



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria-Vlada-Government

**Third Readiness Report of the Republic of Kosovo on Addressing
Recommendations arising from the EC Progress Report II in the fulfilment of the
EU Roadmap towards a Visa-Free Regime with Kosovo**

June 2015
Prishtinë

Table of Contents

| | |
|--|----|
| INTRODUCTION | 3 |
| 1. BLOCK 0: REQUIREMENTS RELATED TO READMISSION AND REINTEGRATION | 5 |
| 1.1 Readmission..... | 5 |
| 1.2 Reintegration | 6 |
| 2. BLOCK 1: DOCUMENT SECURITY | 10 |
| 3. BLOCK 2: BORDER AND MIGRATION MANAGEMENT | 14 |
| 3.1 Border Management | 14 |
| 3.2 Migration Management | 18 |
| 3.3 Asylum | 20 |
| 4. BLOCK 3: PUBLIC ORDER AND SECURITY | 22 |
| 4.1. Preventing and Combating Organized Crime, Corruption and Terrorism..... | 29 |
| 4.2. Law enforcement cooperation | 36 |
| 4.3. Judicial Cooperation in Criminal Matters..... | 37 |
| 4.4. Data Protection..... | 38 |
| 5. BLOCK 4: FUNDAMENTAL RIGHTS RELATED TO THE FREEDOM OF MOVEMENT .. | 40 |

ANNEXES

Introduction

Following the issuance of the Second Report on Progress by Kosovo in Fulfilling the Requirements of the Visa Liberalisation Roadmap by the European Commission, in July 2014, accompanied by the respective Commission Staff Working Document (CSWD), Kosovo institutions have focused their efforts in addressing the recommendations contained thereby, with all the respective actions foreseen implemented in the meantime and reflected in the present report.

Therefore, the present *Third Readiness Report of the Republic of Kosovo on Addressing Recommendations arising from the EC Progress Report II in the fulfilment of the EU Roadmap towards a Visa-Free Regime with Kosovo* provides a comprehensive overview of all reforms and other measure undertaken by the relevant institutions in addressing all recommendations issued in the 2nd Visa Liberalisation assessment Report of the European Commission, with a view to meeting and complying with all criteria contained in the Roadmap.

The legal framework is completed, in line with the EU *acquis* and with the EC recommendations. The four main laws of judiciary package, the three laws on human rights, the Law on Interception and the Law on the Compensation of Crime Victims have been adopted by the Assembly on 28-th of May 2015. In terms of strategic documents, the new Strategy on the Fight against Trafficking in Human Beings 2014-2019 has also been approved on 8 May 2015. The Regulation for the Reintegration of the Repatriated Persons and the Management of the Reintegration Program is adopted on 15 May 2015, thus reinforcing Kosovo's endeavours to emphasize sustainable reintegration.

Kosovo institutions have made a considerable progress in negotiating readmission agreements with countries of origin and transit of irregular migrants, notably with Turkey as negotiating drafts are in the final phase of agreeing; therefore its signing is expected to be concluded by the second half of 2015.

The new (blank) civil status certificates are issued with the most contemporary security features and a new version of the Civil Status Registry System is fully functional. The contract for the development and maintenance of the Border Management System (BMS) was also signed, allowing the relevant authorities to interlink their databases. The Detention Centre for Foreigners is functional, thus solving the issue of foreigners accommodated in the centre for asylum-seekers.

Kosovo institutions have made a recognizable progress in improving the quality of data analysis related to migration management, within the framework on the Government Authority on Migration and reflected in policy analysis document of the Migration Profile 2013.

International cooperation agreements on fighting organized crime, including provisions on witness protection, have been signed with United Kingdom, Albania and Slovenia. A database associated with the treatment of the top 50 cases of high-profile organized crime and corruption cases is established.

Considerable progress has been made with regards to preventing and combating corruption related to public procurement procedures. In this framework the Law on Public Procurement is under amendment and addresses deficiencies in the system of public procurement.

There was a considerable progress when it comes to track-record of final court rulings in cases concerning corruption and organized crime, and as such statistics and reports are reflected under the section of the Block 3 of this Report, as well as detailed picture is provided in annexes of this report. In addition, KPC will provide evidence of high profile cases against corruption with indictments, during the assessment mission due to their sensitivity of information containing these cases.

1. Block 0: Requirements Related to Readmission and Reintegration

1.1 Readmission

Kosovo has continued to negotiate readmission agreements with EU MSs, main transit countries, and countries of origin of irregular migrants. Thus far, Kosovo has signed 20 bilateral agreements (with 22 countries¹, including 18 EU MSs, 2 Associated States and 2 Balkans countries). Additionally, Kosovo has sent readmission agreement requests to EU MSs, such as Poland and Portugal. Requests were sent also to Afghanistan, Cote d'Ivoire and Pakistan. Afghanistan is the only country to respond: it has requested the postponement of the agreement due to the volatile security situation in this country.

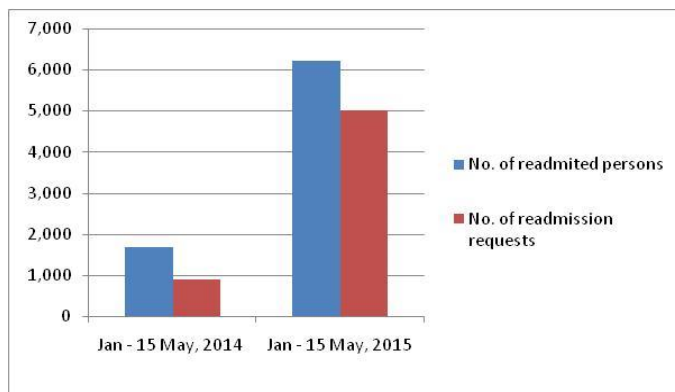
The readmission agreement with Macedonia is to be signed soon: the negotiations have been concluded and the parties have already harmonized the text of both agreements and agreed to sign it in the joint Government meeting. The agreement with Latvia is expected to be signed by beginning of the second half of 2015. Negotiations on readmission agreement have also been concluded with Lithuania and its signing is expected to take place by the second half of 2015. In addition to this, negotiations are progressing well with Turkey, as the draft of the agreement is in its final phase, whereas its signing is expected by the second half of 2015.

It is important to note that the adoption of the readmission agreements depends on the readiness of these countries to enter such agreements; however, Kosovo, in its efforts to accelerate this process, has continuously sent verbal notes through its diplomatic channels as reminders to these countries on the conclusion of these agreements. Nevertheless, when handling cases of migrants coming from countries with which Kosovo has no readmission agreement, Kosovo institutions refer to the Law on Readmission, adopted in 2010. Such is the case of 19 foreigners evidenced as staying illegally in Kosovo during 2014 and the first quarter of 2015. These persons come from the countries with which Kosovo has not yet signed readmission agreements. This is the evidence of functional institutional mechanisms dealing with return of foreigners found staying illegally in territory of Republic of Kosovo.

Contrary to the first half of 2014, the second half of it marked a drastic increase in the number of Kosovo citizens entering Schengen zone through Hungary in irregular manner and seeking asylum. However, it should be noted that as the numbers of Kosovo irregular migrants to Schengen countries increased, so did the number of repatriated persons immediately in the first months of 2015. Thus, during the period covering January-May 2015, the number of readmitted persons increased by almost 280% when comparing the same period of last year (from 1,665 in January-May 15, 2014 to 6,215 in the same period, 2015). The number of readmission requests also increased by around 450%, as presented in the chart below (2014-903 requests; 2015-5,000 request). To note the continuous accelerated increase of the number of readmitted persons, 1,481 persons were readmitted within two weeks alone, in the period covering May 15 -May 28.

¹ Explanation: Kosovo has signed one readmission agreement with three Benelux countries.

Chart 1: Data on the number of readmission requests and readmitted persons in Jan–May 15, 2014 and Jan–May 15, 2015



Out of 5,000 readmission requests received in this period, 4,328 (86%) received positive answers, 592 (12%) are in the verification process (not exceeding the verification time-limit of 30 days), while only 80 (2%) requests received negative responses. Explanations for negative responses are communicated to the embassies of the sending countries through reports and periodic meetings. It should be noted that, for the first time, during the first half of 2015, more persons returned voluntarily than by force: out of 6,215 persons returned, 3,957 (64%) returned voluntarily while 2,258 (36%) were returned by force.

When comparing annual statistics for 2013 and 2014, a slight decrease in the number of readmission requests is noted. While 3,778 was the number of the readmitted persons in 2013, in 2014, this number decreased to 2,535. The same is with the number of the readmitted persons: in 2013, 5,115 persons were readmitted, while in 2014, the number decreased to 4,610. Statistical reports on repatriation were presented in two meetings with migration attaches of the embassies of the MSs, which were held in September 2014 and March 2015. Moreover, the 2014 annual report on readmission, foreigners, and asylum-seekers is communicated to relevant authorities of the MSs, the EC, and EULEX, and can be found in the MIA webpage. Please refer to *Annex on Statistical Report 2014, DCAM/MIA* for more details.

In order to facilitate the readmission of vulnerable persons, in compliance with bilateral agreements and Kosovo legislation on data protection, it is essential for returning countries to forward detailed information on vulnerable persons to be readmitted. Thus, MIA has distributed a standard form, serving as a document for gathering relevant information on vulnerable persons (including their health condition, language of communication, and their specific needs), to the sending states through diplomatic missions of these states in Kosovo. The form enables institutions in charge for providing required services to these persons, to prepare in advance. The representatives from the sending states have agreed on the standard form but they still have not started applying it.

1.2 Reintegration

Aiming at improving implementation of new approach deriving the Reintegration Programme towards more sustainable reintegration services, MIA has drafted the Manual for Sustainable Reintegration, which provides guidance to ensure coordinated implementation of the Regulation for reintegration of repatriated persons. The guidelines on the implementation of

this manual are distributed to the municipalities and international organizations. In this light, during 2014, 8 rounds of trainings were delivered in all municipalities of Kosovo to the officials working in the field of reintegration, specifically on use of the electronic tool of case management system relevant for monitoring and reporting as well as those related to implementation of reintegration policies through the content of the Manual for Sustainable Reintegration. Moreover, in April 2015, a roundtable on this topic gathered 120 officials of the relevant reintegration directorates, and representatives of the international and local organizations. Also, to strengthen the policy coordination and the implementation of the National Strategy for Reintegration at the local level, as a result of the cooperation between the central and local level, the draft-model of the municipal action plan on reintegration was prepared by the Reintegration Department, and as such it was distributed to municipalities. This draft-model of the action plan will be used by municipalities to develop their own municipal action plan on reintegration in compliance with the specific needs of their respective municipality.

The new Regulation for the Reintegration of the Repatriated Persons and the Management of the Reintegration Program, adopted by the Government on 15 May 2015, also reinforces Kosovo's endeavours to place its emphasis on sustainable reintegration. In the process of drafting this regulation, Kosovo institutions have taken note of the recommendations on considering the change of the cut-off date made by the European Commission Second Report on the progress made by Kosovo in fulfilling the visa liberalization roadmap. In order to balance providing the necessary and adequate assistance for every readmitted person and avoiding incentives for irregular migration, the date in the Regulation on Reintegration has remained unchanged. However, it must be emphasized that despite the date, persons belonging to marginalized groups (ex.: persons with special needs and single-parents) are entitled to all benefits listed in the Regulation. Moreover, regardless of the date, the returnees are still eligible to receive services such as transport to the place of origin, health services, language and supplementary classes, vocational trainings, and employment services through employment offices at all levels. This approach reflects Kosovo's efforts to focus on sustainable reintegration of the readmitted persons as it encourages those able to generate income not to rely solely on financial assistance but to partake in programs such as vocational trainings, employment services, and business-start ups, which empower them in the long-term.

When it comes to the organizational structure, the Department for Reintegration of Repatriated Persons (DRRP) is fully functional. The DRRP has recruited 23 civil servants under permanent contracts, included in the government payroll system, with no staff being paid from Reintegration Fund anymore. The DRRP is in the process of recruiting one additional officer, following which the department will be fully staffed.

