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# **KOSOVO TO EU: RULE OF LAW BAROMETER**

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Indicators presented in this report are taken from EU Progress Reports and Visa Liberalisation Roadmap for Kosovo, and project monitoring. The data presented here are also available in the project website “Kosovo to EU: Rule of Law Barometer”: <http://kosovo-eubarometer.com/en/project?> The barometer is a tool to evaluate and monitor Kosovo institutions delivery in EU requirements through development of objective, factual and measurable indicators.

## I. Democracy, Functioning of Democratic Institutions and Rule of Law

Area	Actions that need to be undertaken (Indicators)	What has been done so far  Indicators are taken from EU Progress Reports and Visa Liberalisation Roadmap for Kosovo, and project monitoring	Recommendations
<p><b>1) Democracy, functioning of democratic institutions and Rule of Law;</b></p>	<p><b>1. 1.</b> The government, in close cooperation with the Assembly, still needs to improve its capacity to verify and confirm <i>acquis</i> compliance of legislation;</p>	<p><b>1.1 (a)</b> In some policy areas, the existing legislation is already in line with the essential elements of the EU <i>acquis</i>;</p> <p><b>1.1 (b)</b> The government has improved compliance with rules of procedure. It introduced an <i>acquis</i> compliance table and concept papers, which by EU was considered a step forward;</p> <p><b>1.1 (c)</b> Ministry of European Integration (MEI) has drafted the Regulation No. 02/2015 on the process of translating the EU <i>acquis</i> in the official languages of the Republic of Kosovo. Through this regulation, MEI envisions harmonizing the process of translating the <i>acquis</i>, by unifying all the procedures, the format as well as the legislation terminology. This Regulation has entered into force in February 2015;</p>	<p><b>1.1 (b)</b> The introduction of an <i>acquis</i> compliance table and concept papers is a step forward and needs to be used systematically including financial Statements; Draft laws and amendments to legislation need better screening in order to ensure harmonizing of laws with the EU <i>acquis</i> by translating the <i>acquis</i>, unifying all the procedures, the format as well as the legislation terminology;</p> <p><b>1.1 (c)</b> Ministry of European Integration (MEI) should start to implement the Regulation No. 02/2015 on the process of translating the EU <i>acquis</i> as soon as possible;</p>

		<p><b>1.1 (d)</b> In 2013, the government of the Republic of Kosovo has approved 64 draft laws and 66 sublegal acts. With regard to legal approximation, Ministry of European Integration (MEI) has assessed in total 87 legal and sublegal acts for compliance with the <i>acquis</i> or 67% and has in turn provided Legal Opinions in compliance with the legislation in force;</p> <p><b>1.1 (e)</b> A group of eighteen participants from different central level institutions that actively participated in (ToT) Training of Trainers on Legal Harmonization and the use of Tables of Compliance were certified on 14 May 2014. In June 2014, the first training session for officials of relevant public institutions officially commenced;</p> <p><b>1.1 (f)</b> The Ministry of Local Government Administration (MLGA) in July 2014 has drafted the Dictionary of fundamental terminology related to the process of European integrations and the document on — Harmonization of Kosovo’s legislation with the EU legislation;</p> <p><b>1.1 (g)</b> Three officials from the Ministry of Agriculture, Forestry, and Rural Development (MAFRD) were trained in Kosovo Institute for Public Administration on approximation of legislation with <i>acquis</i>; Data for other ministries are missing. Will be updated accordingly;</p>	<p><b>1.1 (d)</b> Ministry of European of Integration (MEI) needs to ensure all legal and sublegal acts are assessed for compliance with <i>acquis</i>. Better screening of draft legislation is needed to ensure alignment with the <i>acquis</i>;</p> <p><b>1.1 (e)</b> The Ministry of European Integration (MEI) should conduct other trainings on need basis for relevant public officials on Legal Harmonization and the use of Tables of Compliance , to ensure a more swift understanding and adoption of the EU <i>acquis</i>;</p> <p><b>1.1 (g)</b> The Government should make sure that all relevant public officials working in harmonization and adoption of EU <i>acquis</i> should attend trainings on the subject, to make sure a better and more efficient adoption of the <i>acquis</i>;</p>
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<p><b>1) Democracy, functioning of democratic institutions and Rule of Law;</b></p>	<p><b>1.2.</b> Further efforts are needed to improve implementation of legislation, accountability and transparency of government including at municipal level;</p>	<p><b>1.2 (a)</b> The Kosovo government has increased its capacity to address priorities of the European integration process and remained committed to the EU-facilitated dialogue with Serbia;</p> <p><b>1.2 (c)</b> Steps have been taken to improve the Assembly’s oversight of the government, alignment of legislative plans between the Assembly and the government. The Assembly has been undertaking activities to scrutinise the work of the government, notably as regards the results of the dialogue between Belgrade and Pristina;</p> <p><b>1.2 (d)</b> During the reported period the Government has submitted 6 (six) written reports to Assembly’s Security Committee. The Assembly Committees also initiated the monitoring of implementation of 13 laws and plans to review 30 reports submitted by independent institutions;</p> <p><b>1.2 (e)</b> Budget transparency improved further and the Ministry of Finance started publishing quarterly information on government debt level and structure on its website;</p>	<p><b>1.2 (a)</b> The Kosovo government needs to enhance its efforts to address the criteria noted in feasibility study and the recently signed Stabilisation and Association Agreement (SAA);</p> <p><b>1.2 (a)</b> The government still needs to work on developing the capacities to implement mid and long-term level priorities from the feasibility study and for the recently signed Stabilisation and Association Agreement;</p> <p><b>1.2 (b)</b> All Kosovo institutions must fulfil their share of obligation towards full implementing of legislation;</p> <p><b>1.2 (c)</b> The government needs to ensure adequate participation in the work of the Assembly. Oversight of the government needs to be improved, including follow-up to committee recommendations to ministries to make sure that the recommendations made by the committees are addressed and when appropriate adopted;</p>
<p><b>1) Democracy, functioning of democratic institutions and Rule of Law;</b></p>	<p><b>1.3.</b> Ministries need to improve their follow-up to requests from parliamentary committees including reporting of ministries on visa liberalization</p>	<p><b>1.3 (a)</b> The members of the government still fail to attend parliamentary question sessions or relevant meetings of parliamentary committees. The practice of ministers reporting to the Assembly</p>	

	<p>requirements;</p>	<p>committees increased. The number of staff supporting the committees has gone up. The Assembly increased the number of consultations with civil society and the public through hearings;</p> <p><b>1.3 (b)</b> With regard to activities undertaken for coordination of strategic planning, namely the supervision of the process of drafting the strategies foreseen in the 2014 Annual Plan for Strategic Documents (APSD), the Office of Strategic Planning provided guidance and support with the aim of fulfilling the 2014 APSD. The Government initially had planned to draft and approve 18 strategic documents during the first half of 2014; however, out of seven (7) strategic documents that were adopted during this first half of 2014, four (4) were foreseen and included in the 2014 APSD and only (three) 3 strategic documents were approved during the reporting period;</p> <p><b>1.3 (c)</b> On 28 August 2014, The Kosovo Secretariat for Visa Liberalization drafted a plan for addressing the recommendations that derive from the Commission's report. The plan was drafted in cooperation with all implementing institutions involved and it focuses on concrete measures that will be undertaken in the second half of 2014;</p>	<p><b>1.3 (a)</b> Members of government should attend all parliamentary question sessions or relevant meetings of parliamentary committees. The Assembly needs to further develop standards for public consultation and its committees need to apply them consistently when conducting hearings; Good communication with the Assembly, including regular responses of the government to parliamentary questions and strong inter-ministerial coordination is key in this regard;</p> <p><b>1.3 (b)</b> All strategic documents should be in line with the ministries' annual planning;</p> <p><b>1.3 (c)</b> All Kosovo institutions must enhance their efforts to fulfil as soon as possible all criteria deriving from Visa Liberalisation Roadmap;</p> <p><b>1.3 (d)</b> The coordination between the Assembly committees and ministries must further improve in this legislature;</p> <p><b>1.3 (e)</b> Kosovo's Assembly should publish in its official website all the minutes of parliamentary committees in timely manner, including the transcripts of the plenary sessions;</p>
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<p><b>1) Democracy, functioning of democratic institutions and Rule of Law;</b></p>	<p><b>1.4.</b> The Assembly and its institutions need to focus on priorities identified in the feasibility study, including oversight and control functions;</p>	<p><b>1.4 (a)</b> Following feasibility study recommendations, until June 2014 before the national elections the Assembly modified the articles of the Criminal Code on criminal liability of the media and the protection of journalists' sources. The International Agreement between the Republic of Kosovo and the European Union on the European Union Rule of Law Mission in Kosovo along with the Law amending Laws Related to the Mandate of the European Union Rule of Law Mission in the Republic of Kosovo were adopted by the Kosovo Assembly in April 2014;</p> <p><b>1.4 (b)</b> In the area of electoral reform, the Assembly of Kosovo has amended the Draft Law on General Elections. On April 3, 2014 this draft law was approved in the first reading of the Assembly;</p>	<p><b>1.4 (a)</b> Assembly should adopt the Law on Minor Offences, which is important as it will dismiss the volume of court cases by installing review mechanisms within institutions that initiate misdemeanor proceedings in court;</p> <p><b>1.4 (b)</b> Following the priorities identified in the feasibility study related to electoral reform, the Assembly and the other mandated institutions should complete the rest of the electoral reform as soon as possible;</p>



		<p><b>1.4 (c)</b> Regarding the financial and administrative independence of the Assembly as noted in the feasibility study, in the Law on Management of Public Financial and Accountability there are no provisions that oblige the Ministry of Finance, respectively the Government, to seek the opinion of the Assembly when reviewing financial requests of budgetary organizations or the Assembly's budgetary request itself. However, during the phase of budgetary hearings the Ministry of Finance always invites the Budget and Finance Committee of the Assembly to participate in all budgetary hearings.</p> <p>Committee for Budget and Finances estimates that until there are no legislative changes, the review and approval issue of the draft budget of the Assembly of Kosovo, including salaries and compensations for staff of Assembly administration (but also of other budgetary organizations), shall be carried out based on the legal framework in force, namely the Law on Management of Public Finances and Accountability, Rules of Procedure of the Assembly and Regulation on Working Hours and Compensations for Civil Servants of the Assembly Administration;</p> <p><b>1.4 (d)</b> Assembly of the Republic of Kosovo has a clear mandated constitutional and legal framework on reviewing,</p>	<p><b>1.4 (c)</b> Following the priorities identified in the feasibility study, legislative changes related to the issue of the draft budget of the Assembly of Kosovo, including salaries and compensations for staff of Assembly administration should be initiated, in order to establish the financial and administrative independence of the Assembly;</p> <p><b>1.4 (e)</b> The Assembly should further increase its oversight role of government by increasing the number of</p>
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		<p>approving and overseeing the implementation of legislation and executive policies. This mandate is in large measure with and exercised through permanent and functional committees. In accordance to this mandate and obligations under the actions planned for the integrated agenda, the Assembly has increased oversight of the executive by monitoring the implementation of laws and policies of government;</p> <p><b>1.4 (e)</b> The Assembly has increased the number of thematic parliamentary debates and interpellations of ministers. Government has a good communication with the Assembly, including regular replies to parliamentary questions and strong inter-ministerial coordination;</p> <p><b>1.4 (p)</b> Assembly has delayed the appointments of board members for independent institutions, regulatory authorities and agencies. Following this, these institutions and authorities are almost dysfunctional;</p> <p><b>1.4 (f)</b> The Assembly has been undertaking activities to scrutinise the work of the government, notably as regards to the results of the dialogue between Belgrade and Pristina; However, although the scrutiny of the work of the Government by</p>	<p>thematic parliamentary debates and interpellations of ministers ;</p> <p><b>1.4 (p)</b> The Assembly should supervise independent institutions, regulatory authorities and agencies more closely, based on a clear mandate and with suitable reporting and accountability mechanisms. Also the delayed appointments in the selection of board members for these institutions and authorities need to be made on the basis of professional qualifications and merit, not political patronage;</p> <p><b>1.4 (f)</b> All the ministers of government should be made accountable by attending the parliamentary debates and interpellations regarding their respective topics;</p> <p><b>1.4 (g)</b> Following its constituency the new Assembly must assess the work of government particularly the new agreements resulting from the Belgrade-Prishtina dialogue. It should, especially, focus on the time during which the assembly was not functional as a result of the election process;</p> <p><b>1.4 (g)</b> The new Assembly should strengthen its oversight of the executive and the legislative process and implement standards for consultations with civil society. The input from civil society needs to be systematically sought and</p>
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		<p>the Assembly has increased, the results have been minimal;</p> <p><b>1.4 (g)</b> The Assembly made progress on oversight of the executive and consultation with civil Society. Additionally the Assembly recruited an NGO liaison officer to enhance its cooperation with the civil society. As regards government, some progress was made in improving cooperation with civil society;</p> <p><b>1.4 (f)</b> The fifth legislature, constituted in December 2014, till beginning of November 2015, has adopted 31 laws, whilst 34 laws are in procedure;</p> <p><b>1.4 (g)</b> The Assembly successfully adopted the constitutional amendments and legislation required for the establishment of Specialist Chambers and a Specialist Prosecution Office to investigate allegations of international crimes committed during and after the 1999 conflict;</p> <p><b>1.4 (i)</b> Several important laws, including on the judiciary and human rights, were enacted, all of which was adopted under fast-track procedure. This limited the possibility for parliamentary debate, which is a matter of concern;</p>	<p>followed up by government. The government’s strategy for cooperation with civil society needs to be fully implemented and monitored effectively;</p> <p><b>1.4 (f)</b> Fifth legislature of Kosovo’s Assembly should further put efforts on adopting draft laws foreseen in Annual Work Plan of Assembly for year 2015. The Assembly administration needs to strengthen its technical capacity to support effective policy-making and improve scrutiny of draft legislation;</p> <p><b>1.4 (i)</b> Kosovo’s Assembly should enhance parliamentary debate and also parliamentary checks and balances over budgetary control needs to improve;</p>
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## II. Preventing and Combating Organized Crime and Corruption

Area	Actions that need to be undertaken (Indicators)	What has been done so far	Recommendations
<p><b>2) Preventing and Combating Organized Crime and Corruption (under block Public Order and Security)</b></p>	<p><b>2.1.</b> Adopt legislation on the prevention, investigation, prosecution and adjudication of organised crime and corruption, including money-laundering, economic and financial crime, asset confiscation and recovery;</p>	<p><b>2.1 (a)</b> The Law amending the Law on Courts, the Law on State Prosecutor and the Law on Kosovo Prosecutorial Council, were approved by the Kosovo Assembly on 28 May 2015. On the other hand, the Law on Special Prosecution of the Republic of Kosovo (SPRK) has not yet been amended. Lastly, the Law on Minor Offences is also to be adopted, as it has been foreseen to decrease the volume of court cases by installing review mechanisms within institutions that initiate misdemeanour proceedings in court;</p> <p><b>2.1 (b)</b> The legal framework on anticorruption has been consolidated with amendment of three laws, Law on financing of political parties; Law on Declaration, Origin and Control of the Property of Senior Public Officials and Declaration, Origin and Control of Gifts for all Official Persons; and Law on Prevention of Conflict of Interest in the Exercise of Public Functions. These laws are in line with provisions of</p>	<p><b>2.1 (a)</b> Amend legislation and foresee the establishment of a judicial police for Special Prosecution of the Republic of Kosovo (SPRK) in order to improve the prosecution of high profile cases;</p> <p><b>2.1 (a)</b> Adopt the Law on Minor Offences, which is important as it will dismiss the volume of court cases by installing review mechanisms within institutions that initiate misdemeanour proceedings in court;</p> <p><b>2.1 (b)</b> The legal framework in the field of asset confiscation foresee confiscation only after the final judgment. Therefore, in <i>rem</i> proceeding confiscation or anti-mafia law (already initiated by previous legislative body) should be considered as an option;</p>

