in the inter-institutional coordinating body will be:
 - (1) Ministry of Justice (Secretary General - Co-Chair)
 - (2) Strategic Planning Office (Director of SPO - Co-Chair)
 - (3) Kosovo Judicial Council (General Director of the KJC Secretariat)
 - (4) Kosovo Prosecutorial Council (General Director of the KPC Secretariat)
 - (5) Ministry of Internal Affairs (Secretary General)
 - (6) Ministry of Finance (Secretary General)
 - (7) Representative from Academy of Justice
 - (8) Representative from Anti-Corruption Agency
 - (9) Representatives from NGOs
 - (10) Representatives from other institutions responsible for the implementation of the strategy
- The Secretariat of the Inter-Institutional Coordination Body in MoJ (DEIPC) is the main mechanism that ensures the implementation, monitoring and quality reporting by timely collecting data and information from leading and supporting institutions for the implementation of the strategy and action plan, as abovementioned. In this regard, common data collection practices related to the implementation of strategic documents such as ERA, NPISAA or other sectoral strategies will be used.
- Regular annual reports on the implementation of the strategy and the six-months report on the implementation of the action plan, will be prepared by the Secretariat of the inter-institutional coordination body. These reports will be then presented to the inter-institutional coordination body of the strategy for discussion (see below Fig. 2: Frequency of strategy monitoring reports);
- The abovementioned reports are then reviewed and approved by **the Steering Committee of the Strategy**, which is the main governing body of the strategy and action plan. This Committee is composed of high-level representatives and its specific composition is set out in the figure below.

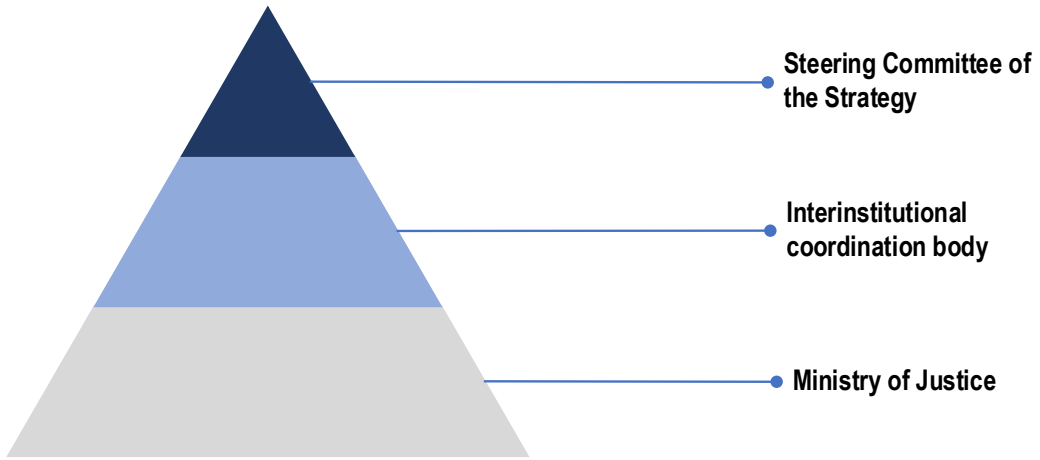


Figure 1: Institutional structures pyramid for the implementation arrangements of the strategy