In the efforts of keeping track of the services provided to the beneficiaries of the Reintegration Program, the Case Management System (CMS) was made functional in 2014, and it meets the recommendations given by the international experts. With the aim of monitoring the CMS information updates, MIA has appointed one official at the central level who checks whether the requested services submitted in a hard-copy form are also reflected in the CMS. As a result, the data input in the CMS is in fact a precondition to accepting these requests. These measures have affected positively the functioning of the CMS. To further improve the tracking system, MIA will open procurement procedures to select a company which will carry out the

advancement of CMS. Some of the technical specifications of this advancement include enabling CMS to continuously track the beneficiaries and the services provided to them, as well as giving the international organizations and supporting institutions access to enter data on the services provided by them (ex.: MESP on housing, MEST on language classes, MoH on health services, and MLSW on employment). The latter function aims at preventing the overlapping of the services provided to the beneficiaries from different sources (IOM and the Reintegration Fund, for example). It is expected that the end of 2015 will see the finalization of this project. In terms of increasing capacities of the municipal officers using the CMS, during the reporting period, 10 municipal officials from 7 municipalities received trainings, while the total number of the trained officials so far is 85. Trainings were also delivered on the topic of personal data protection to 19 staff members of the DRRP, 6 regional coordinators, and 13 senior officials of the DRRP at the central level. The table below illustrates the services provided to the beneficiaries of the Reintegration Program in the years of 2013, 2014, and the period covering January – May 2015.

Table 1: Services and the number of the beneficiaries in 2013, 2014, and Jan-May, 2015.

| | | 2013 | 2014 | Jan-May 15, 2015 |
|---|-----------------------------|-------|-------|------------------|
| Total number of the Reintegration Program beneficiaries | | 2,635 | 2,024 | 894 |
| Category of sustainable services delivered | | | | |
| Houses rebuilt | Houses | 44 | 18 | 2 decisions |
| Houses renovated | Houses | 9 | 6 | 4 decisions |
| Houses furnished | Houses | 22 | 17 | 8 decisions |
| Language and supplementary classes | Persons | 92 | 311 | 120 |
| Language and supplementary classes | Municipalities ² | 4 | 10 | 9 |
| Vocational training | Persons | 110 | 122 | 27 |
| Start-ups | Business plans | 268 | 191 | 51 |
| Employment | Persons | 17 | 4 | 21 |
| Assistance to vulnerable persons | Persons/Families | 58 | 62 | 3 |

Regarding the continuous efforts to integrate returned children in the education system, MEST delivers ongoing supplementary and language classes. For these classes, 22 teachers were recruited, and the curricula were drafted in close cooperation with the Council of Europe. These classes are scheduled to last until June 2015 where these 22 teachers will work with 120 children. Additionally, 32 returned pupils are integrated in the education system during the reporting period.

²Children from the municipalities where the language and supplementary classes are not delivered, are provided with transportation to the closest municipality where such classes are held.

Aiming at increasing the level of employment among the readmitted persons, MLSW has reached agreements with 26 local companies stating that these companies are willing to employ a number of readmitted persons. Due to these agreements, the number of the employees from January to April has jumped to 21 from 4, which was the total number of the employed readmitted persons throughout 2014. However, it is important to note that most of the persons readmitted opt for business start-ups rather than employment services. This factor also contributes in explaining why the number of start-up businesses is significantly higher than the number of the persons employed. Furthermore, with the purpose of preparing the readmitted persons for the job market through vocational trainings, MIA has allocated USD 488,414 from the Reintegration Fund to UNDP to deliver these trainings. It should be noted that all the requests submitted for vocational trainings receive positive answers; this means that during the period covering January- May 15, 2015, 27 was the total number of requests received and the same was the number of the beneficiaries of this service.

With regards to facilitate reintegration of vulnerable groups, MIA has signed an agreement with UNICEF and NGO MONITOR for identification and reaching out to vulnerable repatriated families, monitoring of the access to services and assistance, mediation between beneficiaries and authorities, civil registration, school enrolment, legal assistance, as well as information and counselling.

As far as the cooperation with international organization goes, these organizations and the Reintegration Program continuously exchange information manually on services provided to repatriated persons. This aims at avoiding chances for the duplication of services and streamlining the efforts of both international organizations and Kosovo institutions. For example, IOM systematically provides information on the support they provide to voluntary returnees. Moreover, the module enabling international organizations to enter in the CSM data on the services they provide to the repatriated persons is already developed, and these organizations will be able to start recording their data in CMS with the advancement of this system, scheduled to develop during 2015. To keep track with the plans and activities of the stakeholders in the field of reintegration, in October and November, 2014, the DRRP held two meetings with donors, during which they agreed on steps to contribute in sustainable integration, exchange practices, and develop capacities of the officials working in the field of reintegration. Specifically, an agreement with OSCE on financing trainings at the local level on the topic of reintegration was reached in these meetings.

2. Block 1: Document Security

January 2014-May 2015 saw a tremendous improvement of the legal framework in the area of document security. The procedures and the legal framework for obtaining personal documents are well-defined. Serious effort is being made for fulfilling the remaining criteria laid down in the roadmap for VL in order for the EC to better assess the progress in this field. Overall, there is a clear understanding that the situation of the legal framework has considerably improved in relation to the requirements for a functioning civil registration process.

In this context, as of May 15, 2015, MIA/CRA has finalized 17 Administrative Instructions related to civil status registration (birth, marriage, death) and 10 Manuals (formerly known as Standard Operating Procedures), thus ensuring the provision of professional and qualitative services in particular, and the completion of the legal framework for functionalizing the new version of the Civil Status Registry System in general.

Table 2 AIs and Manuals approved:

| Name of Manual/AI | Date of approval |
|---|---------------------------------------|
| Law on Civil Registration Agency | 14 February 2013 |
| Law on Personal Names | 2013 |
| Manual on Registration of Birth | Expected to be signed on 15 June 2015 |
| Manual on Marriage Registration | ---/--- |
| Manual on Marriage Announcement | ---/--- |
| Manual on Marriage Re-registration | ---/--- |
| Manual on Death Registration | ---/--- |
| Manual on Change of Personal Data | ---/--- |
| Manual on Personal Name Change | ---/--- |
| Manual on Create Person | ---/--- |
| Manual on Verification | ---/--- |
| Manual on authorization of data exchange between CRA and other institutions | ---/--- |
| Administrative Instruction (defining the structure, organization and functioning of the CRA) | 2010 |
| Administrative Instruction on Central Civil Status Registry | 6 June, 2012 |
| Administrative instruction for the implementation of the Law on Identity Card | 2012 |
| Administrative Instruction on Civil Status Documents | 30 January 2013 |
| Administrative Instruction on Application Procedures for Issuing of the Passport (complying with EU standards on security features) | February, 2013 |
| Administrative Instruction on the Verification Stamp | 19 February 2013 |
| Administrative Instruction on Corrections and Supplements in Archived Documents | 5 April 2013 |
| AI on General Registration Procedures on Birth, Marriage and Death | 24 April, 2015 |

| | |
|--|------------------|
| AI on Re-registration in the Fundamental Records of Civil Status | 13 May 2015 |
| AI on Late Registration of Civil Status Records | 28 April, 2015 |
| AI on the conditions and procedures of Personal Name Change | 15 May 2015 |
| AI on requirements and procedures for professional exams of Municipal Civil Status Officers | 23 January, 2015 |
| AI on the registration of the Dwelling and Emplacement | 23 January, 2015 |
| AI on the operation of the CRA Inspectorate | 15 January, 2015 |
| AI on the legal requirements, type of personal data and the way the transfer data takes place to Institutions and bodies requiring civil status data as defined by Article 4 of the Civil Status Law | June 2015 |
| AI on the use of certified copies of original registry books returned from Serbia | 23 January, 2015 |
| AI on defining the procedure for digitalization of scanned basic civil status registers | 13 May 2015 |

To ensure interoperability between travel documents, identity documents and law enforcement databases, the Ministry of Internal Affairs/CRA has signed agreements with the following institutions:

- Agreement with Kosovo Prosecutorial Council (KPC) - January 2015;
- Agreement with Kosovo Judicial Council (KJC) - May 2014;
- Agreement with Kosovo Police (KPIS) - November 2014;
- Agreement with Financial Intelligence Unit (FIU) - November 2014;
- Agreement with Tax Administration of Kosovo (TAK) - November 2014;
- Agreement with Kosovo Customs - November 2014.

Now that the agreements are already concluded, the IT department within CRA has started interlinking the already unified CRA database with the aforementioned institutions' databases. Based on the legal framework, the interlinking is aimed at ensuring elimination of fraudulent personal data changes. By verification of personal data, the new system with the full implementation of interlinked databases will provide a mechanism for not only imparting data that are accurate, reliable, complete, up to date and not opposed by the citizens, but especially prevents the alteration of information for individuals that already have police records. Thus far, CRA has in fact implemented the MoUs for all institutions, except with KJC and FIU, and has enabled access and web services on how the data will be exchanged. Overall, this new holistic approach that allows for automatic cross-referencing of personal data significantly reduces the margin of error.

Besides having a sound legal framework in place, the full implementation of the new Civil Status Registry System, namely CSRS-V2.0 was conditioned also by the successful finalization of the necessary tender procedures for new (blank) civil status certificates, including high standard security features that guarantee high document security. In this light, on 07 May 2015 the Procurement Review Body authorized the MIA to sign the contract with the selected company for new certificates, after addressing one submitted complaint related to the tendering procedures. The new certificates will contain technical solutions of high quality that ensure high protection against forgeries. Now, after the contract was signed, the new system will allow for

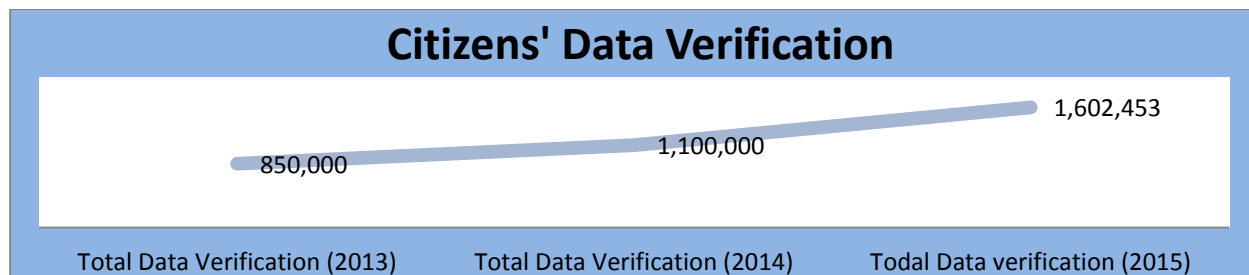
the printing of the corresponding civil status data on the new certificate lay-out. Overall, it could be concluded that CSRS-V2.0 meets all the necessary requirements laid down by the EC and will be officially launched in the fourth week of June. And, CRA persistently focuses on efficiently delivering services to the citizens on a timely manner.

Considering the fact that breeder documents in municipalities were stored based on separate procedures of respective municipalities, the CRA has approved the Manual on Storing Breeder Documents which establishes standardized rules for all municipal civil status offices. Regarding the binding of breeder documents (birth, marriage and death), the CRA has approved the Manual which determines the obligatory techniques for storing and binding them in the municipalities. Correspondingly, MIA has contracted an operator pursuant to the legislation in force with regard to binding of breeder documents. Kosovo has been largely effective in implementing all necessary measures to guarantee full standardization and security in the binding and storage of blank documents respectively, including monitoring and control under video surveillance. Therefore, it could be concluded that the institutional set up and all the necessary security measures applicable to this kind of activity are in place and constant video surveillance further ensures the integrity of the documents.