		<p>the Criminal Code, ensuring that corruption related offences are criminalized. In order to complete the legal framework in the field of asset confiscation, on 14 January 2014, Chief State Prosecutor adopted the Administrative Instruction on the implementation of legal provisions in regards to freezing, seizure and confiscation of assets;</p> <p><b>2.1 (c)</b> In February, the Assembly adopted a new anti-corruption strategy and action plan (2013-2017); The implementation of the anti-corruption strategy and action plan fails to generate effective results, due to weak political support;</p> <p><b>2.1 (d)</b> The policy framework has also been further consolidated through adoption by Kosovo Prosecutorial Council (KPC) of the Action Plan on Fighting Corruption on 4 November 2013. It addresses the findings of the assessment and evaluation of the current cases in all basic prosecution</p>	<p><b>2.1 (c)</b> Implement anti-corruption strategy and action plan (2013-2017). The Anti Corruption Agency (ACA)'s oversight function regarding the implementation of the strategy should be strengthened including division of appropriate budget for each institution to implement the strategy and action plan;</p> <p><b>2.1 (d)</b> Implement Kosovo Prosecutorial Council (KPC) Action Plan on Fighting Corruption in order to enhance the effectiveness of prosecutions and convictions. Enhance the measuring of performance for prosecutors in order to strengthen the fight against serious crimes;</p>
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		<p>offices and Special Prosecution of Republic of Kosovo (SPRK). It also obliges all prosecutors to tackle all corruption cases received until mid-2014, and provides for disciplinary measures against all prosecutors and supporting staff in cases of subjective negligence or failure to exercise their prosecutorial obligations deriving from it;</p> <p>In the local level (Peja and Gjakova region), corruption cases are solved in accordance with this action plan;</p> <p>In year 2014, from the total of solved cases that included 1011 persons, the prosecutions issued indictments against 471 persons or 47% and dismissed/closed criminal reports and terminated investigation against 545 persons or 54%; As regards first half of year 2015, from the total of solved cases ( 128 cases) that included 301 persons, the prosecutions issued indictments against 185 persons or 61% and dismissed/closed criminal reports and terminated investigation against 116 persons or 39%;</p> <p><b>2.1 (e)</b> With regard to subsidiary legislation, Anti-</p>	
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		<p>Corruption Agency (ACA) has adopted a regulation no. 01/2014 on the Rules of Procedure of the ACA. This regulation meets provisions of the laws in relation to the mandate of the Agency against Corruption and declaration of assets by senior officials;</p> <p><b>2.1 (f)</b> Major reforms of the new Criminal Procedure Code concern elimination of the possibility of corruption by improving control and balance of parties involved in the criminal procedure; improvement of the process of investigating complex crimes (including through accurate definition of secret investigation measures, interceptions, simulations and obtaining financial data at early stages of the criminal procedure); improvement of procedural efficiency (including through elimination of the indictment confirmation procedure); regulation and precise definition of competencies and cooperation of the police with the prosecutor; definition of a formal investigation stage with more rights for the defendant; improving the rules to take testimonies at the pre-trial procedure; clarification of the rules for obtaining expertise from</p>	
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		<p>external experts of all areas. These reforms have created conditions for better and more sustainable evidence in the procedure as well as setting of more prudent rules for protection of defendants under detention;</p> <p><b>2.1 (g)</b> Kosovo has so far made considerable progress in strengthening the legal and strategic framework in combating organized crime. The package of six main laws that entered into force on 1 January 2013 (Laws on Courts, State Prosecution, Kosovo Judicial Council (KJC), Kosovo Prosecutorial Council (KPC), as well as the Criminal and Criminal Procedure Codes) brought about significant changes and in depth reforms in the justice system in Kosovo, therefore also completing the legal infrastructure in the area of criminal justice and avoiding legal gaps and shortcomings.</p> <p>The strategic framework in the fight against organized crime has been further strengthened through the adoption of the Strategy and Action Plan on Prevention of Informal Economy, Money Laundering, Financing of Terrorism and Financial Crime in January 2014;</p>	
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		<p><b>2.1 (h)</b> The action plan for the strategy for the prevention of money laundering is incorporated into the national strategy document of the Republic of Kosovo to prevent and combat the informal economy, money laundering, terrorist financing and financial crimes 2014-2018 adopted in January 2014;</p> <p><b>2.1 (i)</b> In 2013, some secondary legislation accompanying the Law on Witness Protection was adopted i.e, the Administrative Instruction on changing the identity of the protected person, and the Administrative Instruction on managing the special fund for witness protection, both signed in 27 September 2012;</p> <p><b>2.1 (j)</b> The International Agreement between the Republic of Kosovo and the European Union on the European Union Rule of Law Mission in Kosovo along with the Law amending Laws Related to the Mandate of the European Union Rule of Law Mission in the Republic of Kosovo were adopted by the Kosovo Assembly in April 2014. The new mandate of EULEX foresees that all new</p>	
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		cases will be headed by Kosovo officials, meaning that EULEX will now deal only with the cases received before 15 July, 2014 and upon request by locals;	
<b>2) Preventing and Combating Organized Crime and Corruption (under block Public Order and Security)</b>	<b>2.2</b> Ensure that amendments to this legislation are in line with the EU Acquis and are reflected in the criminal code;	<p><b>2.2 (a)</b> Kosovo has completed the necessary policy framework in the area of fight against corruption. These policies are in line with the EU standards and relevant <i>acquis</i>;</p> <p><b>2.2 (b)</b> Ministry of European Integration (MEI) has drafted the Regulation on the process of translating the EU <i>Acquis</i> in the official languages of the Republic of Kosovo. Through this regulation, MEI envisions to harmonize the process of translating the <i>acquis</i>, by unifying all the procedures, the format as well as the legislation terminology. This Regulation entered into force in February 2015. Moreover, the group of eighteen participants from different central level institutions that actively participated in (ToT) Training of Trainers on Legal Harmonisation and the use of Tables of Compliance were certified on 14 May 2014. In June 2014, the first training session for officials of relevant public institutions officially commenced;</p>	<p><b>2.2 (a)</b> The introduction of an <i>acquis</i> compliance table and concept papers is a step forward and needs to be used systematically including financial Statements;</p> <p><b>2.2 (b)</b> Draft laws and amendments to legislation need better screening to ensure harmonizing the process of translating the <i>acquis</i>, by unifying all the procedures, the format as well as the legislation terminology. Ministry of European Integration should implement as soon as possible;</p>

		<p><b>2.2 (c)</b> Kosovo has completed the necessary policy framework in the area of fight against corruption. These policies are in line with the EU standards and relevant <i>acquis</i>;</p> <p><b>2.2 (d)</b> The legal framework on anticorruption that has been consolidated with amendment of three laws, Law on financing of political parties; Law on Declaration, Origin and Control of the Property of Senior Public Officials and Declaration, Origin and Control of Gifts for all Official Persons; and Law on Prevention of Conflict of Interest in the Exercise of Public Functions, are in line with provisions of the Criminal Code, ensuring that corruption related offences are criminalized;</p>	<p><b>2.2 (c)</b> The Government should make sure that all relevant public officials working in harmonization and adoption of EU <i>acquis</i> should attend trainings on the subject, to make sure a better and more efficient adoption of the <i>acquis</i>;</p> <p><b>2.2</b> Kosovo's law on conflicts of interest has yet to be revised. The scope of the law should not exclude certain categories of public officials such as political advisers, but instead define public officials in line with European standards. Equally, the law should indicate exact circumstances in which public officials may take on additional employment and appointments;</p>
<p><b>2) Preventing and Combating Organized Crime and Corruption (under block Public Order and Security)</b></p>	<p><b>2.3.</b> Implement the above mentioned legislation on the prevention, investigation, prosecution and adjudication of organised crime and corruption, including money-laundering, economic and financial crime, asset confiscation and recovery;</p>	<p><b>2.3 (a)</b> Regarding the institutional capacities of Prosecution Offices to fight corruption, on 18 November 2013, the Chief State Prosecutor appointed one of his prosecutors as a national coordinator in charge of monitoring and supervising prosecution offices for implementation of the AP referred to above. Moreover, the number of prosecutors in charge of tackling corruption cases increased from 13 to 40; However, Kosovo still needs to</p>	<p><b>2.3 (a)</b> While there are significant improvements in criminal charges increased at the overall prosecution level, the cases mainly dealing with petty crime corruption cases continue to shift attention away from the need for Kosovo to investigate indict and sentence high profile cases of corruption;</p>

		<p>strengthen the capacities and structure to have specialised state prosecutors to fight corruption;</p> <p><b>2.3 (b)</b> On 20 January 2014, the Chief State Prosecutor established the verification and supervision Committee in charge of compiling the data with regard to implementation of the Action Plan. On 25 February 2014, the Kosovo Prosecutorial Council (KPC) approved the report of the Committee, together with the findings and recommendations;</p> <p><b>2.3 (c)</b> In November, the Kosovo Prosecutorial Council approved a strategic plan for inter-institutional cooperation for fighting corruption and organized crime;</p> <p><b>2.3 (d)</b> With regard to the court structure, following the results of 2013 in the fight against corruption and the Kosovo Judicial Council (KJC) decision of 2012 to prioritise the corruption cases, the KJC adopted an additional decision to establish a Committee to oversee the work of judges in corruption cases. As a result, the quarterly statistical report of the KJC (covering the period Jan – March 2014) indicates a</p>	<p><b>2.3 (a)</b> The prosecutorial services should seek to strengthen the legislation for the Special Prosecution of the Republic of Kosovo (SPRK). The prosecutorial services may use the example of Croatia’s Law on USKOK by amending the Law of the SPRK to include a clear mandate for Kosovo special prosecutors, draft a unique legal framework by including the structure and composition of the SPRK with clear-cut management and organizational structure. The Government of Kosovo should seek to double the funds for SPRK to €1,120,000.00 (from current €593,000.00) in order to strengthen the prosecutorial capacities that should fight high profile corruption cases;</p> <p><b>2.3 (b)</b> The performance of prosecutors should be measured on regular basis;</p> <p>Enhance the measuring of performance for prosecutors in order to strengthen the fight against serious crimes;</p> <p><b>2.3 (c)</b> Implement the strategic plan of Kosovo Prosecutorial Council for inter-institutional cooperation for fighting corruption and organized crime by also organising high level meetings to monitor the</p>
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		<p>substantial increase of efficiency in the court structure in the cases against corruption;</p> <p><b>2.3 (e)</b> In order to complete the legal framework in the field of asset confiscation, on 14 January 2014, Chief State Prosecutor adopted the Administrative Instruction on the implementation of legal provisions in regards to freezing, seizure and confiscation of assets. However, the effectiveness of the system could be further improved. The Agency for Administration of Sequestered or Confiscated Assets (AMSCA's) budget and staff has been increased if compared to previous year. However, full infrastructure capacities of the AMSCA remain a challenge once confiscations after court ruling start;</p> <p><b>2.3 (f)</b> In order to guarantee <i>implementation</i> of the agreement and the new mandate of EULEX, the Law on Witness Protection was amended. Also, a set of legal acts of secondary legislation was adopted and some inter-institutional agreements were concluded;</p> <p><b>2.3 (g)</b> In order to continue with implementation of the legislation in force in the field of witness protection, a Standard Operating Procedure</p>	<p>implementation of the strategic plan;</p> <p><b>2.3 (d)</b> The performance of judges should be measured on regular basis and there should be disciplinary consequences for judges failing to meet required performance level;</p> <p><b>2.3 (e)</b> Kosovo's new government needs to consider increasing further the budget of the Agency for Administration of Sequestered or Confiscated Assets (AMSCA's) in order for this body to be able to fulfil properly its mandate. Also trainings to increase the staff expertise should be taken into account;</p> <p><b>2.3 (g)</b> Kosovo should consider the international relocation of witnesses in sensitive cases;</p>
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		<p>(SOP) on completion of the programme foreseen by the law on Witness Protection was signed in June 2014. With the aim of enhancing capacities in the field of witness protection, during the reporting period 8 trainings were delivered to 33 participants dealing with witness protection. Witness protection officials also participated in an advanced training on international cooperation organized in the Netherlands, which resulted in EUROPOL granting membership for the Witness Protection Directorate (WPD) to access its witness protection expert platform;</p> <p><b>2.3 (h)</b> A network of prosecutors continue to work on corruption cases under the supervision of a national coordinator for the implementation of the action plan on increasing the effectiveness of the prosecutorial system. the National Coordinator Against Corruption informs the public on a monthly basis with the achievements in the implementation of Action Plan for Increasing the Efficiency of the Prosecutorial System in Fighting of Corruption. From 1<sup>st</sup> May to 31 until July 2014, Kosovo Judicial Institute (KJI) provided training session for judges and prosecutors on anticorruption;</p>	
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<p><b>2) Preventing and Combating Organized Crime and Corruption (under block Public Order and Security)</b></p>	<p><b>2.4.</b> Adopt legislation on the prevention, investigation and prosecution of trafficking in human beings;</p>	<p><b>2.4 (a)</b> In July 2013, the Law on Prevention and Fight against Trafficking in Human Beings and Protection of Victims was adopted. A National Anti-trafficking Coordinator cooperates with respective authorities and civil society. Also, the Kosovo Criminal Code has a specific chapter on fighting trafficking;</p> <p><b>2.4 (b)</b> In May 2015, the new Strategy for Combating Trafficking in Human Beings and Action Plan 2014-2019 was approved by government;</p> <p><b>2.4 (c)</b> A Law on Crime Victim Compensations has been drafted and approved in May 2015;</p>	<p><b>2.4 (b)</b> Before implementing the new strategy against trafficking, it is necessary a detailed assessment of the implementation of the former strategy and action plan against trafficking in human beings (2011-14), in order for the new strategy to succeed;</p> <p><b>2.4 (c)</b> Implement the newly adopted Law on Crime Victim Compensations, as Kosovo institutions have denied so far any compensation to victims of crimes including victims of trafficking in human beings;</p> <p>Responsible institutions mandated to fight trafficking in persons must ensure full implementation of legislation on trafficking in persons and the newly adopted Law on Compensation of Crime Victims including compensation to trafficking victims denied for the last decade and more for Kosovo victims;</p> <p><b>2.4 (d)</b> Ensure a sustainable funding for the program on crime victim compensations, foreseen in the Law on Crime Victim Compensations;</p> <p><b>2.4 (e)</b> Ensure proper support and assistance to victims of</p>
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			trafficking in human beings, in order to identify properly victims of trafficking, offer longer term protection and reintegration of victims in the society and issue appropriate convictions for traffickers including of sentencing of officials complicit in trafficking (in accordance to the US State Department Report on Trafficking in Persons, 2013);
<b>2) Preventing and Combating Organized Crime and Corruption (under block Public Order and Security)</b>	<b>2. 5.</b> Implement anti-trafficking legislation on proactive investigations and prosecutions of Trafficking in Human Beings (THB) including of developing a tracking mechanism for adequate sentencing in accordance to the applicable law;	<p><b>2.5 (b)</b> With the aim of completing the legal framework, as well as implementation and enforcement for prevention and fighting of Trafficking in Human Beings (THB), the Administrative Instruction (AI) on NGO Licensing was adopted on December 2013, regulating licensing of NGOs for housing THB and domestic violence victims. Even though, Kosovo had the Law on Family and Social Services as of 2005 that foresaw the role of the Ministry of Labour and Social Welfare to license NGO's that provide services for victims. However, the legislation was not implemented. Also the legislative framework concerning trafficking in Human Beings, Arms and Drug has been completed;</p> <p><b>2.5 (c)</b> Kosovo institutions have made progress in terms of improving conditions for rehabilitation of Trafficking in Human Beings (THB) victims.</p>	<p><b>2.5 (b)</b> Kosovo needs to focus on implementing the Law on Preventing and Combating Trafficking in Human Beings, especially with regard to compensation for victims and sustainable funding for shelters. A comprehensive, multi-disciplinary and victim-oriented approach to trafficking needs to be developed and the identification of victims needs to be further improved;</p> <p><b>2.5</b> Sufficient funding and resources must be ensured for all shelters of trafficking victims. Specialized trainings for the responsible staff engaged on victim's protection, rehabilitation and reintegration should be conducted on need basis. Based on implementation of the victim compensation law, victims should be also provided with sufficient monetary support for their longer-term reintegration;</p>