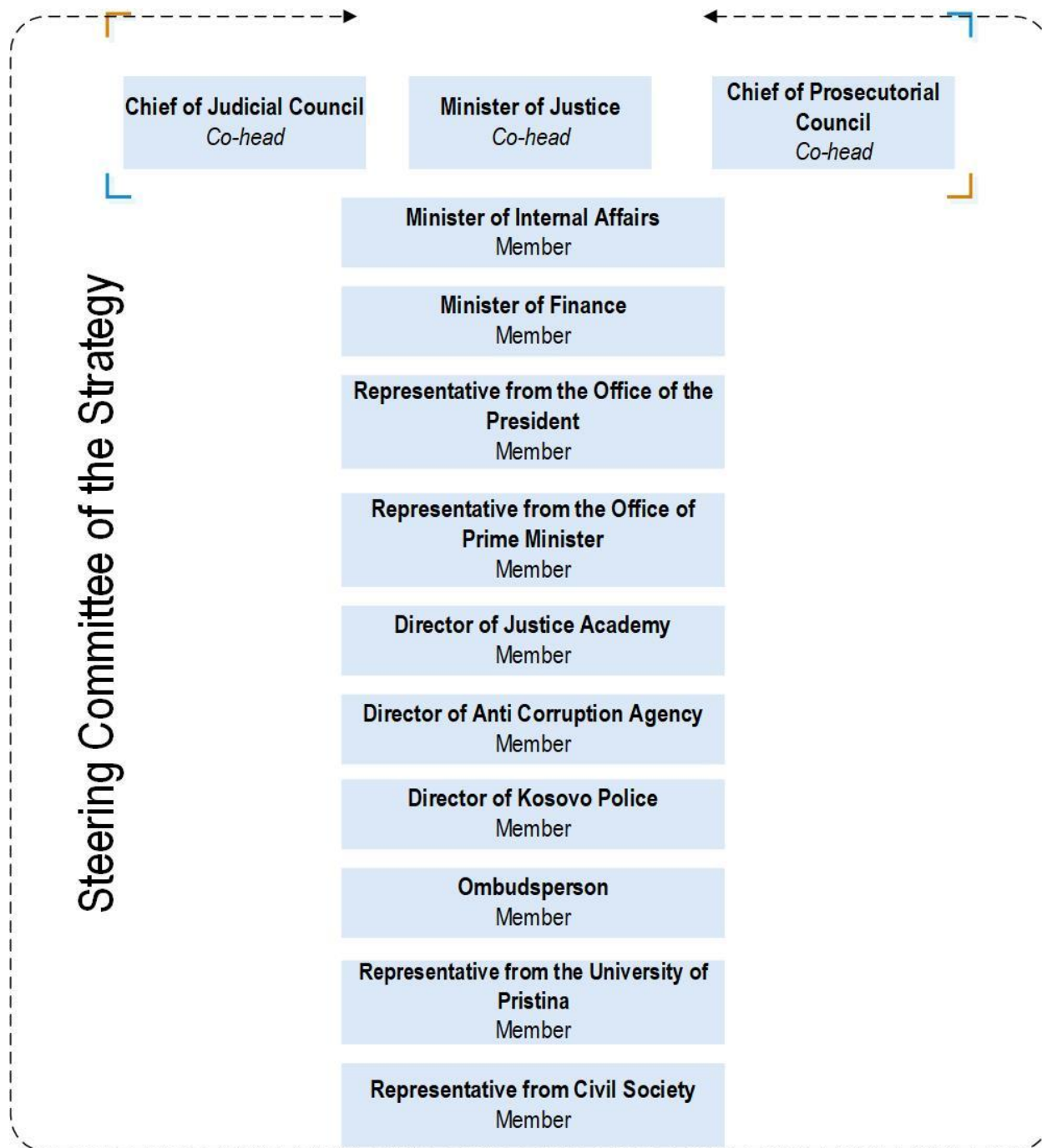


Figure 2: Composition of Steering Committee of the strategy

On the other hand, the role of the Strategic Planning Commission and the Government of Kosovo in relation to this Strategy is defined by the Government Decision no.14/12.²⁶

Furthermore, the monitoring and evaluation framework of the strategy comprises of performance indicators at the impact or outcome level separately from the output-level indicators. These

²⁶ Government Decision No. 04/12, dated 09.07.2020. <https://kryeministri-ks.net/wp-content/uploads/2020/07/Vendimet-nga-mbledhja-e-12-t%C3%AB-e-Qeveris%C3%AB.pdf>

indicators intend to measure the implementation of the action plan at the overall and specific strategic level of objectives. Specific objectives shall contain more than one indicator, which are mainly based on the indicators of the *World Justice Project (WJP)* and the *European Commission for the Efficiency of Justice (CEPEJ)*, but also other indicators developed for the purposes of this Strategy. Other indicators at the activity level are proposed by the MoJ and confirmed with each responsible institution to be at the outcome level of overall and specific objectives as well as outputs at the activity level.

