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PART 2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

HFII: Towards a better evaluation of the results of judicial reform efforts in the Western Balkans “DASHBOARD Western Balkans”

Data collection: 2021

Report prepared by the CEPEJ for the attention of the European Commission

Part 2 (A) - Beneficiary fiche - Kosovo*

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Executive Summary - Kosovo* in 2021

Population in 2021



GDP per capita in 2021



Average annual salary in 2021



Budget

In 2021, Kosovo spent 41 670 972 € as implemented Judicial System budget. Thus, it spent **23,2 € per inhabitant, which is less than the Western Balkans (WB) average (36 €)**. The Judicial System budget decreased by 1,6% from the previous year. In particular, budget for courts decreased by 1,6%, budget for prosecution offices decreased by 3,9% while budget for legal aid increased by 19,5%. Within the courts budget, between 2020 and 2021 there was an increase in the budget for computerisation (+14,3%), justice expenses (+17,5%) and new court buildings (+99,7%).

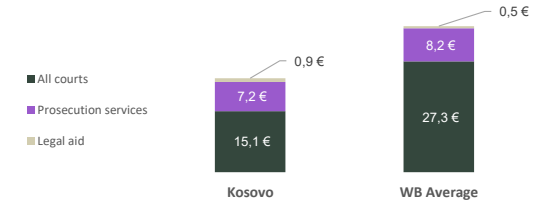
The amount of budget coming from **external donors** is difficult to calculate. This is because funds are often allocated on projects that last longer than one year and involve not only justice system but also other areas. Furthermore, it is difficult to identify how much is directly or indirectly allocated to courts, prosecutor offices and legal aid. However, Kosovo was able to provide an estimate. The highest ratio between external donations and budget is for prosecution services (6%).

Legal aid

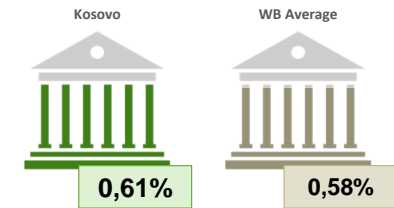
In 2020, legal aid budget had been cut. Compared to 2019, it diminished by 34%. In 2021, it increased by 19,5%, but it was still lower than in 2019. However, the total implemented budget in 2021 was 0,94 € per inhabitant, which was remarkably above the WB average of 0,52 €. Moreover, Kosovo was able to provide a complete dataset for number of criminal and non-criminal cases, brought and non-brought to court, for which legal aid was granted. In 2021, the total number of legal aid cases per 100 000 inhabitants (0,26) was slightly below the WB average (0,28).

Budget of the Judiciary

Implemented Judicial System Budget per inhabitant in 2021



Implemented Judicial System Budget as % of GDP in 2021



Efficiency**

In 2020, the Covid-19 pandemic had visible consequences on the work of courts and judges since courts were closed for several months. For this reason, judges were not able to cope with the influx of cases (even if lower than the previous year) and with the number of pending cases. Consequently, the Disposition Time (DT) increased for 2020 (compared to 2019). **In 2021, the situation did not improve in Kosovo.**

Except for first instance administrative cases, the CR decreased from 2019 and 2021 in all other categories and instances. In 2021, the CR remained above 100% in severe criminal law cases (first instance) and misdemeanour cases (second instance). The CR was particularly low in civil/commercial first instance cases (53%) and second instance cases (66%). The DT is well above the average in both instances for every category of cases except administrative cases in second instance, and it is particularly high for civil/commercial litigious cases (1 339 days) and administrative cases (798) in first instance. However the DT for administrative cases in second instance and for severe criminal cases in both instances decreased between 2020 and 2021, while it increased for civil and commercial litigious cases (first and second instance). Since it was also high in 2019 it seems that the high DT in 2020 and 2021 cannot be entirely attributed to the Covid-19 pandemic. In particular, Kosovo seems to have a high number of pending cases per inhabitant, and this backlog is affecting courts' performance.

**The CEPEJ has developed two indicators to measure court's performance: clearance rate and disposition time.

Clearance Rate, obtained by dividing the number of resolved cases by the number of incoming cases, is used to assess the ability of a judicial system to handle the inflow of court cases. Its key value is 100%. A value below 100% means that the courts weren't able to solve all the cases they received and, as a consequence, the number of pending cases will increase, while CR above 100% means that the courts have resolved more cases than they received (they have resolved all the incoming cases and part of the pending cases) and, as a consequence, the number of pending cases will decrease.

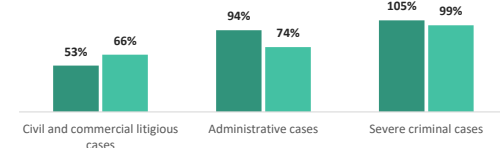
Disposition Time is a proxy to estimate the lengths of proceedings in days. It is calculated as the ratio between the pending cases at the end of the period and the resolved cases (multiplied by 365). It estimates the time to resolve all pending cases based on the actual pace of work. This indicator is highly influenced by the number of pending cases: categories of cases with high backlog will have higher DT than categories of cases that do not have backlog. At the same time, it is affected by the number of resolved cases, and this is especially evident in 2020, when this number dropped.

Efficiency

■ 1st instance ■ 2nd instance

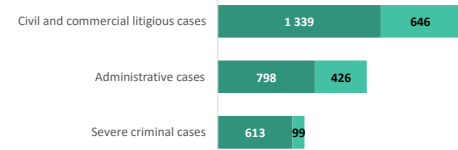
Clearance rate in 2021 (%)

The Clearance Rate (CR) shows the capacity of a judicial system to deal with the incoming cases. A CR of 100% or higher does not generate backlog.



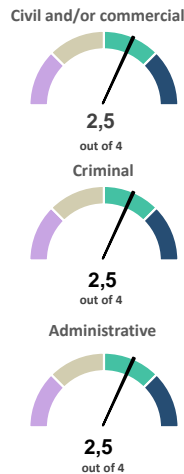
Disposition time in 2021 (in days)

The Disposition Time determines the maximum estimated number of days necessary for a pending case to be solved in a court.



CMS index (scale 0-4)

The Case Management System (CMS) Index is an index from 0 to 4 points calculated based on five questions on the features and deployment rate of the CMS of the courts of the respective beneficiary. The methodology for calculation provides one index point for each of the five questions for each case matter. The points regarding the four questions on the features of the CMS (status of cases online; centralised or interoperable database; early warning signals; status of integration with a statistical tool) are summarized while the deployment rate is multiplied as a weight. In this way if the system is not fully deployed the value is decreased even if all features are included to provide an adequate evaluation.



Electronic case management system and court activity statistics

The Case Management System (CMS) has been recently developed, but it is still not fully used. The new CMS will be also used to generate dashboards and reports on court performance. Before 2020, the evaluation of court performance was done by using the performance of judges as a reference. Therefore, the performance of a court was mainly attributed to the performance of the judges in that particular court. In 2021, the Judicial Council has developed a dashboard in the CMS with specific indicators, in order to assess the overall court performance.

In Kosovo, there is a centralised national database of court decisions, in which all civil/commercial and administrative judgements and some criminal judgements for all instances are collected. Data are available at this link <https://www.gjyqesori-rks.org/aktgjykimet/?lang=en> and anyone can access and filter the judgements by different criteria.

Training

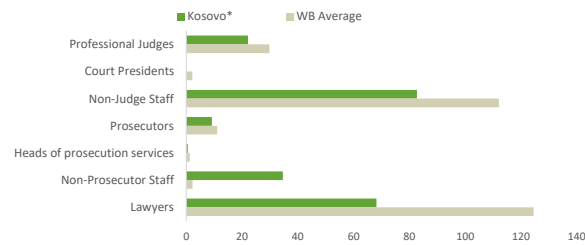
Kosovo was not able to provide data on judicial training this year.

ADR

In Kosovo, court-related mediation procedures are available and legal aid could be granted. The judicial system does not provide for mandatory mediation. Also, there are no mandatory informative sessions with a mediator. The mediation procedure can be initiated by the parties, court, prosecution office or a competent administrative body. If the case is before the court, prosecution office or in the competent administrative body and the parties agree to undergo mediation, the respective body informs and instructs parties to the mediation procedure. Based on the Law on Mediation, the agreement between parties to commence the mediation procedure, at any phase of the procedure before the competent court or any other competent body, is accepted.

Professionals of Justice

Total number of professionals per 100 000 inhabitants in 2021



Gross annual salaries of professional judges and prosecutors in 2021

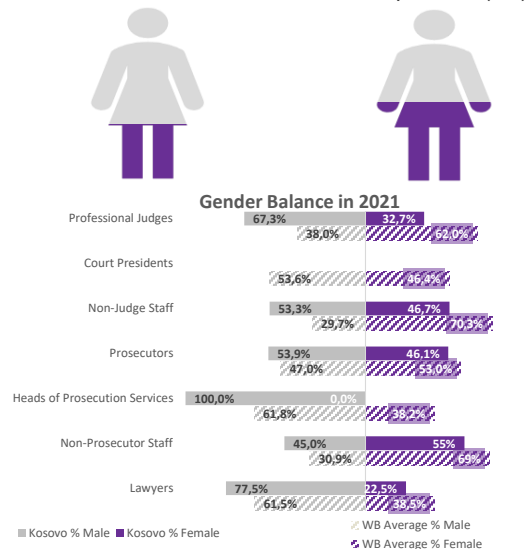


Kosovo* is not included in the calculation of summary statistics

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Gender Balance

33% female judges (total) 46% female prosecutors (total)



Professionals and gender

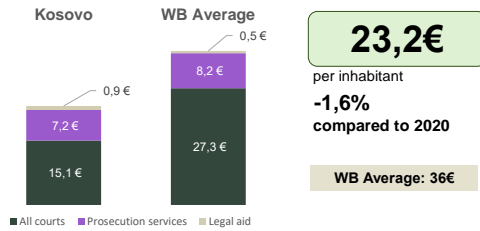
Eastern European countries traditionally have a very high number of professionals per inhabitants. In Kosovo, however, the number of judges and prosecutors per inhabitant in 2020 (respectively 22,1 and 9,2) was lower than the WB Average (29,8 and 11,1) and it decreased from the previous cycles. Compared with the WB median, Kosovo had a lower percentage of judges and prosecutors in the second instance. The average number of non-judge staff per judge was higher than the WB Average. The number of lawyers per inhabitants (68,2) was significantly lower than the WB Average (124,6).

As regards salaries, the ratio between the salaries of professional judges and prosecutors at the beginning of career and the annual gross average salary was 4,1 (higher than the WB Average of 2,5) and at the end of career it was 5,7 (still higher than the WB Average of 4,2).

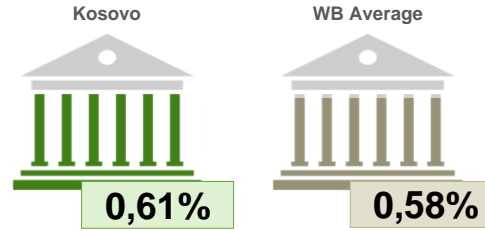
As regards gender balance, the percentage of female judges, prosecutors and staff was significantly lower than the WB Average in all instances in 2021. It was particularly low for professional judges (33% of female vs the WB average of 62%) and heads of prosecution services, where 100% are men. For all categories, a diminution of the percentage of female can be observed from the first to the third instance. The percentage of court presidents is not available, but the gender to heads of prosecution services (100%) highlights an issue called "glass ceiling", meaning that the higher the hierarchical level, the more the number of women (and thus the percentage) decreases.

Budget of the judiciary in Kosovo in 2021 (Indicator 1)

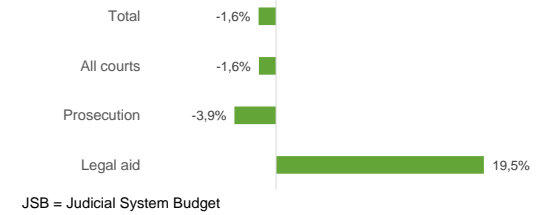
Implemented Judicial System Budget per inhabitant



Implemented Judicial System Budget as % of GDP



% Variation of Implemented JSB per inhabitant between 2020 and 2021



The Judicial System Budget (JSB) is composed by the budgets for all courts, public prosecution services and legal aid. In 2021, the implemented JSB for Kosovo was 23,2 € per inhabitant. This was lower than the Western Balkans (WB) average (36 €) and it decreased by -1,6% since 2020. It represented 0,61% of the GDP of Kosovo (the WB average was 0,58%).

Budget allocated to the judicial system (courts, prosecution services and legal aid)

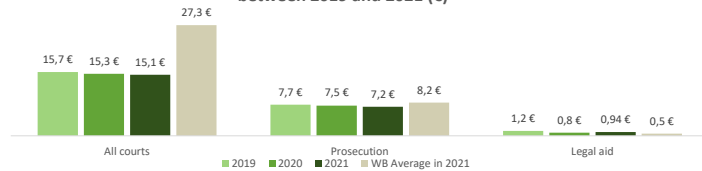
In 2021, Kosovo spent 41 670 972 € on the implemented judicial system budget. This means that Kosovo spent 23,17 € per inhabitant, which is less than the Western Balkans median of 36 €. 65% was spent for all courts, 30,9% for prosecution services, 4% for legal aid.

Compared to 2020, Kosovo has spent, per inhabitant, -1,6% less for courts, -3,9% less for prosecution services, and 19,5% more for legal aid.

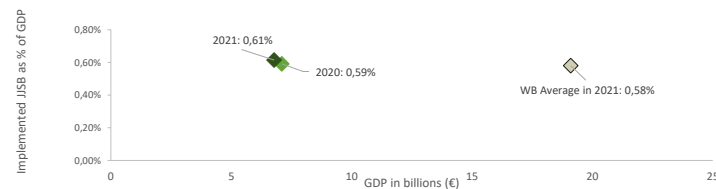
Judicial System Budget	Judicial System Budget in 2021		Implemented Judicial System Budget per inhabitant				Implemented Judicial System Budget as % of GDP			
	Approved	Implemented	Per inhabitant in 2021	WB Average in 2021	% Variation of the values per inhabitant 2019 - 2021	% Variation of the values per inhabitant 2020 - 2021	As % of GDP	WB Average	Variation (in ppt) 2019 - 2021	Variation (in ppt) 2020 - 2021
Total	41 952 601 €	41 670 972 €	23,2 €	36,0 €	-5,9%	-1,6%	0,61%	0,58%	-0,04	0,02
All courts	27 135 668 €	27 089 511 €	15,1 €	27,3 €	-4,3%	-1,6%	0,40%	0,44%	-0,02	0,02
Prosecution	13 114 257 €	12 895 405 €	7,2 €	8,2 €	-6,8%	-3,9%	0,19%	0,14%	-0,02	0,00
Legal aid	1 702 676 €	1 686 056 €	0,9 €	0,5 €	-21,2%	19,5%	0,025%	0,010%	-0,007	0,005

PPT = Percentage points

Implemented judicial system budget per inhabitant between 2019 and 2021 (€)



Implemented Judicial System Budget as % of GDP in 2020 and 2021



This scatterplot shows the relation between the GDP in billions and the Implemented Judicial System Budget as % of GDP. A figure on the right (left) of the WB average means that the Beneficiary has a higher (lower) GDP than the WB average. A figure above (below) the WB average shows that the Beneficiary has a higher (lower) ratio of Implemented Judicial System Budget as % of GDP than the WB average.