		<p>In this regard, the Ministry of Labour and Social Welfare (MLSW) manages a Special Temporary Shelter which provides shelter and rehabilitation to all victims. Furthermore, during the year 2014, the Kosovo Police (KP) has identified 42 victims of trafficking and, during the first quarter of 2015, 7 victims. Victims were then sent to the respective shelters;</p> <p><b>2.5 (d)</b> With regard to the statistics on fighting Trafficking in Human Beings (THB), 66 cases against 181 persons were under investigation in 2014 During 2014, prosecutors have solved criminal charges for 56 persons for offenses of human trafficking group, from whom charges were dismissed/closed and the investigation was terminated for 18 persons, whilst 38 persons were indicted. Regarding these indictments, courts have taken decisions for 25 persons, from whom 24 persons were found guilty and 1 person was acquitted. Cases against 13 persons still remain in procedure. As regards to first half of year 2015, prosecutors have solved criminal charges for 12 persons for offenses of human trafficking group, from whom charges were</p>	<p><b>2.5 (c)</b> Conduct other trainings on need basis; Other stakeholders such as the border police, labour inspectors and prosecutors need to be trained on existing standard operating procedures and also enhance their capacities to identify and assist child victims of trafficking in begging;</p> <p><b>2.5 (d)</b> Develop an effective mechanism to track cases of trafficking in human beings and ensure the new protection provisions established in the September 2013 law are fully implemented;</p> <p><b>2.5 (d)</b> Improve the track record on investigation, prosecution and judgment of trafficking in persons offenses. Also, the sentences issued should be in accordance to the provisions foreseen by the Kosovo legislation and not be left to the discretion of judges to interpret as per their own will. Traffickers of young girls and women should be issued appropriate sentences and punishment should be issued in accordance to the definitions of the trafficking in person's offence;</p>
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		<p>dismissed/closed and the investigation was terminated for 1 person, whilst 11 persons were indicted. Regarding these indictments, the Basic Court of Mitrovica has taken decision for one person, who was found guilty. Other cases remain in procedure; The rate of convictions in cases against human trafficking remains low;</p> <p><b>2.5 (e)</b> As far as capacity building is concerned, a training session on the topic of child trafficking was provided to police. Ministry of Education has also provided information to children, teachers and parents in 98 schools in 11 municipalities in relation to THB's. Additionally, the Regulation on Protocol for Prevention and Referral of Violence in pre-university education institutions 21/2013 was distributed to all schools at all levels throughout Kosovo. Also, the anti-trafficking coordinator launched a series of public awareness ('open your eyes') and information events;</p> <p><b>2.5 (f)</b> During the year 2014, Kosovo Police dismantled seven (7) human trafficking criminal groups, operating in Kosovo.</p>	<p><b>2.5 (e)</b> The Ministry of Education should develop a training curricula for teachers and schools on increasing awareness on trafficking in human beings in Kosovo. Such trainings should be offered Kosovo wide;</p> <p><b>2.5</b> Conduct further campaigns on the prevention of trafficking in persons particularly with groups of higher risk of trafficking such as youth and young girls of rural areas;</p>
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<p><b>2) Preventing and Combating Organized Crime and Corruption (under block Public Order and Security)</b></p>	<p><b>2. 6.</b> Implement strategies and action plans in the fight against organised crime, corruption, trafficking in human beings;</p>	<p><b>2.6 (a)</b> According to an assessment carried out in the second part of 2013, 64% of activities foreseen in anti-organised crime strategies have started to be implemented during 2012, while 36% of activities started to be implemented in 2013;</p> <p><b>2.6</b> Kosovo is implementing its 2013-2017 anti-corruption strategy and action plan, under the monitoring of the Anti-corruption Agency. However, inadequate financing and a lack of any measurable impact indicators are seriously undermining results;</p> <p><b>2.6 (b)</b> On institutional capacities of Prosecution Offices to fight corruption, on 18 November 2013, the Chief State Prosecutor appointed one of his prosecutors in his office as a national coordinator in charge of monitoring and supervising prosecution offices for implementation of the Action Plan referred to above. Moreover, the number of prosecutors in charge of tackling corruption cases increased from 13 to 40;</p> <p>In relation to the cases received in total by prosecutions and opened for further investigation or indictments the Kosovo prosecutorial services including the SPRK, in 2014,</p>	<p><b>2.6 (a)</b> Implementation of the strategies and action plans requires more ownership by all involved actors, continuous support at the highest political level and commitment from all involved;</p> <p><b>2.6</b> Kosovo’s institutions should ensure appropriate financing as regards implementation of the anti-corruption strategy 2013-2017, in order to see concrete results;</p> <p><b>2.6 (c)</b> Conduct regular measuring of performance of prosecutors work, particularly of special prosecutors; With the average 26% rate of performance by the Special Prosecution of the Republic of Kosovo (SPRK) in conviction, it remains unlikely that the SPRK mission will be successfully enforced. Therefore in order to strengthen the performance of the work of the SPRK an option should be considered to amend the SPRK law to foresee an increase in the number of prosecutors budget and resources for SPRK, and a unit of police officers under the recruitment and management structure of the SPRK;</p>
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		<p>there were 976 of corruption cases handled whilst only 45% or 444 cases were opened. More than half of cases remain unresolved of 55% or 532 cases; On the other hand, as regards first half of year 2015, there were 717 corruption cases (including the number of cases that were inherited by past years) handled by prosecutions whilst only 17,85 % or 128 cases were solved. More than half of cases remain unresolved of 82.14 % or 589 cases;</p> <p><b>2.6 (c)</b> On 20 January 2014, the Chief State Prosecutor established the verification and supervision Committee in charge of compiling the data with regard to implementation of the Action Plan. On 25 February 2014, following the Committee recommendations, the Kosovo Prosecutorial Council (KPC) issued a decision requesting all Basic Prosecution Offices and Special Prosecution (SPRK) to undertake all necessary legal actions against all responsible prosecutors that did not fulfil their obligations derived from the action plan;</p> <p><b>2.6 (d)</b> With regard to the court structure, following the results of 2013 in the fight against corruption and the</p>	<p><b>2.6 (d)</b> Conduct regular measuring of performance of judges' work. Enhance the measuring of performance for judges in order to strengthen the fight against serious crimes;</p> <p><b>2.6 (f)</b> Cooperation with civil society and efforts to improve effective prevention measures need to be stepped up;</p>
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		<p>Kosovo Judicial Council (KJC) decision of 2012 to prioritise the corruption cases, the KJC adopted an additional decision to establish a Committee to oversee the work of judges in corruption cases;</p> <p><b>2.6 (e)</b> Regarding the implementation of the strategy and action plan against corruption, a considerable number of municipalities have mechanisms for identifying cases of corruption. Therefore, there are municipalities that have one officer who maintains contact between the Municipality and the Kosovo Anti-Corruption Agency;</p> <p><b>2.6 (f)</b> With the aim of completing the <i>legal framework</i>, as well as <i>implementation and enforcement</i> for prevention and fighting Trafficking in Human Beings (THB), the Administrative Instruction (AI) on NGO Licensing was adopted on December 2013, regulating licensing of NGOs for housing THB and domestic violence victims. It is crucial to note that the legislative framework concerning trafficking in Human Beings, Arms and Drug has been completed and is generally in line with the EU standards;</p>	
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<p><b>2) Preventing and Combating Organized Crime and Corruption (under block Public Order and Security)</b></p>	<p><b>2.7</b> Revise documents if necessary with effective action; and set clear indicators to measure performance in these fields;</p>	<p><b>2.7 (a)</b> The legal framework on anticorruption has been consolidated with amendment of three laws, Law on Financing of Political Parties; Law on Declaration, Origin and Control of the Property of Senior Public Officials and Declaration, Origin and Control of Gifts for all Official Persons; and Law on Prevention of Conflict of Interest in the Exercise of Public Functions; Law on Declaration, Origin and Control of the Property of Senior Public Officials and Declaration, Origin and Control of Gifts for all Official Persons has been aligned with the Criminal Code so that now the failure to declare assets and false declarations is classified as a criminal offence;</p> <p><b>2.7 (b)</b> In March 2013, a new Law on Extended Powers for Confiscation of Assets was adopted. The law provides for the confiscation of assets that do not derive directly from a criminal activity for which the person was convicted. It also introduces the principle of the reverse burden of proof. These new legal provisions allow asset confiscation relating to inexplicable wealth however, only after final court judgement of cases;</p>	<p><b>2.7</b> Kosovo’s rule of law institutions should pursuing organised crime-related investigations with the aim of securing final convictions, thus beginning to dismantle criminal groups active in Kosovo;</p>
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		<p><b>2.7 (c)</b> In relation to the seizure and freezing of assets from crimes of corruption and organised crime including cases of drug and human trafficking, according to the Kosovo Agency for the Management of Sequestered and Confiscated Assets (AMSCA) the overall amount of temporary sequestered assets in 2013 was approximately 1.5 million Euro. However, these cases are pending final court judgements and might not be permanently confiscated and transferred into the Kosovo budget. The value of income from crimes of corruption, organised crime including drug and human trafficking confiscated were only 6.700 thousand Euro in 2013. According to National Coordinator for Economic Crime, in 2014 the sequestered amount was 31 million Euro, whilst after 15 court judgments the amount confiscated was 25.000 thousand Euro. These low figures on amounts confiscated show reluctance of Kosovo institutions to move forward the EU requirements in relation to criminal penalties executed and criminal assets recovered. Regarding the figures for period January –June 2015, the sequestered amount is</p>	<p><b>2.7 (f)</b> The budget for judiciary needs to be further increased. The Government has continued to provide less than 2% (more precisely 1.7 %) of Kosovo’s annual budget in funding courts and State Prosecution;</p> <p><b>2.7. (g)</b> The number of judges and prosecutors in central and local level, as well of the supportive staff should increase so that the courts and prosecutions can effectively deal with the workload;</p>
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		<p>16.123.010,00 Euro, and the confiscated amount is 64,487.65 Euro; Furthermore, if Appellate Court based in Prishtina, confirms the verdict of 28 June 2015 of Basic Court in Ferizaj, then State budget will benefit 1.5 million Euros, which is the amount confiscated in an organised crime, money-laundry and facilitating and compelling prostitution case;</p> <p><b>2.7 (e)</b> In terms of cooperation with EULEX, the exchanged letters between the President of Kosovo and EU High Representative, on 23 April 2014, were ratified by the Kosovo Assembly as an international agreement through the Law on Ratification of the International Agreement between the Republic of Kosovo and the European Union on the European Union Rule of Law Mission in Kosovo. Furthermore, the Assembly of Kosovo adopted the Law on Amending the Laws Related to the Mandate of the European Union Rule of Law Mission in the Republic of Kosovo on 23 April 2014;</p> <p><b>2.7 (g)</b> In order to guarantee <i>implementation</i> of the agreement and the new mandate of EULEX, the Law on Witness Protection was amended. Also, a set of legal</p>	
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		<p>acts of secondary legislation was adopted and some inter-institutional agreements were concluded;</p> <p><b>2.7 (f)</b> The budget allocated to courts and prosecution offices has been increasing over the years. There has also been an increase of number of judges (from 258 to 322) and prosecutors (from 146 in 2012 and 2013 to 171 in 2014) and of the supporting staff for courts and prosecution offices. Kosovo currently has 19.5 judges per 100 000 inhabitants. In total, there are 350 local judges and 33 EULEX judges. However numbers still remain insufficient. The increase of the number of judges remains a challenge in the local level (Peja and Gjakova region);</p>	
<p><b>2) Preventing and Combating Organized Crime and Corruption (under block Public Order and Security)</b></p>	<p><b>2. 8.</b> Conduct proactive investigations of inexplicable wealth; and develop and implement a solid system of asset confiscation and management;</p>	<p><b>2.8 (a)</b> In March 2013, a new Law on Extended Powers for Confiscation of Assets was adopted. The new law allows for asset confiscation relating to inexplicable wealth however only after final court judgements of cases;</p> <p><b>2.8 (b)</b> The Law on Declaration, origin and control of high public officials and declaration, origin and control of gift for all public officials has been aligned with the Criminal Code; Out of a total of 3869 senior public officials falling under the obligation, 99.25% made a declaration.</p>	<p><b>2.8 (a)</b> The origin of wealth should be declared and fully verified by the Anti - Corruption Agency (ACA) in accordance to the Law on Declaration of Assets and the new requirements of the Criminal Codes by implementing fully the legislation and ending the impunity from verifying all senior officials wealth and ordering full repaying of damages caused by falsely declared wealth by courts. Kosovo should consider the need to enhance its legal regulation by incorporating</p>

		<p>The agency has the capacity to verify the origin and veracity of the assets declared only for 20% of cases in accordance to the requirements of the new law;</p> <p>The Anti-Corruption Agency (ACA) has stated as positive changes the fact of increase of seriousness of punishments for the criminal offences in relation to on-disclosure or false declaration of assets and those related to the conflict of interest. Given that these criminal offences have been punished not as minor offences but as criminal offences instead, the ACA has noticed that there is a considerable decrease of these offences;</p> <p><b>2.8 (c)</b> The total value of assets sequestered by Kosovo Police during January – March 2014 has reached</p> <p>EUR 110.207. Compared to the previous years, the number of cases involving asset sequestration (managed by the AMSCA) has increased. However, Kosovo still faces challenges in relation to asset confiscation due to lack of final court judgements in relation to serious crime cases. Overall, there has been reluctance to issue court decisions with confiscation of assets as such no confiscation</p>	<p>further regulation and consider developing the preventative systems for seizure and confiscation of wealth accrued from illegal activities from persons belonging to mafia-type organizations. In these cases Kosovo should consider to use confiscated criminal assets and be returned for the purpose of social interest i.e. social funds;</p> <p><b>2.8 (b)</b> The Kosovo Anti-Corruption Agency , Tax Administration and Police should envisage the sharing of data to a certain extent in order to improve processing of the conflict of interest and asset declarations;</p>
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		<p>has occurred so far in Kosovo. Regarding the figures for period January –June 2015, the sequestrated amount is 16.123.010,00 Euro, and the confiscated amount is 64,487.65 Euro;</p> <p><b>2.8 (d)</b> A database was established in the Agency for Administration of Sequestrated or Confiscated Assets with US government assistance. In practice, this will help keep record of the number of cases sequestrated or confiscated assets;</p> <p><b>2.8 (e)</b> The chief state prosecutor issued guides in January 2014, in relation to actions of prosecutors related to the temporarily sequestrated and confiscated assets, and explanations on identifying of material benefits of crime in order to seek confiscation. The state prosecutor also assigned confiscation focal points in each basic prosecution office. However, as there are no cases of confiscation in Kosovo, the implementation of such guides still remains to be monitored;</p> <p><b>2.8 (f)</b> Kosovo institutions still seem to lack the statistics of the prosecutors requests to confiscate from corruption cases, organised crime and including cases of drug and human trafficking;</p>	
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		<p><b>2.8 (i)</b> The value of income for Kosovo state deriving from corruption and organised crime cases including drug and human trafficking, were only 6.700 thousand Euro in 2013. During 2014, the amount confiscated with a final court judgement was approximately 25.000 thousand Euro.</p>	
<p><b>2) Preventing and Combating Organized Crime and Corruption (under block Public Order and Security)</b></p>	<p><b>2.9</b> Establish effective mechanisms to ensure transparency of elected officials by verifying the public officials' wealth and enhance the effectiveness of the anti-corruption agency;</p>	<p><b>2.9 (a)</b> The Kosovo Judicial Council (KJC) and Kosovo Prosecutorial Council (KPC) have further reinforced the process of recruitment, appointment and reappointment of judges and prosecutors and the respective performance and assessment criteria by completing the necessary subsidiary legislation. As a result of strict evaluation and re-appointment criteria, one (1) judge was not proposed by the KJC to the President of Kosovo for re-appointment;</p> <p><b>2.9 (b)</b> With regard to subsidiary legislation, Anti-Corruption Agency (ACA) has adopted a regulation no. 01/2014 on the Rules of Procedure of the ACA. This regulation meets provisions of the ACA;</p>	<p><b>2.9 (c)</b>The Anti-Corruption Agency should seriously consider changing the method of verification of assets of senior public officials. This verification so far has been done mainly by lot, it should be done in such a way as to be oriented in the examination of high-value assets declared and suspicion over the origin of those assets;</p> <p><b>2.9 (d)</b> The agency needs to organise more awareness-raising campaigns encouraging citizens to report corruption;</p>

		<p><b>2.9. (c)</b> The Anti-Corruption Agency has continued to coordinate implementation of the strategy, of the laws on declaration of assets by public officials and on prevention of conflict of interest.</p> <p>Cooperation between the Agency and the prosecution has improved;</p> <p><b>2.9 (d)</b> The agency, in cooperation with civil society and municipalities, has developed a 'hot line' to report corruption through municipal phone lines and websites;</p>	
<p><b>2) Preventing and Combating Organized Crime and Corruption (under block Public Order and Security)</b></p>	<p><b>2. 10.</b> Strengthen the capacity of the police, prosecutors and judges to investigate, prosecute and adjudicate, in an impartial and effective manner, complex cases of organised crime, corruption, economic and financial crime including money-laundering by establishing a track record of investigations and final court rulings in cases concerning organised crime and corruption, trafficking in human beings and money laundering;</p>	<p><b>2.10 (a)</b> Kosovo does not yet have an electronic criminal record database. A Memorandum of Understanding was signed on September 5<sup>th</sup> by Minister of Justice, the President of the Kosovo Judicial Council, the President of the Prosecutorial Council, and Norway's Ambassador to implement an advanced Information and Communication Technology (ICT)-based Case Management and Information System (CMIS) for the Kosovo Judiciary and Prosecutorial services. Norway will donate € 6 660 00,00 over a four year period for the implementation of this project, which is part of the Kosovo Judicial Council's ICT Strategy 2012 – 2017. The</p>	<p><b>2.10. (a)</b> Conduct trainings for judiciary staff on Information Technology, to make sure that the implementation of the integrated database is done in a more efficient way. In order to facilitate the implementation of this recommendation, the basic IT knowledge is required for parties involved;</p>

		<p>CMIS aims to improve efficiency, accountability and transparency of the Kosovo Judiciary and Prosecution Service;</p> <p><b>2.10 (b)</b> At the level of institutional cooperation, aimed at harmonization of statistics, the integrated tracking mechanism for investigation and prosecution of organized crime and corruption is fully operational. The tracking mechanism was developed in close cooperation with EULEX and the EU Office in Kosovo. The tracking mechanism provides harmonized statistics starting 2013 onwards;</p> <p><b>2.10 (c)</b> In February 2015, the Kosovo Prosecutorial Council has adopted the annual report for year 2014 on tracking mechanism. The report reflects harmonized statistics between institutions involved in tracking of corruption, organized crime, drug smuggling, etc.;</p> <p><b>2.10 (d)</b> According to the bi-annual report of the tracking mechanism, prosecutors during first half of year 2015 worked on 717 cases concerning 2007 persons with offenses relating to corruption and specified criminal charges.</p>	
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		<p>Of the total number of these cases, at the end of the reporting period(January 2015-June 2015), the data show that 128 (or 17.85%)cases were solved concerning 301 persons, while 589 (or 82.15%) remained unsolved cases with 1706 people involved;</p> <p><b>2.10 (e)</b> There is a lack of expertise among prosecutors and judges in specialised areas such as financial crime, money laundry and procurement frauds;</p> <p><b>2.10 (g)</b> According to the bi-annual report 2015 of the tracking mechanism, prosecutors, upon self-initiative, have submitted only 1 criminal charge against 1 person in relation to corruption cases;</p>	<p><b>2.10 (e)</b> Kosovo needs to specialize the prosecutors in financial crimes and procurement fraud, in order to fight corruption and financial crimes;</p> <p><b>2.10 (g)</b> Prosecutors should increase the rate of submitting corruption cases upon self-initiative;</p>
<p><b>2) Preventing and Combating Organized Crime and Corruption (under block Public Order and Security)</b></p>	<p><b>2. 11.</b> Improve coordination, cooperation and the exchange of information and criminal intelligence between law enforcement and judicial authorities, in order to improve Kosovo’s track record in investigating and prosecuting cases of organised crime and corruption, economic</p>	<p><b>2.11 (a)</b> In November, the Kosovo Prosecutorial Council approved a strategic plan for inter-institutional cooperation for fighting corruption and organized crime;</p> <p><b>2.11 (b)</b> The prosecution now provides systematic feedback to the Anti -Corruption Agency on the follow-up of cases; In first half of year 2015, according to bi-annual report of tracking mechanism for corruption cases, the number</p>	<p><b>2.11 (a)</b> Cooperation between the police and prosecution needs to improve to ensure an increase in the number of prosecutions following investigations and to ensure a pro-active approach to fighting serious crime in line with the strategy and action plan on intelligence-led policing;</p> <p><b>2.11 (b)</b> The number of meetings of senior officials of Anti- Corruption Agency (ACA) and the Special Prosecution of</p>