Furthermore, the Ministry of Local Government Administration has sent an official letter to the Mayors of municipalities regarding the fulfilment of the legal obligation of appointing the official dealing with storing, safety and security of breeder documents. To date, 35 of 38 municipalities have appointed officials covering this area. The Municipalities of Zubim Potok, Zvečan and Leposaviç are yet to appoint their respective officials. On the side of MLGA, all appointed officials were informed and provided with the relevant documents and manuals about their mandate in the area of document security and are expected to undergo obligatory trainings in the second week of June 2015.

Regarding inspections in the civil status offices, a total of 84 inspections were conducted for the period January - May 2015; of them, 71 being regular inspections while 13 ad-hoc. Moreover, Kosovo Police during 2014 and until 05 May 2015 has processed a total of 97 cases of personal data forgery, whereas 27 of the cases were processes only in 2015. Moreover, CRA also carries out audits of the Municipal Civil Status Office based on the findings of the aforementioned inspections. The audit consists of standard audit processes of the office registration processes in general (random file selection and control) and auditing of specific cases -i.e. name changes-(specific file selection based on CRA monitoring), data protection and security. The audits lead to management reports on the functioning of municipal offices.

Under EULEX supervision and facilitation of the project for certifying and scanning copies of all original registry books returned from Serbia, during 2013-2014 a successful integration of all 12,391 scanned copies of registry books was carried out; whereby, CRA is increased its efficiency in completing data verification for Kosovar citizens based on the reconstructed books, original books stored in municipalities, certified books returned from Serbia as well as ID, passport and existing civil status data. Compared to 2014 when the system completed data verification for 1,100,000 citizens, as of 08 May 2015 Kosovo authorities have completed data verification through CRA for 1,602,453 Kosovar citizens.



Similarly, to further increase the reliability of the system and to strengthen the civil registry, MIA/CRA, with the support of a European Commission project, is concluding the logistical preparation and recruitment procedures, necessary to start the digitalization process of the scanned registry books returned from Serbia, this way drastically increasing the efficiency of the registration and verification process. After the period of appeal ends, CRA will select 115 officials for digitalization that have passed the written exam and interview, of which 100 operators and 15 officials that will deal with monitoring. Consequently, on 1 March 2015, the digitalization process started and is expected to conclude in the beginning of 2016 (approximately 6-9 months). Now that the Kosovo passport complies with ICAO and EU security standards, the digitalized books returned from Serbia will allow for immediate cross-referencing, improvement and reliability of data, thus further increasing the efficiency of CRA's verification process for Kosovar citizens.

Regarding the capacity building of Civil Status Officers, now that the legal framework is complete and CSRS-V2.0 software is ready to be launched, CRA will hold obligatory trainings for civil status officials on the legal and technical improvements starting from the second week of June 2015, right after the contract for the new certificates is signed. The first wave of training sessions will focus on training of trainers, whereas the second wave, which will be held the week after, namely the third week of June 2015 and will last for three weeks, aiming to include the larger group of civil status officers and prepare them for successfully operating the new system.

Additionally, the CRA will develop an exam that will focus on the following topics: legal knowledge (Laws and AIs), procedural knowledge (Manuals), system knowledge (how to register accurately in accordance to the new Manuals), data protection and Code of Ethics. The officials that are to take part in the aforementioned training sessions will undergo the professional exam planned to be held after the training sessions are concluded in the end of June 2015. The passing of the exam will lead to certification of municipal officials required to work in the civil status service, in accordance to the Law on Civil Status. The idea of such an endeavour with regard to training and examination is also intended to raise awareness on the significance of personal data and the impact that forgery can have in hampering Kosovo to have a reliable Civil Status Registry System.

3. Block 2: Border and Migration Management

3.1 Border Management

Regarding the demarcation of the border with Montenegro, in July 2014, a tripartite agreement on the demarcation of the Kosovo-Montenegro-Albania border and its maintenance was harmonized and adopted. Thus far, 70 kilometres of Kosovo-Montenegro border have been delineated, while 9 kilometres remain to be delineated in the upcoming meeting between two commissions that will take place on 8, 9 and 10 June 2015. The final draft of the agreement on demarcation with Montenegro as been already agreed between parties and its signing is expected in the upcoming months.

Regarding the management of Border Management System (BMS), the company was selected on 7 May, 2015, through negotiated procurement procedures, in full compliance with the Law on Public Procurement. The agreement signed between Kosovo Border Police, MFA and MIA/DCAM will enable the interlinking of the databases of these institutions once the technical preparations are ensured. Among other benefits, BMS allows for the screening of all biometric travel documents, reading of the biometric data integrated in the chip, development of statistical reports as well as intelligence analytical reports, advancement of the “stop-list” for persons, vehicles, and lost documents, avoidance of the duplication of the data, and the overall improvement of the security level.

With the purpose of maintaining the security at the borders and preventing cross-border crime, the border police have continued with performing systematic border checks in entry and exit lanes: All persons and vehicles go through minimal checks when crossing Kosovo borders. According to the assessment conducted by the Polish Border Guards in February 2015, as a component of the twinning project “IBM and Fight against Drugs Trafficking”, the performance at the BCP has improved considerably when compared to the last inspection conducted in October, 2013. This is due to the strengthening of the knowledge of the staff and providing the staff with adequate equipment. It is assessed that the staff took action in addressing the recommendations delivered to them by the Polish Border Guards during the trainings they received on 17–27 November, 2014.

In the tables below are statistics on border control activities, second-line border checks, and persons arrested during this period in comparison with the activities reflected in the same period of last year. These reports are regularly shared with EU office, EULEX, and supporting projects.

Table 3: Statistics on border control activities carried out at all BCPs.

| Categories of checks | Number of checks | | | | |
|----------------------|------------------|-----------|-----------|-----------|------------------|
| | Q4 2013 | Q1 2014 | Q4 2014 | Q1 2015 | Apr-May 15, 2015 |
| Persons | 2,668,248 | 2,610,638 | 2,995,068 | 2,656,848 | 1,661,113 |
| Vehicles | 888,754 | 868,074 | 962,623 | 861,105 | 559,874 |
| Airplanes | 2,950 | 2,462 | 2,790 | 2,543 | 1,484 |
| Trains | 552 | 500 | 552 | 542 | 261 |

Table 4: Statistics on second-line border control activities carried out at all BCPs.

| Categories of checks | Number of checks | | | | |
|----------------------|------------------|---------|---------|---------|------------------|
| | Q4 2013 | Q1 2014 | Q4 2014 | Q1 2015 | Apr-May 15, 2015 |
| Persons | 6,314 | 6,456 | 9,729 | 12,246 | 3,981 |
| Vehicles | 6,175 | 5,866 | 6,239 | 6,244 | 2,786 |
| Documents | 4,528 | 4,706 | 3,276 | 3,370 | 1,574 |

Table 5: Statistics on persons detained arrested at BCPs and borderlines.

| Categories | Number of persons | | | | |
|---|-------------------|---------|---------|---------|------------------|
| | Q4 2013 | Q1 2014 | Q4 2014 | Q1 2015 | Apr-May 15, 2015 |
| Arrested for various criminal acts | 283 | 250 | 313 | 311 | 158 |
| Arrested based on national warrant | 104 | 79 | 88 | 143 | 72 |
| Arrested based on international warrant | 1 | 5 | 1 | 1 | 0 |
| Detained | 51 | 36 | 48 | 50 | 20 |

Aiming at providing the border control authorities with the necessary tools for an efficient performance, border management agencies are continuously provided with advanced border surveillance equipment. Under the KP budget a special amount is allocated to vehicle supply - the KP Border Department benefits from this amount as well. This Department is in possession of mobile equipment for border surveillance as well as of emergency mobile units. Moreover, regarding regular updates of travel document samples at all BCPs, the "Foster and Freeman" updates the samples systematically; Kosovo Border Police continuously extract samples from PRADO public register of travel documents, and updates them in the VSC 6000 system. During the reporting period, 34 officials were trained in using the VSC 6000 system. Moreover, Kosovo Police drafted a catalogue with all specimens and distributed it at the BCPs at the end of 2014. Also, the number of the refused exit from Prishtina Airport has nearly doubled: While in the September 2013 - May 2014 period, the number of the refused exits was 665, it increased to 1,063 for the period covering September 2014-May 2015.

Aiming at improving the use of risk assessment, particularly in planning operational actions, a Tasking and Coordination model for Integrated Border Management was introduced on 1 April, 2014. During the period covering April - November, the Joint Unit for Intelligence, Risk and Threat Analysis (JUIRTA) in the National Center for Border Management (NCBM) drafted monthly risk-assessments, which point out problems encountered in every region, and highlight the actions that need to be taken to fight these problems. Joint operational groups are formed as a result of the continuous local and central-level assessments. Moreover, for the first time, JUIRTA has drafted a Report on Strategic Risk Analysis for border lines and crossing points covering the period between January-June 2014, as well as a general report based on the ILP model. As regards to the reporting of these actions, worth-mentioning is the fact that the quantity and quality of the feedback has improved from all the authorities partaking in IBM. As a result, 73 different profiles of crime were generated during this reporting period from

online and intelligence information. Moreover, 45 joint reports were drafted from the authorities involved in IBM, and 323 intelligence information exchanges between the central, regional, and local level were conducted, resulting in outcomes such as seizing of illegal goods, prevention of illegal border crossing, etc. All operational plans are based on the risk assessments conducted in the context of activities of the NCBM. Two tables below indicate an increasing trend of IBM operations conducted by Kosovo Police and IBM agencies.

Table 6: Statistics on IBM operations conducted by Kosovo Police.

| Conducted by (KP directorate/unit) | Q4 2013 | Q1 2014 | Q4 2014 | Q1 2015 | Apr-May 15, 2015 |
|---|----------------|----------------|----------------|----------------|-------------------------|
| Directorate of Operations | 7 | 7 | 2 | 7 | 5 |
| Directorate of Migration and Foreigners | / | / | 1 | 0 | 0 |
| Investigation Unit | 2 | 2 | 5 | 8 | 1 |
| Airport | 2 | 0 | 2 | 6 | 1 |
| Regional Directorate East | 17 | 11 | 19 | 20 | 11 |
| Regional Directorate West | 4 | 10 | 24 | 24 | 15 |
| Regional Directorate North | 14 | 11 | 22 | 21 | 14 |
| TOTAL | 46 | 41 | 75 | 86 | 47 |

Table 7: Statistics on operations of IBM agencies carried out jointly.

| Conducted by | Q4 2013 | Q1 2014 | Q4 2014 | Q1 2015 | Apr-May 15, 2015 |
|-------------------------------|----------------|----------------|----------------|----------------|-------------------------|
| Kosovo Customs & KP FAST Unit | 8 | 3 | 13 | 13 | 5 |
| Special KP Unit & K9 Unit | 8 | 5 | 26 | 27 | 10 |
| SP/Other Units | 7 | - | - | 6 | 2 |
| FVA | - | - | - | 1 | 0 |
| TOTAL | 23 | 8 | 39 | 47 | 17 |

The abovementioned ongoing efforts, such as equipping the border control authorities with the necessary equipment and expertise, using risk assessment as basis for operational plans, and functionalizing BMS aim at increasing the efficiency in fighting cross-border crime, including trafficking of human beings and migrant smuggling. However, these efforts alone are not sufficient in preventing and fighting illegal migration.

As a large flux of people leaving Kosovo through irregular routes during the second half of 2014 was evidenced, Kosovo institutions, including the Presidency, the Assembly, and the Government, joined their efforts in preventing and fighting irregular migration.

Aiming at raising awareness about the risks and disadvantages of migrating through illegal routes, the President of Kosovo intensified the frequency of the meetings with central and local level officials where she discussed the causes of this flux and the possible ways to mitigate it. Also, she reached out and met with the people, especially in the municipalities with a high number of emigrants. In these meetings she listened to their concerns, and explained to them the reasons why illegal routes are not the solution to their problems: the high risk of being

arrested and deported back to Kosovo, the financial loss, and the psychological trauma from the whole experience are the costs they would bear when choosing to migrate illegally.