After the budget cuts in 2020 due to the Covid-19 pandemic, in 2021 the budget was increased.

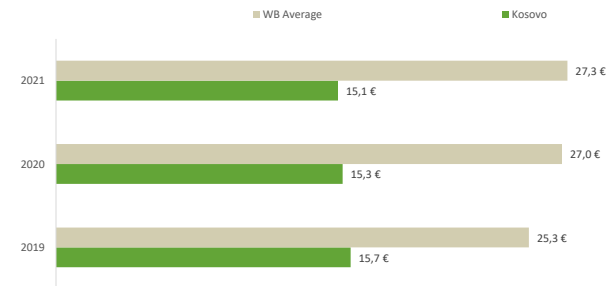
Budget allocated to the functioning of all courts

In 2021, Kosovo spent 27 089 511 € on the implemented budget for courts. 85,8% was spent for gross salaries, 1,1% for computerisation, 1,1% for justice expenses, 1,7% for investment in new buildings.

Compared to 2020, the implemented budget for courts has decreased by -0,7%.

	2021		% Variation between 2019 and 2021		% Variation between 2020 and 2021	
	Approved budget	Implemented budget	Approved budget	Implemented budget	Approved budget	Implemented budget
Total (1 + 2 + 3 + 4 + 5 + 6 + 7)	27 135 668 €	27 089 511 €	-6,4%	-3,4%	-6,3%	-0,7%
1. Gross salaries	23 260 722 €	23 256 313 €	-1,4%	-1,2%	-1,2%	0,0%
2. Computerisation (2.1 + 2.2)	306 151 €	298 000 €	53,1%	96,6%	-1,2%	14,3%
2.1 Investment in computerisation	116 151 €	116 151 €				
2.2 Maintenance of the IT equipment of courts	190 000 €	181 849 €				
3. Justice expenses	305 000 €	296 519 €	-65,1%	-68,1%	20,4%	17,5%
4. Court buildings	NA	NA	NA	NA	NA	NA
5. Investment in new buildings	660 000 €	463 987 €	-25,8%	422,7%	-41,1%	99,7%
6. Training	12 000 €	0 €	-50,0%		-62,5%	-100,0%
7. Other	NA	NA	NA	NA	NA	NA

Implemented budget allocated to all courts per inhabitant between 2019 and 2021



In 2021, justice expenses budget increased because as the courts proceeded with full capacity after Covid restrictions, more expertise and interpretation expenses became indispensable.

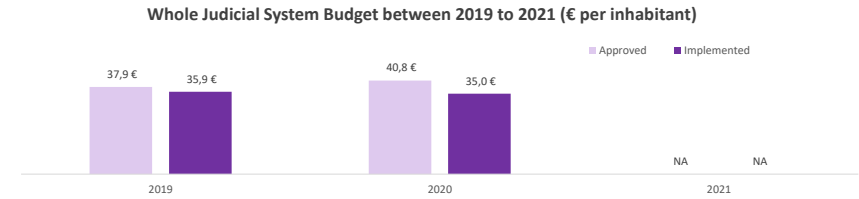
Budget allocated to court buildings was lowered due to budget cuts.

As regards budget allocated to court buildings, the new court buildings that began in the previous years were in process, therefore in 2021 the budget was lowered to the amount on finalising those court buildings projects.

As regards training budget, due to the other essential needs appeared during the year for the KJC, the training budget was cut.

Budget allocated to the whole justice system

Whole Justice System	2021		% Variation of the Whole Justice System per inhabitant	
	Absolute number	Per inhabitant	2019 - 2021	2020 - 2021
Approved	NA	NA	NA	NA
Implemented	NA	NA	NA	NA



Budget received from external donors

The percentages represent an estimate of the ratio between external donations and respective budget. The percentage is calculated in relation to the total implemented budget of each category. However, this does not mean that the external funds cover a percentage of the budget, since donations are not included in the judicial system budget.

	Absolute value	Calculated as %
All courts	30 034 €	0,1%
Prosecution services	804 427 €	6,2%
Legal aid	47 188 €	2,8%
Whole justice system	NA	NA



Looking at these figures, the highest ratio between external donations and budget of Kosovo is for prosecution services (6%).

The KJC has received donations from UNDP and GIZ mainly as support to the administrative staff of the courts (legal officer, translator).

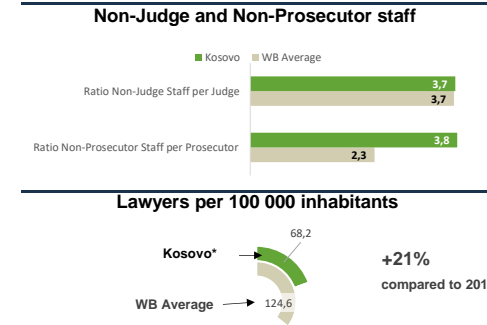
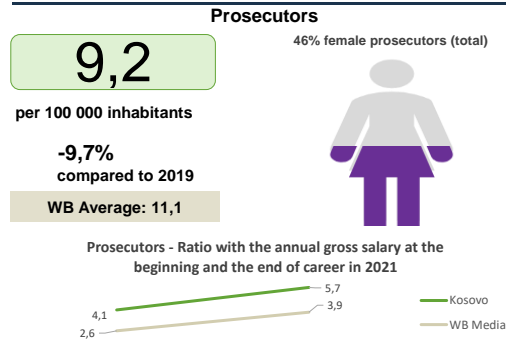
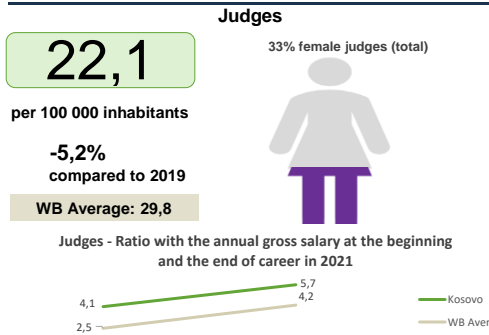
The value of the donation from UNDP was € 26 997,77 while from GIZ was € 3 037,62

- Prosecutorial system is constantly being supported by international partners, donors and projects through trainings, events, roundtables and donations. The sum in the table includes all of these activities.

- Free Legal Aid Agency was supported by the donor GIZ and UNDP. The project of Providing Free Legal Aid, supported by the Donor GIZ, for the period 1 year January-December 2021, has employed 4 officials to provide free legal aid. The budget from the donor was in the amount of € 36 948,00. Meanwhile, the project Immediate Support for Recovery to COVID-19 supported by the Donor UNDP, has supported the Agency during 2021 with the amount of 10 240 €, has hired officials to provide free legal aid and a mobile clinic driver, from their salary € 8 018,76 and goods in the amount of € 2 221,24. The budget spent on this project was € 8 895,71.

Kosovo is not included in the calculation of summary statistics

Professionals and Gender Balance in judiciary in Kosovo in 2021 (Indicators 2 and 12)



In 2021, Kosovo had 22.1 professional judges per 100 000 inhabitants and 9.2 prosecutors per 100 000 inhabitants. Both figures were below the Western Balkans (WB) average of 29.8 and 11.1, respectively. Less than half of professional judges (32.7%) and prosecutors (46.1%) were women (the WB average was 62% and 53%, respectively).

Professional Judges

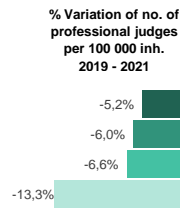
	Professional judges			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	398	100,0%	22,1	29,8
1st instance courts	330	82,9%	18,4	23,0
2nd instance courts	49	12,3%	2,7	5,6
Supreme Court	14	3,5%	0,8	1,3

For reference only: the 2020 EU median is 21,8 judges per 100 000 inhabitants.

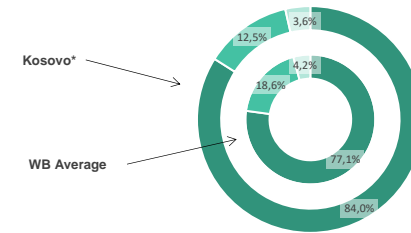
In 2021, the absolute number of professional judges in Kosovo was 398, which was 22.1 per 100 000 inhabitants (significantly lower than the WB average of 29.8).

Compared to 2019, the total number of professional judges per 100 000 inhabitants decreased by -5.2%.

The figures show a difference of -6.8 percentage points between the percentage of judges in the first instance (84%) and the WB average (77.1%).



Distribution of professional judges by instance in 2021 (%)



■ 1st instance ■ 2nd instance ■ 3rd instance

Distribution of professional judges per 100 000 inhabitants by instance in 2019 and 2021



Court presidents

Number of court presidents is not available

• Non-judge staff

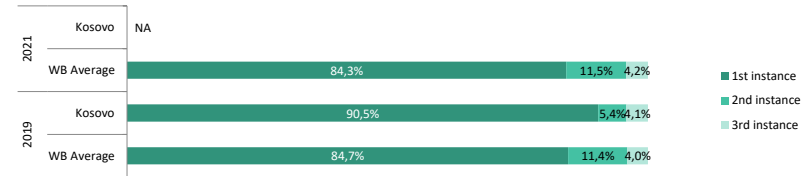
The absolute total number of non-judge staff in Kosovo was 1 487, which decreased by -2.7% between 2019 and 2021. The number of non-judge staff per 100 000 inhabitants was 82,7, which was below WB average of 112,1.

The highest number of non-judge staff were assisting judges and represented 40,6% of the total.

	Number of non-judge staff by instance			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	1 487	100,0%	82,7	112,1
1st instance courts	NA	NA	NA	91,2
2nd instance courts	NA	NA	NA	16,0
Supreme Court	NA	NA	NA	4,9

For reference only: the 2020 EU median is 69 non-judge staff per 100 000 inhabitants.

Distribution of non-judge staff by instance in 2019 and 2021



	Number of non-judge staff by category			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	1 487	100,0%	82,7	112,1
Rechtspfleger	NAP	NAP	NAP	2,5
Assisting the judge	603	40,6%	33,5	49,0
In charge of administrative tasks	393	26,4%	21,9	40,3
Technical staff	491	33,0%	27,3	14,9
Other	NAP	NAP	NAP	12,4

Number of non-judge staff per 100 000 inhabitants by category between 2019 and 2021



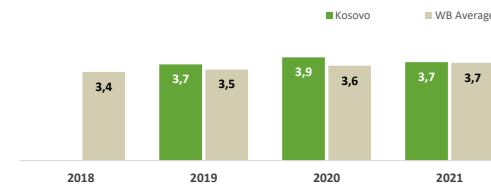
• Ratio between non-judge staff and professional judges

In Kosovo, the ratio of non-judge staff per professional judge was 3,7 in 2021, the same as the WB Average was 3,7.

	Ratio in 2021		% Variation between 2019 and 2021
	Kosovo	WB Average	
Total	3,7	3,7	2,3%
1st instance courts	NA	3,9	NA
2nd instance courts	NA	2,8	NA
Supreme Court	NA	5,1	NA

For reference only: the 2020 EU median ratio of non-judge staff per judge is 3,7.

Ratio between non-judge staff and judges between 2018 and 2021



Prosecutors

	Number of prosecutors by instance			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	165	100,0%	9,2	11,1
1st instance courts	152	92,1%	8,5	8,9
2nd instance courts	5	3,0%	0,3	1,5
Supreme Court	8	4,8%	0,4	0,9

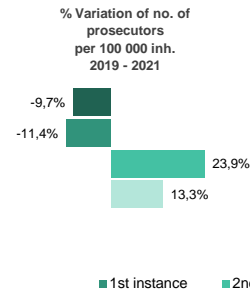
In 2021, the absolute number of prosecutors in Kosovo was 165, which was 9,2 per 100 000 inhabitants (significantly lower than the WB Average of 11,1).

The total number of prosecutors per 100 000 inhabitants decreased by -9,7% between 2019 and 2021.

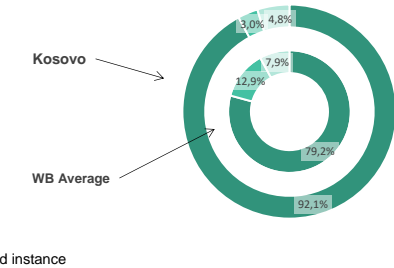
The figures show a difference of 12,9 percentage points between the percentage of prosecutors in the first instance (92,1%) and the WB average (79,2%)

In the table, the number of prosecutors is 165. This number does not include prosecutors who during 2021 have not handled cases as a result of their functions in the prosecutorial system. Prosecutors who are not included in this number are: Chairman of the Council, Chief State Prosecutor, Deputy Chairman of the Council, Chairman of the Commission for Normative Affairs, Chairman of the Commission for Prosecution Administration, Chairman of the Commission for Evaluation of Performance of Prosecutors, Chairman of Committee for Budget, Finance and Personnel, the Chief Prosecutor of the Appellate Prosecution, the Chief Prosecutor of the Special Prosecution, the Chief Prosecutors of the 7 Basic Prosecution Offices and 2 heads of Departments in BPO Prishtina.

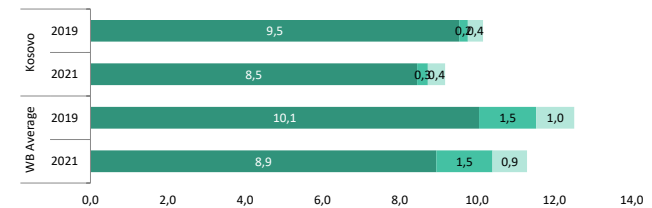
The total number of prosecutors in the prosecutorial system, including these positions on December 31, 2021 was 182. Whilst, the discrepancies marked are because of the promotion.



Distribution of prosecutors by instance in 2021 (%)



Distribution of prosecutors per 100 000 inhabitants by instance in 2019 and 2021

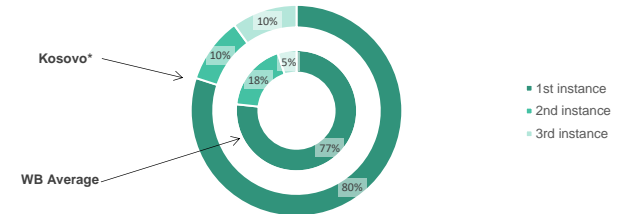


Heads of prosecution services

	Heads of prosecution services			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	10	100,0%	0,6	1,2
1st instance courts	8	80,0%	0,4	1,0
2nd instance courts	1	10,0%	0,1	0,2
Supreme Court	1	10,0%	0,1	0,1

The absolute number of heads of prosecution services in Kosovo in 2021 was 10, which was 0,6 per 100 000 inhabitants (below the WB average of 1,2).