	<p>and financial crime;</p>	<p>of criminal reports offered by the Anti-Corruption Agency to prosecutorial services were in total 2 criminal reports or 1.75 % out of 114 cases against 203 persons in total, against 6 persons, a lower rate compared to Kosovo Police which submitted 40 criminal reports or 35.08 % of the total, against 51 persons;</p> <p><b>2.11 (c)</b> KJC has signed two agreements with the EULEX Mission on 18 July and 12 August 2014 in relation to the functioning of law enforcement to the new mandate of EULEX;</p> <p><b>2.11 (d)</b> In order to further enhance inter-institutional cooperation on witness protection, two agreements have been concluded in the first quarter of 2014: one between the Ministry of Internal Affairs (MiA) and Ministry of Health, signed on 6 February, 2014 and one between MiA and EULEX, signed on 11 March 2014;</p> <p><b>2.11 (e)</b> On 28 of August 2014, the Kosovo Prosecutorial Council adopted the 6 months report on tracking mechanisms. The report reflects harmonized statistics between institutions involved in tracking mechanism for</p>	<p>the Republic of Kosovo (SPRK) should be increased with focus on corruption cases and inexplicable wealth</p> <p><b>2.11 (f)</b> Cooperation between the prosecution, police and the Financial Intelligence Unit (FIU) should be enhanced to ensure a pro-active approach to launching investigations into inexplicable wealth;</p> <p><b>2.11 (f)</b> The liaison police officer would improve the cooperation between the Financial Intelligence Unit (FIU) and the Kosovo Police (KP). The liaison police officer needs to be appointed so that</p>
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		<p>offenses of corruption, trafficking, organised crime, drug smuggling, etc;</p> <p><b>2.11 (f)</b> The liaison police officer with Financial Intelligence Unit (FIU) is in the process of appointment;</p> <p><b>2.11 (g)</b> In October 2009 a technical agreement between Kosovo Police (KP) and EULEX was signed for Information System of KP and data for immigration. Under this agreement KP has provided confidential operational information to EULEX as well as information on immigration. On 16 July 2013 Technical Agreement for exchange of criminal information between Ministry of Internal Affairs (MiA) and EULEX was signed. So far there have been a number of cases exchanged of criminal information between KP and EULEX. Also, as reported by EULEX officials during an interview with KIPRED sharing of information are done in mix teams and in accordance with Information Protocols; Furthermore, the data sharing is also done in forums organized by Kosovo institutions where EULEX and international organizations are invited to participate;</p>	<p>this cooperation could further improve;</p>
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<p><b>2) Preventing and Combating Organized Crime and Corruption (under block Public Order and Security)</b></p>	<p><b>2.12</b> Ensure the effective and efficient enforcement of court decisions;</p>	<p><b>2.12 (a)</b> European Court of Auditors in 2012 estimated that only 40 % of Court rulings in Kosovo are enforced;</p> <p><b>2.12 (b)</b> The Law on Enforcement Procedure and the new system of alternative dispute resolution will greatly contribute to enforcement of courts verdicts;</p> <p><b>2.12 (c)</b> Ministry of Justice (MoJ) has approved the Administrative Instruction 09/2014 for disciplinary proceedings of the private enforcement agents on 13 May 2014. In the first quarter of 2014, it certified 14 private enforcement agents;</p>	<p><b>2.12 (a)</b> Enhance the enforcement of courts decisions;</p> <p><b>2.12 (c)</b> Kosovo has to ensure an adequate oversight of the private enforcement agents;</p>
<p><b>2) Preventing and Combating Organized Crime and Corruption (under block Public Order and Security)</b></p>	<p><b>2.13</b> Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on the</p>	<p><b>2.13 (a)</b> Reporting is done through the Stabilisation and Association Process Dialogue (SAPD), Rule of Law Coordination Body and reporting for the Visa Liberalization Roadmap monitoring;</p>	

	<p>investigation, prosecution and adjudication of cases of organised crime, corruption and terrorism.</p>	<p><b>2.13 (b)</b> In October 2009 a technical agreement between Kosovo Police (KP) and EULEX was signed for Information System of KP and data for immigration. Under this agreement KP has provided confidential operational information to EULEX as well as information on immigration. On 16 July 2013, a Technical Agreement for exchange of criminal information was signed between Ministry of Internal Affairs (MiA) and EULEX. So far there have been hundred cases of exchange of criminal information between KP and EULEX. Also, as reported by EULEX officials during an interview with KIPRED, sharing of information are done in mix teams and in accordance with Information Protocols;</p> <p><b>2.13 (c)</b> In the absence of a proper database the data are submitted from many institutions in different manner. For example the data submitted by the police are different than those submitted by the prosecution.</p> <p>The tracking mechanism established by state prosecution eases this process to certain extent;</p>	<p><b>2.13 (c)</b> Compile and share in a timely manner with EU bodies statistics on investigation of organized crime, corruption and terrorism by establishing a proper database;</p>
<p><b>2) Preventing and Combating Organized Crime and Corruption</b></p>	<p><b>2. 14.</b> Implement the existing legislation on witness protection and strengthen the capacity</p>	<p><b>2.14 (a)</b> In order to guarantee implementation of the agreement and the new mandate of EULEX, the Law on</p>	

<p><b>(under block Public Order and Security)</b></p>	<p>of the police to establish and operate a witness protection programme;</p>	<p>Witness Protection was amended;</p> <p><b>2.14 (b)</b> Article 28 of the Law on Protection of Witnesses that came into force in September 2012, gives the right to rule of law institutions to cooperate with other states for relocation of witnesses. Therefore, given the size of the territory of Kosovo cases with higher volatility witnesses should be reallocated in order to ensure greater security to witnesses;</p> <p><b>2.14 (c)</b> In order to continue with implementation of the legislation in force in the field of witness protection, in June 2014 a Standard Operating Procedure (SOP) on completion of the program foreseen by the law on Witness Protection was signed. With the aim of enhancing capacities in the field of witness protection, during the reporting period 8 trainings were delivered to 33 participants dealing with witness protection. Witness protection officials also participated in an advanced training on international cooperation organized in the Netherlands, which also resulted in EUROPOL granting membership for the Witness Protection Directorate (WPD) to access its witness protection expert platform;</p> <p><b>2.14 (d)</b> The newly established</p>	<p><b>2.14. (b)</b> International relocation of witnesses should be considered as the most appropriate tool in sensitive cases;</p> <p><b>2.14 (d)</b> Kosovo institutions should maintain capacities in the field of witness protection</p>
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		<p>Directorate of Witness Protection is sufficiently staffed, with its own budget but not a single client has been taken into its witness protection programme or relocated;</p> <p><b>2.14 (e)</b> Furthermore, in order to further enhance inter-institutional cooperation on witness protection, two agreements have been concluded in the first quarter of 2014: one between the Ministry of Internal Affairs (MiA) and Ministry of Health, signed on 6 February, 2014 and one between MiA and EULEX, signed on 11 March 2014;</p>	<p>in terms of financing and staffing;</p> <p><b>2.14 (e)</b> The government should strengthen international cooperation with regards to Witness Protection in order to facilitate reallocation of witnesses if needed;</p>
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**III. Border/Boundary Management in Relation to Organized Crime, including Irregular Migration and Trafficking in Human Beings**

Area	Actions that need to be undertaken (Indicators)	What has been done so far	What needs to be done further/Recommendations
<p><b>3)Border/Boundary Management in relation to organized crime including irregular migration and trafficking in human beings;</b></p>	<p><b>3.1.</b> Improve border/boundary control (checks and surveillance) at and between all border/boundary crossing points, notably through enhanced risk analysis and criminal intelligence, to ensure a check on persons, vehicles and goods crossing and effective surveillance between all border/boundary crossing points;</p>	<p><b>Indicators are taken from EU Progress Reports and Visa Liberalisation Roadmap for Kosovo, and project monitoring</b></p> <p><b>3.1 (a)</b> Border crossing points are sufficiently equipped to perform first and second-line checks. The Border Police and Customs have adequate personnel to control traffic flows and movement of passengers;</p> <p><b>3.1 (b)</b> In January 2013, a National Border Management Centre was established. This centre is composed of staff from all border-related authorities and is responsible for strategic and operational risk analyses at central level, information exchange and data protection. Also, during 2014 were held regular joint meetings of local and central level regarding IBM. A total of 178 meetings were held in the PKK and the Regional Border and Regional Directorates of Kosovo Customs;</p>	<p><b>3.1 (a)</b> Some of the equipment for surveillance and infrastructure on Border Crossing Points needs to be updated and maintained properly i.e. use of biometric equipment on regular basis;</p> <p><b>3.1 (b)</b> The use of risk analysis, which implies a systematic use of information available to determine how often risk could appear and what are the dimensions and consequences, should be enhanced, in particular in planning operational actions;</p>

		<p><b>3.1 (c)</b> There has been significant progress during the reporting period in relation to operational plans and joint operations carried out, as well as on risk assessments. Based on the risk assessments during this reporting period, three operative plans have been drafted for Integrated Border Management (IBM). From meetings held monthly at the central level, based on the recommendations, the Regional Directorate of Border and Central Units develop operational plans for the implementation of such duties and report on their implementation.</p> <p><b>3.1 (d)</b> Agencies at the framework of Integrated Border Management (IBM), have established a common mechanism of profiling and risk analysis and threats for Border Crossing Points (BCPs) and the green and blue line and in six monthly bases develop analytical reports. Strategic planning, allocation of personnel and technical resources based on a constant analysis of environment and threats are continuously being done. Intelligence driven border management planning and activities are being conducted. A Joint Intelligence, Risk and Threat</p>	
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		<p>Analysis Unit with representatives of all three IBM authorities, was set up; This unit within IBM, prepares a summary report based on tactical assessments of the three regions and Prishtina International Airport (ANP) on regular monthly basis and according to the area of responsibility of the regions provided in the structure.</p> <p><b>3.1 (e)</b> Significant progress is made in relation to risk assessment: 1,783 regular and 26 <i>ad hoc</i> risk assessments carried out during 2013, compared to 136 regular and 1 <i>ad hoc</i> risk assessments in the first quarter of 2014. In the second quarter of 2014, 169 risk assessments were carried in the local level and 12 in regional level, whereas only in July 2014, 13 risk assessments were carried in the local level and 4 in regional level;</p> <p><b>3.1 (f)</b> Also, in order to prevent irregular migration and smuggling of persons, Border Police started drafting operational plans based on risk assessment analysis and profiling companies for passengers, as well as passengers based on risk indicators;</p>	<p><b>3.1 (e)</b> At regional and local level, risk analysis should be practiced systematically to enhance operational planning, capacity building and a proactive approach to border/boundary management; i.e. there should be more thorough checks on cars and passengers including thorough check of adult and children's documents (use of authorisations for children when travelling with one parent) in order to prevent potential cases of child kidnapping and human trafficking;</p>
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<p><b>3)Border/Boundary Management in relation to organized crime including irregular migration and trafficking in human beings;</b></p>	<p><b>3.2.</b> Where appropriate, establish joint border/boundary crossing points for co-ordinated checks and surveillance on persons, vehicles and goods crossing including through stationary and mobile units and co-ordinated monitoring and patrol operations;</p>	<p><b>3.2 (a)</b> On 26 March 2014 a MoU was signed amongst the Government of the Republic of Kosovo and the Government of Montenegro for the opening of the joint Border Crossing Point (BCP) Kotllova - Kuqishte and this is expected to be implemented starting next year. In August 26, 2015 in Vienna, representatives of Republic of Kosovo and Montenegro have signed the agreement on demarcation of border;</p> <p><b>3.2 (b)</b> With Macedonia is ongoing construction of the joint Border Crossing Point (BCP) Stanqiq/ Bellanovc, which is EU funded project;</p> <p><b>3.2 (c)</b> Based on conclusions agreed for the Integrated Border Management (IBM) and free movement, concluded with international mediation in Brussels, at the border with Republic of Serbia is construction of six (6) joint facilities with accompanying infrastructure at the Border Crossing Point (BCP) is foreseen. All six interim IBM BCPs with Serbia are operational. Technical agreement on their exact location and on draft designs for the construction of permanent IBM crossing points was reached. Such</p>	<p><b>3.2 (a)</b> Kosovo should continue its endeavour to complete the delineation of the border with Montenegro; (done)</p> <p><b>3.2 (c)</b> Kosovo and Serbia with the support of the EU should implement the technical agreements with the construction of six joint facilities at the Border Crossing Points. This should also be considered with border crossing points with Montenegro;</p>
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		<p>common buildings also are expected to be built on the border with Montenegro;</p> <p><b>3.2 (d)</b> The three joint border control agreements signed in 2013 with Albania are being implemented and the Joint Police Cooperation Centres established at the border points with Albania are fully operational. Joint patrols are carried out with Albania, Montenegro and Macedonia. A package of bilateral agreements and protocols in the area of border control was signed with Montenegro;</p>	
<p><b>3)Border/Boundary Management in relation to organized crime including irregular migration and trafficking in human beings;</b></p>	<p><b>3. 3.</b> Enhance the prevention, detection and investigation of serious cross-border/boundary crime, notably trafficking in human beings, facilitated irregular migration, by exchanging with the competent law enforcement authorities of Member States and third countries, in line with domestic data protection requirements and through the appropriate channel, the necessary strategic and operational information and criminal intelligence;</p>	<p><b>3.3 (a)</b> Integrated Border Management (IBM) National Strategy 2013-2018 foresees the creating of an early warning system with neighbouring customs services to timely detect and prevent cross-border criminal activities. This system will be deployed at all levels, local level - a system of direct communication, while at the central level through a protected digital communication. National Strategy for IBM 2013-2018, was revised and harmonized with the strategies and action plans of the National Strategy Against Trafficking in Persons, National Strategy Against Organized Crime and the National Strategy for the</p>	<p><b>3.3. (b)</b> Kosovo should review on need basis the importance to sign additional enforcement cooperation agreements including all of the countries in the region;</p>

		<p>Prevention of Crime;</p> <p><b>3.3 (b)</b> In order to further enhance international law enforcement cooperation, respective authorities of the Republic of Kosovo (Kosovo Police, Kosovo Customs and Financial Intelligence Unit) have signed 20 Agreements and 10 MoU's with 19 states in the area of law enforcement cooperation. This includes two most recent Police Cooperation Agreements: one with Montenegro (concluded in March 2014) and one with Switzerland (in November 2013);</p> <p><b>3.3 (c)</b> Regular monthly meetings are held at the local level between border services (not with all states). Meetings are held at bilateral level with representatives of neighbouring countries on border issues with the initiative and organization of international organizations and institutions that are present in these countries. Meetings are held and are being held also at the level of multilateral cooperation on issues of Integrated Border Management (IBM) which is organized by the international community. Also within the implementation of IBM</p>	
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		<p>agreement derived from the technical dialogue in Brussels between Kosovo and Serbia, regular monthly meetings are held at the regional level;</p> <p><b>3.3 (d)</b> Communication with regional states' border agencies varies according to states. In most developed neighbouring countries, communication exists at all possible levels, while the rest, including third-world countries, only for exchange of information with the official character with regard to, cross-border crime, illegal migration, smuggling of goods, terrorism, etc.</p> <p>In order to implement regional agreements, communications are set in three levels: central / managerial level, sectorial and local level. In order to increase the efficiency of the legal trade facilitation; Regular meetings are held at local level to prevent and combat informal economy and criminality; Information is shared on a daily basis and regular meetings are held; In regards to opened questions, implementation of policies and strategies, meetings are held twice a year between senior (high) level managers;</p> <p><b>3.3 (e)</b> Food and Veterinary Agency (FVA) has cooperation with neighbouring states border crossing points except</p>	<p><b>3.3 (e)</b> Explore modalities for Food and Veterinary Agency (FVA) to establish cooperation with Serbia, particularly in official warning and reporting the animal diseases, which is obligation of competent authorities of all countries in the region and beyond;</p> <p><b>3.3 (g)</b> Conduct more trainings for enhancing of staff capacity regarding operational and joint action plans, as well as communications systems, which would enable a more professional and efficient bordering control with neighbours;</p>
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		<p>with Republic of Serbia. Cooperation is needed particularly in official warning and reporting the animal diseases, which is obligation of competent authorities of all countries in the region and beyond;</p> <p><b>3.3 (f)</b> Macedonia authorities agreed that an Information Exchange Office at Kosovo/Macedonia CP will be opened;</p> <p><b>3.3 (g)</b> In order to increase the border management efficiency, Border Police (BP) aims to develop future operational and joint action plans in case of different situations and communication system with neighbouring countries;</p> <p><b>3.3 (h)</b> The most recent EUROSTAT data show that during the period from January 2014 up to April 2015 the number of Kosovo asylum seekers in the EU member states was 56,785. On the other hand, EUROSTAT figures for the year 2014 provide 35,950 citizens asylum seekers.</p>	
<p><b>3)Border/Boundary Management in relation to organized crime including irregular migration and trafficking in</b></p>	<p><b>3. 4.</b> Strengthen the capacities of the domestic co-ordination centre to coordinate operational cooperation between all domestic authorities involved in Integrated Border</p>	<p><b>3.4 (a)</b> In September 2013, the Law on Border Control and Surveillance was aligned with the <i>acquis</i>, and the new Law on Inter-agency Cooperation entered into force;</p>	