In the plenary session of 5 February 2015, the Assembly adopted the Resolution on Preventing the Illegal Migration of Citizens of Kosovo. The adoption of the resolution was supported by all parliamentary groups. One of the components of this resolution foresees customs, tax, and administrative reductions for individuals providing work for more than 10 persons. Moreover, this resolution states that the Kosovo Government plans to initiate negotiations with EU countries on reaching agreements to provide seasonal work in the EU MSs for the citizens of Kosovo. Also, it states that the courts should solve human trafficking cases through accelerated procedures. The Government Decision of 4 March, 2015 on pardoning the debts of the citizens towards state institutions up until 31 December, 2008 also aims at preventing illegal migration as it alleviates financial problems they face, given that the most significant factor for this large flux of migrants is economic hardship. In this light, the Ministry of Agriculture, Forestry, and Rural Development (MAFRD) and the MLSW have signed an agreement, based on which 900 persons registered in the social assistance scheme are employed seasonally in the forestry conservation sector.

With the purpose of fighting migrant smuggling, during this period, Kosovo police operations were intensified: in the reporting period alone, 21 operations were carried out, resulting in 86 arrested persons. Two of these operations are an international joint effort of Kosovo, Austria, Czech Republic, France, Germany, Hungary, Slovakia, and Switzerland to fight irregular migration from Kosovo. On 4 November 2014, 34 suspects were arrested, 13 of whom in Kosovo, while on 24 March 2015, the number of arrested suspects was 44, with 4 of them arrested in Kosovo. The latter operation was led by EUROPOL, and was a result of the use of risk assessment conducted by Kosovo authorities.

On 25 February and 16 April, meetings were held in Brussels between the European Commission and delegations from the Republic of Kosovo and Republic of Serbia, in which the two parties agreed to strengthen the bilateral cooperation focusing on five areas with the aim of preventing the irregular migration. Furthermore, on March 10, 2015, the two police directors of Kosovo and Serbia met in Belgrade (with the facilitation of EULEX) where, among other things, they discussed police cooperation, cross-border crimes and irregular migration.

Moreover, awareness-raising campaigns on the dangers of irregular migration were launched and intensified: During this period, 5 video ads were aired 225 times on national and local TV stations, 265 times on the radio, representatives of various institutions conducted visits in the municipalities where the risk of people leaving Kosovo illegally was high. Moreover, such campaign was amplified through the use of social media. Also, ambassadors of the MSs also gave their support to this campaign by conveying the message which reiterates the fact that Kosovar citizens cannot obtain the asylum status based on economic reasons. In addition, the Minister of Internal Affairs of the Republic of Kosovo has made a series of visits to EU member countries including Hungary, Austria, Germany, France and Italy. On these occasions, the Minister has asked his counterparts to shorten asylum so that the return process would accelerate, and has personally visited a reception centre (Biscke) in Hungary. The messages of the campaign did not only focus on the dangers and disadvantages of leaving Kosovo but also on the benefits of staying and seeking opportunities available in the country.

As a result of all these efforts and measures, the flux of irregular migrants from Kosovo to EU MSs has fallen drastically since March, as evidenced by EUROSTAT statistics on asylum applications in MSs, especially in Hungary where the number of asylum applications from Kosovo citizens fell from 13,630 in February 2015 to 440 in March 2015³. This is also supported by data from border police on entry and exit at all BCPs with Serbia.

In terms of regional cooperation in the area of IBM, during the reporting period there are 2 Protocols on cross-border cooperation signed with Republic of Albania:

- Protocol on Cross-border hot pursuit, signed between MIA of Republic of Kosovo and Ministry of Interior of Albania, signed on 23 March 2015;
- Protocol on joint use of equipment for border control, signed between MIA of Republic of Kosovo and Ministry of Interior of Albania on 23 March 2015.

In addition, on January 23, 2015 the Joint Contact Centre between Republic of Kosovo and Republic of Macedonia was officially inaugurated in Bllace by the Ministers of interior of both countries. The joint space of this centre will be used by police officers of both countries in order to carry out their tasks and responsibilities within the scope of their work at the border, and allow for intensified cross-border cooperation between the two countries. Border patrols with neighbouring states are ongoing: during the period August 2014 – May 2015, 232 border police joint patrols were conducted with Albania and Macedonia, while 57 synchronized border patrols were conducted with all the neighbouring countries, excluding Serbia.

3.2 Migration Management

Migration legal framework is completed with the adoption of relevant secondary legislation which ensures procedural guarantees for detention, removal, and return of the foreigners with illegal stay in the territory of Kosovo. The Regulation on the Functioning of the Detention Center for Foreigners was adopted on 4 September 2014. Furthermore, the Administrative Instruction No. 01/2015 on the Composition, Tasks, Responsibilities and Decision-making Procedure of the Appeals Commission on Foreigners was adopted by the Government on January 2015, and was followed by the Government Decision No. 01/26 on the establishment of the Appeals Commission on Foreigners. This Commission reviews complaints of foreigners against the decision of the first degree body issued by the Department of Citizenship, Asylum, Migration, Directorate for Migration and Foreigners/Border Police or Directorate for Consular Affairs of the MFA.

To provide with information on foreigner's entry, movement, residence and employment in Kosovo, MIA produced a manual and has distributed guidelines at all BCPs, and consular and diplomatic representations of Kosovo

With the aim of ensuring the rightful implementation of procedures for detention, removal, and return of foreigners, in line with the adopted legislation, MIA has delivered 5 trainings in the period of 1-4 December, 2014, including topics as: the Law on Foreigners, employment of foreigners, illegal stay, legal basis repatriation, and the management and protection of personal

³Eurostat, (last updated 13-05-2015) Asylum and new asylum applicants by citizenship, age and sex Monthly data (rounded)

data in the repatriation process. Attending these trainings were government officials whose work relates to the training topics and the number of the attendees in these trainings varied from 15 to 20.

Moreover, the Detention Centre for Foreigners was constructed in December 2014. The organizational structure of the centre based on the Regulation was developed, the database module for the Centre was created, the work-plan of the Centre was designed, and two staff members are recruited (with other staff members remaining to be recruited through internal transfers). This centre is operational, and the functionalization of this centre solves the problem the foreigners found of staying illegally in Kosovo that are currently staying in the centre for asylum-seekers.

Regarding the integration of foreigners in Kosovo society, in November 2014, an analysis was conducted by the “Strengthening of the Repatriation and Sustainable Reintegration in Kosovo” twinning project, which concluded that developing a strategy and action plan for the integration of foreigners in Kosovo is not necessary. However, the component of reintegration of foreigners is included in Action Plan of the Strategy for Migration, 2015-2018, which addresses the recommendations provided by the experts of the twinning project. It is decided that Regulation for the Integration of Foreigners, which will set the guidelines for the institutions in charge of the integration process, is expected to be approved by the end of 2015. As Kosovo has experience in reintegration, twinning project recommendations suggest that much of the organizational structure, program components, and overall process can be reflected in Kosovo’s efforts to integrate foreigners in the society.

The Extended Migration Profile 2013 is adopted on 10 March 2015 and published on the web page of the Ministry of Internal Affairs (MIA) in three languages (Albanian, Serbian, and English). This comprehensive document contains information on various dimensions of migration, including the socio-economic aspect, migration impact, migration tendencies, and recommendations on improving migration policies and the work of institutions dealing with migration. Furthermore, the Governmental Authority on Migration (GAM), which is an inter-institutional body in charge of drafting and updating the Migration Profile as well as analysing and coordinating implementation of migration policies and legislation, is currently in the process of drafting the Migration Profile for 2014, which will include recommendations of the EU and IOM experts.

In addition, with the aim to increase capacities of GAM and to support the National Coordinator for Migration, MIA will receive support from the Swiss Agency for Development and Cooperation within the framework of the Agreement for Migration Partnership between Kosovo and Switzerland. Furthermore, with regards to EU assistance in this field, in September a twinning project for “Strengthening Kosovo institutions in effective management of Migration” will start implementation. The project will be implemented by a consortium of institutions dealing with migration from Netherlands, Sweden, and Austria. Kosovo will also benefit from a multi-beneficiary IPA project, implemented by FRONTEX and IOM, aiming at the creation of a regional system for registration and identification of migrants, information exchange, and return of migrants.

Regarding the visa policy, since April 2014, Kosovo Visa Information System (KVIS) was expanded to diplomatic missions in Skopje, New York, Vienna, Budapest, Riyadh, Sofia, Paris, Brussels, Tokyo, Zagreb, Berlin, Canberra, and Panama City, where the process of issuing Kosovo visas has started. Since the issuing of the visas in diplomatic missions has continued to expand, the number visas issued at the BCPs has decreased drastically, with only 5 visas issued at these points during the reporting period (4 of which issued for the Bosnian Delegation attending the Western Balkans Conference). Moreover, the next phase of KVIS expansion through external service providers has begun and the initial contacts with the companies offering visa services globally have been established.

To further develop the database on asylum and migration, MIA has modified the following modules of the DCAM database: Asylum, Foreigners, Citizenship, and Readmission. This is done to ensure the compatibility between the DCAM database and the changes in legislation covering the aforementioned areas. Thus, changes were made in processes, in decisions and other proceeding forms, as well as in statistics. Moreover, MIA has also developed a new module on the Center for Foreigners, which includes data on persons received in the center, activities performed in the center, and other related information.

Regarding the interlinking of the DCAM database with KVIS, the technical preparations are in place, the interlink set on 12 May, 2015 is currently in the testing phase, and the MoU and SOP for this interlink is signed on the 13 May, 2015. This facilitates the data exchange in the field of asylum and migration as the data will be automatically and readily available whenever necessary.

With regards to cooperation and participation in international and regional initiatives in the field of migration, during the reporting period Kosovo has continuously participated in the activities within the Prague Process, such as Senior Officials Meeting on Migration in October 2014, COUR GROUP meetings in January and April 2015, as well as in pilot projects of the Prague Process.

In addition, Kosovo authorities have participated as observers in two conferences organised by MARRI in December 2014 and March 2015 on topics such as Regional Cooperation for a Better Response to the Trafficking in Human Beings in South-East Europe, and Return of irregular migrants from the Western Balkan countries. Furthermore, on March 2015, the Minister of Internal Affairs has met the director of regional MARRI center, whereby he requested concrete steps to be taken for the membership of Kosovo in this initiative.

3.3 Asylum

When it comes to the availability of the interpreters for rare languages, MIA has provided the list of translators available, which was shared with DCAM and Kosovo Police. Moreover, based on the technical agreement between MIA and the UNHCR, the latter has sent an official letter with which it guarantees its provision of remote translating whenever necessary. Also, because of the lack of translators for rare languages from the place of origin, the MARRI initiative is in the process of creating a database for certified interpreters in the MARRI region; Kosovo partakes in this project. A Memorandum of Understanding will be signed by all the countries where they will agree upon the modalities of engaging these interpreters.

The interoperability of the DCAM database, the BMS, and KVIS will be functional soon as the he BMS is developed to the point which ensures the technical readiness for this interoperability. The company for the development and maintenance of the BMS is already selected, and it is expected to start the developments soon. This enables these institutions to streamline and exchange relevant data in the fields of border management, visa policy, and asylum.

4. Block 3: Public Order and Security

In the context of structural and legislative reform of the judicial system, Kosovo has so far made considerable progress in strengthening the legal and strategic framework in order to ensure the independence of the judiciary. In this regard, MoJ has incorporated comments of PECK project, KJC, and KPC in order to harmonize the legislative package of the four judicial laws (Law No. 03/L-199 on Courts, Law No. 03/L-223 on Kosovo Judicial Council, Law No. 03/L-224 on Kosovo Prosecutorial Council, Law No. 03/L-225 on the State Prosecutor). The finalized judiciary package was approved by the Assembly on 28 May 2015.

The package of four main laws will bring about significant changes and the deepest reforms in the justice system in Kosovo regarding the harmonization of the criterion for appointment and dismissal of judges and prosecutors.