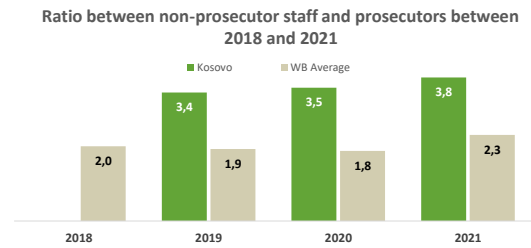
Distribution of heads of prosecution services by instance in 2021 (%)



• **Non-prosecutor staff and Ratio between non-prosecutor staff and prosecutors**

	Non-prosecutor staff in 2021			Ratio between non-prosecutor staff and prosecutors in 2021		% Variation 2019 - 2021
	Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhab.	Kosovo	WB Average	Kosovo
Total	622	34,6	24,7	3,8	2,3	11,7%

In 2021, the total number of non-prosecutor staff in Kosovo was 622, which increased by 1,8% compared to 2019. The number of non-prosecutor staff per 100 000 inhabitants was 34,6, above the WB Average of 24,7. The ratio of non-prosecutor staff per prosecutor was 3,77, which was significantly higher than the WB Average of 2,3.



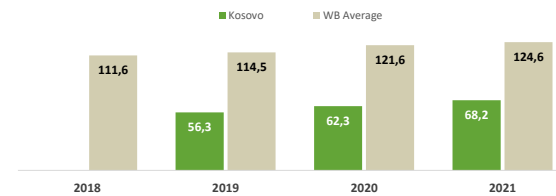
• **Lawyers**

	Number of lawyers in 2021			% Variation 2019 - 2021
	Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants	Kosovo
Total	1 226	68,2	124,6	21,0%

For reference only: the 2020 EU median is 192,6 lawyers per 100 000 inhabitants.

In 2021, the number of lawyers was 68,2 per 100 000 inhabitants, which was significantly lower than the WB Average (124,6). The number of lawyers per 100 000 inhabitants increased by 21% between 2019 and 2021.

Number of lawyers per 100 000 inhabitants between 2018 and 2021



Salaries of professional judges and prosecutors

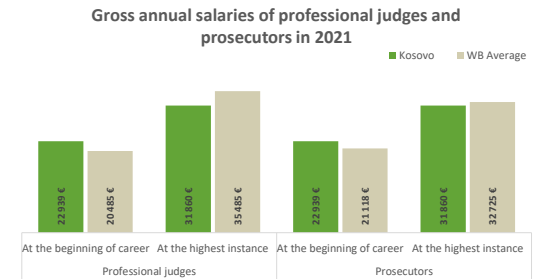
In 2021, the ratio of the salary of professional judges at the beginning of career with the annual gross average salary in Kosovo was 4,1, which was more than the WB average (2,5).

At the end of career, judges were paid more than at the beginning of career by 38,9%, which was less than the variation of WB average (66,9%).

In 2021, the ratio of the salary of prosecutors at the beginning of career with the annual gross average salary in Kosovo was 4,1, which was more than the WB average (2,6).

At the end of career, prosecutors were paid more than at the beginning of career by 38,9%, which was less than the variation of WB average (50,4%).

		Salaries in 2021				% Variation 2019 - 2021
		Gross annual salary in €	Net annual salary in €	Ratio with the annual gross salary	WB Average Ratio with the annual gross salary	Kosovo
Professional judge	At the beginning of his/her career	22 939	19 879	4,1	2,5	0,0%
	Of the Supreme Court or the Highest Appellate Court	31 860	27 506	5,7	4,2	0,0%
Public prosecutor	At the beginning of his/her career	22 939	19 879	4,1	2,6	0,0%
	Of the Supreme Court or the Highest Appellate Court	31 860	27 506	5,7	3,9	0,0%



For reference only: the 2020 EU median for the ratio of judges and prosecutors' salaries with average gross annual salary is:

- professional judges' salary at the beginning of career: 2,3

- prosecutors' salary at the beginning of career: 1,9

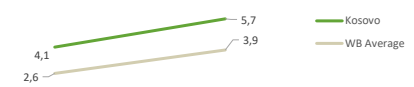
- professional judges' salary at the end of career: 4,3

- prosecutors' salary at the end of career: 3,8

Judges - Ratio with the annual gross salary at the beginning and the end of career in 2021



Prosecutors - Ratio with the annual gross salary at the beginning and the end of career in 2021



The salary for "public prosecutors at the beginning of his/her career" is the salary of prosecutors who work in the general department of the basic prosecution offices.

Salary for "public prosecutor of the supreme court or the highest appellate instance" is the salary of prosecutors in the office of the Chief State Prosecutor.

Additional benefits and bonuses for professional judges and prosecutors

	Reduced taxation	Special pension	Housing	Other financial benefit	Productivity bonuses for judges
Judges	✗	✗	✗	✗	✗
Prosecutors	✗	✗	✗	✓	

Prosecutors in Special Prosecution of the Republic of Kosovo receive additions to their salaries due to the level of risk that they face having in mind the competencies that SPRK has. These additions to the salary are received based on a decision by the Government which is taken annually.

Judges do not receive other benefits.

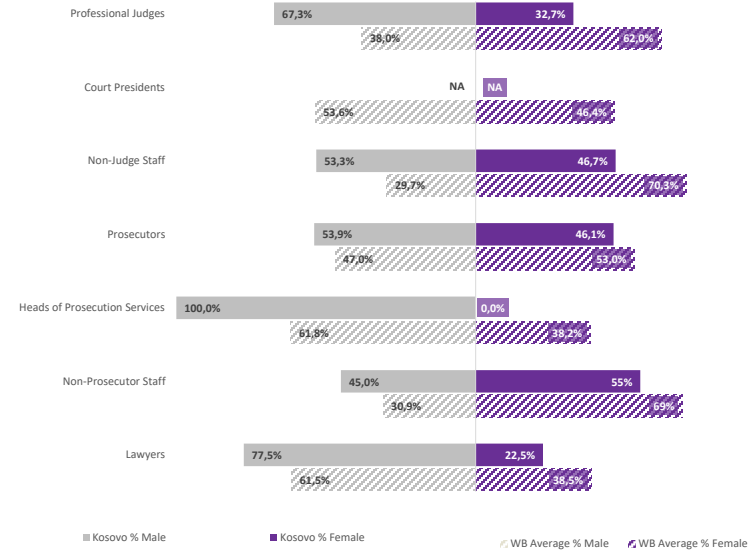
Gender Balance

	Total number per 100 000 inh.	% Female	% Variation 2019 - 2021	
			WB Average	Kosovo
Professional Judges	22,1	32,7%	62,0%	-0,3
Court Presidents	NA	NA	46,4%	
Non-Judge Staff	82,7	46,7%	70,3%	-3,5
Prosecutors	9,2	46,1%	53,0%	3,0
Heads of Prosecution Services	0,6	0,0%	38,2%	
Non-Prosecutor Staff	34,6	55,0%	69,1%	-1,2
Lawyers	68,2	22,5%	38,5%	2,3

For reference only. 2020 EU medians on gender are among professionals are:
 62% women judges. 76% women non-judge staff.
 58% women prosecutors. 73% women non-prosecutor staff.
 47% women lawyers.

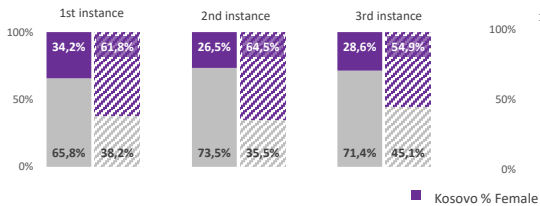
In 2021, the percentage of female judges was 32,7%, which was lower than WB average (62%). Moreover, the percentage of female non-judge staff was 46,7%.
 Also, in 2021, the percentage of female prosecutors was 46,1%, which was lower than WB average (53%). Moreover, the percentage of female non-prosecutor staff was 55%.
 Finally, the percentage of female lawyers was 22,5%, which was lower than WB average (38,5%).
 The percentage of male and female judges is not available, while 100% of heads of prosecutor offices are men.
 Non-prosecutor staff is the only category where more than 50% of professionals are female.

Gender Balance in 2021

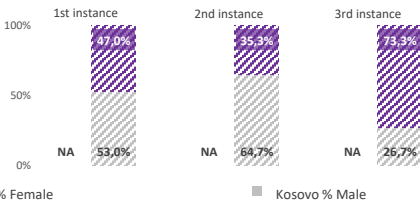


	% Female Professional Judges		% Female Court presidents		% Female Prosecutors		% Female Heads of Prosecution Services	
	Kosovo	WB Average	Kosovo	WB Average	Kosovo	WB Average	Kosovo	WB Average
1st instance courts	34,2%	61,8%	NA	47,0%	48,0%	54,1%	0,0%	40,2%
2nd instance courts	26,5%	64,5%	NA	35,3%	20,0%	52,8%	0,0%	31,3%
Supreme Court	28,6%	54,9%	NA	73,3%	25,0%	41,4%	0,0%	40,0%

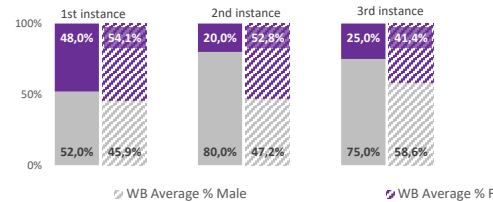
Professional Judges - Gender Balance by instance in 2021



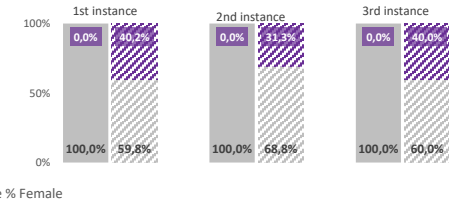
Court Presidents - Gender Balance by instance in 2021



Prosecutors - Gender Balance by instance in 2021



Heads of Prosecution Services - Gender Balance by instance in 2021



For all categories, a diminution of the percentage of female can be observed from first to third instance.

• Gender Equality Policies

	Recruitment		Appointment	Promotion		Person / institution specifically dedicated to ensure the respect of gender equality on institution level
	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	Specific provisions for facilitating gender equality	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	
Court Presidents			✗			
Heads of Prosecution Services			✓			
Judges	✗	✓		✗	✓	✗
Prosecutors	✓	✓		✓	✓	✗
Non-judge staff	✗	✗		✗	✗	✗
Lawyers	✓			✗		
Notaries	✗			✗		
Enforcement agents	✗			✗		

In Kosovo there is no overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary.

There are no specific provisions for facilitating gender equality. The Article 7 of the Law on the Prosecutorial Council is a general and broad statement which requires that the gender equality is respected and considered in the case of recruitment. So, there is no specific arrangement in the Law, but, it can be specified in the call for application based on the Article 7 of the Law on the Prosecutorial Council.

In the judicial and prosecutorial system there is a Forum of women judges and prosecutors which is an independent association registered according to the legislation in force. The activities of this forum are based on the Statute approved by its members. All members belong to the female gender. The executive of the forum is the board of representatives which has 9 members. The Board is chaired by the Chair of the Forum. The main purpose of this forum is to empower the presence of women in the justice system by promoting equality and respect for all.

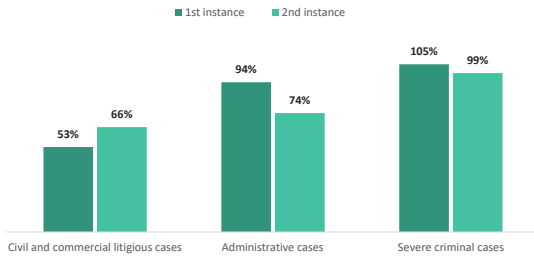
There are specific provisions for facilitating gender equality within the framework of the procedures for the appointment of heads of prosecutor services in the Article 7, paragraph 5 and article 20 paragraph 6 of Law on Kosovo Prosecutorial council: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2709>

Kosovo is not included in the calculation of summary statistics

Efficiency in Kosovo in 2021 (Indicators 3.1 and 3.2)

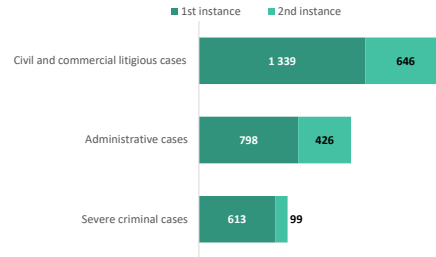
Clearance rate in 2021 (%)

The Clearance Rate (CR) shows the capacity of a judicial system to deal with the incoming cases. A CR of 100% or higher does not generate backlog.

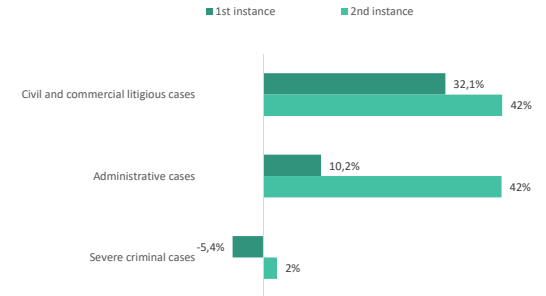


Disposition time in 2021 (in days)

The Disposition Time determines the maximum estimated number of days necessary for a pending case to be solved in a court.



Pending cases at the end of year - Variation between 2020 and 2021 (%)

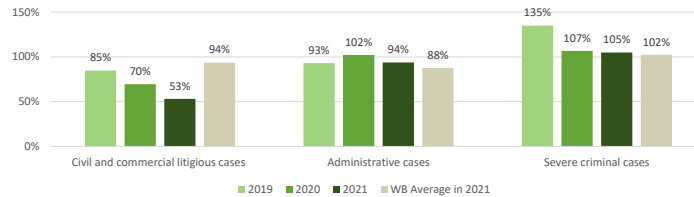


In 2021, the highest Clearance rate (CR) for Kosovo is for the first instance Administrative cases, with a CR of 94%. However, it seems that Kosovo was not able to deal as efficiently with the first instance Civil and commercial litigious cases (CR of 53%). With a Disposition Time of approximately 426 days, the second instance Administrative cases were resolved faster than the other type of cases.

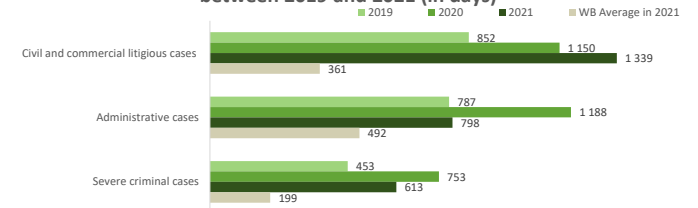
Compared to 2020, the pending cases at the end of year increased for the second instance Civil and commercial litigious cases (42,2%), whereas they increased for the first instance Administrative cases only by 10,2%.