<p><b>human beings;</b></p>	<p>Management (IBM), including surveillance;</p>	<p><b>3.4 (b)</b> Regarding border management, most of the structures for integrated border management (IBM) are now in place. The three border agencies involved in integrated border management (border police, customs and the Food and Veterinary Agency) cooperate through the National IBM Executive Board under the guidance and direction of a national coordinator;</p> <p><b>3.4 (c)</b> The National Border Management Centre has been established within the Ministry of Internal Affairs. The primary purpose of the centre is monitoring the movement of persons, vehicles and goods at Border Crossing Points (BCPs), also detecting and preventing illegal actions that are defined by law. IBM agencies continue to carry out border control, indicating sufficient human and technical capacities to ensure border control. Currently Kosovo has engaged in the IBM process 1.668 staff in total with 1.303 Border Police staff, 332 Kosovo Customs staff and 33 Food and Veterinary Agency staff.</p> <p>The border/boundary management centre is the only cooperation body whose roles and responsibilities are adequately regulated by the</p>	<p><b>3.4 (c)</b> In order to enhance the border control, the number of Customs officials needs to be increased in several Border Crossing Points;</p> <p><b>3.4 (d)</b> The National Centre for Border Management has yet to be made fully operational in line with the Development Plan. This centre faces challenges in cooperation in relation to international cooperation with states that</p>
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		<p>law on border control and surveillance and secondary legislation;</p> <p><b>3.4</b> Also, during 2014 in the field of IBM were designed and approved all standard operating procedures (SOPs) arising from the Law on cooperation between the authorities involved in IBM and the law for the control and supervision of the state border. From law on cooperation between the authorities involved in IBM the following SOPs were approved:</p> <ul style="list-style-type: none"> <li>• SOP- Common usage of equipment within IBM, 26.02.2014</li> <li>• Manual of communication between the authorities involved in IBM, 25.02 2014</li> <li>• SOP- Activities shared between the authorities involved in IBM, 26.02.2014</li> <li>• SOP- Profiling in BCP, 25.02.2014</li> <li>• SOP- Checking second line, 06.02.2014</li> <li>• SOP- First official in the case, 25.02.2014</li> <li>• SOP- Common risk analysis on the PKK and the border line, 02.26.2014</li> </ul>	<p>have not recognised Kosovo. There should be a more proactive approach in implementing the Development Plan for border management.</p>
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		<ul style="list-style-type: none"> <li>• SOP- Confiscation of goods and smuggled animals, 02.07.2014;</li> </ul> <p><b>3.4 (d)</b> A development plan (period 2014-17) for National Centre for Border Management (NCBM) was adopted in April. Further to the development plan for NCBM, the Kosovo Customs (KC) has re-launched the anti-smuggling/anti-corruption or any other illegal activity hotline, which is directly linked to the NCBM. Since then, the Centre has received 67 calls in April 2014 alone, whereas there were only 80 calls received during the whole of 2013. Similarly, an agreement was reached between NCBM and Prishtina International Airport (PIA) which allows the NCBM direct access to airport security cameras, thus increasing the Centre's surveillance capacity and as a result the security and free movement of citizens;</p> <p><b>3.4 (e)</b> On the cooperation between authorities involved in Integrated Border Management (IBM), from 1<sup>st</sup> of May until 31 July 2014, customs officers together with border police have detected 14 cases of narcotics, ammunition, weapons, etc;</p>	
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<p><b>3)Border/Boundary Management in relation to organized crime including irregular migration and trafficking in human beings;</b></p>	<p><b>3. 5.</b> Conduct training programmes on anti-corruption and the fight against organised crime and establish an ethical code for officials involved in Integrated Border Management (IBM);</p>	<p><b>3.5 (a)</b> Due to the nature of their tasks and their frequent interaction with the public, border management agencies are particularly vulnerable to corruption. In this respect each agency involved in Integrated Border Management (IBM) have in place an agreed Code of Ethics coupled with additional preventive Anti-corruption measures;</p> <p><b>3.5 (b)</b> The Integrated Border Management (IBM) Strategy of 2012 was reviewed and the new Strategy for IBM 2013-2018 is now in force, in line with EU standards. The strategy 2013-2018 foresees trainings in the field of anti-corruption and organized crime. Besides that, authorities involved in IBM have their own curriculum of trainings and have continued providing trainings for several officials. Only in 2014, 121 border police officials have participated in 10 trainings on anti-corruption and organized crime. Also, almost all officials from the authorities involved in IBM have been trained in the Code of Ethics. Trainings were conducted also for the officials in the the local level (Peja and Gjakova region) and were held in Kosovo and abroad;</p>	<p><b>3.5 (b)</b> Implement the new Strategy for IBM, which foresees trainings in the fields of anti-corruption and organized crimes. Although, a number of trainings have already taken place, this should be further enhanced so as to reach out with trainings to more staff;</p>
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<p><b>3)Border/Boundary Management in relation to organized crime including irregular migration and trafficking in human beings;</b></p>	<p><b>3. 6.</b> Compile and share in timely manner with the competent authorities of Member states, the European Commission and EULEX detailed statistics on border/boundary control measures, including the number of co-ordinated monitoring and patrol operations;</p>	<p><b>3.6 (a)</b> Border Police work is monitored by EULEX and the European Commission (EC) through their mechanisms in all Border Crossing Points (BCPs) with Serbia where EULEX officials are present 24 hours and monitor the work of Kosovo Police. Kosovo Police reports on a regular basis and periodic and share the statistics with all international organizations, such as FRONTEX, UNHCR, IOM, Twinning Project that operates within the EC and so on;</p> <p><b>3.6 (b)</b> Reporting by Kosovo law enforcement institutions is done through the Stabilisation and Association Process Dialogue (SAPD), Rule of Law Coordination Body and reporting for the Visa Liberalization Roadmap monitoring; Also, as reported by EULEX officials sharing of information are done in mixed teams and in accordance with Information Protocols;</p>	
<p><b>3)Border/Boundary Management in relation to organized crime including irregular migration and trafficking in human beings;</b></p>	<p><b>3.7.</b> Explore modalities of cooperation with FRONTEX;</p>	<p><b>3.7 (a)</b> Kosovo has started cooperation with FRONTEX on information exchange, risk analyses, capacity building and training. In 2013, Kosovo appointed a focal point for risk analysis in the Kosovo Police responsible for maintaining direct contacts with FRONTEX;</p>	

		<p><b>3.7 (b)</b> With regards to cooperation with FRONTEX, a senior FRONTEX delegation visited the National Centre for Border Management (NCBM) Risk Assessment and Analysis Unit in November 2013, expressing interest to cooperate in exchanging information and providing capacity-building;</p>	<p><b>3.7 (b)</b> Kosovo should explore opportunities to become an observer state if full membership is not feasible at the moment;</p>
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#### IV. Law Enforcement Cooperation

Area	Actions that need to be undertaken (Indicators)	What has been done so far	Recommendations
<p><b>4) Law Enforcement Cooperation;</b></p>	<p><b>4.1.</b> Enhance the prevention, detection and investigation of serious cross-border/boundary crime, notably trafficking in human beings, facilitated irregular migration, by exchanging with the competent law enforcement authorities of Member States and third countries, in line with domestic data protection requirements and through the appropriate channel, the necessary strategic and operational information and criminal intelligence;</p>	<p><b>4.1 (a)</b> The law on international legal cooperation in criminal matters was adopted in July 2012;</p> <p><b>4.1 (b)</b> Kosovo’s strategic and operational law enforcement cooperation with neighboring countries and EU Member States continues to function on informal basis;</p> <p><b>4.1 (c)</b> Kosovo has concluded police cooperation agreements with Austria, Sweden, Croatia, Albania and Macedonia; agreements on combating trafficking in human beings with France and Macedonia; a security cooperation with Germany; and an agreement to combat organized crime and irregular migration with Hungary. Kosovo has customs cooperation agreements with ten countries;</p>	<p><b>4.1 (b)</b> Kosovo should continue deepening law enforcement cooperation with all willing interested neighboring countries and EU Member States;</p> <p><b>4.1 (c)</b> Kosovo should continue in concluding further agreement in the field of law enforcement cooperation with other countries;</p>

		<p><b>4.1 (d)</b> The Protocol on Cooperation in Combating Trafficking in Human Beings between Kosovo and Montenegro was signed on 25 April 2014, in Prishtina, Kosovo; (Further information on cooperation with other countries will be updated);</p> <p><b>4.1 (e)</b> According to Kosovo Police officials, the information exchange is done through INTERPOL channels and Police attachés accredited in Kosovo. There are three Kosovo police liaison officers accredited in Austria, France and Turkey (also planned in Germany and Belgium). Non-membership of Kosovo in international organizations such as INTERPOL, EUROPOL, FRONTEX and SELEC, and the failure to sign the conventions such as Police Cooperation Convention, remains a challenge;</p> <p><b>4.1 (f)</b> Continuous improvement in preventing and detecting cross-border organized crime is also evident. Border Police and expert report statistics show a steadily increase of arrests</p>	<p><b>4.1 (e)</b> Kosovo, assisted by EU, should aim to achieve (at least) the observer’s status in these organisations (INTERPOL, EUROPOL, FRONTEX, SELEC) to further enhance information exchanges;</p>
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		related to criminal offences (from 815 in 2012 to 1,186 in 2013 and 250 in the first quarter of 2014);	
<b>4) Law Enforcement Cooperation</b>	<b>4.2</b> Establish an arrangement with EULEX for the secure, reliable and efficient exchange of strategic and operational information and criminal intelligence necessary for the prevention, detection and investigation of serious crime;	<p><b>4.2 (a)</b> In terms of cooperation with EULEX, the exchanged letters between the President of Kosovo and EU High Representative, on 23 April 2014, were ratified by the Kosovo Assembly as an international agreement through the Law on Ratification of the International Agreement between the Republic of Kosovo and the European Union on the European Union Rule of Law Mission in Kosovo. Furthermore, the Assembly of Kosovo adopted the Law on Amending the Laws Related to the Mandate of the European Union Rule of Law Mission in the Republic of Kosovo on 23 April 2014. These two laws set out provisions allowing EULEX to retain jurisdiction in cases involving war crimes, terrorism, organized crime, and serious corruption;</p> <p><b>4.2 (b)</b> Cooperation of Kosovo Police (KP), prosecutors and judges with EULEX counterparts is reported to be at satisfactory level. In this regard, KP is ready to</p>	<b>4.2 (c)</b> Kosovo Police (KP) and

		<p>participate in international cooperation and to work closely with EULEX in fighting organised crime;</p> <p><b>4.2 (c)</b> In October 2009, a Technical Agreements was signed regarding the Information System of Kosovo Police and exchange of data on Migration between Kosovo Police (KP) and EULEX. Under this agreement, KP has provided operational information regarding immigration to EULEX. On 07/16/2013, a Technical Agreement was signed for criminal information exchange between Ministry of Internal Affairs (MIA) and EULEX, in which case dozens of criminal information has been exchanged between KP and EULEX for criminal cases in the interest of two parties.</p> <p>KP have also recently enabled EULEX's access to the KP information system and border management system contributing to investigation of serious crimes in Kosovo;</p> <p><b>4.2 (d)</b> Kosovo Judicial Council (KJC) has signed two agreements with the EULEX Mission (18 July and 12 August 2014) in relation to the functioning of law</p>	<p>EULEX should establish an arrangement for the secure, reliable and efficient exchange of strategic and operational information and criminal intelligence necessary for the prevention, detection and investigation of serious crime;</p>
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		enforcement institutions and the new mandate of EULEX;	
<b>4) Law Enforcement Cooperation;</b>	<b>4.3</b> Enhance operational cooperation with the law enforcement authorities of Member States and third countries, notably by conducting joint investigations and operations;	<p><b>4.3 (a)</b> The International Law Enforcement Cooperation Unit in the Ministry of Justice continues to perform its functions in a professional manner;</p> <p><b>4.3 (b)</b> Kosovo has concluded police cooperation agreements with Austria, Sweden, Croatia, Albania and Macedonia; agreements on combating trafficking in human beings with France and Macedonia; security cooperation with Germany; and an agreement to combat organized crime and irregular migration with Hungary. Kosovo has customs cooperation agreements with ten countries;</p> <p><b>4.3 (c)</b> Kosovo has conducted a number of joint investigations and operations with neighboring countries—Albania, Macedonia and Montenegro—as well as Austria, Italy, and Sweden. The number of joint investigations on organized and serious crime carried out by the Kosovo Police</p>	<p><b>4.3 (a)</b> The law enforcement authorities at the local level (Peja and Gjakova region) should enhance cooperation with the International Law Enforcement Cooperation Unit in the Ministry of Justice;</p> <p><b>4.3 (b)</b> Kosovo should continue deepening law enforcement cooperation with all interested neighboring countries and EU Member States, by signing new agreements or memorandums of understanding on combating trafficking in human beings, organized crime and irregular migration;</p>



		<p>Organized Crime in cooperation with Albanian, Macedonian and Montenegrin counterparts has steadily increased . There were 4 joint operations in 2011, 6 in 2012 and 17 in 2013;</p> <p><b>4.3 (e)</b> In 2013, Kosovo Police (KP) has conducted 17 operational meetings and 2 joint operations. In 2014, so far, KP has conducted 10 operational meetings, that lead to joint investigations;</p>	
<b>4) Law Enforcement Cooperation;</b>	<b>4. 4</b> Improve the intelligence-led investigative capacity of law enforcement authorities to investigate serious cross-border/boundary crime;	<p><b>4.4 (a)</b> In March 2013, the Government approved an Intelligence-led Policing Strategy for 2013-2014 and an action plan;</p> <p><b>4.4 (b)</b> Intelligence-led policing remains weak. The current Kosovo Police Information System does not include information submitted from KP officers and does not contribute to effective analysis, essential in intelligence-led policing to expose and investigate organised crime;</p>	<p><b>4. 4 (a)</b> Further improvements on intelligence-led policing should be measured based on results;</p> <p><b>4.4 (b)</b> Improve the exchange of information between law enforcement and judicial authorities in intelligence-led policing; strengthen their capacity and human resources;</p> <p><b>4.4 (c)</b> A functioning intelligence model (effective gathering, analysing and</p>

			dissemination of information) should be developed to create a comprehensive picture of organised crime, detailing threats and trends in criminal networks and groups;
<b>4) Law Enforcement Cooperation</b>	<b>4. 5</b> Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on law enforcement information exchange, joint investigations and joint operations;	<p><b>4.5 (a)</b> Two technical agreements on cooperation with EULEX have been concluded, namely in the field of witness protection and on sharing information with the aim of preventing and detecting crime in Kosovo;</p> <p><b>4.5 (b)</b> EULEX officials stated that the sharing of information are done in mix teams and in accordance with Information Protocols; Furthermore, the data sharing is also done in forums organized by Kosovo institutions where EULEX and international organizations are invited to participate;</p> <p><b>4.5 (c)</b> Reporting by Kosovo law enforcement institutions is also done through the Stabilisation and Association Process Dialogue (SAPD) , Rule of Law Coordination Body and reporting for the Visa Liberalization Roadmap monitoring;</p>	<p><b>4.5 (a)</b> Conclude other agreements with EULEX on need basis in the area of law enforcement cooperation;</p> <p><b>4.5 (c)</b> As stated, in the absence of a proper database the data submitted by law enforcement institutions to EU are not standardized and thus, incoherent. For example the data submitted by the police are different/vary from those submitted by the prosecution. Kosovo institutions should develop a proper database as soon as possible in order to establish a regular process for reporting and exchange of information rather than ad hoc responses;</p>

<p><b>4) Law Enforcement Cooperation;</b></p>	<p><b>4. 6.</b> Explore modalities of cooperation with EUROPOL;</p>	<p><b>4.6 (a)</b> There is no operational or strategic agreement between Kosovo and Europol. Kosovo cooperates via EU and UN intermediates with EUROPOL and INTERPOL. Nevertheless, there is regular information exchanges with these agencies taking place through EU and UN. Kosovo has been involved in three joint operations with EUROPOL;</p> <p><b>4.6 (b)</b> Since Kosovo is not a member state of EUROPOL and EUROJUST Kosovo cooperates with them through some projects that these agencies have in Western Balkans;</p> <p><b>5.4 (c)</b> As reported by EULEX officials, EULEX is assessing the possibility to sign an MoU with EUROPOL, since Kosovo is not an EU member. This agenda will be transferred to the EU Office potentially by 15 October 2014;</p>	<p><b>4.6 (a)</b> Kosovo should continuously enhance cooperation with EUROPOL; The transfer of competencies from EULEX to the new EU Office should be finalised as soon as possible;</p>
<p><b>4) Law Enforcement Cooperation</b></p>	<p><b>4. 7</b> Explore avenues of cooperation with regional initiatives on law enforcement cooperation;</p>	<p><b>4.7 (a)</b> Kosovo has sought closer ties with regional law enforcement cooperation organizations, such as Southeast European Law Enforcement Centre,</p>	<p><b>4.7 (a)</b> Kosovo should explore cooperation avenues with other regional initiatives on law enforcement;</p>