Therefore in general, the amendments-supplements of the laws aim to:

- Align the laws concerning the criteria for appointment and dismissal of judges and prosecutors; and
- Improve the independence and accountability, through the institutionalization of independence, impartiality and accountability assurance mechanisms in courts and prosecution offices.

More specifically, the following are the changes for each amended law:

1. Draft law on amending and supplementing the Law no. 03 / L-224 on Kosovo Prosecutorial Council.

The main amendments provided by this draft-law relates to the independence and functionality of the prosecutorial system in general and Kosovo Prosecutorial Council in particular:

- Provides independence in general, functional independence regarding the composition of the Council in particular. The Council is composed of 13 members, the majority (10) of the members come from among prosecutors from all levels. The Chief State Prosecutor and the Minister of Justice as an ex-officio member as he was so far, will no longer be a member of the Council. The other three members who are not prosecutors will be elected by the Assembly by a secret ballot. The Council will appoint the Chairperson of the Council from among the prosecutors. The Chairperson of the Council suspends the State Prosecutor's position as a prosecutor who he served before his election as a chairperson of the Council.
- The Council will adopt the compensation scheme of the members of the Council, which does not exceed 25% of the basic salary excluding the Chairperson and Vice-Chairperson.
- The Council shall have budgetary independence, in addition to budget management. The Council, as of entry into force of this draft law, shall draft its budget proposal, and submit it for approval to the Assembly of the Republic of Kosovo.
- This draft-law provides the establishment and operationalization of the Prosecutors Performance Assessment Committee, to function within the Council, and it will consist of experienced prosecutors with high professional and personal integrity, to assess the

prosecutors performance. The Committee assessment will serve as a ground for promotion or demotion of prosecutors and for dismissal of the State Prosecutor.

- Prosecutors, based on this law, are subject to performance assessment at least twice upon their initial term, first performance assessment shall take place following initial training, and second assessment shall take place upon ending of the initial term. Performance assessment of prosecutors with permanent term shall take place every three (3) year, in such a manner that, after the entry into force of this law, the Council determines 1/3 of prosecutors by lot, within each prosecution, as the first group who will be subject to performance evaluation within 3 months. The same lot will be held after one (1) year to assign certain prosecutors who will take part in the second and third group after two (2) years. Criteria for evaluation during the initial term will be specified with regulations issued by the Council.
- Permanent Committees functioning within the Council are: Committee on Normative Matters, Committee on Budget, Finance and Personnel, Committee on Administration of Prosecution Offices, Disciplinary Committee, Prosecutors Performance Assessment Committee.
- Judicial protection of the rights: it is foreseen that the Council Decisions shall be final and one can file an administrative appeal before competent Court. Whereas the decisions related to the proposal for appointment, re-appointment, transfer, promotion, and disciplinary measures are to be appealed directly to the Supreme Court.
- Administration of Prosecutorial system: shall function within the Prosecutorial Council, since only this way there will be an alignment between the prosecution offices administration and other administrations within the judicial system, namely within the Judicial Council.

2. Draft law on amending and supplementing the Law no. 03/I-223 on Kosovo Judicial Council

This draft law provides as follows:

- Additional powers to the Council for issuing Regulations on functioning of the judicial system, procedures of the process of selecting judges as well as other Regulations in regards to the scope of the Council.
- Ensures that the Council members shall not benefit from the position of being member of the Council when it comes to promotion.
- Similar to Prosecutorial Council, one of the most important aspects of judicial independence is also the financial independence, upon budget proposal and management; propose its budget directly to the Assembly.
- In order to increase the efficiency and professionalism, this draft law clarified provisions associated to the potential dismissal of Council members in case of failure to perform their duties, or perform in contradiction with the Constitution and the Laws.
- Similar to Prosecutorial Council, this draft-law provides the establishment Judges Performance Assessment Committee, to serve as a ground for promotion or demotion and for dismissal of judge.
- Aiming at meeting European standards, this draft law introduced several provisions on statutory limitation on disciplinary measures, as well as the opportunity for appealing the Decisions on dismissal and disciplinary action, to the Supreme Court.
- The procedure for electing members of the Judicial Council by the Assembly, as defined by the relevant provisions of the Constitution, begins six (6) months before the expiry of

his/her mandate. Assembly of Kosovo publishes the vacancy for electing Board members. After interviewing procedures, the Commission shall prepare a narrow list of candidates. The list contains two (2) candidates for a position. Assembly of Kosovo in secret ballot elects the members of the Judicial Council.

- Heads of Courts and the President of the Bar Association shall not be a member of the Kosovo Judicial Council. A member of the Council from Kosova Bar Association can not have the position of Ombudsman during the same time of being a member of the Council.
- Judges, based on this law, are subject to performance assessment at least twice upon their initial term by the Judge Performance Assessment Committee, first performance assessment shall take place following initial training, and second assessment shall take place upon ending of the initial term. Performance assessment of judges with permanent term shall take place every three (3) year, in such a manner that, after the entry into force of this law, the Council determines 1/3 of judges by a lot, within each court, as the first group who will be subject to performance evaluation within 3 months. The same lot will be held after one (1) year to assign certain prosecutors who will take part in the second and third group after two (2) years.

3. Draft law on amending and supplementing the Law No. 03/1-225 on the State Prosecutor

Also this draft-law on State Prosecutor provides a range of amendments, as follows:

- The provisions associated to the work and the functioning of the Chief State Prosecutor are redrafted, thus clearly providing the powers of the Chief State Prosecutor as the head of Prosecutorial system. In regards to ensure an efficient system, this draft law provides the possibility of issuing instructions and guidelines on rules and procedures of prosecutors, as well as the possibility of receiving and transferring the cases from one prosecution office to another, in order to ensure efficiency and impartiality.
- Aiming at aligning with the Law on the Court, the provisions are met on organization and clear definition of prosecution levels and setting of exercise functions within these levels of state prosecutor are amended-supplemented.
- In order to improve the efficiency and performance, several provisions are foreseen that allow the subordination and competencies of the Chief Prosecutors within that prosecution office inter alia also the transfer and reassignment of cases.
- One of the main amendments under the Law on State Prosecutor is related to the appointment of the new prosecutors. Pursuant to the EU request, the draft-law provides more flexible criteria for becoming a prosecutor, and the alignment with the criteria for judges. Also provides more facilitated procedures on selection of prosecutors, and an increased role of the Council. This is done pursuant to European standards and by taking into account the needs and the obstacles on the ground, in order to increase the number of new staff to the judicial and prosecution system.
- Similarly, the same is done on the alignment and flexibilization of the criteria for promotion within the prosecution system based on prosecutor's performance.
- Also, the prosecutors dismissal procedure, in case of failure to fulfill duties and obligations provide by law are specified.

4. Draft law on amending and supplementing the Law No. 03/1-199 on Courts

With the special emphasis, the provisions of this law provide as follows:

- Terms and conditions for appointment of the candidates for judges (general and specific terms) in compliance to the terms and conditions provided by relevant legislation of the countries in the region and beyond. In this context, the criterion for appointment of prosecutors and flexibilization of criterion for judges is harmonised with the aim of promoting new staff to become part of the system.
- Also, the criteria for promotion to the highest levels within the court system are harmonized and more flexible. This promotion, as previously mentioned, shall be based on the assessment of judge's performance
- Within the Department for Commercial Matters within the Basic Court of Prishtina, the Division on disputes involving foreign investors will function, with jurisdiction throughout the territory of Kosovo.
- In order to ease the burden of some courts is provided the establishment of the Basic Court in Fushë Kosovë for the municipality of Fushë Kosovë and Obiliq, and the Junik branch for Municipality of Junik as well as the branch of Shtime for the Shtime Municipality.
- One of the most important amendments is the obligation to publish the court final judgements, with the aim of improving the transparency of the courts.
- New provisions related to the professional associates, interns, interpreters and court experts, which are foreseen to be regulated by relevant regulations of the Kosovo Judicial Council.

Furthermore, in order to further strengthen the independence of judiciary, MoJ also sent for Government approval on 5th of March 2015 the Amendments to the Constitution regarding the voting procedures for the selection of members of the KJC that complies with the recommendations of the Venice Commission, which requires that the majority of the judge members of the Council be elected by their peers.

It should be noted that Palace of Justice, a co-financed project between European Union and the Republic of Kosovo, was inaugurated on 25 March 2015. This major project concludes an important phase of completion of the physical infrastructure, providing an adequate space for judges, prosecutors and supportive staff to do the work more efficiently. The following relevant institutions have been moved to the Palace of Justice: Supreme Court, Special Chamber of the Supreme Court, Appeal Court, Basic Court of Prishtina and EULEX (Block A, B, and D respectively) and Basic and Appeal Prosecution of Prishtina (Block C).

After a long process that has even passed through the Constitutional Court, on 21 April 2015, the President of Kosovo appointed the Chief State prosecutor. The Assembly appointed three new members of the KJC in 27 February 2015 thus making the KJC functional in order to play the role that it has in the administration and management of the Kosovo judiciary.

Considerable progress has been made with regard to staffing of vacant positions of KPC and KJC. On institutional capacities, in order to strengthen the justice system, the budget allocated to courts and prosecution offices has been continuously increasing over the years:

- Budget allocated to courts: from EUR 19,464,842 in 2012 to EUR 19,910,467 in 2013 to EUR 20,833,483 in 2014 to EUR 21,538,771.00 in 2015
- Budget allocated to prosecution offices: from EUR 5,097,409 in 2012 to EUR 6,175,534

in 2013 to EUR 6,872,000 in 2014 to EUR 7,158,086.00 in 2015 (without including the Government's decision of April 29, 2015, to allocate the amount of EUR 210,677 for the Special Prosecution)

Hence, there has also been a continuous increase of prosecutors (from 146 in 2012 to 171 in 2014) and of the supporting staff for prosecution offices (from 378 in 2012 to 470 in 2014). For further details, see the table below.

Table 8: Statistics on prosecutors and supporting staff of Prosecution Offices in Kosovo (2012 – 2015).

| Timeframe | 2012 | 2013 | 2014 |
|-------------------------|-------------|-------------|-------------|
| No. of prosecutors | 146 | 146 | 171 |
| No. of supporting staff | 378 | 415 | 470 |

More specifically, on August 5, 2014, KPC has approved the appointment of 17 out of the 22 candidates for the prosecutors, while on September 5, 2014, the decision is issued to recruit 18 additional prosecutors. Furthermore, out of 171 positions allowed with the budget for prosecutors for 2015, currently there are 139 prosecutors in the system. In addition, KPC is in its final stage for recruitment of additional 18 new prosecutors at the prosecution offices. The process is expected to be completed by the end of June and then the names will be sent to the President for appointment. In addition, KPC is in the process of promoting 2 prosecutors into the office of the Chief State Prosecutor and also recruitment of the 3 prosecutors for Special prosecution office of the Republic of Kosovo. By the end of June, this process is expected to be finalized.

On 25 March 2015, in line with the Brussels Agreement between Kosovo and Serbia for integration of the judicial staff into Kosovo system, KPC have announced the vacancy for the recruitment 15 vacant positions for prosecutors from minorities. It is noted a considerable interest applying for these positions. This is shown by the fact that 17 prosecutors have applied for 15 vacant positions. As per Agreement, these prosecutors should be integrated by 1 September 2015. On the other hand, on the same date, KJC also announced a call for 48 vacancies for judges from minorities. A significant interest has been noticed for applying for these positions (48 candidates in total).

On 4 February 2014, the Kosovo Judicial Council announced an external vacancy call for forty-five (45) positions on the level of the Basic Court Pristina, Ferizaj, Pejë and Gjakovë. One hundred and forty-six (146) candidates have applied for these positions. Out of this number thirty-one (31) candidates did not meet the conditions, (30) candidates were drawn during different phases, four (4) candidates who have applied are currently holding positions as Judges, eighty-three (83) were present at the written test, while eighty-one (81) candidates were present at the interview. Out of 83 candidates, appointment committees selected forty-two (42) candidates with the best results. Kosovo Judicial Council on 20 April 2015 voted forty-one (41) candidates and sent them for the appointment by the President. President enacted 41 judges on 19 May 2015.