First instance cases

Clearance rate for first instance cases between 2019 and 2021 (%)



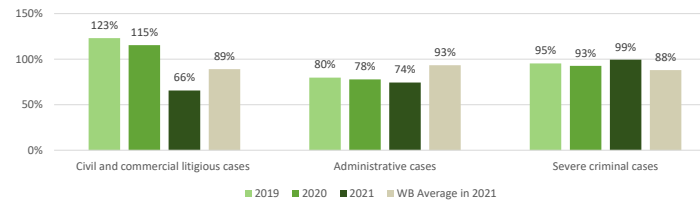
Disposition time for first instance cases between 2019 and 2021 (in days)



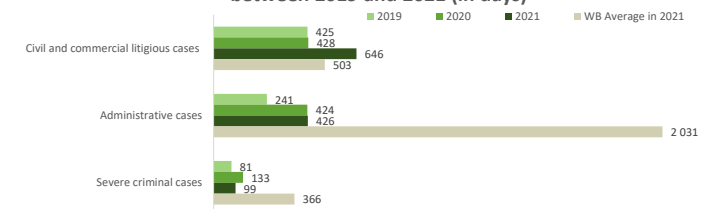
Except for first instance administrative cases, the CR decreased from 2019 and 2021 in all other categories and instances. In 2021, the CR remained above 100% in severe criminal law cases (first instance) and misdemeanour cases (second instance). The CR was particularly low in civil/commercial first instance cases (53%) and second instance cases (66%). The DT is well above the average in both instances for every category of cases, and it is particularly high for civil/commercial litigious cases (1 339 days) and administrative cases (798) in first instance. However the DT for administrative cases in second instance decreased between 2020 and 2021.

Second instance cases

Clearance rate for second instance cases between 2019 and 2021 (%)



Disposition time for second instance cases between 2019 and 2021 (in days)



First instance cases - Other than criminal law cases

1st instance	2021								Per 100 inhabitants in 2021				% Variation between 2020 and 2021					
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	WB Average CR (%)	DT (days)	WB Average DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	NA	NA	NA	NA	NA	100%	NA	335	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
1 Civil and commercial litigious cases	44 657	23 728	87 047	29 093	53%	94%	1 339	361	2,48	1,32	4,84	1,62	48,6%	13,5%	32,1%	19,9%	-16,4	16,4%
2 Non-litigious cases**	NA	NA	NA	NA	NA	106%	NA	196	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
3 Administrative cases	3 408	3 193	6 982	1 830	94%	88%	798	492	0,19	0,18	0,39	0,10	78,9%	64,0%	10,2%	5,8%	-8,5	32,8%
4 Other cases	NA	NA	NA	NA	NA	101%	NA	94	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

PPT = Percentage points

** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

For reference only: for the first instance Civil and Commercial litigious cases, the 2020 EU Median was as follows:

- Incoming cases per 100 inhabitants: 1,6;
- Clearance rate: 98,5% ;
- Disposition time: 221 days.

For reference only: for the first instance Administrative cases, the 2020 EU Median as follows:

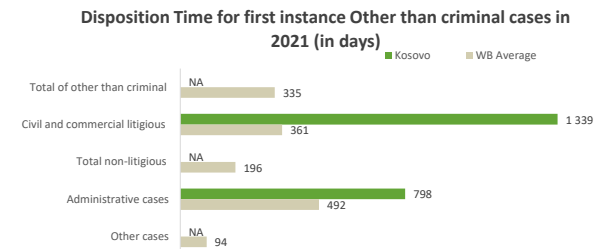
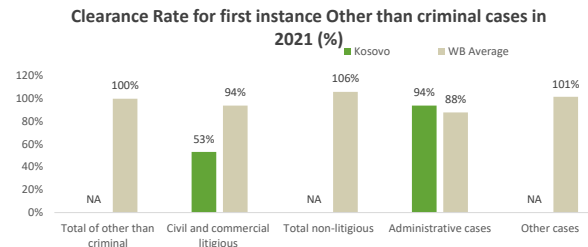
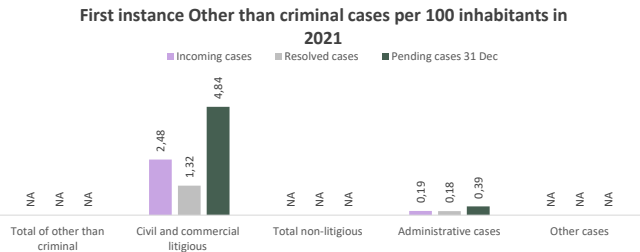
- incoming cases per 100 inhabitants was 0,3;
- Clearance rate: 100,1%;
- Disposition time: 388 days.

In 2021, the incoming civil and commercial litigious cases were 44 657, which was 2,5 per 100 inhabitants and 48,6% more than in 2020. The resolved cases were 23 728, which was 1,3 per 100 inhabitants and 13,5% more than in 2020. Hence, the number of resolved cases was lower than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2021 were more than in 2020 and the Clearance rate for this type of cases was 53%. This decreased by -16,4 percentage points compared to 20 and was below the WB average (94%).

Finally, the Disposition Time for civil and commercial litigious cases was approximately 1 339 days in 2021. This has increased by 16,4% compared to 2020 and it was well above the WB average (361 days).

In 2021, the incoming administrative cases were 3 408, which was 0,2 per 100 inhabitants and 78,9% more than in 2020. The resolved cases were 3 193, which was 0,2 per 100 inhabitants and 64% more than in 2020. Hence, the number of resolved cases was lower than the incoming cases. As a consequence, the administrative pending cases at the end of 2021 were more than in 2020 and the Clearance rate for this type of cases was 94%. This decreased by -8,5 percentage points compared to 2020 and was below the WB average (88%).

Finally, the Disposition Time for administrative cases was approximately 798 days in 2021. This has decreased by -32,8% compared to 2020 and it was above the WB average (492 days).



Regarding the discrepancies, it is worth explaining that in 2021 in courts proceeded the switching from manual to CMIS. The increase in civil cases was due to a large number of new cases that resulted from the jubilee wages and meals from collective agreements signed by the government with unions. The number of administrative cases increased due to the resuming of the work after Covid so more contests emerged and so the number of incoming cases increased, consequently the resolved cases too.

• First instance cases - Criminal law cases

1st instance		2021							Per 100 inhabitants in 2021				% Variation between 2020 and 2021						
		Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	WB Average CR (%)	DT (days)	WB Average DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)		NA	NA	NA	NA	NA	101%	NA	176	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
1	Severe criminal cases	20 080	21 059	35 388	15 672	105%	102%	613	199	1,12	1,17	1,97	0,87	18,1%	16,1%	-5,4%	-2,1%	-1,8	18,6%
2	Misdemeanour and / or minor criminal cases	31 281	22 346	31 088	673	71%	99%	508	216	1,74	1,24	1,73	0,04	NA	NA	NA	NA	NA	NA
3	Other cases	NA	NA	NA	NA	NA	100%	NA	199	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

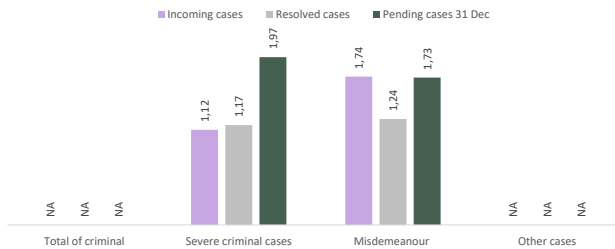
PPT = Percentage points

For reference only: for the first instance Total Criminal law cases, the 2020 EU Median was as follows:
 - Incoming cases per 100 inhabitants: 1,6; - Clearance rate: 95,2%; - Disposition time: 139 days.

In 2021, the severe criminal cases incoming cases were 20 080, which was 1,12 per 100 inhabitants and 18,1% more than in 2020. The resolved cases were 21 059, which was 1,17 per 100 inhabitants and 16,1% more than in 2020. Hence, the number of resolved cases was higher than the incoming cases. As a consequence, the severe criminal cases pending cases at the end of 2021 were less than in 2020 and the Clearance rate for this type of cases was 105%. This decreased by -1,8 percentage points compared to 2020 and was above the WB average (102%).

Finally, the Disposition Time for severe criminal cases was approximately 613 days in 2021. This has decreased by 18,6% compared to 2020 and it was well above the WB average (199 days).

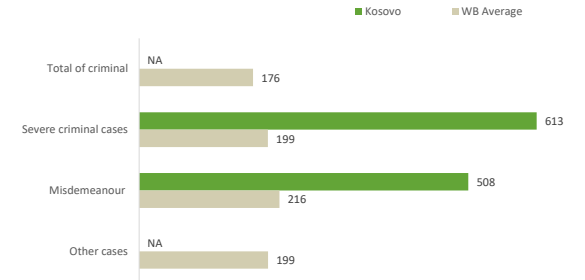
First instance Criminal law cases per 100 inhabitants in 2021



Clearance Rate for first instance Criminal Law cases in 2021 (%)



Disposition Time for first instance Criminal Law cases in 2021 (in days)



The discrepancy in misdemeanour cases is mostly because in the data of 2020, the numbers were not fully reflecting the reality and the numbers of pending cases in the previous year and the number of resolved cases weren't included. Therefore, this year Kosovo has been able to provide the full data for those categories and it indicated the discrepancies from the last year.

• **Second instance cases - Other than criminal law cases**

2nd instance	2021								Per 100 inhabitants in 2021				% Variation between 2020 and 2021					
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	WB Average CR (%)	DT (days)	WB Average DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	NA	NA	NA	NA	NA	98%	NA	228	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
1 Civil and commercial litigious cases	11 360	7 448	13 190	2 355	66%	89%	646	503	0,63	0,41	0,73	0,13	65,7%	-5,8%	42,2%	NA	-49,7	50,9%
2 Non-litigious cases**	NA	NA	NA	NA	NA	86%	NA	352	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
3 Administrative cases	1 180	877	1 024	NA	74%	93%	426	2 031	0,07	0,05	0,06	NA	48,1%	41,5%	42,0%	NA	-3,5	0,4%
4 Other cases	NA	NA	NA	NA	NA	98%	NA	13	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

PPT = Percentage points

** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

For reference only: for the first instance Civil and Commercial litigious cases, the 2020 EU Median was as follows:

- Clearance rate: 105,2% ;
- Disposition time: 177 days.

For reference only: for the first instance Administrative cases, the 2020 EU Median as follows:

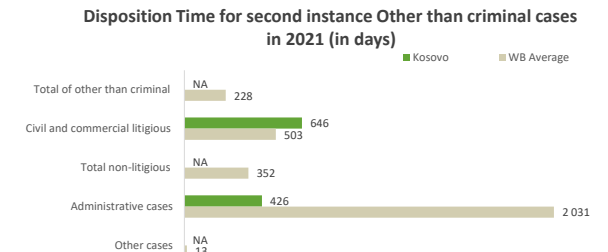
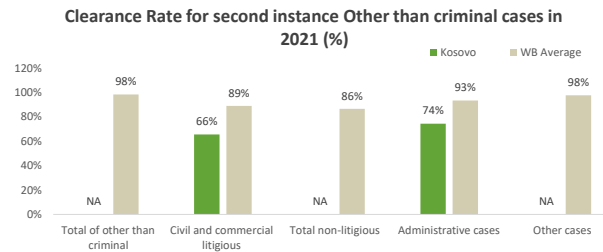
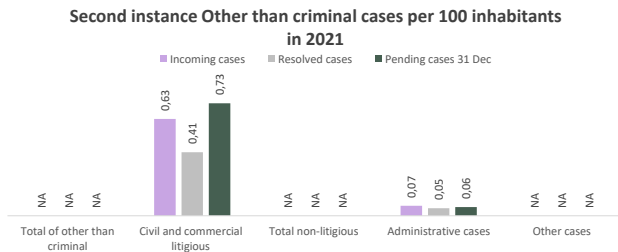
- Clearance rate: 99,2% ;
- Disposition time: 362 days.

In 2021, the incoming civil and commercial litigious cases were 11 360, which was 0,6 per 100 inhabitants and 65,7% more than in 2020. The resolved cases were 7 448, which was 0,4 per 100 inhabitants and -5,8% less than in 2020. Hence, the number of resolved cases was lower than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2021 were more than in 2020 and the Clearance rate for this type of cases was 66%. This decreased by -49,7 percentage points compared to 2020 and was below the WB average (89%).

Finally, the Disposition Time for civil and commercial litigious cases was approximately 646 days in 2021. This has increased by 50,9% compared to 2020 and it was above the WB average (503 days).

In 2021, the incoming administrative cases were 1 180, which was 0,1 per 100 inhabitants and 48,1% more than in 2020. The resolved cases were 877, which was 0 per 100 inhabitants and 41,5% more than in 2020. Hence, the number of resolved cases was lower than the incoming cases. As a consequence, the administrative pending cases at the end of 2021 were more than in 2020 and the Clearance rate for this type of cases was 74%. This decreased by -3,5 percentage points compared to 2020 and was below the WB average (93%).

Finally, the Disposition Time for administrative cases was approximately 426 days in 2021. This has increased by 0,4% compared to 2020 and it was below the WB average (2031 days).



There is a lack of data for several categories because the Judicial Council has not been able to register all the data in the CMIS for the second instance. As for the discrepancies between pending cases, incoming and resolved cases, stands the same explanation as for the Q35 regarding the first instance. To be specific, the administrative cases increased in the first instance and they proceeded to the second instance via appeals.

• Second instance cases - Criminal law cases

2nd instance	2021								Per 100 inhabitants in 2021				% Variation between 2020 and 2021					
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	WB Average CR (%)	DT (days)	WB Average DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	NA	NA	NA	NA	NA	94%	NA	151	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
1 Severe criminal cases	2 373	2 358	641	NA	99%	88%	99	366	0,13	0,13	0,04	NA	28,3%	37,6%	2,4%	NA	6,7	25,6%
2 Misdemeanour and / or minor criminal cases	660	720	12	NA	109%	89%	6	403	0,04	0,04	0,00	NA	NA	NA	NA	NA	NA	NA
3 Other cases	NA	NA	NA	NA	NA	98%	NA	58	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

PPT = Percentage points

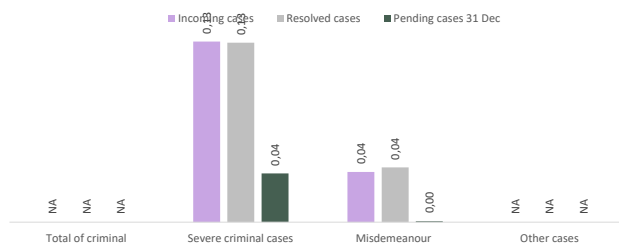
For reference only: for the second instance Total Criminal law cases, the 2020 EU Median was as follows:

- Incoming cases per 100 inhabitants: 1,6; - Clearance rate: 95,2%; - Disposition time: 139 days.

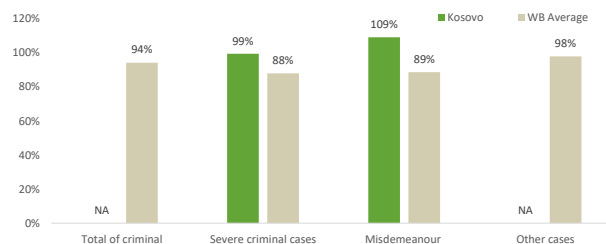
In 2021, the severe criminal cases incoming cases were 2 373, which was 0,13 per 100 inhabitants and 28,3% more than in 2020. The resolved cases were 2 358, which was 0,13 per 100 inhabitants and 37,6% more than in 2020. Hence, the number of resolved cases was lower than the incoming cases. As a consequence, the severe criminal pending cases at the end of 2021 were slightly more than in 2020 and the Clearance rate for this type of cases was 99%. This increased by 6,7 percentage points compared to 2020 and was above the WB average (88%).