		Southeast European Police Chiefs Association and the Police Cooperation Convention for Southeast Europe;	
<b>4) Law Enforcement Cooperation;</b>	<b>4.8</b> Implement the existing agreements on law enforcement cooperation, where appropriate, conclude new agreements;	<p><b>4.8 (a)</b> In 2013, Kosovo concluded cooperation agreements and memorandums of understanding on</p> <p>Law enforcement cooperation with Hungary, Finland, Switzerland and Italy;</p> <p><b>4.8 (b)</b> In order to further enhance international law enforcement cooperation, respective authorities of the Republic of Kosovo (Kosovo Police, Kosovo Customs and Financial Intelligence Unit) have signed 20 Agreements and 10 Memorandums of Understanding with 19 states in the area of law enforcement cooperation. This includes two most recent Police Cooperation Agreements: one with Montenegro (concluded in March 2014) and one with Switzerland (in November 2013);</p>	<b>4.8 (a)</b> Implement the existing agreements on law enforcement cooperation, where appropriate, conclude new agreements;

**V. The Judicial System: Judicial system Cooperation in Criminal Matters Focusing on Organized Crime Cases**

Area	Actions that need to be undertaken (Indicators)	What has been done so far <b>Indicators are taken from EU Progress Reports and Visa Liberalisation Roadmap for Kosovo, and project monitoring</b>	Recommendations
<p><b>5) The Judicial System (Judicial system cooperation in criminal matters focusing on organized crime cases);</b></p>	<p><b>5. 1.</b> Implement the existing legislation on international legal cooperation in criminal matters and implement the existing agreements on judicial co-operation in criminal matters and, where appropriate, conclude new agreements;</p>	<p><b>5.1 (a)</b> The law on international legal cooperation in criminal matters was adopted on 31 July 2013. The International Law Enforcement Cooperation Unit in the Ministry of Justice continues to perform its functions satisfactorily;</p> <p><b>5.1 (b)</b> The budget for the Kosovo Department for International Legal Cooperation (DILC) has increased in comparison with previous years, following a growing number of requests under the heading international mutual legal assistance. DILC provides international legal cooperation in criminal and civil matters as well as drafts and negotiates bilateral agreements in this area. In order to improve the implementation of these agreements, the Kosovo Judicial Council (KJC) and Kosovo Prosecutorial Council (KPC) have appointed focal points in each court and prosecution office to address cases related to international legal cooperation in criminal matters. In February, an</p>	<p><b>5.1 (a)</b> Implement the existing legislation through the bilateral agreements. Assess to what extent these agreements have effectively supported the implementation of the law;</p>

		<p>additional legal officer was recruited to the DILC;</p> <p><b>5.1 (c)</b> Kosovo concluded agreements on mutual legal assistance with Croatia, Macedonia and Turkey; agreements on extradition with the latter excluding Croatia, agreements on transfer of sentenced persons with Belgium, Switzerland, Macedonia and Turkey. Negotiations with Germany, Italy and Albania have finished on mutual legal assistance, extradition and transfer of sentenced persons;</p> <p><b>5.1 (d)</b> Kosovo has concluded agreements and MoUs on cooperation in the exchange of financial intelligence related to money laundering and financing of terrorism with the following countries: Turkey, Finland, Slovenia, Macedonia, Albania, Montenegro, San Marino and Czech Republic;</p> <p><b>5.1 (e)</b> Kosovo has also concluded agreements and MoUs on cooperation and mutual assistance in customs matters with Turkey, Slovenia, Poland, Montenegro, Macedonia, Italy, Hungary, Austria, Albania and France;</p>	<p><b>5.1 (c)</b> Conclude further agreements on need basis on mutual legal assistance in criminal matters with neighbouring countries and EU Member States;</p> <p><b>5.1 (d)</b> Conclude further agreements and MoU's on need basis on cooperation in the exchange of financial intelligence with other neighbouring countries and EU Member States;</p> <p><b>5.1 (e)</b> Conclude further agreements and MoU's on need basis on cooperation and mutual assistance in customs matters with other neighbouring countries and EU Member States;</p>
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		<p><b>5.1 (f)</b> In order to further enhance the international judicial cooperation, the Ministry of Justice (MoJ) Department for International Legal Cooperation in June 2013 signed an agreement with Italy on mutual legal assistance in criminal matters and extradition, while agreement with Germany on judicial cooperation will be concluded soon. Negotiations are ongoing with Montenegro, Slovenia and Croatia and should soon commence with Hungary, Austria and Bulgaria;</p> <p><b>5.1 (g)</b> Since the establishment of International Law Enforcement Cooperation Unit (ILECU) in June 2011 until the end of December 2013, there have been 8,523 cases of regional cooperation activities, including operational meetings involving cases of economic crime and corruption, migrant smuggling, trafficking in human beings, drug trafficking and terrorism.</p> <p>In the second quarter of 2014, ILECU of the Kosovo Police (KP) received 715 requests while in July 2014, 156 requests were sent to ILECU. Among these requests, ILECU dealt with 5 cases of extradition, 12 cases on change of personal data and 27 cases related to readmission. Other requests pertained to verification of</p>	
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		<p>vehicles, identity, status etc;</p> <p><b>5.1 (i)</b> With regard to deploying police liaison officers in Kosovo diplomatic missions, during this period three (3) officers were positioned in the following capitals: Vienna, Ankara and Brussels;</p> <p><b>5.1 (j)</b> On 17 February 2014, two (2) Liaison Officers were despatched in Austria and France. The next three (3) officers (for Belgium, Germany and Turkey) are planned to be despatched by mid-2014;</p>	
<p><b>The Judicial System (Judicial system cooperation in criminal matters focusing on organized crime cases);</b></p>	<p><b>5. 2.</b> Adopt and implement measures aiming to improve the effectiveness, efficiency and impartiality of judicial co-operation in criminal matters with Member States and third countries;</p>	<p><b>5.2 (a)</b> The law on International Legal Cooperation was adopted by the Assembly on 31 July 2013, providing a legal basis for mutual legal assistance with third countries;</p>	<p><b>5.2 (a)</b> Implement further the Law on International Legal Cooperation;</p>
<p><b>The Judicial System (Judicial system cooperation in</b></p>	<p><b>5.3.</b> Implement the technical arrangement with EULEX on mutual</p>	<p><b>5.3 (a)</b> EULEX continues to interface with non-recognizing states of Kosovo as a state defined under the terms of technical</p>	<p><b>5.3 (a)</b> Kosovo government should further address the issue of Serbia’s refusal on mutual legal cooperation in</p>



<p><b>criminal matters focusing on organized crime cases);</b></p>	<p>legal assistance in relation to complex organised crime cases;</p>	<p>arrangements covered by Ministry of Justice (MoJ).Kosovo has send several requests to Serbia on mutual legal cooperation, Serbia refused cooperation due to non-recognition of Kosovo as a state and issues of reciprocity;</p> <p><b>5.3 (b)</b> On the basis of the technical arrangement on mutual legal assistance between the Ministry of Justice and EULEX, from September 2013 to April 2014, EULEX transmitted 93 requests and responses from Kosovo to non-recognizing states (excluding Serbia) and 90 requests and responses from non-recognizing states (other than Serbia) to Kosovo. Further, in the framework of the EU facilitated Pristina-Belgrade Dialogue (based on the procedures for mutual legal assistance between Kosovo and Serbia as of 20 March 2013), from September 2013 to mid-May 2014, EULEX has transmitted 855 requests and responses from Kosovo to Serbia and 756 requests and responses from Serbia to Kosovo;</p> <p><b>5.3 (c)</b> Kosovo Judicial Council (KJC) has signed two agreements with the EULEX Mission on 18 July and 12 August 2014 respectively, in relation to law enforcement within the new mandate of EULEX;</p>	<p>the Kosovo – Serbia dialogue process under the facilitation and monitoring of the EU;</p>
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<p><b>The Judicial System (Judicial system cooperation in criminal matters focusing on organized crime cases);</b></p>	<p><b>5.4</b> Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on cases of judicial cooperation in criminal matters;</p>	<p><b>5.4 (a)</b> Reporting by Kosovo law enforcement institutions is done through the Stabilisation and Association Process Dialogue (SAPD), Rule of Law Coordination Body and reporting for the Visa Liberalization Roadmap monitoring;</p> <p>Also, as reported by EULEX officials sharing of information is done in mixed teams and in accordance with Information Protocols; Furthermore, the data sharing is also done in forums organized by Kosovo institutions where EULEX and international organizations are invited to participate;</p>	
<p><b>The Judicial System (Judicial system cooperation in criminal matters focusing on organized crime cases);</b></p>	<p><b>5. 5.</b> Kosovo should explore modalities of cooperation with EUROJUST and consider to ratify all the relevant Council of Europe conventions in the field of mutual legal assistance;</p>	<p><b>5.5 (a)</b> Kosovo has enquired about closer cooperation with EUROJUST, however faces difficulties as Kosovo is not a member;</p> <p><b>5.5 (b)</b> Since Kosovo is not a member state of EUROPOL and EUROJUST Kosovo cooperates only via projects offered by these agencies in the Western Balkans;</p>	<p><b>5.5 (b)</b>The Ministry of Justice (MoJ) should initiate ratification of Council of Europe (CoE) conventions in the field of mutual legal assistance jointly with the Ministry of Internal Affairs (MiA);</p>
<p><b>The Judicial System (Judicial system cooperation in criminal matters)</b></p>	<p><b>5. 6.</b> Kosovo should guarantee judicial independence; In order to</p>	<p><b>5.6 (a)</b> The package of six main laws that entered into force on 1 January 2013 (Laws on Courts, State Prosecution, Kosovo Judicial Council, Kosovo Prosecution</p>	<p><b>5.6 (a)</b> Enhance further the independence of the judiciary by harmonising the four core laws that entered into force in January 2013 concerning the</p>

<p><b>focusing on organized crime cases);</b></p>	<p>guarantee judicial independence, a substantial majority of the Judicial Council's members need to be elected by their peers;</p>	<p>Council, as well as the Criminal and Criminal Procedure Codes) brought about significant changes and reforms in the justice system in Kosovo, therefore also completing the legal infrastructure in the area of criminal justice and avoiding legal gaps and shortcomings;</p> <p><b>5.6 (b)</b> In order to review the functionality of the Criminal Justice System (CJS), the Ministry of Justice (MoJ), the Kosovo Judicial Council (KJC) and the Kosovo Prosecutorial Council (KPC), finalized the initial draft-report for the assessment of the functioning of the restructured criminal justice. The draft-report summarizes the shortcomings faced by law enforcement agencies with regard to the CJS and reforms envisaged, including a comprehensive overview of their implementation of such reforms and of other relevant legislation;</p> <p><b>5.6 (c)</b> The accountable mechanism in relation to Kosovo Judicial Council (KJC) and courts and the composition of the membership of the KJC remain a challenge since, according to the European standards, KJC should consist of a majority of judges elected by their peers, or at least no less than 50% of members to be judges elected by their peers from all levels of the judiciary, which in</p>	<p>criteria for appointing or dismissing judges and prosecutors;</p> <p>The laws on courts, the state prosecutor, the judicial council and the prosecutorial council, also need to be harmonised to address inconsistencies on issues such as dismissal, appointment, transfer, disciplinary system and procedures for the review of decisions taken by the councils;</p> <p><b>5. 6 (c)</b> A substantial majority of the Judicial Council's members need to be elected by their peers. Two members of the Judicial Council still need to be appointed.</p> <p>A majority of the judicial council members should be elected by their peers, in line with Venice Commission recommendations;</p>
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		<p>return, ensures independence in the decision-making processes of KJC and will ensure pluralism inside the judiciary;</p> <p><b>5.6 (d)</b> The unification of criteria for the selection of judges and prosecutors and the exams for judges and prosecutors, as part of the eligibility criteria for candidates for judges and prosecutors, depend on the process of alignment amongst the four core judicial system laws: Law on Courts, Law on State Prosecutor, Law on Kosovo Judicial Council (KJC) and Law on Kosovo Prosecutorial Council (KPC), the latter currently under way;</p> <p><b>5.6 (e)</b> An ongoing challenge concerns non-functionality of the Kosovo Judicial Council (KJC) due to the lack of quorum. Also, the Budgetary and financial independence of the judiciary in Kosovo and the need for passing the Law on Judicial Administration remains a challenge.</p> <p>Regarding judicial independence, budgets for both councils moderately increased compared to the previous year. The 2014 budget for the judicial council is €20.8 million, and for the prosecutorial council €6.8 million;</p>	<p><b>5.6 (d)</b> Harmonise the four core laws that entered into force in January 2013 concerning the criteria for appointing or dismissing judges and prosecutors;</p> <p><b>5.6 (e)</b> The Assembly needs to urgently appoint the five council members in order to make the Kosovo Judicial Council (KJC) functional due to the essential role that it has in the administration and management of the Kosovo judiciary;</p>
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<p><b>The Judicial System (Judicial system cooperation in criminal matters focusing on organized crime cases);</b></p>	<p><b>5.7.</b> The Judicial and Prosecutorial Councils need to ensure that persons nominated for the position of judge or prosecutor have the necessary professional experience and meet the conditions set;</p>	<p><b>5.7 (a)</b> The Kosovo Judicial Council (KJC) and Kosovo Prosecutorial Council (KPC) have further reinforced the process of recruitment, appointment and reappointment of judges and prosecutors and the respective performance and assessment criteria by completing the necessary subsidiary legislation. As a result of strict evaluation and re-appointment criteria, one (1) judge was not proposed by the KJC to the President of Kosovo for re-appointment. These measures contribute substantially to the quality of performance of judges and prosecutors;</p> <p><b>5.7 (b)</b> In order to appoint more experienced prosecutors to the Special Prosecution (SPRK), prosecutors are transferred from other Prosecution, particularly from Prishtina, to SPRK;</p> <p><b>5.7 (c)</b> With the increase in the overall number of prosecutors to 139-140, Kosovo Prosecutorial Council (KPC) has begun the specialization of prosecutors by type of offense (prosecutors for the fight against corruption, organized crime and so on), that has been in the KPC agenda since 2012. Trainings have begun and by 2015-</p>	<p><b>5.7 (b)</b> Resources of prosecution continue to be scarce with a number of prosecutors dealing with corruption cases, still remaining low. The number of prosecutors in Prishtina and other prosecutions in local level needs to be increased;</p> <p><b>5.7 (c)</b> Kosovo Prosecutorial Council should prioritise the specializing of prosecutors by types of offences. This would ensure a more efficient fight against serious crimes;</p>
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		<p>2016 the structure is expected to be implemented in practice;</p> <p><b>5.7 (d)</b> Kosovo Judicial Council (KJC) has appointed two (2) judges for the Special Chamber of the Kosovo Supreme Court on 3 July 2014. All this is done under the EULEX monitoring and it will continue to be the same even in the recruitment processes in the future to ensure the objectivity in the recruitment of new judges. Regarding the appointment of judges from minority communities, with emphasis on the Serb minority, the KJC has suspended activities in this direction in anticipation of reaching agreement between Kosovo and Serbia;</p>	<p><b>5.7 (d)</b> Agreement on justice between Kosovo and Serbia should be reached as soon as possible in order for Kosovo Judicial Council to be able to appoint judges of Serb minority;</p>
<p><b>The Judicial System (Judicial system cooperation in criminal matters focusing on organized crime cases);</b></p>	<p><b>5.8.</b> Review the new court and prosecutorial system to assess progress;</p>	<p><b>5.8 (a)</b> In order to review the functionality of the Criminal Justice System (CJS), the Ministry of Justice (MoJ) the Kosovo Judicial Council (KJC) and the Kosovo Prosecutorial Council (KPC), finalized the initial draft-report for the assessment of the functioning of the restructured criminal justice. The draft-report summarizes the shortcomings faced by law enforcement agencies with regard to the CJS and reforms envisaged, including a comprehensive overview of their implementation of such reforms</p>	

		<p>and of other relevant legislation;</p> <p><b>5.8 (b)</b> The Judicial and Prosecutorial Councils adopted regulations on the internal organization and operation of the courts and prosecutor’s offices. Also the Kosovo Judicial Institute (KJI) has continued to provide legal education training focusing on capacity building;</p>	
<p><b>The Judicial System (Judicial cooperation in criminal matters focusing on organized crime cases);</b></p>	<p><b>5. 9.</b> The disciplinary regulations in both Councils need to be adjusted to ensure that the disciplinary procedures and policies on the fight against corruption in the judiciary lead to concrete results;</p>	<p><b>5.9 (a)</b> Both Judicial and Prosecutorial Councils adopted codes of ethics (KJC, nr. 192 /2012, The Code of Ethics and Professional Conduct for Kosovo Judicial Council Members; KPC, nr. 910/2012, The Code of Ethics and Professional Conduct for Members of the Kosovo Prosecutorial Council);</p> <p><b>5.9 (b)</b> Regarding the efficiency of prosecutors and the measuring of performance, a commission has been established in the Kosovo Prosecutorial Council (KPC) that deals exclusively with performance;</p> <p><b>5.9 (c)</b> Commission for the evaluation of performance, within the Kosovo Prosecutorial Council (KPC), has conducted an assessment of the performance of</p>	<p><b>5.9 (a)</b> In order to improve the level of implementation the disciplinary regulation in both councils need to be adjusted to ensure that the disciplinary procedures and policies in the fight against corruption in the judiciary lead to concrete results;</p> <p><b>5.9 (b)</b>To increase the prosecutors efficiency there should be regular evaluation of their performance;</p>