On 24 July 2014, the KJC announced an internal vacancy call for one (1) vacant position for the Appeal Court. A total of thirty-four (34) applications were received four (4) out of which have not fulfilled the conditions and thirty (30) candidates were invited for the interview. On the same date, KJC has announced an internal call for one (1) vacant position. A total of eight (8) applications were received and all of them were invited for the interview. The Appointment Committee selected and proposed to the KJC one candidate with the highest results.

On the other hand, on 12 August 2014, the KJC issued an internal call for applications for one (1) vacant position for Judge of the Supreme Court Appellate Panel for the Kosovo Property Agency (KPA). A total of two (2) applications were received, and the Appointment Committee has selected one candidate with the highest results to recommend to the KJC. On the same date, KJC issued an internal call for applications for one (1) vacant position for Judge of the Supreme Court Special Chamber. Two (2) applications were received, and one candidate has fulfilled the conditions for this position. However the Appointment Committee has not recommended any candidate for this position.

In September 2014, the KJC has approved the Action Plan of the Strategy for Reducing of backlog of unresolved court cases. All courts in Kosovo, submitted to the KJC the Action Plan for the reduction of backlog of unresolved court cases in the respective courts. In accordance to the Strategy for Reduction of Backlog of Cases, courts in Kosovo have identified 102,009 backlog cases prior to 31 of December 2011. During 2014, courts have solved 25,275 cases or 24.8%, while without bailiff system the percentage of solved cases is 39.2%. Furthermore, during 2014, the courts have solved 13,121 cases of criminal executions and 3,037 cases of civil execution.

Since the inventory of the old cases has shown the highest percentage of old cases belonging to the category of backlog cases under the enforcement procedure, KJC has established a task force for execution of these cases. As a result, KJC have hired 20 additional support administrative staff who are concentrated only in reduction of backlog of cases under the enforcement procedure. The task force identifies the respective courts with the highest volume of backlog of cases under the enforcement procedure. By the end of 2016, KJC expects to reach the zero level of the backlog of cases under the enforcement procedure.

In addition, the Law on Enforcement Procedure and the new system of alternative dispute resolution is greatly contributing to enforcement of courts verdicts and reduction of the backlog of cases. In September 2014, 50 mediators are licensed by the MoJ. Also in March 2015, 21 new mediators are certified and licensed from MoJ.

In efforts to strengthen the legal enforcement procedures, on January 22, 2015, the Private Enforcement Agents Chamber was established. During this reporting period, 13 out of 19 enforcement agents who have been licensed, pledged the oath on 10 October 2014 and started working in December 2014. Currently, total number of appointed private enforcement officers is 25. Lastly, 11 bankruptcy administrators have been licensed in December 2014. These administrators are very important for bankruptcy proceedings for companies undergoing bankruptcy with courts.

The table below refers to the number of cases resolved through mediation, during the period of August 2014-April 2015:

Table 9: Statistics on mediation (August 2014 – April 2015).

| Referred mediation | to | Solved | Unsolved | In the process |
|--------------------|----|--------|----------|----------------|
| 708 | | 681 | 73 | 11 |

The results achieved so far in alternative dispute mechanisms indicate very good progress compared to the previous year. In specific terms, as seen in the table above, the statistics compiled by the Mediation Commission show that the total number of cases referred for mediation for the reporting period is 708, out of which 686 have been so far resolved. It can therefore be concluded that there is a positive trend of the use of mediation, with cases solved quickly and with low costs. On the other hand, number of cases executed by private enforcement procedure is 1361 out of 9376.

The necessity of Criminal Records Information System (CRIS) is already analyzed in details and a basis for the establishment of the system is already created. In order to become operational, on 10 April 2015, the KJC, in collaboration with EULEX, has approved and signed the Regulation on Keeping Evidence on Convicted Persons. Within three months, the KJC will draft an action plan based on this regulation, where only final decision cases will be registered into the database. Currently this database will be implemented with a pilot project in pilot courts on data migration. The migration of the data is envisaged to be completed within 6 months after finalizing the project with pilot courts.

The KJC and the KPC with the donor support are in the first phase of implementation of an electronic integrated case management information system. The project consists of two phases: the Preparatory Phase and the Main Phase, and it is planned to last for four years. The preparatory phase main objective is to prepare the functional specifications for CMIS for courts and prosecutions, planned to end by 31st of May 2015.

The project is leaded by the Steering Comity which the highest decision is making body composed of 5 members; out of which three from the courts and two from the prosecutions. The project manager has the coordination role. Another of high importance body within the project is the User Working Group composed of professionals' staff members from courts and prosecutions. The role of this Group is primarily to validate the functional specifications for the CMIS, as well as to ensure that the court and prosecutorial CMIS is implemented in accordance with the functional specifications approved by this Group. The preparation of the functional specification for courts is at the end of the preparatory phase. In addition, the majority of the functional specification for the prosecutor offices are covered, and at the end of the preparatory phase the final version of the document will be ready.

Another activity undertaken during the preparatory phase was the ICT training of the staff members of courts and prosecutions. The aim of this activity was to prepare the staff members with the change process management which is one of the determining factors for the successful implementation of the ICT systems.

The system for courts and prosecutions will be directly connected (in a database level) and also the necessary services are planned in order to interlink other institutions such as: Police, Correctional and probation Service, CRA and AMSCA at the service level, and also, additional

services are planned in order to be able to exchange data with any other relevant institution irrespective of those being internal or international institutions. The first pilot version of the software for courts is expected to be fully operational by the end of 2016. Once the first pilot version for the courts is successfully implemented, the process for software development for the prosecutions is going to start. Currently the Project is at the end of the first phase.

The project has successfully managed to achieve all the objectives set for the preparatory phase including the achievement of the main objective for the preparation of functional specifications for the court system. In cooperation with the donor, during February, it is set to continue for additional two months to prepare the functional specification for the system for prosecution. The project has undertaken appropriate activities and is working to prepare the functional specifications for prosecution.

In November 2014, the KPC established a database associated with the treatment of the top 50 cases in the justice system. The KPC is in cooperation with the courts, police and law enforcement agencies in Kosovo and have begun to identify cases that will enter the top 50 cases. So far 9 cases have been identified and entered the top 50 cases, two of which were sent to the relevant courts. The data created by the Prosecution Council has met and incorporated the recommendations given by the European Union Office in Kosovo.

4.1. Preventing and Combating Organized Crime, Corruption and Terrorism

In order to ensure the appropriate functioning of the Procurement Review Body, The Law on Procurement has been preceded for the amendment process. So far the concept document has been approved by the Government on 3 March 2015 and a working Group has been established in order to further proceed with the necessary changes of the law. The main focus of the changes will be on the following issues to be addressed by these amendments:

- Fees for complaints. This is expected to become the tariff for appeal, depending on the estimated value of the contract. With this change, the secondary legislation is expected to change and the fees will be set.
- Harmonization of new directives of EC that will include a thorough review of primary and secondary legislation.
- Functioning of the PRB. Modification of Article 100 on the appointment of members of the PRB, so that the appointment of members of the PRB becomes at the same time and continue their mandate until the start of operation of the new board.
- The functioning of the PPRC; It is recommended that there should be specific rules regarding the selection of members of the PPRC, so that its composition reflect all parties involved in the procurement sector (lawyers, contracting authorities and economic operators).
- Development of the electronic procurement platform
- Preliminary selection of disputes, consisting of deadlines for the submission of the complaint, archiving and content of authorizations
- Functioning of the Central Procurement Agency, where the Ministry of Finance, according to a reasoned proposal that comes from a contracting authority may appoint the CPA to conduct a procurement activity on behalf of such contracting authority. The contracting authority may also ask the CPA to assist in the conduct of the procurement activity being conducted by such contracting authority.

- Tender procedures with less than two responsive bids, the aim of following amendment is to propose a fair balance between competition and general interest of other public involved in procurement.
- Arithmetical errors, to ensure order in accordance with international best practices which guarantee the preservation of a tender and to avoid simple arithmetic error, at the same time, a misuse on a voluntary basis by itself contracting authorities and economic operators.

The introduction of an electronic system to all procurement starting from small to large value procurement will have an impact on reducing public spending and combating corruption. This in return will encourage long-term sustainable economic growth. The feasibility study has been finalized based on which the new e-procurement platform will be established. The pilot project has been launched in May 2015, while the e-procurement system will become fully functional and in use starting 1st of January 2016.

Among others, e-procurement will serve as the repository for electronic copies of all notices, invitations, declarations, tender dossiers, reports, complaints and decisions filed or issued in connection with each and every procurement activity conducted or initiated by a contracting authority. In addition it will establish manual and electronic systems for monitoring the compliance of the contracting authorities with the present law, including the preparation of 76 reporting forms to be completed by all contracting authorities subject to the present law, as well as establish and maintain an information website that provides the public with unrestricted access to

- (i) the present law and all secondary legislation issued under the authority of the present law,
- (ii) any interpretive rulings and documents referred to in this Article, and
- (iii) all information contained in the Public Procurement Register.

With the aim of providing an adequate legal framework in the area of interception, the Law on Interception of Telecommunication was adopted by the Assembly on 28 May 2015, and it has incorporated the recommendations issued by the Assembly Committee for European Integration, the civil society, EULEX and the EU Office.

The abovementioned law clearly defines interception for the purposes of criminal proceedings and interception for the purposes of intelligence and national security, tapping procedure, limitations, demand content, the content of the order for interception, obligations of authorized officer and surveillance sector, liabilities of network operators, security measures, storage and deletion of data. The law defines interception system: Interception interface and monitoring centre (Interception interface would be within the Chief State Prosecutor office and Monitoring facilities in the KP for law enforcement agencies and one in KIA for Intelligence Needs) and foresees the establishment of the Commissioner for wiretapping surveillance which has the role of overseeing the legality of wiretapping within the Kosovo Judicial Council.

The Central Election Commission, in September 2014, has amended the Regulation No. 14/2013 on Financing Political Parties and Sanctions, which has incorporated changes deriving from the amended Law that entered into force on 31 July 2013. The regulation was adopted in January by the CEC.

Regarding the strengthening the human resources capacities, CEC will announce a vacant position by the end of May. However, it should be noted that even though there is a lack of human resources monitoring the implementation of the law on Financing Political Parties, 12 additional political parties have been fined in May 2015.

More specifically, as for the election process is concerned, the Central Election Commission has certified 103 political parties for the 2013 local elections and 30 parties for 2014 Parliamentary Elections. Contrary to the local elections where 10 political parties have not submitted their financial reports, in the parliamentary elections all of them have done so. According to the law, the deadline for submission of reports on campaign spending is 45 days after each election. Therefore, the Central Election Commission has fined 10 parties who have failed to comply with this deadline. Only 2 political entities have paid the imposed fines before their certification for the 2014 election.

On the other hand, for 2013 regular Municipal Election, Election Complaints and Appeals imposed fines to all political parties participating in elections with a value of EUR 195,450.00. These fines are imposed for electoral irregularities that have occurred for all stages of the electoral process, respectively breaking the election silence. During the 2013 electoral process, ECAP received 1,109 complaints filed by various political entities for voting in Kosovo, while 16,410 complaints were received for overseas Voters.

ECAP during parliamentary election process, held on June 8, 2014, imposed a fine to all political parties participating in elections with a value of EUR 86.700.00 for electoral irregularities that have occurred for all stages of the electoral process. ECAP received 341 complaints filed by various political entities for voting in Kosovo, while 9172 complaints were received for overseas Voters.

By comparing the above figures for the number of complaints and penalties imposed by ECAP to political parties during the two electoral processes that the 2013 local elections and that the 2014 parliamentary elections the number of complaints and the amount of fines imposed may conclude that the sanctioning of political parties with such fine had deterrent effect.