Finally, the Disposition Time for severe criminal cases was approximately 99 days in 2021. This has decreased by 25,6% compared to 2020 and it was well below the WB average (366 days).

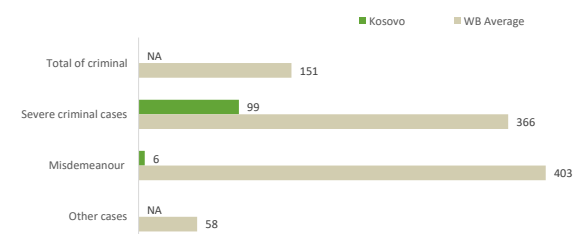
Second instance Criminal law cases per 100 inhabitants in 2021



Clearance Rate for second instance Criminal Law cases in 2021 (%)



Disposition Time for second instance Criminal Law cases in 2021 (in days)



The discrepancy in misdemeanour cases is mostly because in the data of 2020, the numbers were not fully reflecting the reality and the numbers of pending cases in the previous year and the number of resolved cases weren't included. Therefore, this year Kosovo has been able to provide the full data for those categories and it indicated the discrepancies from the last year.

• Average length of proceedings for specific category cases (in days - from the date the application for judicial review is lodged)

Average length of proceedings for specific category of cases is not available

• Quality standards and performance indicators in the judicial system

In Kosovo there are not quality standards determined for the judicial system at national level.

• Performance and quality indicators and regular assessment in courts and prosecution offices

In Kosovo performance and quality indicators are defined for both courts and prosecution offices as follows:

	Courts		Prosecution offices	
	Performance and quality indicators	Regular assessment	Performance and quality indicators	Regular assessment
Number of incoming cases	✓	✓	✓	✓
Length of proceedings (timeframes)	✓	✓	✗	✗
Number of resolved cases	✓	✓	✓	✓
Number of pending cases	✓	✓	✓	✓
Backlogs	✓	✓	✓	✓
Productivity of judges and court staff / prosecutors and prosecution staff	✗	✓	✓	✓
Satisfaction of court / prosecution staff	✓	✗	✗	✗
Satisfaction of users (regarding the services delivered by the courts / the public prosecutors)	✗	✗	✗	✗
Costs of the judicial procedures	✗	✓	✗	✗
Number of appeals	✓	✓		
Appeal ratio	✓	✓		
Clearance rate	✓	✓	✗	✗
Disposition time	✓	✓	✗	✗
Percentage of convictions and acquittals			✓	✓
Other	✗	✓	✗	✗

Monitoring of the number of pending cases and backlogs	
Civil law cases	Yes
Criminal law cases	Yes
Administrative law cases	Yes

Monitoring of the waiting time during judicial proceedings	
Within the courts	No
Within the public prosecution services	Yes

The Judicial Performance Commission has competencies based on the following criteria: Personal integrity and general professional skills; Legal and technical skills; Professional engagement; Rate of realization of the norm; etc.

The difference between the monitoring of the judicial and procedural performance is mainly due to the differences in the functioning of these two institutions. For instance, length of proceedings is a performance indicator for judge but not for a prosecutor since the length of proceedings is out of the prosecutors' impact. To keep it short, the performance evaluation criteria are set out by two respective regulations: the regulation on the evaluation of performance of the judges and the regulation for the evaluation of performance of prosecutors.

• Quantitative targets for each judge and prosecutor

In Kosovo there are quantitative targets for both judges and prosecutors

Responsible for setting up quantitative targets for judges	
Executive power (for example the Ministry of Justice)	✗
Legislative power	✗
Judicial power (for example the High Judicial Council, Supreme Court)	✓
President of the court	✗
Other:	✗

Responsible for setting up quantitative targets for public prosecutors	
Executive power (for example the Ministry of Justice)	✗
Prosecutor General /State public prosecutor	✗
Public prosecutorial Council	✓
Head of the organisational unit or hierarchical superior public prosecutor	✗
Other	✗

Consequences for not meeting the targets	Judges	Public prosecutors
Warning by court's president/ head of prosecution	✓	✗
Disciplinary procedure	✓	✗
Temporary salary reduction	✓	✗
Other	✗	✓
No consequences	✗	✗

Actually, there is no regulation or internal act that regulates performance targets for judges. There is a so-called "oriented norm" which is not officially approved, based on which judges work. This norm/target is 330 cases a year for a first instance judge and 360 cases for a second instance judge. The KJC is actually undergoing some analysis with regard to performance targets in order to draft a specific regulations on performance targets for judges.

As regards prosecutors, KPC in 2018 has approved the administrative instruction which specifies the orientation norm for State Prosecutors regarding the number of cases that they are obliged to finish in all prosecution offices and all levels.

If targets are not met, a negative evaluation will follow by the Commission on performance evaluation, which serves as the basis for promotion, demotion, and can even lead to a permanent dismissal of a prosecutor.

If prosecutors do not fulfil their orientation norm, this is reflected in the annual work assessment by their respective chief prosecutor and in their regular performance evaluation by the prosecutors performance evaluation committee

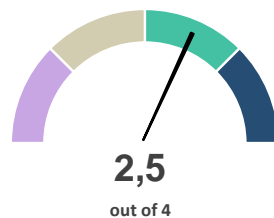
Kosovo is not included in the calculation of summary statistics

Electronic case management system and court activity statistics in Kosovo in 2021 (Indicator 3.3)

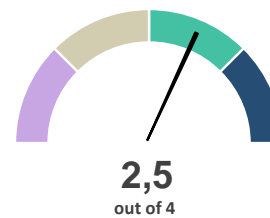
The Case Management System (CMS) Index is an index ranging from 0 to 4 points. It is calculated based on five questions on the features and deployment rate of the CMS of the courts of the respective beneficiary.

The methodology for calculation provides one index point for each of the five questions for each case matter. The points regarding the four questions on the features of the CMS (status of cases online; centralised or interoperable database; early warning signals; status of integration with a statistical tool) are summarized while the deployment rate is multiplied as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are included. This methodology provides an adequate evaluation.

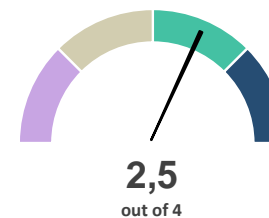
CMS index in Civil and/or commercial



CMS index for Criminal



CMS index for Administrative



Electronic case management system

In Kosovo, there is no IT Strategy for the judiciary. There is no plan for a significant change in the present IT system in the judiciary in 2021.

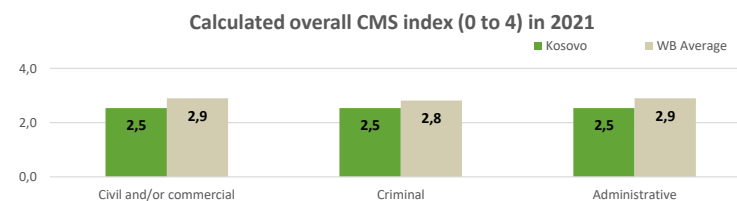
For 2021 there was no specific strategy for the IT but there are measures and activities related to IT included in other strategies and working documents.

There is a case management system (CMS), eg software used for registering judicial proceedings and their management. This has been developed between 2 and 5 years ago.

The CMS is deployed in most of the courts (50-99%) and the data is stored on a database consolidated at national level. The CMS index for Kosovo is slightly lower than the WB average (2.5 for each type of cases versus 2.9 for civil and/or commercial cases and administrative cases, and 2.8 for criminal cases).

	Case management system and its modalities				
	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/ connection of a CMS with a statistical tool
Civil and/or commercial	50-99%	Publication of decision online	✓	✓	Integrated
Criminal	50-99%	Publication of decision online	✓	✓	Integrated
Administrative	50-99%	Publication of decision online	✓	✓	Integrated

	Overall CMS Index in 2021	
	Kosovo	WB Average
Civil and/or commercial	2,5	2,9
Criminal	2,5	2,8
Administrative	2,5	2,9



• Centralised national database of court decisions

In Kosovo, there is a centralised national database of court decisions in which the following information is collected. Data are not anonymised and the case-law database is available online for free.

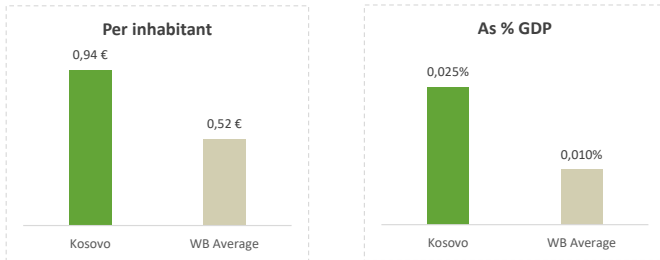
	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
Civil and/or commercial	Yes all judgements	Yes all judgements	Yes all judgements	NAP	✗	✓	✗
Criminal	Yes some judgements	Yes some judgements	Yes some judgements	NAP	✗	✓	✗
Administrative	Yes all judgements	Yes all judgements	Yes all judgements	NAP	✗	✓	✗

Data are available and anyone can access and filter the judgements by different criteria. Each judgement can then be downloaded. Furthermore, a new stream is being created in the database which will provide Kosovo citizens with the opportunity to follow a case from the beginning of the procedure. The link of the database: <https://www.gjyqesori-rks.org/aktgjykimet/?lang=en>

Kosovo is not included in the calculation of summary statistics

Legal Aid in Kosovo in 2021 (Indicator 4)

Total implemented budget for Legal Aid in 2021



In 2021, the implemented budget for legal aid spent by Kosovo was 0,9€ per inhabitant (above the WB average of 0,5€). This was equal to 0,025% of the GDP, the same as the WB average.

Number of LA cases

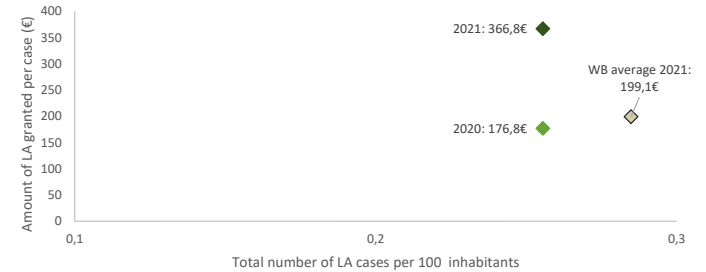


0,26

per 100 inhabitants

WB Average: 0,28

Amount of implemented legal aid budget per case (in €) and total no. of legal aid cases per 100 inhabitants in 2020 and 2021



This scatterplot shows the relation between the number of legal aid (LA) cases per 100 inhabitants and the amount of LA per case. A figure on the right (left) of the WB average means that the Beneficiary has more (less) number of LA cases per 100 inhabitants than the WB average. A figure above (below) the WB average shows that the Beneficiary has spent per LA case more (less) than the WB average.

• Organisation of the legal aid system

Free legal aid is provided to all citizens who meet the legal criteria at each stage of the procedure. Free legal aid is provided in the whole territory of Republic of Kosovo in civil, administrative, minor offences and criminal procedure. Free legal aid is provided for the following types:

- information and legal advices relating to legal procedures;
- drafting the paper-work and entire other technical assistance that has to do with completion of the case; and
- representation in civil, administrative, minor offence and criminal procedure.

Free legal aid is provided to all persons who fulfill the criteria as follow: 1.1. qualification criteria; 1.2. financial criteria; and 1.3. legal criteria.

According to the qualification criteria, on free legal aid are entitled:

- 1.1. the Citizens of the Republic of Kosovo which reside in the Republic of Kosovo;
- 1.2. all persons with provisional residence in the Republic of Kosovo;
- 1.3. other persons defined by law, or rules of international law, that bound Republic of Kosovo;
- 1.4. persons to whom assistance on free legal aid is provided on the basis of reciprocity.

According to the financial criteria, the legal aid is provided: 1.1. primary and 1.2. secondary.

The Primary legal aid shall be provided to all persons that acquire the right from social aid, or are in similar situation with persons acquiring the right from social aid. The Secondary legal aid shall be provided to all persons who's gross family incomes are lower than the average family incomes. According to the legal criteria, the legal aid shall be provided by assessing validity of the case as:

- 1.1. real value of the request;
- 1.2. argumentative power of the evidences presented by the applicant; and
- 1.3. probability for the success of the request.

The procedure for realization of free legal aid shall be initiated with the submission of the application in the nearest legal aid office. Form and content of the form for submission of application for legal aid shall be regulated by sub-legal act. The submitter of the application has an obligation to provide the documentation required to prove the grounds of the application for free legal aid. In the absence of relevant documentation for the category of victims of violence, such as validity of the request is taken written statements of witnesses defender. Officials of the office for legal aid shall be obliged to advise the submitter of the request for free legal aid application.

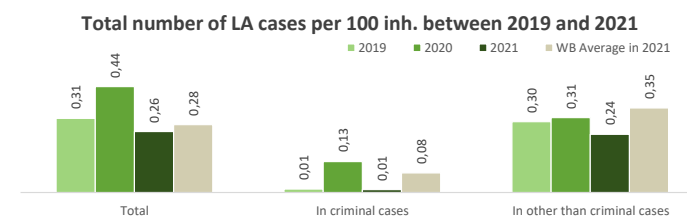
Implemented budget for legal aid and number of cases for which legal aid has been granted

	Implemented budget for legal aid in €				Total implemented budget for legal aid Per inhabitant		Total implemented budget for legal aid as % of GDP	
	Total	% Variation (2019 - 2021)	Cases brought to court	Cases not brought to court	Kosovo	WB Average	Kosovo	WB Average
Total	1 686 056 €	-20,5%	1 029 986 €	656 070 €	0,94 €	0,52 €	0,025%	0,010%
In criminal cases	1 367 933 €	-23,1%	938 977 €	428 956 €				
In other than criminal cases	318 123 €	-6,4%	91 009 €	227 114 €				

In 2021, the total implemented budget for legal aid was 1 686 056 €, which was -20,5% less compared to 2020. For criminal cases, Kosovo spent 1 367 933 € while for other than criminal cases, it spent 318 123 €. In total, Kosovo spent 0,94 € per inhabitant in legal aid (above the WB Average of 0,52€.)

After the budget cuts in 2020 due to the Covid-19 pandemic, in 2021 the budget was increased.

	Number of cases for which legal aid has been granted					Amount of LA granted per case (€)		
	Total			Cases brought to court	Cases not brought to court	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 inh.	% Variation (2019 - 2021)					
Total	4 597	0,26	-17,7%	2 255	2 342	366,8 €	456,8 €	280,1 €
In criminal cases	211	0,01	-16,7%	202	9	6 483,1 €	4 648,4 €	47 661,8 €
In other than criminal cases	4 386	0,24	-17,8%	2 053	2 333	72,5 €	44,3 €	97,3 €



The provided number of criminal cases for which legal aid was granted includes only those initiated through the Agency for Free Legal Aid and do not include all cases for which legal aid was granted.