		<p>24 prosecutors with initial mandate (3 years), which will be reviewed at the next meeting of the Council;</p> <p><b>5.9 (d)</b> With regard to the court structure, following the results of 2013 in the fight against corruption and the Kosovo Judicial Council (KJC) decision of 2012 to prioritise the corruption cases, the KJC adopted an additional decision to establish a Committee to oversee the work of judges in corruption cases;</p> <p><b>5.9 (e)</b> As regards to the functioning and accountability of the judiciary, the judicial council adopted regulations on the performance of its disciplinary committee, on the promotion of judges, and on its strategic plan 2014-19. The prosecutorial council also adopted a regulation on the performance evaluation of prosecutors;</p> <p><b>5.9 (f)</b> According to “Regulation on the Evaluation of Performance of Judges”, the Kosovo Judicial Council (KJC) Committee for the Evaluation of the Performance of Judges recommended 75 judges for permanent re-appointment. One judge was not recommended;</p> <p><b>5.9 (g)</b> On basis of “Regulation on the Evaluation of Performance of Prosecutors” published in October</p>	<p><b>5.9 (d)</b> Perform regular measuring of performance of judges for corruption cases and other cases;</p> <p><b>5.9 (e)</b> Implementation of regulations on performance and evaluation and on disciplinary procedures is important, as are transparent and merit-based nomination and selection criteria;</p>
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		<p>2013, the Kosovo Prosecutorial Council (KPC) Committee on Performance Evaluation Process of Prosecutors decided in January 2014 that it would first evaluate the work of 22 prosecutors on their initial mandate and then the work of 35 prosecutors on their permanent mandate;</p>	
<p><b>The Judicial System (Judicial system cooperation in criminal matters focusing on organized crime cases);</b></p>	<p><b>5. 10.</b> Kosovo needs to address the backlog of cases;</p>	<p><b>5.10 (a)</b> Although some progress has been made to reduce it, there remains a considerable backlog of court cases. In the first half of 2014, there were in total 693,975 cases in process in courts, with 455,699 inherited from the previous years. During this period the courts managed to complete only 230,674 of cases or 33%;</p> <p><b>5.10 (b)</b> In addition, the Law on Enforcement Procedure approved on December 2012 and the new system of alternative dispute resolution will greatly contribute to enforcement of courts verdicts and reduction of the backlog of cases. The Ministry of Justice (MoJ) has adopted the necessary secondary legislation for appointment of private enforcement agents. It has also certified 14 private enforcement agents in the first quarter of 2014. A number of them were designated for the local level as well;</p>	<p><b>5.10 (a)</b> Kosovo needs to further address the backlog of cases that has built up over more recent years. In order to increase the overall effectiveness of judicial system the budget of judiciary should be taken into consideration; Also, despite the large number of accumulated cases in Kosovo courts there was no increase on the number of judges in 2014.</p> <p>Similar as in 2013 the number of judges for all Kosovo courts was 335, whilst the number of the support personnel was in total 1437. Therefore the number of judges and support staff should be increased accordingly;</p> <p>Efforts should be made to reach an agreement with Kosovo Electricity Distribution and Supply Company (KEDS) and Post and Telecommunication of Kosovo</p>

		<p><b>5.10 (c)</b> Kosovo Judicial Council (KJC) has adopted in August 2013 the National Backlog Reduction Strategy. The Strategy provides a general framework and allows</p> <p>the Basic Courts to develop their individual action plans to tackle the case management taking into consideration the specifics of each court;</p> <p><b>5.10 (d)</b> The courts are not implementing the Kosovo Judicial Council (KJC) instruction on the prioritization of backlog cases. At the end of 2013, the courts completed 419 422 cases leaving 466,255 cases pending (a clearing rate of 80.3%). The implementation of the two-year strategy to reduce the backlog of cases accumulated until December 2008 resulted in a backlog reduction of about 65%. In the current case registration system, it is possible that the same case is counted several times;</p> <p><b>5.10 (h)</b> In the local level (Peja region and Gjakova municipality) as reported, judges prioritize cases of criminal nature. In addition, an action plan was designed that foresee for each judge to complete 90% of the cases by the end of the</p>	<p>(PTK), to withdraw their cases and potentially transfer them to private bailiffs, in order to release the judicial system from the overload;</p> <p><b>5.10 (b)</b> Kosovo has to ensure an adequate oversight of the private enforcement agents;</p> <p>Public awareness of mediation and mediation centers needs to be improved;</p> <p><b>5.10 (c)</b> The Kosovo Judicial Council (KJC) still needs to develop simple performance indicators in order to measure progress of the Basic Courts. These should be contained in a unified reporting system that will allow the KJC to gather and analyse information from the Basic Courts;</p> <p><b>5.10 (d)</b> To reduce the backlog of cases it is essential to establish a proper database in order for the same case no to be multiplied;</p> <p>Also, Kosovo Judicial Council should conduct trainings on combating economic crimes for the local level rule of law officials;</p>
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		<p>year. Most of the cases on corruption and organized crime have been completed;</p> <p><b>5.10 (i)</b> During the six month period of January-June 2014, from the total of handled cases by Kosovo prosecutors against 556 persons, the prosecutors indicted less than half of the cases i.e. 248 persons or 45% out of the total 556 cases. More than half of cases were either dismissed or closed from further investigation with 308 persons or 55% of cases terminated. Prosecutors were able to open/process only 61 % of these cases, whilst courts have been able to convict only 33% of the cases indicted. This shows ineffectiveness of courts to timely respond to the indictments as well raises concerns on the capacities of courts to handle these cases;</p> <p><b>5.10 (j)</b> During the six month period of January-June 2014, in total 48 persons received court decisions regarding their indictments for corruption. Out of this number only 34 persons were found guilty while 5 persons were acquitted of any charges. 35 There are 200 persons still awaiting to be issued their indictments by courts;</p>	
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<p><b>The Judicial System (Judicial system cooperation in criminal matters focusing on organized crime cases);</b></p>	<p><b>5.11.</b> Kosovo authorities need to pay particular attention to access to justice for victims of human trafficking, women and children;</p>	<p><b>5.11 (a)</b> In July 2013, the Law on Prevention and Fight against Trafficking in Human Beings and Protection of Victims was adopted. A National Anti-trafficking Coordinator cooperates with respective authorities and civil society. A Law on Crime Victim Compensations has been drafted;</p> <p><b>5.11 (b)</b> A new Strategy for Combating Trafficking in Human Beings and Action Plan 2014-2019 was completed by the working group and was sent to the Government for approval;</p> <p><b>5.11 (c)</b> With the aim of completing the legal framework, as well as implementation and enforcement for prevention and fighting of Trafficking in Human Beings (THB), the Administrative Instruction (AI) on NGO Licensing was adopted on December 2013, regulating licensing of NGOs for housing THB and domestic violence victims. Even though, Kosovo had the Law on Family and Social Services as of 2005 that foresaw the role of the Ministry of Labour and Social Services to license NGO's that provide services for victims, however, the legislation was not implemented. Also the legislative framework concerning trafficking in</p>	<p><b>5.11 (a)</b> Kosovo authorities should pay particular attention to access to justice for victims of human trafficking;</p> <p>The Law on Crime Victim Compensations should be adopted;</p> <p><b>5.11 (b)</b> Kosovo should approve the new Strategy for Combating Trafficking in Human Beings;</p> <p><b>5.11 (c)</b> Kosovo needs to focus on implementing the Law on Preventing and Combating Trafficking in Human Beings, especially with regard to compensation for victims and sustainable funding for shelters. A comprehensive, multi-disciplinary and victim-oriented approach to trafficking needs to be developed and the identification of victims needs to be further improved;</p>

		<p>Human Beings, Arms and Drug has been completed;</p> <p><b>5.11 (d)</b> Kosovo institutions have made progress in terms of improving conditions for rehabilitation of Trafficking in Human Beings (THB) victims. In this regard, the Ministry of Labour and Social Welfare (MLSW) manages a Special Temporary Shelter which provides shelter and rehabilitation to all victims. Furthermore, from September 2012 – March 2013 the Kosovo Police (KP) identified 13 THB victims and 4 potential THB victims, while 11 victims were offered shelter in the MLSW Special Temporary Shelter. In addition, the Kosovo Police Inspectorate (KPI) was involved in 2 cases of THB, where 3 victims were identified;</p> <p><b>5.11 (e)</b> In terms of providing support to the victims of Trafficking of Human Being (THB) the Interim Security Facility (Ministry of Labour and Social Welfare - MLSW), during the reporting period has sheltered six (6) Victims of Trafficking - The process of licensing social and family services has continued and up to date 284 applications were received from both governmental and non-governmental sector and 225 providers of such services were licensed, whereas 39 are being processed. During the reporting</p>	<p><b>5.11 (d)</b> Conduct other trainings on need basis; Other stakeholders such as the border police, labour inspectors and prosecutors need to be trained on existing standard operating procedures and also enhance their capacities to identify and assist child victims of trafficking in begging;</p> <p><b>5.11 (e)</b> Kosovo authorities need to step up efforts to improve access to justice for children, women and victims of human trafficking;</p>
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		<p>period, 53 officials (individuals) at basic level and 25 at medium level were licensed from General Council (MLSW) for Social and Family Services in offering such services;</p> <p><b>5.11 (f) Victims Advocacy and Assistance Office</b>, from 1 May to 31 July 2014 has provided legal aid to 13 victims of trafficking (VoT's). Victims' Advocates provides assistance with regard to informing VoTs on their rights, legislation in force, overall legal aid throughout legal proceedings;</p> <p><b>5.11 (g)</b> From 1 May until 31 July 2014 eight (8) children (potential victims of trafficking) benefited services from <b>Hope and Home for Children (HHC)</b> in respect to the Minimum Standards of Care for victims of trafficking (VoT). One (1) minor has been assisted and will continue regular education;</p>	<p><b>5.11 (f)</b> The government should draft and develop plans to ensure that legal aid is offered and that the closed offices will not deny the right of persons and victims to free legal aid and access to justice;</p>
<p><b>The Judicial System (Judicial system cooperation in criminal matters focusing on organized crime cases);</b></p>	<p><b>5. 12.</b> The Judicial and Prosecutorial Councils need to respond decisively to attacks against individuals and the judicial institutions. Other branches of government need</p>	<p><b>5.12 (a)</b> Harassment of judges and prosecutors in the media and the absence of an effective response from the relevant institutions continue to be a serious concern;</p> <p><b>5.12 (b)</b> No case of pressure or interference towards prosecutors</p>	<p><b>5.12 (a)</b> The Judicial Council and the Kosovo Prosecutorial Council should issue statements condemning every attack on judges and prosecutors;</p> <p><b>5.12 (b)</b> Despite no case of pressure or interference</p>

	to do the same;	or judges work has been reported so far. Despite, EULEX officials have several times stated that local prosecutors may be pressured based on their rejection to deal with a certain case. On the other hand, the Kosovo Prosecutorial Council continues to state that there was only one case in 5 years that a local prosecutor rejected to deal with a case due to conflict of interest;	towards prosecutors or judges work has been reported so far, to avoid any potential interference particularly in the high profile cases handled by SPRK, the KPC should develop its own mechanisms for reporting by also looking into the appointments of the judicial police;  <b>5.13 (c)</b> Attempts to influence ongoing investigations and court cases need to be effectively sanctioned. This needs to be strongly supported by political will;
<b>The Judicial System (Judicial system cooperation in criminal matters focusing on organized crime cases);</b>	<b>5. 13.</b> Security needs of judicial personnel, witnesses and plaintiffs need to be addressed. Kosovo needs to ensure the efficient implementation of legislation;	<b>5.13 (a)</b> Current protection to prosecutors is being provided after individual requests of prosecutors to the Kosovo Police and assessment of the risk factor by the police. Currently, in the SPRK, there is one prosecutor, under protection. Also, risk assessment is done by Kosovo Police for judicial personnel;  <b>5.13 (b)</b> Witness intimidation and protection continues to be a serious concern even though the Law on Witness Protection has been adopted. In order to guarantee <i>implementation</i> of the agreement and the new mandate of EULEX, the Law on Witness	<b>5.13 (b)</b> Besides offering of protection for the prosecutors, security measures should be provided also for the members of their families depending on the importance and assessment of the case;

		<p>Protection was amended. Also, a set of legal acts of secondary legislation were adopted;</p> <p><b>5.13 (c)</b> In order to further enhance inter-institutional cooperation on witness protection, two agreements have been concluded in the first quarter of 2014: one between the Ministry of Internal Affairs (MiA) and Ministry of Health signed on 6 February, 2014 and one between MiA and EULEX, signed on 11 March 2014;</p> <p><b>5.13 (d)</b> Implementing legislation on witness protection was adopted and a memorandum of understanding between the police and EULEX was signed.</p> <p>In order to continue with implementation of the legislation in force in the field of witness protection, in June 2014 a Standard Operating Procedure (SOP) on completion of the program foreseen by the law on Witness Protection was signed;</p> <p><b>5.13 (e)</b> According to Kosovo Prosecutorial Council (KPC) and EULEX officials there are still cases of witnesses that hesitate to testify mainly due to fear of revenge and intimidation by the defendant;</p>	<p><b>5.13 (f)</b> Kosovo needs to sign agreements for witness relocation in order to ensure functioning of the judicial system and no obstruction of justice;</p>
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		<p><b>5.13 (f)</b> Four basic courts and the appeals court are now equipped with special rooms for protected witnesses;</p> <p>Witness Protection Directorate is formed within the Kosovo Police (KP) and has trained staff for witness protection.</p> <p>Law for Witness Protection, specifically Article 28 gives to the KP the right to cooperate with other States for the relocation of witnesses. Due to the size of the territory of the Republic of Kosovo in cases with higher risk according to KP estimates, the witnesses should be reallocated. KP has adopted all by laws that derive as an obligation from the law and they also have concluded agreements with various ministries of Kosovo to protect witnesses;</p> <p><b>5.13 (g)</b> The Kosovo Police (KP) has so far employed 13 trained staff members in the Witness Protection Directorate (WPD).</p> <p>The KP Directorate has issued police vehicles to the WPD, other vehicles are expected from Witness Protection in the Fight against Serious Crime and Terrorism (WINPRO) cases. General agreements on cooperation and witness protection with several European countries have been concluded;</p>	<p><b>5.13 (g)</b> The witness protection department (WPD) lacks necessary resources to effectively fulfil its mandate. The government should ensure that the WPD has all the necessary resources to perform its duties;</p>
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		<p><b>5.13 (h)</b> With the aim of enhancing capacities in the field of witness protection, during the reporting period 8 trainings were delivered to 33 participants dealing with witness protection. Witness protection officials also participated in an advanced training on international cooperation organized in the Netherlands, which also resulted in EUROPOL granting membership for the WPD to access its witness protection expert platform;</p>	
<p><b>The Judicial System (Judicial system cooperation in criminal matters focusing on organized crime cases);</b></p>	<p><b>5. 14.</b> The work of the special prosecution should be strengthened by recruiting new prosecutors in order to deal with high-level and sensitive cases i.e. increase number of prosecutors;</p>	<p><b>5.14 (a)</b> Currently, Special Prosecution of Republic of Kosovo (SPRK) has 12 local prosecutors. Last year 5 prosecutors were appointed. Following a request for the increase in the number of prosecutors, Kosovo Prosecutorial Council (KPC) approved 3 more prosecutors, one reserved for minorities; The current number of prosecutors is still insufficient and the SPRK aims to increase the number of prosecutors to 25;</p> <p><b>5.14 (b)</b> In order to enhance the effectiveness of Special Prosecution of Republic of Kosovo (SPRK) among the SPRK objectives is the division of SPRK into departments (organized crime,</p>	<p><b>5.14 (a)</b> The number of prosecutors in Special Prosecution of Republic of Kosovo (SPRK) should be increased as requested.</p> <p>The Government of Kosovo should double the funds for SPRK to €1,120,000.00 (from current €593,000.00) based on the Croatia’s model of using €0.62 per capita on anticorruption and fight against organized crime. Kosovo currently allocates only €0.32 per capita in these efforts;</p> <p><b>5.14 (b)</b> Amend the law on Special Prosecution of Republic of Kosovo (SPRK), in</p>