In order to improve the exchange of information between law enforcement and judicial authorities (KPC, KC, KP, FIU and TAK) in intelligence led-policing, the Agreement on Exchange of Information, Risk Assessment and Coordination between and Law Enforcement Institutions and Agencies was signed in December 2014. Pursuing a better cooperation and higher efficiency of law enforcement agencies in the fight against organized crime, entities in charge are working towards functionalizing a system for intelligence information exchange among these authorities. Since November last year, an assessment on the IT infrastructure and the interoperability of these databases was conducted, and the report published in March this year recommended a number of steps towards functionalizing this system, some of which have started to be applied by these authorities, including drafting an MoU in April, 2015, establishing a steering committee, and creating unified standards for system data entry.

KP adopted the SOP on the Kosovo Police Information System in November 2014 with the aim of establishing KPIS. This system is designed to assist the KP staff in checking criminal records of suspects involved in organized crime cases, conducting investigations of crime cases,

incidents, identifying weapons and other military equipment. The proper use of the information system enables high-level crime investigations and helps in producing analytical reports and reliable statistics in this area.

Financial investigations are an essential tool in terms of developing evidence against complex high level crimes with a view to dismantling transnational and organised crime networks. Since March 2014, financial investigations are integrated into all investigations of organized crime and corruption, as provided by a KP decision on integrating financial investigations. In terms of capacity building in this field, the certification process for financial investigators started in October 2014, with professional training conducted through the support of EU funded project, where 10 law enforcement officers were trained and certified. Two financial investigation experts have already been appointed in the Department against Drug Trafficking and Department against human trafficking. Whereas, within the organized crimes Unit a separate sector for integrated financial investigations is in place. In this light, KP also adopted the Administrative Instruction for certification of IT forensic experts in June 2014, which was followed by professional trainings conducted. So far 2 IT forensic experts were certified.

In order to determine general and specific guidelines, coordination and cooperation between KP and prosecution during organized crime investigations, a working group was established with representatives of KP and KPC which is responsible for drafting a Manual with general and specific procedures to be followed, expected to be presented in the last quarter of 2015.

With the aim of enhancing capacities in the field of witness protection in terms of financing and staffing, the Witness Protection Directorate appointed 5 additional officials, while the remaining 7 officials are in the recruiting process which is to be finalized by June 2015. The Kosovo Police is a part of the unified witness protection database for all countries in the region, which was presented to all regional countries in October 2014.

In order to raise awareness in the area of witness protections, during February 2015 seminars in all regions of Kosovo have been organized for prosecutors, judges, and police officials. All these seminars were also attended by the WINPRO II officials. These activities were followed by brochures containing information on witness protection, which were distributed to judges, prosecutors and police officials. In February and March 2015, two field practical exercises related to witness protection have been conducted.

In terms of capacity building, the WPD staff attended the following international and regional conferences in the field of witness protection: regional conference on witness protection in Macedonia (March 2015), international conference organized by EUROPOL and regional conference on witness protection in Albania (May 2015). Regarding the improvement of the IT infrastructure within the WPD, the intranet network and the Analysis Software (iBase) have been installed in all working stations.

In order to prioritize high-profile cases related to organized crime and corruption, the Action Plan to Increase the Efficiency of the Prosecutorial System in fighting corruption cases was adopted on 4 November 2013. In this light, the National Coordinators for Economic Crime and Corruption and the National Coordinator for on the Selection of top 50 Serious Crimes were appointed. These top 50 serious crime cases are expected to involve high ranking state officials,

former ministers, former municipality mayors, and head of public enterprises. Such cases are to be treated with highest priority by state bodies, starting from law enforcement agencies up to the courts, through joint investigative teams involving all these relevant bodies. So far 9 cases have been targeted and are still under investigation. In two of these high profile crime cases the value of the assets that might be subject to sequestration is 13,000,000 EUR.

In terms of the enforcement of the legislation in the field of fight against organized crime, during the first quarter 2015, the KP has worked on 42 cases of organized crimes, out of which, 24 were forwarded to the prosecution offices.

Table 7: KPC organized crime statistics, 2013, 2014, and Q1 2015

| Status of cases | 2013 | | 2014 | | Q1 2015 | |
|-----------------|--------------|----------------|--------------|----------------|--------------|----------------|
| | No. of cases | No. of persons | No. of cases | No. of persons | No. of cases | No. of persons |
| Cases at work | 27 | 210 | 47 | 388 | 42 | 287 |
| Inherited cases | 16 | 118 | 25 | 223 | 41 | 283 |
| New cases | 11 | 92 | 22 | 165 | 1 | 4 |
| Cases solved | 2 | 9 | 8 | 125 | 4 | 8 |
| Pending cases | 25 | 201 | 39 | 262 | 39 | 279 |

In the first quarter of 2015, Prosecution offices have solved 4 cases of organized crime involving 6 persons in such manner:

- Criminal charges dropped for 3 persons,
- Investigation terminated for 2 persons, and
- Indictment following investigations against 3 defendants.

During this period, courts have issued verdicts against 2 defendants on cases of organized crime, where both defendants were found guilty.

Kosovo institutions are also committed in prioritizing high profile corruption cases. Courts have been solving corruption cases even of high state official who have been found guilty, sentenced of imprisonment and were prohibited to perform management tasks or duties. For more detailed information, please see the Annex on *Judgments*.

In order to complete the legislative framework in the fight against terrorism, the Law on Prohibition of Joining Armed Conflicts outside state territory, was approved by the Assembly in March 2015. With the aim of protecting the state interests and national security, this Law determines criminal offence of joining or participating in a foreign army or police, in foreign paramilitary and para-police formations, in organized groups or individually, in any form of armed conflict outside the territory of the Republic of Kosovo.

Prevention and countering of extremism and terrorism continue to remain priorities of the Directorate against Terrorism within Kosovo Police. The main priority is preventing the citizens of the Republic of Kosovo joining the ranks of terrorism groups in order to participate in conflicts outside Kosovo. Given that preventing and combating extremism and terrorism requires a comprehensive approach, the Kosovo Police has consistently expressed interest and willingness to cooperate with religious communities, civil society, non-governmental organizations, etc.

During 2014, the Directorate against Terrorism dealt with 48 cases, out of which 20 inherited from the previous year, while 4 of these cases were transferred from other units of Kosovo Police. During this period, 8 operative plans and 98 raids in different regions of Kosovo were conducted. Criminal charges were filed against 132 persons, 78 of whom were arrested and are being investigated while 18 cases were forwarded to the Prosecution. Regarding statistics on cases related to terrorism, during Jan-15 May, the directorate dealt with 6 terrorism related cases, 9 persons were arrested, and criminal charges were filed against 8 persons. During this period 7 raids in different regions of Kosovo were conducted, while the directorate dealt with 199 pieces of information; out of which 65 pieces were international.

Kosovo law enforcement institution are specially focused on the prevention and fight against the supply segment of drug trafficking. An upward trend is evident in the number of persons arrested for drug trafficking cases and confiscated narcotics.

Table 8: KPC statistics on cases related to narcotics for 2013, 2014 and Q1 2015

| | 2013 | | 2014 | | Q1 2015 | |
|-----------------|--------------|----------------|--------------|----------------|--------------|----------------|
| | No. of cases | No. of persons | No. of cases | No. of persons | No. of cases | No. of persons |
| Cases at work | 543 | 896 | 795 | 1262 | 538 | 852 |
| Inherited cases | 169 | 280 | 286 | 469 | 458 | 722 |
| New cases | 374 | 616 | 511 | 793 | 80 | 130 |
| Cases solved | 257 | 429 | 350 | 552 | 58 | 97 |
| Cases pending | 286 | 467 | 450 | 710 | 480 | 756 |

As shown in the table above, Prosecution offices, in the first quarter of 2015 have solved 58 cases involving 97 persons in the following manner:

- Charges were dropped for 4 persons;
- Investigations terminated for 5 persons;
- Indictment with the request for Punitive Order filed against 10 persons;
- Instant indictment filed against 29 persons;
- Indictment following investigations filed against 49 persons;

During this period, courts have issued verdicts against 25 defendants on drug trafficking, where all 25 were found guilty.

In terms of information exchange: 168 pieces of information were exchanged with Kosovo institutions and 72 with other countries.

With the purpose of providing the necessary support to victims of crimes, the Government in May 2015 has adopted the Law on the Compensation of Crime Victims. This law regulates the compensation of victims of crime and their dependants, the respective claiming proceedings and the decision making authorities.

In terms of strategic documents, a formal Working Group was established (21 February 2014) for drafting a new Strategy against Trafficking in Human Beings, 2014-2019. The coordination process for the National Strategy against THB was based on an inclusive participatory system that involves central institutions, civil society, local and international Non-Governmental Organizations working in Kosovo. The new Strategy on the Fight against Trafficking in Human Beings 2014-2019 has been approved in 8 May 2015.

With regards to international cooperation/information exchange, Kosovo Police (DITHB) increased the number of information exchanges with other countries on matters related to cross-border crime with trafficking with human beings. While, during this reporting period this department exchanged information with the following:

- Albania - 8;
- Great Britain - 2;
- France - 2;
- Serbia - 2;
- Germany - 2 ;
- Montenegro - 2;
- Austria - 1;
- Belgium - 1;
- Turkey - 1;
- USA - 1; and
- Switzerland - 1.

During the reporting period 41 victims of human trafficking were identified. The number of victims who received treatment from Centres for Social Work during the reporting period is 41, of them 23 adults and 18 minors. Furthermore, shelter was provided for 31 victims, while 10 victims have refused assistance.

Kosovo institutions have also made significant progress in terms of improving conditions for rehabilitation of victims. In terms of providing treatment for victims of human trafficking including sheltering and rehabilitation, the MLSW has contracts with two (2) NGO shelters who offer services for the protecting and sheltering of these victims. The NGO - PVPT accommodates only victims of trafficking, while Hope and Home for Children NGO shelters abused children, victims of trafficking with a low level of risk. The Ministry supports these shelters with 50% of the victims' expenditures, and the allocated budget for supporting these NGOs during 2015 is €36,000 for 2015.

The contracted services from the NGO shelters consist of:

- 24-hour care for victims of trafficking;
- Providing food to victims within the shelter;
- Providing personal hygiene kits for the victims of trafficking within the shelter;

- Providing the victims with medical supplies;
- Counselling and emotional support (Group or individual counselling);
- Providing transportation for the victims.

In order to enhance capacities within the law enforcement bodies, in March 2014 the unit for THB trafficking was established in North Mitrovica, where 5 officials were recruited. During 2014, Kosovo Academy for Public Safety in Vushtrri organized 24 trainings for officers dealing with THB, while the Department for Investigation of Trafficking in Human Beings staff participated in 15 international trainings/seminars and conferences on THB.

4.2. Law enforcement cooperation

To recommit themselves on Joint Rule of Law Objectives, in May 14, 2015, the Minister of Justice, together with the Head of EULEX Mission in Kosovo, the Head of the EU Office in Kosovo, Chairman of the Kosovo Judicial Council, and of the Kosovo Prosecutorial Council, has signed a Compact Agreement. Actions arising from this agreement are aimed at strengthening the police, customs, judicial and correctional institutions throughout Kosovo. Also, the Compact Agreement calls on the advancement of the Kosovo capacity to fight corruption, organized crime, and paying attention to addressing inter-ethnic crimes. For further information please find attached the Annex on *Joint Rule of Law Coordination Board Compact 2*.

In order to improve international cooperation in terms of fighting organized crime including provisions on witness protection, Kosovo Police during this reporting period signed the following:

- Cooperation Agreement with United Kingdom, February 2015;
- Cooperation Agreement with Albania, March 2015.
- Cooperation Agreement with Slovenia, May 2015
- While, the Cooperation Agreement with Turkey is expected to be signed in June 2015.