In 2021, the number of cases for which legal aid was granted was 4 597, which was -17,7% less compared to 2020. The number of criminal cases were 211, and the other than criminal cases were 4 386. The total cases brought to court were 2 255, while the total cases not brought to court were 2 342. On average, Kosovo spent 366,77 € per case, which is above the WB Average of 199,08 €.

From the cases handled by legal aid officers in 2021, initiated by the beneficiaries of free legal aid, through the Agency for Free Legal Aid, legal actions are addressed to the following institutions and state bodies:

- Courts - 2255 legal actions
- Municipalities and municipal bodies - 747 legal actions
- Ministries and ministerial bodies - 1214 legal actions
- Other public and private bodies - 323 legal actions

In the reporting period for 2021, 467 lawyers were engaged, of which 425 in the civil field, 22 in the administrative field and in the criminal field 20. Of these, 30 cases were successfully completed, 26 in the civil field, 4 in the administrative field and 5 cases have been terminated, while 432 cases are still pending.

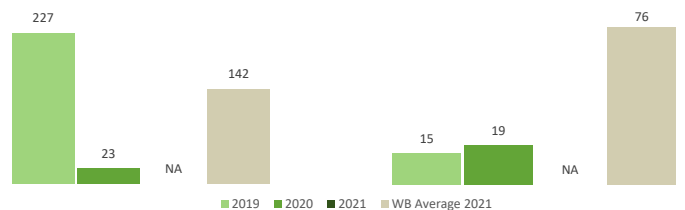
Kosovo is not included in the calculation of summary statistics

Training of judges and prosecutors in Kosovo in 2021 (Indicator 7)

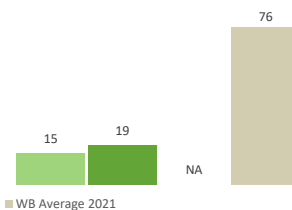
Total budget for Training per inhabitant



Delivered in-person training courses between 2019 and 2021 (in days)



Number of online training courses (e-learning) available between 2019 and 2021



Budget for Trainings

Data on the budget for trainings are not available.

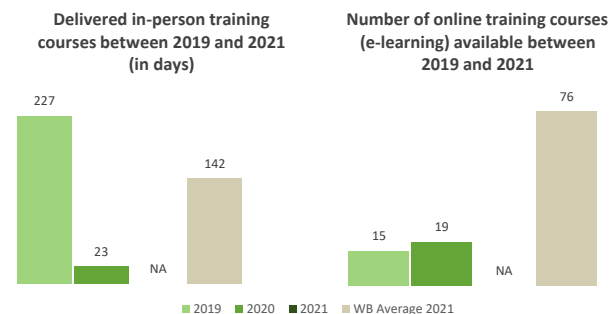
Type and frequency of trainings

	Judges		Prosecutors		
	Compulsory/ Optional or No training	Frequency	Compulsory/ Optional or No training	Frequency	
Initial training	Compulsory		Compulsory		
In-service training	General	Optional	Compulsory	Regularly	
	Specialised judicial functions	Optional	Compulsory	Regularly	
	Management functions of the court	Optional	Optional	Regularly	
	Use of computer facilities in courts	Optional	Occasional	Occasional	
	On ethics	Compulsory	Regularly	Compulsory	Regularly & Occasional
	On child-friendly justice			Optional	Occasional

In Kosovo there are on-going trainings throughout the year, with the exception of July and August

• Number of in-service trainings and participants

	In-person training courses				Online training courses (e-learning)		
	Available (number)	Delivered (in days)		Number of participants	Available (number)		Number of participants
		In 2021	% Variation 2019 - 2021		In 2021	% Variation 2019 - 2021	
Total	NA	NA	NA	NA	NA	NA	NA
Judges	NA	NA	NA	NA	NA	NA	NA
Prosecutors	NA	NA	NA	NA	NA	NA	NA
Non-judge staff	NA	NA	NA	NA	NA	NA	NA
Non-prosecutor staff	NA	NA	NA	NA	NA	NA	NA
Other professionals	NAP	NAP		NA	NAP		NA



In Kosovo, sanctions are foreseen if judges and prosecutors do not attend the compulsory training sessions.

The Kosovo Judicial Council has a mechanism for evaluating the performance of judges, including the attendance of judges in training. It has also approved Regulation No.06 / 2017 on Judge Training, according to which ethics training is mandatory for all judges and has determined the number of trainings depending on the experience of judges averaging 3-4 trainings per year. The failure to comply with this obligation without reasonable justification results in the application of the Law on Disciplinary Liability.

Kosovo Prosecutorial Council is drafting a regulation on Prosecutor Training, similar to that of Kosovo Judicial Council, which will specify mandatory and non-mandatory training.

In Kosovo, judges have to undergo compulsory in-service training solely dedicated to ethics, the prevention of corruption and conflicts of interest. This training lasts 2-3 days and they need to participate to it more than once on a regular basis.

At the moment, compulsory trainings are those dedicated to ethics while other trainings are not mandatory. With regard to prevention of corruption or conflict of interest, these trainings are not mandatory and the attendance of judges and prosecutors in these trainings is mainly based on their competencies and jurisdiction.

Prosecution offices have prosecutors specially trained in domestic violence. Moreover, they have prosecutors specially trained in sexual violence.

• Number of EU law training courses and participants

The number of EU law training courses and participants is not available.

Kosovo is not included in the calculation of summary statistics

Alternative Dispute Resolution in Kosovo in 2021 (Indicator 9)

Legal aid for court-related mediation or related mediation provided free of charge	Yes
Court-related mediation procedures	Yes
Mandatory informative sessions with a mediator	No
Mandatory mediation with a mediator	No

• Mediation procedures

The mediation procedure can be initiated by the parties, court, prosecution office or a competent administrative body. If the case is before the court, prosecution office or in the competent administrative body and the parties agree to undergo mediation, the respective body informs and instructs parties to the mediation procedure.

The procedure for referral of cases by the court is regulated by a sub legal act of the Kosovo Judicial Council, procedure for referral of cases by the prosecution is regulated by a sub legal act of the Kosovo Prosecutorial Council, and the self-initiated procedure of cases, as well as cases of referral by the administrative body are regulated by a sub legal act of the Ministry of Justice. Based on the Law on Mediation, the agreement between parties to commence the mediation procedure, at any phase of the procedure before the competent court or any other competent body, is accepted.

• Other ADR methods

Mediation other than court-related mediation	✓	Arbitration	✓	Conciliation (if different from mediation)	✗	Other ADR	✗
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• Mediators and court-related mediations

Data on court - related mediations are not available for 2021.

Kosovo is not included in the calculation of summary statistics



CEPEJ(2022)4

Part 2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

HFII: Towards a better evaluation of the results of judicial reform efforts in the Western Balkans - “Dashboard Western Balkans”

Data collection: 2021

Part 2 (B) - Beneficiary Profile – Kosovo*

This analysis has been prepared on the basis of the replies from the beneficiary (Dashboard correspondent) to the CEPEJ Questionnaire for the Dashboard Western Balkans, and relevant GRECO reports.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Selection and recruitment of judges and prosecutors


Judges are appointed, reappointed and dismissed by the President of Kosovo upon the proposal of the Kosovo Judicial Council (KJC) as per provisions of the Constitution and the Law on Courts (LC).

Proposals for appointments of judges must be made on the basis of an open appointment process, on the basis of the merit of the candidates, reflecting principles of gender equality and the ethnic composition of the territorial jurisdiction of the respective court. All candidates must fulfil the selection criteria provided by law (Articles 104 and 108, Constitution).

All appointment procedures start with public advertisement of a vacant position. The KJC's Recruitment Commission (comprised of five members, three of them are KJC's members) reviews all applications and invites the candidates who meet the minimum qualifications to take an exam, composed of three parts, where passing each part is necessary for taking the next one: 1) a general qualifying exam from civic, criminal and administrative fields of law, also including questions from professional ethics and human rights (a minimum of 45 out of 60 points is required); 2) a written exam which consists of both a penal and civil case (a minimum of 70 out of 100 points is required); 3) an interview (a minimum of 30 out of 50 points). Transparency of the evaluation during the interview is achieved through a standardised questionnaire to be used for all candidates and through a standardised point system used to evaluate all candidates. Before being invited to the interview, an integrity check is conducted (focused on information regarding candidates' work experience, performance in previous job and candidates' criminal past), in cases when the recruitment commission notices an inconsistency/discrepancy or incompatibility in the information provided by candidates in their application. Candidates that have scored a minimum of 100 points have successfully completed the recruitment process. Successful candidates are then ranked within the number of vacancy positions as defined by KJC in the call for application. After the first two parts candidates are informed of the results and the results are published on the KJC's website. Candidates can appeal each result, starting from the general qualifying exam, within three days after the results are published. The KJC's Review Commission (comprised of three members, at least one of them is the Supreme Court judge, one from the Court of Appeal and one judge who is a member of the KJC) is competent to decide on the appeal.

Candidates for appointment as a professional judge at a basic court are required to meet the minimum qualifications that are established by the LC (Article 26) and the KJC regulations and procedures (a citizen of Kosovo; at least twenty five (25) years of age; a valid university degree in law recognised by the laws of Kosovo; passed the bar examination; has passed the examination for judges; of high professional reputation and moral integrity; not been convicted of a criminal offence; at least three (3) years of legal experience; successfully passed a process of evaluation as established by the KJC).

In addition to the minimum qualifications when making recommendations for appointment or reappointment, the KJC must also take into account the following criteria: (a) professional knowledge, work experience and performance; (b) capacity for legal reasoning; (c) professional ability based on previous



career results; (d) capability and capacity for analysing legal problems; (e) ability to perform impartially, conscientiously, diligently, decisively and responsibility the duties of the office; (f) communication abilities; (g) relations with colleagues, conduct out of office, and integrity; and (h) in relation to the positions of court presidents, managerial experience and qualifications.


Before making the proposal for appointment or reappointment to the President, the KJC consults with the respective court to which the candidate is being proposed. The proposal to the President must be justified in writing. Against the decision on appointment the non-selected candidates may appeal to the KJC's Review Commission.

The integrity of candidate judges is being checked based on Article 27 of the LKJC which requires to gather information regarding candidate profile and his/her past from relevant institutions, including Kosovo Intelligence Agency.

According to Article 105 of the Constitution the initial term of office for judges is three years. In case of reappointment, the term is permanent until the retirement age as determined by law (65 years) or unless removed by the President of Kosovo upon recommendation of the KJC (for conviction of a serious criminal offence or for serious neglect of duties – Article 104, Constitution; a dismissal as a sanction may also be applied upon the request of the Anti-Corruption Agency due to established incompatibility of a judge concerned as per the Law on Prevention of Conflict of Interest - LPCI). The President of Kosovo is competent to decide on reappointment upon the proposal of the KJC. Those who are unsuccessful in the reappointment procedure may appeal to a commission which is composed of the Chairperson of the KJC and three other judges from the Supreme Court and Court of Appeal. The commission has a 2 years mandate.

The KPC is responsible for recruiting, proposing for appointment or reappointment to the President of Kosovo candidates for prosecutors as well as recommending dismissal of prosecutors as per the Constitution and the LKPC.

Appointment procedures for prosecutors start with public advertisement of a vacant position. The selection of candidates is handled by the KPC's Recruitment Committee. The selection procedure is similar to the one for judges; the candidates must meet the minimum requirements and qualifications to be able to take the written exam, composed of three parts which are the same as for judges. After the written exam, candidates undergo an integrity check and then an interview. Transparency of the evaluation during the interview is achieved through a standardised questionnaire to be used for all candidates and through a standardised point system used to evaluate all candidates. All candidates are notified of their results while the final list of candidates who have passed the exam is published on the KPC's website. A candidate is considered to have successfully passed the recruitment process if s/he has scored a minimum of 60 points in total and is ranked within the number of vacancy positions as defined by the KPC in the call for application. Candidates can appeal each result, starting from the qualifying exam, with three days after the results are published. Candidates' appeals are to be reviewed by the KPC's Review Committee in a deadline from five days from the closure date of the appealing deadline. The appeals are then dealt with by the KPC.



According to Law on State Prosecutor (LSP), candidates for appointment as a prosecutor must meet the following minimum requirements and qualifications: a citizen and resident of Kosovo; a valid university degree in law recognised by the laws of Kosovo; passed the bar examination; passed the preparatory examination for prosecutors and judges; positive high professional reputation and moral integrity; no final convictions for criminal offences, with the exception of minor offences as defined by the law; passed the legal education exam, except the persons, that have at least seven years of legal experience and lawyers that have practiced law at least five years. Candidates who have served as judges or prosecutors for at least three years, as well as candidates who have at least seven years of legal experience and have passed the preparation exam during the process of appointment and re-appointment for judges and prosecutors, shall not enter the preparation exam.


When making recommendations for appointment or reappointment, the KPC must refer to the following criteria: (a) professional knowledge, work experience and performance, including an understanding of, and respect for, human rights; (b) capacity for legal reasoning; (c) professional ability based on previous career results; (d) capability and capacity for analysing legal problems; (e) ability to perform impartially, conscientiously, diligently, decisively and responsibility the duties of the office; (f) communication abilities; (g) conduct out of office; and (h) personal integrity (Article 18, LKPC).

The KPC nominates candidates for appointment to the President of Kosovo. If the President of Kosovo refuses to appoint any candidate, written reasons of refusal should be provided within sixty days to the KPC. The KPC may present the refused candidate to the President one additional time together with its written justification, or another candidate (LKPC) and the President must appoint the candidate. There is no appeal of non-selected candidates against the decision on appointment.

Integrity of a candidate prosecutor is verified by the KPC through the information provided by the candidate and any other relevant information, including work experience and performance, professional and academic documents, information on disciplinary measures and off-duty conduct as well as criminal background history are subject to the process of assessing personal integrity and professional skills.

According to the Constitution (Article 109), the initial term of office of the prosecutor is three years. Based on merits and demonstrated work, the reappointment mandate is permanent until the retirement age as determined by law (65 years) or unless dismissed in accordance with the law. The KPC's Performance Assessment Committee submits to the KPC a justified recommendation for (non)reappointment of a prosecutor. The KPC then decides in 45 days whether to recommend the candidate for reappointment to the President of Kosovo – the candidate is informed of this in a written decision which is reasoned. Before recommending the reappointment the KPC shall request an opinion from the respective prosecution office to which the candidate is to be assigned. The non-successful candidate for reappointment can challenge the decision. No precision has been provided on the appeal procedure.

Prosecutors may be dismissed in case of conviction of a serious criminal offence or for serious neglect of duties (Article 109, Constitution). A dismissal as a sanction may also be applied upon the request of the Anti-Corruption Agency due to established incompatibility of a prosecutor concerned (LPCI).



Other grounds for termination of a prosecutor's permanent mandate are resignation, death or loss of working ability due to medical reasons.

Promotion for judges and prosecutors

The Kosovo Judicial Council (KJC) is competent for evaluating and promoting judges to a higher court or the Supreme Court according to the Law on Judges (LoJ). Criteria for promotion are specified in the Law on Courts and are further detailed (as well as criteria for assessing) by the KJC.