To illustrate, in compiling the WJP indicators the information on the baseline comparative value is set the year ending 2019, while the target values for medium and final targets were set at 2023 and 2026, respectively. The targets of the performance indicators set in the strategy and action plan shall be compared against the target for the medium-term targets of the strategy, which is based on the comparative method. The benchmark value for each performance indicator is the average of the 10 EU member states ranked in the bottom 10 positions of the WJP annual ranking of WJP indicators from the baseline value of 2020.

Based on Article 16 of Administrative Instruction no. 07/2018, the Ministry of Justice as the leading ministry will prepare 2 types of reports:

- Semi-annual report on the implementation of the action plan
- Annual report on the implementation of the strategic document.

The comprehensive annual progress report shall provide more detailed information on progress towards strategic objectives, specific objectives and implementation of activities.

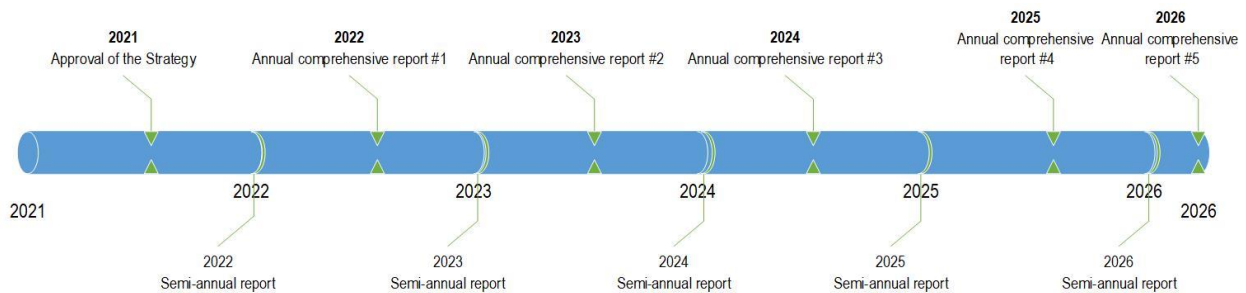


Figure 3: Frequency of strategy monitoring reports

The strategy will be subject to a mid-term review, no later than the beginning of 2024 to assess the effectiveness and efficiency of the implementation of the 3-year action plan. The final assessment will be made no later than 2026. Both assessments will be independent (external), in which case the Ministry of Justice will seek external support from development partners.



Figure 1: Timeframe for the evaluation of the strategy

6.0. BUDGET IMPACT AND IMPLEMENTATION OF THE STRATEGY

To quantify the financial/budget impact assessment of the recommendations included in this document, to the degree possible, we have assessed costs implications of individual activities, including by indicating the type of budget spending needed for implementation of such activities. To conduct such an assessment, we have followed the guidance for costing of government initiatives, as required by the Administrative Instruction on Budget Impact Assessment for New Government Initiatives and its Manual.

The cost estimates from the tables below are presented in gross terms, for a period of three years 2021-2023, inclusive, suggesting that potentially, a portion of the costs may be covered with existing government resources and potentially by donors as well, including EU, US Embassy, USAID, UK Embassy and UNDP.

Table 5: Indicative and estimated budget of the Action Plan for the period 2021-2023 of the Rule of Law Sector Strategy

Strategic objectives	Indicative budget by years		
	2021	2022	2023
I: Strengthening of the Judicial and Prosecutorial System	551,320	2,144,848	1,188,883
II: Strengthen the criminal justice system	485,539	7,259,299	6,876,015
III: Improve access to courts and prosecutors	1,354,218	1,301,618	1,100,861
IV: Strengthen the fight against corruption	482,269	524,407	247,152
<i>Sub-total:</i>	2,873,346	11,230,172	9,412,912
<i>Of which capital:</i>	-	40,000	-
<i>Of which recurrent:</i>	€ 2,873,346	€ 11,190,171	€ 9,412,912
GRAND TOTAL Budget for the period of implementation of the Action Plan 2021-2023:	€ 23,516,430		

Based on the above factual background data on the budget impact assessment and implementation of the action plan, we can conclude the following:

- The indicative total cost of the Rule of Law Sector Strategy, specifically its Action Plan (2021-2023) is **23,516,430 EUR**
 - Strategic objective I: *Strengthening of the Judicial and Prosecutorial System* weights a sub-total cost of **3,885,051 EUR**
 - Strategic objective II: *Strengthen the criminal justice system* weights a sub-total cost of **14,620,853 EUR**
 - Strategic objective III: *Improve access to courts and prosecutors* weights a sub-total cost of **3,756,698 EUR**
 - Strategic objective IV: *Strengthen the fight against corruption* weights a sub-total cost of **1,253,828 EUR**

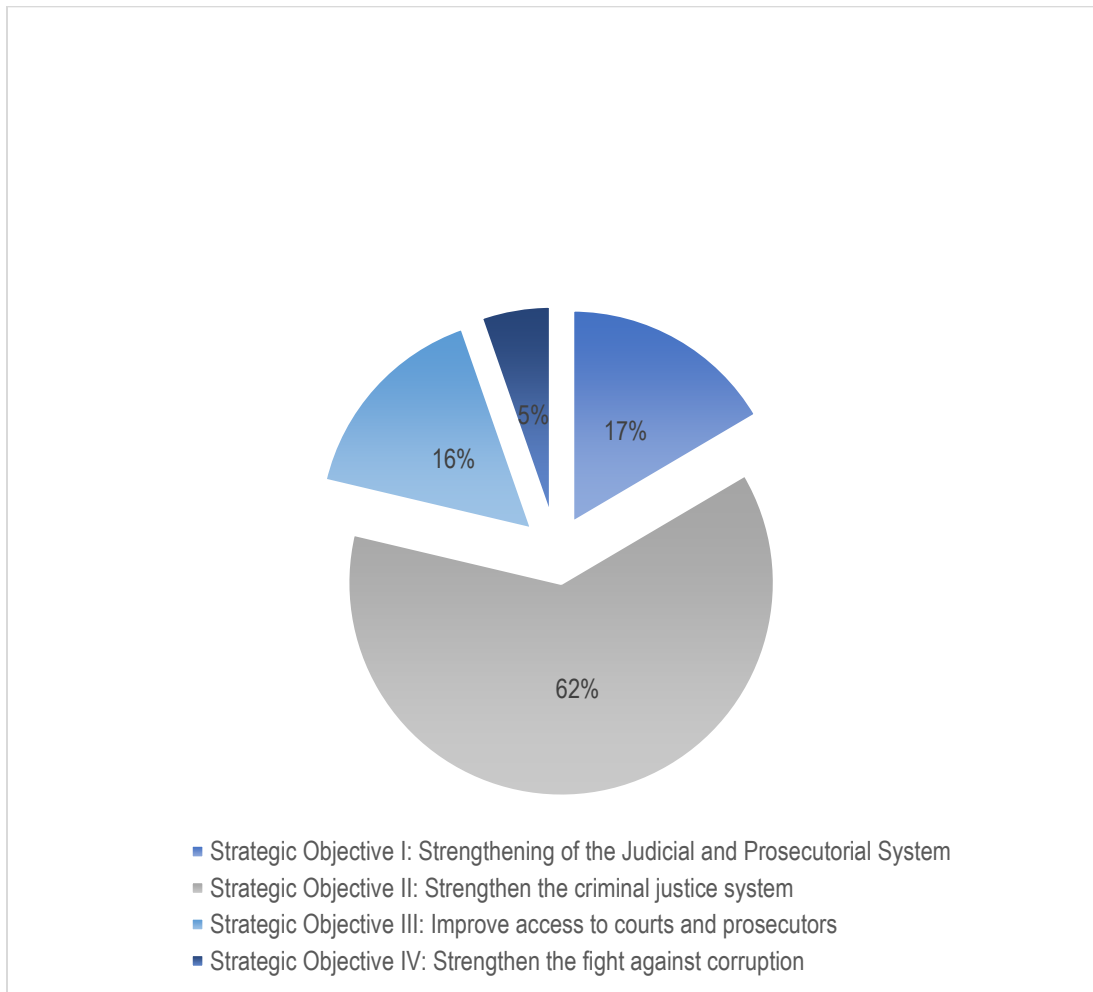


Figure 5: Percentage share of estimated cost by strategic objectives

Looking from a budget classification perspective, respectively from the perspective of economic categories, the cost implications of the recommendations fall mostly under the category of ‘wages and salaries’, followed by ‘goods and services’, and both of these two categories fall under

‘recurrent spending’. The next table provides more detailed information on indicative costing, as per economic budget categories.