So far the Republic of Kosovo (Kosovo Police) concluded cooperation agreements with the following:

- Cross-Border Police Cooperation Agreement with Albania, October 2009 ;
- Police Cooperation MoU with Croatia, October 2009;
- Police Cooperation Agreement with Macedonia, December 2009;
- Agreement on Cooperation in combating irregular immigration networks and trafficking networks in Human Beings, with France, December 2009;
- Cooperation Agreement on Security Field with Germany, April 2010;
- Law Enforcement Cooperation Agreement in Preventing and Combating Serious Crimes with Sweden, June 2010;
- Police Cooperation Agreement with Bulgaria, September 2012;
- Cooperation Agreement on Preventing and Combating Crime with Hungary, July 2013;
- MoU Cooperation in Security Field with Finland, October 2013;
- Police Cooperation Agreement with Switzerland, November 2013;
- Police Cooperation Agreement with Montenegro, March 2014.

In terms of providing an adequate framework in the area of witness protection, all the above mentioned agreement include provisions on witness protection.

As a result of the above mentioned cooperation agreements in the area of organized crime, during this period, Kosovo authorities have worked jointly with six MSs (Austria, Czech Republic, France, Germany, Hungary, and Slovakia) and Switzerland in two cases involving smuggling of migrants: On 4 November 2014, 34 suspects were arrested, 13 of whom in Kosovo, while on 24 March 2014, the number of arrested suspects was 44, with 4 of them arrested in Kosovo. The latter operation was led by EUROPOL.

In April 2015, the Republic of Kosovo submitted a membership application for INTERPOL. Accession of Kosovo to INTERPOL would greatly benefit international police cooperation in fighting organized crime and enforcing rule of law.

On requests related to international organized crime cases, during the reporting period; Directorate for International Legal Cooperation has received 5 new cases, 66 new requests involved in existing open cases, and 46 replies.

During this reporting period Kosovo Customs signed the following cooperation agreements:

- Cooperation agreement with Austria, signed in September 2014;
- Cooperation agreement with Croatia signed in March 2015.
- While, the first of draft of the cooperation agreement was exchanged with respective authorities in Hungary in April.

Since September 2014, FIU signed cooperation agreement with the following countries:

- Cooperation agreement with Poland, signed in September 2014;
- Cooperation agreement with Albania signed in September 2014;
- Cooperation agreement with Hungary, signed in January 2015;
- Cooperation agreement with Ghana, signed in March 2015;
- Cooperation agreement with Macedonia, signed in March 2015;
- While the cooperation agreement between FIU and Switzerland is in the process of finalization.

4.3. Judicial Cooperation in Criminal Matters

Regarding judicial cooperation in criminal matters, the Law on International Legal Cooperation was adopted by the Assembly on 31 July 2013. Kosovo has so far 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. 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.

In order to further enhance the international judicial cooperation completion, MoJ in June 2013 signed an agreement with Italy on Mutual Legal Assistance in Criminal Matters and extradition, while the Agreement on Mutual Legal Assistance in Criminal Matters with Hungary will be signed shortly after the date has been set. Furthermore, the Agreement on Legal Assistance in Criminal Matters with Germany will be signed at the end of June 2015. Regarding the Extradition Treaty with the US, it is only left for the US to confirm the date of the signature.

With respect to the number of cases processed and treated in matters of international judicial cooperation, MoJ/Department of International Legal Cooperation (DILC) has received and processed 1,319 new requests, 1539 new requests under the open cases and 2000 answers for the following new and open cases:

- Extradition;
- International Child Abduction;
- Transfer of sentenced persons;
- Transfer of proceedings;
- Mutual legal assistance in criminal and civil matters;
- Service of documents;
- Recognition and enforcement of judgments;
- Legal Opinions.

Furthermore, with respect to the number of cases processed and treated in matters of international judicial cooperation with the Republic of Serbia, MoJ/DILC has received and processed 397 new requests, 576 update requests and 488 answers

On the other hand, regarding the number of requests related to organized crime cases, DILC has received and processed the following:

- 5 new cases;
- 66 new requests under the open cases;
- 46 replies

In June 2014, through a conference in Pristina, a Western Balkans Network of the Agencies responsible for managing the sequestrated and confiscated assets (BARIN) was established. The manual for its functioning with templates for information exchange is developed. The next network meeting is scheduled to be held in Skopje during summer 2015.

Kosovo has enquired about closer cooperation with EUROJUST. The Chief State Prosecutor has appointed one prosecutor as a liaison officer between Kosovo and EUROJUST and EJP for all cases that fall under the competence of the Kosovo State Prosecutor. Kosovo received the second negative response on a possible agreement with EUROJUST.

4.4. Data Protection

According to the assessments made on the Law on the Protection of Personal Data, the law is in line with the EU *acquis*. The law reflects the provisions of the Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 in an almost approximated way. Generally, the law concerning protection of personal data is aligned and the provisions of the LPDP are aligned to the requirements of this Directive. In terms of meeting the requirements regarding legitimacy of data processing, rights of the data subject, institutional protection of personal data, transfer of personal data, rights and supervision, general violations of the provisions, the field of personal data protection in the Republic of Kosovo is in accordance with EU *acquis*. In present law it is clearly defined what is permitted or prohibited. All provisions are specified under the Articles pursuant to the EU *acquis* and are subject to constant institutional, organizational and substantive supervision. To conclude, all provisions of this law, in all its parts, are unambiguous, clear and concise and specifically define what is permitted or prohibited.

In order to further enhance the legislative framework in the area of data protection, the NAPPD adopted the Regulation on Data Security April 2015.

In terms of cooperation between the Agency and other governmental institutions, since September 2014 the agency is included in the list of institutions to be consulted on all draft laws.

In term of capacity building in the field of data protection, training sessions organized on ISO27002 security standards were organized in September 2014, with 12 data protection officials certifies. There provide the NAPPD representatives with data security related knowledge, this way contributing in the enhancement of capacities in the Agency. This activity commenced on 1 September 2014. In addition, another round of the abovementioned training was organized during 4-11 May 2015, with 8 NAPPD officials awaiting certification.

All institutions under the legal obligation to appoint Data Protection Officers have done that by now. The NAPDD has conducted inspections in specific areas and based on its working plan for 2015 general inspections are foreseen. All issued recommendations are implemented by the relevant institutions. Against the institutions that have not implemented the recommendations of the Agency, administrative proceedings have been initiated. Currently 18 cases of breach for the safety during processing data of the citizens are already in process meanwhile by the decision of the Basic Court and recommendation by the NAPPD, the Kosovo Company responsible for Distribution and Power Supply- KEDS, received a €9,000 fine for negligence in taking legal measures for the safety during processing data of the citizens.

With regard to the local level, out of 38 municipalities in the Republic of Kosovo, 36 of them now have data protection officers appointed. The remaining municipalities (2) are expected to appoint local level data protection officials in the very near future. The appointment of the data protection officials in municipalities emphasizes the importance of the role of local DPOs, but also contributes directly in the implementation of the legislation on data protection in the national level.

5. Block 4: Fundamental Rights related to the Freedom of Movement

The legal framework on fundamental rights in Kosovo has been complemented with the approval by the Assembly on 28 May 2015 of the 'human rights package of laws', consisting of the Law on Protection from Discrimination, the Law on Gender Equality and the Law on the Ombudsperson. This package of laws has been harmonized and prepared with the assistance of a joint CoE and EU project and during the drafting process have been involved the relevant actors and the civil society.

The revised legal framework will enhance the protection of human right also in terms of creating new mechanism; the new law on the Ombudsman defines the Ombudsman Institution as a mechanism of equality for promoting, monitoring and supporting equal treatment without discrimination on any grounds. Also, the Ombudsperson will act as a National Mechanism for the prevention of torture and other cruel, inhuman and degrading punishments. While the Law on Gender Equality determines the general and specific measures to ensure and protect the equal rights of men and women, defines the responsible institutions and ensures the institutional framework necessary for implementation.

The Law on Protection from Discrimination defines a general framework for preventing and combating discrimination on any grounds and foresees the legal remedies and procedures in cases of law violations. As envisaged with the new Law on Protection from Discrimination, the Government is obliged to launch an awareness raising campaign within six (6) months after the adoption of the law and all institutions should publish on their websites information for citizens regarding their rights. In this light, by September 2015 the OGG/OPM will launch a campaign on informing citizens about their rights and legal remedies in cases of human rights violations.

The Assessment Report on the Implementation of the Strategy and Action Plan for 2014 was published on 07 April 2015. The OGG has focused on three main priorities: monitoring of the AP, enhancing the political will on implementation of the AP and cooperation between the local and central level. On this report, sectors such as education, employment, economic growth, health care and social welfare, housing and informal settlements, return and reintegration, civil registration, media and information were evaluated. Out of 228 indicators of the action plan, 179 have been reported.

In addition, the Governments decision of 4th of April 2015 re-established the Inter-institutional Steering Committee for the coordination of the implementation of the Plan for the Integration of Roma, Ashkali and Egyptians. Considering that the Strategy and Action Plan is on its last year of implementation, the Steering Committee has taken the decision to initiate the drafting of the new Action plan on the integration of RAE communities 2016 - 2020.

Moreover, the Government of Kosovo has participated for the first time on the regional meeting of Roma Decade 2020.

With regard to the collection of data on potentially inter-ethnically motivated incidents or crimes, the KPC, KJC and KP agreed to establish a tracking mechanism for such criminal offences. This database is functional and these data are generated on the Statistical Reports for the work of prosecution offices with criminal cases of adult/minor offenders and characteristic

criminal offences. These data are collected in two categories: (1) where the injured party is non-Albanian and the suspect is Albanian or vice-versa; and (2) based on article 147 of the Criminal Code.

For statistics for the first quarter of 2015 please see *Annex on Statistical Report for the work of prosecution offices with criminal cases of adult offenders and characteristic criminal offences and the Statistical Reports for the work of prosecution offices with criminal cases of minor offenders and characteristic criminal offences*.

In addition, the KPC generates a detailed separate statistical report related to ethnic crimes on cases where the injured party is non-Albanian and the suspect is Albanian or vice-versa. (For the first quarter of 2015, please find attached *Annex on Statistical report related to Ethnic Crimes*).

Moreover, the KPC in cooperation with KJC, KP and Eulex are planning to draft a manual that will assist Kosovo Police and Prosecutors while investigating and prosecuting these crimes.

As part of the project *Support to employment of RAE communities on Kosovo Police*, three (3) members from the Egyptian community and two (2) members from the Roma community have completed the respective police trainings and will graduate as police officers on 12 June 2015.

The project is on continuance and on the waiting list for recruitments are on total 13 candidates (five (5) from the Roma community, five (5) from the Egyptian community and three (3) from the Ashkali community) who will be recruited based on the future needs of the KP.

Regarding the efforts on increasing the number of registered members of the Roma, Ashkali and Egyptian communities, the MLGA announced October, November and December of 2014 as months of civil registration free of charge. Considering that during this period only 10 persons responded to this call, the MLGA conducted a public campaign to promote this initiative. As a result, during the period January - April 2015, out of 233 identified persons, 126 were registered. To date, in total 136 persons have been registered, while 88 persons remain unregistered since they come from neighbouring countries and do not possess any document that would permit their registration (75 persons living in Mitrovica and 13 persons living in Ferizaj).

A working group was established by the MIA and the MLGA in order to analyze any eventual overlap between the competences and activities of the Municipal Community and Safety Councils and the Municipal Assemblies. After the assessment of the activities conducted by the MCSCs and the competences under which they fall, on 11 April 2015 was published a Manual for Municipal Community Safety Councils that will clarify the role and importance of the MCSC in supporting community safety, the objectives and responsibility of the MCSC members. In addition the Manual will explain the importance of the concept of safety in the community, community policing and development of local policies that influence community safety.

The MLGA and the OGG in October 2014 have held a meeting with the mayors of Municipalities regarding the implementation of the Action Plan for the integration of RAE communities. During September 2014, five regional workshops have been organized in

Prishtina, Mitrovica, Gjakova, Gjilan, and Prizren and 197 municipal officials coming from departments of education, health, social workers, spatial planning, municipal offices for communities and return and representatives of civil society have been presented with the achievements and challenges that municipalities face during the implementation of the AP for the Integration of Roma, Ashkali and Egyptians.