The promotion procedure for judges starts with an announcement of vacant position published on the KJC's website and on courts' noticeboards. The KJC sets up the Application Review Panel (Panel) from members of the Appointment Committee which includes five judges, two of whom are KJC members. The Panel reviews the applications and publishes the shortlisted candidates who meet the criteria on the official website as well as informs other candidates with a reasoned notice in writing – they may submit a request for reconsideration of their application within five days. The shortlisting is then followed by collecting information and holding interviews. The final ranking of candidates is then decided upon by the Panel and all the candidates are informed of the results. Unsatisfied candidates have the right to submit a request for reconsideration to the KJC's Commission (with a 2-year mandate, four members: the KJC's Chairperson and three judges from the Supreme Court and the court of appeals) within five working days after receiving the notice.


The criteria for assessing and promoting judges and lay judges include *inter alia* the following: professional capacities, work experience and performance (number of cases solved), including an understanding of, and respect for human rights; capacity for legal reasoning; professional ability, based on previous carrier results, including participation in organised forms of training in which performance has been assessed; skills and capacity for analysing legal problems; ability to perform impartially, conscientiously, diligently, decisively and responsibly the duties of the office; communication abilities; out-of-office conduct and personal integrity (Article 19, LKJC).

No information has been provided on the periodicity of the appraisal.

Every judge or lay judge who is assessed shall receive the assessment results and may present written objections to any conclusions or findings. Against the KJC's final decision on promotion an unsuccessful candidate may file an appeal which is to be decided by the KJC.

The KPC is competent for deciding on the promotion of prosecutors to a higher prosecutors' office and the Chief State Prosecutors' Office according to the Constitution, the Law on Kosovo Prosecutorial Council (LKPC) and by subordinate regulations made by the KPC itself pursuant to the law. As per the LKPC, the KPC establishes criteria for assessing and promoting prosecutors.

The promotion procedure for prosecutors is the same as for judges: it starts with an internal announcement of vacant position published on the websites of the KPC and the State Prosecutor. The KPC sets up the Commission for Promotion and Transfer of Prosecutors (Commission) which reviews all applications and documents submitted as well as the data provided by the Prosecutors Performance Review Commission. The Commission then drafts a list of all candidates



who meet the criteria for promotion and transfer. Then the Commission carries out the assessment and conducts interviews with all the candidates from the list and drafts a final report in which it ranks the candidates – the final report is sent to the KPC for approval within 7 days. Unsuccessful candidates may object the final report of the Commission in writing, within 7 days of the receipt of the decision. The KPC decides on the objection within 10 days from the receipt. In case the objection is valid, the KPC will publish the final decision together with the amended report of the Commission. The KPC decides on promotion and transfer with a simple majority of votes. Its decisions are published on the websites of the KPC and the State Prosecutor. Unsuccessful candidates may file an appeal which is to be decided on by the KPC (members of the Commission do not have the right to vote).

The criteria for promotion are: minimum qualifications, years of experience depending on the prosecution office to which they are applying to be promoted (i.e. for Appellate Prosecutors' Office 5 years of experience as a prosecutor are needed, of which at least three at the Specialised Department of the Basic Prosecutors' Office or at the Special Prosecutors' Office; for the Chief State Prosecutors' Office at least seven years of experience as a prosecutor is needed) and a positive performance appraisal. No additional information has been provided on performance appraisal criteria.



Confidence and satisfaction of the public with their justice system

The Kosovar authorities have not provided any information on existence of the legislation for protecting the right of citizens to seek compensation in case they have suffered pecuniary or non-pecuniary damage due to cases tried outside reasonable time nor have they provided any statistical information on number of requests for compensation as well as on number of compensations awarded for 2019, 2020 and 2021.

With regard to the national or local procedure for filing complaints about the functioning of the judicial system the Kosovar authorities informed of the existence of an ad hoc commission which is formed after a complaint is received. The body is formed at the Kosovo Judicial Council and at other external body. The complaint is revised within three days. However, no statistical data on number of complaints nor compensation amount granted have been provided.

There is a procedure in place to effectively challenge a judge in case a party considers the judge is not impartial. No statistical data have been provided by the authorities on the ratio between the total number of initiated procedures of challenges and total number of finalised challenges.

In Kosovo the Law on State Prosecutor (Article 3, para. 3) prevents interference with, obstruction, influence or attempt to interfere, obstruct or influence a prosecutor in performance of his/her functions. Independence of the State Prosecutor and the Kosovo Prosecutorial Council is guaranteed by the Constitution and law. Provisions on immunity awarded to prosecutors on the basis of the Law on State Prosecutor (Article 23) also protect prosecutors from undue pressure.

Promotion of integrity and prevention of corruption

According to the Constitution (Articles 102 to 111), the judicial power is exercised by the courts that adjudicate based [solely] on the Constitution and the law. The courts constitute a separate power and are independent of other branches of power. Within the exercise of their functions, judges shall be independent and impartial and shall adjudicate based [solely] on the Constitution and the law. The Law on Courts (LC) enshrines the principle of judicial independence so that, in performing their duties and taking decisions [judges] shall be independent, impartial, uninfluenced in any way by natural or legal person, including public bodies. Other detailed provisions on the status of judges and further safeguards are contained in the LC and in some other laws, i.e. Criminal Procedure Code which expressly refers to the judicial independence.

Judges enjoy functional immunity (Article 107, Constitution), which implies that they cannot be held liable for actions taken or the opinion and voting expressed upon passing judicial decisions, except if the judge commits an intentional violation of the law. This means that judges are not protected by immunity if they commit a criminal offence and may be removed from office.


The independence of the State Prosecutor is enshrined in the Constitution (Article 109). The State Prosecutor is an impartial institution and acts in accordance with the Constitution and the law. The prosecution service is considered to be part of the judiciary. According to Article 3 of Law on State Prosecutor (LSP), the State Prosecutor is an independent institution that exercises its functions in an impartial manner. The State Prosecutor and each prosecutor ensure equal, objective and unbiased treatment for all persons before the law, regardless of gender, race, national or social origin, political associations or connections, religious beliefs, state of health or handicap, or societal position. It shall be unlawful and in contradiction with the Constitution for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with, obstruct or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding, or case.

Prosecutors enjoy identical functional immunity as that of judges (see above) (Article 23, LSP).

Specific measures to prevent corruption exist that are applicable to both judges and prosecutors, namely gifts rules, specific training, internal controls and safe complaints mechanisms.

Different breaches of integrity of judges and prosecutors are defined in the Law on Disciplinary Liability of Judges and Prosecutors (LDLJP), the Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function (LPCI) and Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of All Public Officials.

For judges only, breaches of integrity are also defined in the Law on Kosovo Judicial Council (what constitutes a misconduct of judges).



For prosecutors only, breaches of integrity are also defined in the Law on Kosovo Prosecutorial Council as well as the Code of Ethics and Professional Conduct of Prosecutors (Article 3).

Different breaches of integrity of court staff are defined in the Law on Public Officials which prescribes what constitutes a disciplinary liability (Article 45) and types of disciplinary violations (Article 46) as well as in the Regulation on Disciplinary Procedures in Civil Service (Article 6).


The Criminal Code (2019) incriminates conflict of interest as a criminal offence (article 417).

In April 2006, the Kosovo Judicial Council adopted the Code of Ethics and Professional Conduct for Judges (CEPCJ) which applies to all judges in Kosovo. The CEPCJ is not regularly updated. It generally

adheres to internationally recognised basic principles that require judges to perform their judicial and extrajudicial activities in a manner that promotes public confidence in the dignity, integrity and independence of the judiciary as well as other principles, *inter alia*, independence, impartiality in general, impartiality and conduct of judges in the exercise of judicial functions, impartiality and extrajudicial conduct, other professional activities of a judge, application of the law without discrimination etc. Judges are required to act impartially and independently in all cases, to be free from any outside influence, and to perform judicial duties based on the facts and the law applicable in each case, without any restriction, improper influence, inducements, pressures, threats of interference, direct or indirect, from any quarter. The CEPCJ is publicly available.

An ad hoc body is formed for each case of a suspicion that a judge has breached ethical rules and an opinion needs to be provided on that respective question to the office of the investigative panel. The ad hoc body is composed of three members, all judges, namely one from the basic court, one from the court of appeal and a Supreme Court judge. The opinions provided are publicly available.

A new Code of Ethics and Professional Conduct for Prosecutors (CEPCP) was adopted in July 2012 by the KPC and is applicable to all prosecutors. The CEPCP envisages a number of detailed provisions on professional ethics, including requirements that a prosecutor shall maintain and improve the highest standards of professionalism and legal expertise, and for that purpose, engage in continuing legal education and training whenever available. Particularly, a prosecutor shall respect and apply: the principles and ethical duties of their office as set forth in this Code of conduct; the legal rights of suspects, victims and witnesses; human rights and freedoms as laid down by international instruments; principles and practices regarding organisation of work, management and human resources in a prosecutorial and judicial context. Certain limitations with regard to incompatibilities, accessory activities and conflict of interest prevention are also prescribed. In terms of Article 24 of the KPC Law, the violation of the CEPCP requirements constitutes a misconduct and it is therefore subject to disciplinary proceedings. The CEPCP is not regularly updated and nobody is competent to provide opinions on ethical questions. The CEPCP is publicly available.



As per Law on Disciplinary Liability to Judges and Prosecutors, a mechanism to report attempts on influence/corruption on judges and prosecutors is established in Kosovo. No additional information has been provided by the authorities with regard to the mechanism applicable to judges. Regarding prosecutors, natural and legal persons may file a complaint against a prosecutor regarding any allegation of a disciplinary violation (including attempts on influence, corruption) to the following: the Chief State Prosecutor regarding the alleged violations of any Chief Prosecutor; to the Chief Prosecutors of the Prosecution regarding the alleged violations of any prosecutor of that Prosecution; to the KPC regarding the alleged violations of the Chief State Prosecutor. Complaints against prosecutors may also be filed with the People's Advocate. In case when the complaint is grounded and contains elements of a criminal offense, the competent authority must refer the case to the prosecutor's office and notify the KPC and the People's Advocate. In case a request for initiation of disciplinary investigation is received, the Council establishes investigative panel within 15 working days. The investigative panel is tasked with securing the facts and gathering the evidence regarding the alleged disciplinary violation. The panel sends its report to the Council which holds a hearing and decides on the disciplinary liability of the person in question. In case of a decision on existence of disciplinary violation, a disciplinary measure is imposed on the prosecutor.

According to the answers provided to the Dashboard Western Balkans Questionnaire, Kosovo transparency in distribution of court cases is ensured through a random allocation of court cases. The reasons for reassigning a case are conflict of interest declared by the judge or by the parties; recusal of the judge or requested by the parties; physical unavailability (illness, longer absence). All reassignments of cases have to be reasoned and are processed through the computerised distribution of cases based on random allocation of a court case. However, no information was provided on the compatibility of those answers with the report Compliance with International Anti-Corruption Standards prepared by the Council of Europe (see para. 139 – 141).

The table below shows number (absolute and per 100 judges/prosecutors) of criminal cases initiated and completed against judges and prosecutors as well as number of sanctions pronounced:

	2019				2020				2021			
	Judges		Prosecutors		Judges		Prosecutors		Judges		Prosecutors	
	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100
Number of initiated cases	NA	NA	9	4,97	2	0,51	NA	NA	NA	NA	15	9,09
Number of completed cases	NA	NA	7	3,87	1	0,26	NA	NA	NA	NA	30	18,18
Number of sanctions pronounced	NA	NA	0	0,00	1	0,26	NA	NA	NA	NA	NA	NA

The authorities have reported that due to Covid 19 situation no information has been obtained with regard to judges for 2019. No statistical data has been obtained on prosecutors for 2020 due to lack of computerised national evidence on cases against prosecutors which would require that such data were obtained manually - due to Covid 19 measures taken by prosecution service only urgent matters were dealt with as employees were working remotely. In 2021, 30 cases have been completed out of which in 29 cases a criminal report has been dismissed and in one case investigation has been terminated.

Kosovo is not a GRECO member and thus has not been evaluated.

Declaration of assets for judges and for prosecutors

The disclosure regime is laid out in the Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of all Public Officials as well as in the Law No. 04/L-228 on Amending and Supplementing the Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of all Public Officials. It applies to senior public officials, judges and prosecutors included.

Judges and prosecutors are required to declare the following: 1) real estate; 2) movable property in value over 5 000 EUR; 3) possessions of shares in commercial enterprises; 4) valuable letters; 5) bank savings and savings in other financial institutions; 6) financial obligations towards natural and legal persons; 7) annual revenues; 8) any other function in which a judge might be engaged. They are also required to declare the assets and income of their spouses/partner, children (minor and adult) who live in the same household and parents who live in the same household. The declaration form for family members is the same; however, when property of family members is separated and registered as such in relevant bodies of state or court administration, the declaration is submitted separately for each member of the family with property registered on his/her name and is attached to the declaration of the person who is the primary declarer (Article 5, Law No. 04/L-050).

The first submission of the declaration must be made within 30 days of assuming the function. Further declarations are to be submitted on an annual basis every March for the previous year, and should only describe any change in the status of property. A submission is also to follow within 30 days of leaving office. The Anti-Corruption Agency (Agency) may request a judge/prosecutor when in office to submit the declaration any time as well as within one year after the judge/prosecutor has left the office (Article 6 to 10, Law No. 04/L-050).

Declarations are submitted to the Agency. The Agency is competent to receive declarations, maintain a register of declarations as well as to supervise assets of senior public officials and other persons as required by the law. The declarations are published on the Agency's website within 60 days after submission, except for data protected by law. (Article 13, Law No. 04/L-050)

Regarding financial disclosure verification competencies, the Agency checks the timeliness of submitting the report, completeness and accuracy of the information submitted as well as unexplained financial discrepancies (Article 16, Law No. 04/L-050)

Infringement of the obligations emanating from the Law No. 04/L-050 (including the requirement to submit financial declarations) constitutes a misdemeanour which is punishable with a fine (between € 1 000 and € 2 500; between € 1 500 and € 2 500 for not submitting the declaration upon request of the Agency)

and professional bans of up to one year. Where a breach of the provisions of the Law No. 04/L-050 constitutes a criminal offence, the Agency shall file a criminal report (Article 17, Law No. 04/L-050).

Number (absolute and per 100 judges/prosecutors) of proceedings against judges and prosecutors for violations or non-declaration of assets in 2019, 2020 and 2021:

Kosovo*	Judges						Prosecutors					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced		Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100
2019	6	1,44	1	0,24	1	0,24	3	1,66	3	1,66	0	0,00
2020	2	0,51	2	0,51	0	0,00	0	0,00	0	0,00	0	0,00
2021	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Regarding judges: One case was completed during 2019, which was initiated in 2018, meanwhile, in December 2019, after the completion of the full control procedure, 6 cases were initiated against judges regarding the declaration of assets.

Regarding prosecutors: During 2019, 3 cases were initiated against prosecutors which were concluded due to the lack of evidence.