In this context, from the factual background costing data, we can conclude the following:

- During 2021, the estimated cost of implementation of the action plan is **2,873,346 EUR**
- During 2022, the estimated cost of implementation of the action plan is **11,230,172 EUR**
- During 2023, the estimated cost of implementation of the action plan is **9,412,912 EUR**
- Majority of cost falls under the category of ‘wages and salaries’, specifically **13,644,651 EUR** which accounts for approximately 58% of the total cost of implementation
- Total estimated cost under the category ‘goods and services’ is **9,817,979 EUR**, which subsequently accounts for approximately 42% of the total cost of implementation
- Total estimated cost under the category ‘Utilities’ is **13,800 EUR**
- Total estimated cost under the category ‘Capital spending’ is **40,000 EUR**

Table 6: Distribution of cost estimates by economic categories of the Action Plan for the period 2021-2023 of the Rule of Law Sector Strategy

Economic categories	2021	2022	2023	Total
Wages and Salaries	1,473,236	6,250,632	5,920,782	13,644,651
Goods and Services	1,397,350	4,975,400	3,445,229	9,817,979
Utilities	2,760	4,140	6,900	13,800
Subsidies and Transfers	-	-	-	-
Capital spending	-	-	40,000	40,000
TOTAL	€ 2,873,346	€ 11,230,172	€ 9,412,911	€ 23,516,430

In the below table it is shown an overview of the distribution of estimated cost of the Action Plan of the Rule of Law Sector Strategy by strategic objective and specific goal:

Table 7: Detailed overview of estimated cost distribution by strategic objectives and goals of the Strategy / Action Plan

Strategic objectives of the Action Plan (2021-2023)	2021	2022	2023	Σ
Strategic objective I: Strengthening the Judicial and Prosecutorial System	551,320	2,144,848	1,188,883	3,885,051
Specific goal I.1: Increasing the accountability of the Judicial and Prosecutorial System	38,285	406,429	249,796	694,510
Specific goal I.2: Increasing the efficiency of the judicial and prosecutorial system	332,886	1,533,880	794,080	2,660,846
Specific goal I.3: Increasing professionalism and competence in the judicial and prosecutorial system	51,323	95,423	59,065	205,811
Specific goal I.4: Improving the integrity of judges and prosecutors	128,826	109,115	85,942	323,884
Strategic objective II: Strengthen the criminal justice system	485,539	7,259,299	6,876,015	14,620,853
Specific goal II.1: Empowerment of the fight against organized crime and high-level corruption	39,446	36,761	31,115	107,322
Specific goal II.2: Increase professionalism in the fight against organized crime, high-level corruption and money laundering	90,704	75,350	75,350	241,404
Specific goal II.3: Strengthening the System for the Execution of Criminal Sanctions	190,378	32,737	23,864	246,980
Specific goal II.4: Strengthening the integrity of the Kosovo Police	165,012	7,114,451	6,745,685	14,025,148
Strategic objective III: Strengthening of Access to Justice	1,354,218	1,301,618	1,100,861	3,756,698
Specific goal III.1: Improving access to courts and prosecutions	224,245	236,042	231,151	691,438
Specific goal III.2: Increasing the efficiency and effectiveness of legal remedies	259,115	231,031	283,592	773,738
Specific goal III.3: Improving the provision of services by free professions	644,883	632,091	365,663	1,642,638
Specific goal III.4: Increasing cooperation and coordination with civil society	69,634	69,634	87,634	226,903
Specific goal III.5: Strengthening the role of the Ministry of Justice	156,340	132,821	132,821	421,981
Strategic objective IV: Strengthening the fight against corruption	482,269	524,407	247,152	1,253,828
Specific goal IV.1: Improving institutional framework against corruption	429,274	486,029	230,322	1,145,625
Specific goal IV.2: Improving assets declaration system and regulations on acceptance of gifts	52,995	38,378	16,830	108,203
Grand totals (I+II+III+IV):	2,873,346	11,230,172	9,412,912	23,516,430

7.0. ACTION PLAN AND IMPLEMENTATION OF THE DOCUMENT

Attached document is in Excel format