		<p>corruption, war crimes) and the specializing of at least 3 prosecutors in war crimes. Such structure is currently difficult to ensure due to the insufficient number of prosecutors;</p> <p><b>5.14 (c)</b> The special prosecutors of the Special Prosecution of Republic of Kosovo (SPRK) have lowest rate of effectiveness in corruption cases with rate of 68 cases or 89% of 76 cases in total, were dismissed/closed or terminated from further investigation, in the first half of 2014. In the regional level, the basic prosecution in Peja dismissed/closed and terminated further investigations for 47 or 72% of 65 cases of corruption in total, whilst the basic prosecution in Gjakova dismissed/closed and terminated further investigations for 19 or 53% of 36 cases;</p>	<p>order to foresee the establishing of a judicial police that would enhance further the effectiveness of SPRK . Moreover, the number of prosecutors should increase, in order to increase the efficiency of SPRK;</p>
<p><b>The Judicial System (Judicial system cooperation in criminal matters focusing on organized crime cases);</b></p>	<p><b>5.15.</b> Kosovo should develop a criminal record information system; regulate appropriately its management;</p>	<p><b>5.15 (a)</b> Neither case allocation nor case management IT systems exist, and there is no centralised criminal record database, which hampers the efficiency of the judicial system. A Memorandum of Understanding was signed on September 5<sup>th</sup> by Minister of Justice, the Kosovo Judicial Council, Kosovo Prosecutorial Council, and Norway’s Ambassador. Norway will</p>	<p><b>5.15 (a)</b> Undertake all the necessary measures to implement the Case Management and Information System (CMIT). The successful implementation of CMIT would ensure proper case allocation and management and would reduce the risk of cases being multiplied and thus help reduce the existing</p>

		<p>donate € 6 660 00,00 over a 4 year period for the implementation of this project, which is part of the Kosovo Judicial Council's ICT Strategy 2012 – 2017. The CMIS aims to improve efficiency, accountability and transparency of the Kosovo Judiciary and Prosecution Service;</p> <p><b>5.15 (b)</b> At the level of institutional cooperation, aimed at harmonization of statistics, the integrated tracking mechanism for investigation and prosecution of organized crime and corruption is fully operational. The tracking mechanism was developed in close cooperation with EULEX and the EU Office in Kosovo. The tracking mechanism provides harmonized statistics starting 2013 onwards;</p> <p><b>5.15 (c)</b> The data unification among rule of law institutions remains a challenge. Several trainings are foreseen for rule of law officials in order to equip them with the necessary competency to use the database system within the project ICT-based Case Management and Information System (CMIS) financed by the <u>Norwegian Ministry of Foreign Affairs</u>;</p>	<p>backlog of cases;</p> <p><b>5.15 (c)</b> Conduct trainings also for the local level in order to equip them with the necessary competency to use the database system within the project ICT-based Case Management and Information System (CMIS);</p>
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## VI. Combating Money Laundering

Area	Actions that need to be undertaken (Indicators)	What has been done so far	Recommendations
<p><b>6) Combating Money Laundering;</b></p>	<p><b>6.1.</b> Kosovo should implement the Strategy and the Action Plan for Prevention and Combating Informal Economy, Money Laundering and Financing of Terrorism;</p>	<p><b>6.1 (a)</b> In January 2014, the Government adopted the Strategy and the Action Plan for Prevention and Combating Informal Economy, Money Laundering and Financing of Terrorism (2014-18);</p> <p><b>6.1 (b)</b> In the end of April, 2014 the first report on the Strategy on Prevention of Informal Economy, Money Laundering, Financing of Terrorism and Financial Crime was published;</p> <p><b>6.1 (c)</b> The Financial Intelligence Unit (FIU) plans to increase its staff to fully perform its functions. The number of reports of suspicious transactions remains high; yet no convictions for money-laundering have been reported; During the period 2014-2015, two (2) judgements were rendered in relation to ML. One case in Mitrovica where the defendants were acquitted and the other in Basic Court of Prishtina where the defendants were found guilty and convicted for this crime;</p>	<p><b>6.1 (a)</b> Given the poor results achieved up to now regarding prevention and combating informal economy, money laundering and financing of terrorism, the implementation of the new strategy and action plan and its review on need basis needs to be addressed in order to produce the desired results;</p> <p><b>6.1 (c)</b> Kosovo has continued to have a low rate of convictions on money laundry cases. The investigation, prosecution and conviction remains poorly implemented. The Kosovo judicial and prosecutorial structures should analyse and asses thoroughly the deficiencies in handling of money laundry cases. The EULEX with its new mandate should build the capacity of Kosovo institutions to fully implement this recommendation;</p>

<p><b>6) Combating Money Laundering;</b></p>	<p><b>6.2.</b> Monitor the performance of the Financial Intelligence Unit (FIU), cooperation and capacities, including but not limited to the monitoring of the appointment of the police liaison officer; monitoring of financial obligations of reporting entities; and joint inspections with the Central Bank of Kosovo;</p>	<p><b>6.2 (a)</b>The revised law broadens and strengthens the mandate of the Financial Intelligence Unit (FIU); FIU is seen as an important tool whose mandate and functions, set by law, are reported to be in line with the Financial Action Task Force (FATF) Recommendation No 29;</p> <p><b>6.2 (b)</b> The Memorandum of Understanding (MoU) between Kosovo Police (KP) and the Financial Intelligence Unit (FIU) on electronic exchange of information signed in February 2013, is fully implemented by both parties. Also, high officials of FIU, claim that cooperation between KP and FIU is good;</p> <p><b>6.2 (c)</b> The KP still needs to appoint a liaison police officer within the Financial Intelligence Unit (FIU); The Financial Intelligence Unit (FIU) appointed liaison officers to the Kosovo customs and taxation administrations to improve information exchange and operational cooperation between the offices. A liaison officer from Kosovo Police (KP) was allocated at FIU in the beginning of 2015;</p> <p><b>6.2 (d)</b> Cooperation between the Financial Intelligence Unit (FIU) and customs is satisfactory;</p> <p><b>6.2 (e)</b> The Financial Intelligence Unit (FIU) signed a memorandum of understanding with the NGO registration department within the Ministry of Public Administration to enable better</p>	<p><b>6.2 (b)</b> It is essential for a track record of final court rulings in cases concerning money laundering to be established; These records of final court rulings should show the improvements, regress and point out to deficiencies of the system in order to track success and failures of the courts in fighting of money laundry cases;</p> <p><b>6.2 (c)</b> The Financial Intelligence Unit and Kosovo Police (KP) claim that they have good cooperation. The appointment of KP liaison officer has further improved this cooperation.</p> <p><b>6.2 (e)</b> The cooperation and coordination between the relevant public sector institutions on money-laundry needs to be standardized. In addition, awareness of and participation by the private and third sector need to be enhanced;</p>
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		<p>monitoring of financial obligations of reporting entities;</p> <p><b>6.2 (f)</b> The Financial Intelligence Unit (FIU) has strengthened its relations with banks in Kosovo. FIU signed a memorandum of understanding with the Central Bank of Kosovo allowing for joint inspections. Further, analysis of this cooperation in implementation should be analysed;</p> <p><b>6.2 (g)</b> In 2011 the competence for inspections and penalties for banks was removed from the Financial Intelligence Unit (FIU)'s mandate, so the banks were not subjected to regular reporting. In 2013 with the law amendments, these competences were again returned in FIU's mandate so the banks began reporting again. According to the introduced new amendments in the law, the FIU can carry out inspections on its own initiative, impose penalties and prepare a national risk assessment on money laundering and financing of terrorism;</p> <p><b>6.2 (h)</b> Based on a mid-term expenditure framework, the Financial Intelligence Unit (FIU) plans to increase its staff to fully perform additional tasks provided for by the amended law. 20 staff position were approved but the budget for two (2) staff members was not allocated for two (2) years now; Currently, FIU staff is comprised of 18 officials, three (3) of them are from EULEX, whose job, mainly, is to monitor the work of FIU; The needs of the FIU for</p>	<p><b>6.2 (h)</b> According to PECK report, FIU has insufficient institutional standing, which reflects on its capacities to enhance cooperation with other domestic authorities, access information and improve the quality of analysis. In order to further enhance the capacities of the Financial Intelligence Unit (FIU), the additional resources requested in the strategic document "Performance and Resource Plan of the Financial Intelligence Unit of Kosovo 2015-2017, should be allocated as soon as possible;</p>
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		<p>new staff were presented in its strategic document “Performance and Resource Plan of the Financial Intelligence Unit of Kosovo 2015-2017” by which it is planned to increase the staff by six (6) officials until 31/12/2017. Additional resources will be allocated to the function of Supervision of Compliance (3), Operations and Analysis (2) and Legal/International Cooperation (1).</p>	
<p><b>6) Combating Money Laundering;</b></p>	<p><b>6. 3.</b> Implementing legislation and standard operating procedures are needed to enhance the implementation of the new Law on prevention of money laundering and financing of terrorism focusing on money laundry;</p>	<p><b>6.3 (a)</b> The Assembly approved a law on the confiscation of assets and revised the law on the prevention of money laundering and financing of terrorism;</p> <p><b>6.3 (b)</b> Two training courses for the Financial Intelligence Unit (FIU) employees were held on how to properly use the new Standard Operating Procedure (SOP) of Compliance Supervision (14/01/2014) and for effective compliance inspections. Two other training courses were organized on the SOP on Compliance Supervision; three on the goAML system (the electronic application for the FIU analysis); one training on the amended Kosovo Criminal Procedure Code; one on Kosovo legislation relevant to the Stabilization Association Agreement; and one seminar on the confiscation of assets. Notwithstanding the importance of adequate training for FIU officers, the unit management remains aware of the risk of specialized staff leaving for more profitable jobs, for instance in the banking sector;</p>	<p><b>6.3 (a)</b> Overall there has been lack of willingness by Kosovo institutions to fully implement the legal and strategic framework for money laundry. This willingness has often been interrupted by political interferences, staff capacities and political appointments that has jeopardised the integrity of the institutions mandated to fight money laundry. Fully implementing the laws and policies guaranteeing the integrity of institutions will enhance also the implementation of the new law on prevention of money laundering and financing of terrorism;</p> <p><b>6.3 (b)</b> Conduct additional training courses for Financial Intelligence Unit (FIU) staff identified on need basis;</p> <p><b>6.3 (c)</b> New Draft Law on Preventing Money Laundering and Combating Terrorist Financing should be adopted as soon as possible in order to accelerate the membership of Kosovo’s Financial Intelligence</p>



		<p><b>6.3 (c)</b> The money laundering legal framework has been further enhanced with the adoption of the following other documents on 15 July 2014: Standard Operating Manual (SOM) for goAML based on Working Processes; SOM related to automatic information requests from Financial Intelligence Unit (FIU) to Kosovo Police (KP); SOM on information exchange between FIU and Tax Administration of Kosovo (TAK); Users Manual on goAML Forms; and goAML Web Manual for Reporting Subjects users; Also, the government has adopted two Administrative Directives (AD) and six Administrative Instructions (AI) that are directly related to the fight against money laundering. Moreover, a new Draft Law on Preventing Money Laundering and Combating Terrorist Financing is on finalisation phase;</p>	Unit in Egmont Group;
<b>6) Combating Money Laundering;</b>	<b>6. 4.</b> The Financial Intelligence Unit's (FIU) analytical and investigative capacity needs to be strengthened;	<p><b>6.4 (a)</b> The revised law broadens and strengthens the mandate of the Financial Intelligence Unit (FIU);</p> <p><b>6.4 (b)</b> With regards to enforcement in this area, during the second quarter of 2014, the Financial Intelligence Unit (FIU) has received 72 Suspicious Transaction Reports (STR), which makes this number 67% higher than the number of STRs in the same period of last year. Out of 39 cases, the Prosecution Offices during the period of January-June 2014 solved 6 cases involving 17 persons. Charges were dropped for 3 persons and investigations were terminated for 9 persons;</p>	<b>6.4 (b)</b> There are no statistics on the total estimated damage caused on money laundry cases investigated, prosecuted and sentenced by Kosovo prosecutorial services or other mechanisms mandated to fight money laundry cases. These statistics should be regularly published; State Prosecutor should put further efforts in handling money laundering cases which will be reflected in its record;

		<p>and indictment following investigations filed against 5 persons; On the other hand, in year 2015, the prosecution record in handling the cases of Money laundering was weaker than in previous year. In 2015, state prosecutor has solved only 7 (seven) cases against 15 persons, or 18%.</p> <p><b>6.4 (c)</b> During April 2014, an on-site assessment visit was conducted at the Financial Intelligence Unit (FIU) by three supporting member states of the Egmont Group (an informal international network of financial intelligence units (FIUs). The Assessment Team was satisfied by the Financial Investigative Analysis Department and its work on Anti-Money Laundry/Counter-Terrorist Financing (AML/CTF). The visit led to conclusions that the Kosovo FIU meets Egmont Group's standards. In February 2014, Kosovo submitted its membership application to the Egmont Group, sponsored by the FIUs of Finland, Senegal and Slovenia. Kosovo's membership is still pending; According to National Economic Coordinator, the membership of Kosovo's FIU in Egmont Group is still pending because of some shortcomings in the area of terrorist financing noted in Law in prevention of money laundering and terrorist financing by Egmont Group experts;</p> <p><b>6.4 (d)</b> Progress was made on the recruitment of necessary Financial Intelligence Unit (FIU)'s staff to answer all operational needs. There are currently 18 staff</p>	<p><b>6.4 (c)</b> Albeit have passed two years since Financial Intelligence Unit (FIU) has applied for membership in Egmont Group, its membership is still pending; FIU has to fulfil the remarks of Egmont Group experts as soon as possible in order to be a full member in the abovementioned organization;</p> <p><b>6.4 (e)</b> Although improvements regarding trainings are already made, there is need to conduct other training courses for Financial Intelligence Unit (FIU) staff on need basis so that the end result of their operation can be more satisfactory.</p>
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		<p>members out of a foreseen total of 20. To achieve full strength, the FIU Director’s proposal to the Minister of Finance and Economy to hire 3 more analysts was accepted;</p> <p><b>6.4 (e)</b> When it comes to the increase of capacities in the Financial Intelligence Unit (FIU) and other institutions related to the sector of money laundering from 1<sup>st</sup> May until 31 July 2014), six FIU officials attended seven trainings on topics such as money laundering and financing terrorism, economic crimes, tracing assets, and international judicial assistance; Further, in October 2015, FIU has held a training for Micro-financial Institutions in Kosovo in the field of preventing money laundering and combating terrorist financing, which was organised by Micro-financial institutions’ association (AMIK);</p> <p><b>6.4 (f)</b> Notwithstanding the importance of adequate training for Financial Intelligence Unit (FIU) officers, the institutions management fears that their specialised staff might leave for more profitable jobs, for instance in the banking sector. The FIU Kosovo amended its Standard Operating Procedures (SOPs) and internal regulations according to the recommendations of the Financial Action Task Force (FATF);</p>	<p><b>6.4 (f)</b> The Financial Intelligence Unit (FIU) and relevant institutions should consider providing better working conditions for their staff, so as to avoid a turnover of skilled staff and thus harm their overall performance and results;</p>
<p><b>6) Combating Money Laundering;</b></p>	<p><b>6. 5.</b> An assessment of internal and external money laundering/terrorist</p>	<p><b>6.5 (a)</b> In June 2014, a National Risk Assessment for Money Laundering and Financing Terrorism was conducted, that is</p>	<p><b>6.5 (a)</b> The risk assessment for money laundry and financing of terrorism should be approved immediately in order to speed</p>

	financing threats needs to be carried out;	related to the specific sector of Money Laundering and Financing Terrorism in the Construction Sector. This risk assessment awaits its approval in the following reporting period. The action plan was drafted in parallel. The implementation of this strategy is monitored by the National Coordinator for informal economy, money laundering and financing of terrorism, who was appointed in December 2013;	up the adoption and implementation of the Action Plan;
<b>6) Combating Money Laundering;</b>	<b>6. 6.</b> Considering the nature of the data handled by the Financial Intelligence Unit (FIU), the internal and external security system needs to be improved; Law enforcement and judicial institutions need to improve their expertise to be able to tackle complex nature of money laundry crime;	<p><b>6.6 (a)</b> Regarding the Financial Intelligence Unit (FIU) security, since 2011 FIU has improved its building by armouring it, and also installing more security cameras.</p> <p><b>6.6 (b)</b> According to the 2013 annual report of harmonised statistics (based on the tracking mechanism developed by the Kosovo Prosecutorial Council in 2013), there were a total of 56 cases against 207 persons for money laundering offences in 2013. In total, 25 cases against 116 persons were resolved. Data on final convictions, however, are not available; Out of 39 cases, the Prosecution Offices during the period of January-June, 2014 solved 6 cases involving 17 persons, as follows: charges dropped for 3 persons, investigations terminated for 9 persons; and indictment following investigations filed against 5 persons. During year 2015, from a total of 39 cases at work which involve 110 persons, State Prosecutor has resolved only 7 cases with 15 persons or 18%;</p>	<p><b>6.6 (b)</b> There is slight improvements on data regarding court cases that deal with money laundering crimes. However, there should also be a track record of data on final convictions regarding the money laundering crimes, given that for the time being such statistics are inexistent;</p> <p><b>6.6 (c)</b> Due to the complexity of economic and financial crimes and anti-money laundering, the expertise of judges, prosecutors and staff working on such cases needs to be further improved; Kosovo Prosecutorial Council has already taken steps to appoint specialized prosecutors for (among other crimes)</p>

		<p><b>6.6 (c)</b> In the beginning of 2013 the Institute for Economic Crimes was established. All rule of law institutions are participants in this institute. Each institution requests the types of trainings they mostly need for their staff. The Financial Intelligence Unit (FIU) participates also and they have the main role on the trainings on money laundering. Trainings for rule of law institution staff are conducted two times a month in Vushtrri/Vučitrn;</p>	<p>economic crimes. Although, this step should help the fight against such crimes, given that the project is in its infancy, it may take a while before these prosecutors are specialized. The prosecution should prioritise these cases;</p>
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