Conflict of interest for judges and for prosecutors

The legal framework for the prevention and the resolution of conflicts of interest applicable to judges is provided by the relevant provisions of: 1) the Constitution, as regards incompatibilities and accessory activities; 2) the Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function (LPCI), as regards *ad hoc* conflicts of interest, incompatibilities and accessory activities; 3) Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of All Public Officials, as regards gifts and declaration of property; 4) the Criminal Procedure Code; 5) the Criminal Code of Kosovo; 6) the Code of Ethics and Professional Conduct for Judges (CEPCJ), as regards gifts; and 7) the Law on General Administrative Procedure.

The principle of incompatibility of judicial office with other functions in state bodies, political parties and other activities is set in Article 106 of the Constitution. Thus a judge is constitutionally prohibited from working in any state institution other than the judiciary and from involvement in political activities, illegal activities, or activities incompatible with the principles of judicial independence and impartiality.

In addition, a judge is prohibited to perform any duty or service that may or may be perceived to interfere with their independence and impartiality or may otherwise be incompatible with the performance of the duties of a judge or the provisions of the Code of Ethics and Professional Conduct for Judges. Examples of such prohibitions, as laid down by law and ethical rules, include, *inter alia*, prohibition from engaging in any other activity incompatible with judicial functions, including membership in a political party, movement or other political organisation as well as participating in any political activity and seeking or holding any political office; conducting other legal practice or privately carrying out any judicial or adjudicative functions (such as acting as defenders, arbiters, or mediators); participating in financial and business transactions that can adversely affect their impartiality or performance of judicial duties; engaging in any non-judicial activity during working hours without prior approval of the Kosovo Judicial Council (KJC) and accepting any compensation for any outside activity in which s/he was engaged during business hours, without the KJC approval. For other activities authorisation is not needed and a judge is not obliged to inform his/her hierarchy about them either.

According to provisions of LPCI a senior public official includes also judges and prosecutors. Thus, with regard to accessory activities, a judge in his/her quality of senior official cannot be a manager or a member of a managing or of a steering body of a private enterprise. S/he can neither be a manager or a member of managing bodies of non-profit-making organisations. It is not possible for a senior official to exert private functions such as: advocacy, notary, licensed expert, or consultant, agent or representative of the afore-mentioned organisations. On the other hand, a senior official cannot actively exert his/her ownership rights over shares or parts of capital of a commercial company, regardless of its field of activity (obligation to transfer rights to another trusted person exists – blind trust).




The LPCI allows the possibility for judges to be a member of a steering body of a publicly owned company or of a shareholding company with public property or member of steering and monitoring bodies of other non-profit legal persons and of legal persons dealing with scientific, sport, educational, cultural and humanitarian activities, but without having right to be remunerated with a regular salary, except, when applicable, appropriate compensation of expenditures. In addition, a judge may exercise his/her activities in the area of science, sport, education, culture and humanitarian activities (with or without remuneration), unless otherwise provided for by other laws. S/he also may gain profit on basis of copyright, patent and other similar rights (Article 10, 11 and 15, LPCI).

Article 18, LPCI prescribes post-employment restrictions applicable to senior officials, including judges (and prosecutors). Restrictions prevent judges (and prosecutors): 1) to be employed or appointed for a period of up to two years after termination of the public function, in a leadership or management position, be involved in the control or audit of public and private institutions and their subordinate institutions which have business relationship with the institution where s/he exercised a public function, if his/her duties during the 2-year period prior to termination of the public function were directly related to supervision, control or sanction of their activity; 2) to get involved in a direct contractual relationship or through a relative or trustee, with the institution in which s/he exercised public function, for a period of two years after termination of his/her public function; 3) to represent, assist or advise any natural or legal person, directly or through a relative or trustee, in a conflict of business relationship with the institution, regarding the job s/he has performed or is ongoing, for a period of two years after termination of his/her public function; 4) to use privileged or confidential information obtained during the exercise of public function for other purposes or employment in the future to his private interest or that of a relative or trustee for a period of two years after his/her public function is terminated.

The reasons for disqualification of judges are listed in the relevant procedural laws (the Criminal Procedure Code; the Law on Contentious Procedure) and include situations, *inter alia*, conflicts of interest due to marital, extended family and other type of relationships with the parties, their legal representatives or witnesses, prior involvement in the case in any other quality (such as investigative judge, prosecutor, expert etc.) and existence of circumstances that raise suspicion of impartiality. Judges can be disqualified from such cases at their own request or that of the parties. The President of the court is the one who decides on the disqualification.

Conflict of interest is defined as “a situation of incompatibility between official duty and private interest of a senior official, when he/she has direct or indirect private personal or property interests that may influence or seems to influence his/her legitimacy, transparency, objectivity and impartiality during the discharge of public functions.” The private interest includes both personal pecuniary and non-pecuniary interests of any senior official as determined by law influencing his/her decision making. Whenever an actual or potential conflict of interest occurs, the senior official has to: (i) personally prevent and solve it; (ii) consult as soon as possible his/her immediate manager or managing body who may address the case to the Anti-Corruption Agency (Agency) in case of doubt (Articles 3, 6 and 8, LPCI).




According to the Code of Ethics and Professional Conduct for Judges (CEPCJ), a judge and his/her family shall not, under any circumstance, accept gifts, favours, privileges, or promises for material help from any person having a direct or indirect interest in a case being tried by the judge. Moreover, gifts are regulated in more details in the Law on Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of all Public Officials. In principle, official person should not solicit or accept gifts or other favours, neither for him/her nor for his/her close family members, that are related to the exercise of official duties, and which influence or may have an influence on the exercise of official duties. Protocol gifts or casual gifts are excluded, and they become the property of the institution (if casual gifts are not of a personal character). In any case, official person should not accept monetary gifts or more than one gift per year from the same person or institution. The official person has an obligation to inform his/her supervisor in written form, if s/he has been offered or given any gift without a previous notification or in specific circumstances. In cases when an official person is a head of an institution, s/he should inform the Agency.

Proceedings for breaches of rules on conflict of interest as well as the procedure to sanction breaches of the rules on conflicts of interest in respect of judges are regulated in the LPCI.

The legal framework for the prevention and the resolution of conflicts of interest applicable to prosecutors is provided by the relevant provisions of: 1) the Law on State Prosecutor (LSP), as regards incompatibilities and accessory activities; 2) the Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function (LPCI), as regards *ad hoc* conflicts of interest, incompatibilities and accessory activities; 3) the Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of All Public Officials, as regards gifts and declaration of property; 4) the Criminal Procedure Code; and 5) the Code of Ethics and Professional Conduct for Prosecutors (CEPCP).

Article 26, LSP requires that prosecutors shall not use the status as a prosecutor or the reputation of the State Prosecutor to advance their personal rights or interests and shall not perform any other duty or service that may interfere with their independence and impartiality or may otherwise be incompatible with the performance of the duties of a prosecutor. In addition, prosecutors shall not engage in any political functions or activities, including membership in political parties, or running for or holding political office. Prosecutors are encouraged to vote but otherwise may not participate in elections or political activities. Seeking or maintaining political office is incompatible with the performance of the duties of a prosecutor.

The CEPCP (Article 4) requires that a prosecutor is forbidden from using his/her position or information that s/he obtains through his/her position for either his/her own personal gain or for the personal gain of anyone else. In addition, a prosecutor shall refrain from financial and business dealings that may reflect adversely on his/her ability to carry out his/her function in an impartial, professional and independent way. A prosecutor shall not be engaged in any activity, including political activity, which is incompatible with a prosecutor's function.



Regarding additional activities, a prosecutor may exercise his/her activities in the area of science, sport, education, culture and humanitarian activities (with or without remuneration), unless otherwise provided for by other laws. S/he also may gain profit on basis of copyright, patent and other similar rights (Article 10, 11 and 15, LPCI). However, prosecutors shall not use the status as a prosecutor or the reputation of the State Prosecutor to advance their personal rights or interests. The conduct of prosecutors shall be consistent with the provision set forth in the CEPCP. Prosecutors have the right to take part in professional organisations which promote independence and the protection of professional interests of prosecutors. Prosecutors may engage in activities which are in accordance with the CEPCP, such as attending professional or scientific meetings, lectures or trainings and taking part in the preparation of different legal projects. Subject to the approval of the Chief State Prosecutor, prosecutors may be remunerated for such activities in accordance with the CEPCP provided there is no conflict of interest and there is no violation of law, code of ethics, or other sub-legal acts. Remuneration may not exceed the value of 25% of the basic salary and prosecutors should notify the Chief Prosecutor and the Chief Prosecutors should notify the KPC. Consistent with the provisions of the CEPCP, prosecutors may engage in professional and scientific writings but may not publish the relevant content of prosecutorial files during the exercise of or after completion of prosecutorial duty, unless it is expressly permitted by law or sub-legal act issued by the KPC. The CEPCP further requires, in particular, that a prosecutor shall not hold an office in or be a member of any political party or engage in any nonprosecutorial activity during working hours without a prior approval by KPC. Time and engagement conditions are determined by KPC with a respective decision (Articles 25 and 26, LSP).

According to the CEPCP (Article 4), in principle, a prosecutor may carry out activities outside his/her scope as a prosecutor, including those activities which are the embodiments of his/her rights as a citizen or which represent his/her professional interests and independence. However, a prosecutor may not carry out activities incompatible with the reputation of the institution, or that negatively affect professional and public confidence in the prosecutorial system.

The reasons for disqualification of prosecutors are listed in the relevant procedural laws (Article 44, the Criminal Procedure Code) and are the same as those for judges (see above). It is a continuous obligation of the prosecutor to disqualify himself or herself upon his or her discovery of grounds for disqualification. The disqualification is decided by the superior state prosecutor, by the Chief State Prosecutor in case of a chief prosecutor of an office or by the KPC in case of the Chief State Prosecutor.

Prosecutors, as senior public officials, are bound by the same conflicts of interest rules contained in the LPCI, as applicable to judges (see above).

A prosecutor needs a prior authorisation regarding performance of accessory activities (teaching, research and publication, other activities – with (should not exceed 25% of the basic salary – Article 3, LSP) or without remuneration) and has to obtain a prior authorisation from the Kosovo Prosecutorial Council about these activities. About accessory activities for which a prior authorisation is not needed a prosecutor does not have to inform his/her hierarchy.

According to the CEPCP, a prosecutor and members of his/her family shall not, under any circumstance, accept gifts, favours, privileges, or promises for material help from any person having a direct or indirect interest in a case he/she is in charge of. Moreover, gifts are regulated in more details in the Law on

Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of all Public Officials which apply both to prosecutors and judges (see above).

Proceedings for breaches of rules on conflict of interest in respect of prosecutors are regulated in the LPCI and the CEPCP. LPCI, CEPCP and the Criminal Code regulate the procedure to sanction breaches of the rules on conflicts of interest in respect of prosecutors.

Judges and prosecutors may combine their work with the following other functions/activities:

		With remuneration		Without remuneration	
		Judges	Prosecutors	Judges	Prosecutors
Combine work with other functions/activities	Teaching	✓	✓	✓	✓
	Research and publication	✓	✓	✓	✓
	Arbitrator				
	Consultant	✓		✓	
	Cultural function				
	Political function				
	Mediator				
	Other function		✓		✓

Number (absolute and per 100 judges/prosecutors) of procedures for breaches of rules on conflict of interest for judges and prosecutors in 2019, 2020 and 2021:

Kosovo*	Judges			Prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
2019	11	11	0	2	2	0
2020	10	8	0	0	0	0
2021	NA	NA	NA	NA	NA	NA

During 2019, the Anti-Corruption Agency initiated and reviewed 11 conflict of interest cases for judges. In all cases the conflict of interest was avoided and no further proceedings were necessary.

During 2019, the Anti-Corruption Agency initiated and reviewed 2 conflict of interest cases for prosecutors. In those cases the conflict of interest was avoided and no further proceedings were necessary.

Discipline against judges and prosecutors


Disciplinary system for judges and prosecutors is regulated by the Law on Disciplinary Liability of Judges and Prosecutors (LDLJP) from 2018 as well as the Law on Kosovo Judicial Council (LKJC) and the Law on Kosovo Prosecutorial Council (LKPC).

A judge is held disciplinarily liable in case of: 1) a final conviction for a criminal offence, with the exception of a minor offence; 2) negligence in performing, or a failure to perform, or abuse of judicial functions; 3) failure to act independently and impartially; 4) violation of the applicable code of ethics (LKJC).

A prosecutor is held disciplinary liable in case of: 1) a final conviction for a criminal offence, with the exception of a minor offence; 2) negligence in performing, or a failure to perform, or abuse of a prosecutorial function; 3) failure to perform prosecutorial functions independently and impartially; 4) or a violation of the applicable code of ethics (LKPC).

Disciplinary proceedings against a judge/prosecutor are initiated by the Kosovo Judicial Council (KJC) (in case of a judge) or Kosovo Prosecutorial Council (KPC) (in case of a prosecutor) based on a request of a competent authority (i.e. a president of a court, the KJC, a chief prosecutor, a chief state prosecutor or the KPC, depending on a person that allegedly committed a disciplinary offence). The competent authority is competent to receive and review a complaint submitted by a natural/legal person. If the complaint is not dismissed as evidently frivolous, unsubstantiated, unrelated to a disciplinary offence or subject to statutory limitations the competent authority shall request the KJC/KPC to initiate disciplinary investigation; such request is also made *ex officio* in case the competent authority has reasonable grounds to believe that a judge/a prosecutor has committed a disciplinary offence. The KJC/KPC then establishes an investigation panel to conduct the investigation which is composed of three judges from different courts (in case investigation concerns a judge)/three prosecutors of different prosecutorial bodies (in case investigation concerns a prosecutor). The result of the investigation is a written report containing relevant facts and evidence which is to be submitted to the KJC/KPC, the judge/prosecutor concerned and the competent authority which requested the initiation of disciplinary investigations. During the investigation the KJC/KPC may *ex officio* or upon request of the competent authority which requested the initiation of investigation suspend the judge/prosecutor under investigation if necessary due to seriousness of the alleged disciplinary offence and to ensure the integrity and effectiveness of the investigation. During the investigation the investigation panel and the judge/prosecutor concerned may agree on a voluntary settlement of the alleged disciplinary offence. Based on the written report or the voluntary agreement concluded between the investigation panel and the judge/prosecutor concerned the KJC/KPC holds a session to which the judge/prosecutor concerned is invited. At the session, a decision on whether the alleged disciplinary offence has been committed is taken and on what sanction is imposed. The written decision is reasoned.

Judges and prosecutors may present their argumentation in a disciplinary proceeding at a hearing or in writing.



According to Article 15, LDLJP parties shall have a right to appeal against a disciplinary decision of the KJC/KPC (including a decision on dismissal) directly to the Supreme Court of Kosovo, within 15 days from the days of receipt of the decision.


The Disciplinary Committee may impose the following disciplinary measures for judges: 1) reprimand; 2) reprimand with a directive to take corrective actions; 3) temporary reduction of salary by up to fifty percent (50%) taking into account the nature of misconduct; or 4) recommendation on removing the judge or lay judge from office (LKJC).

The LKPC (Article 27) foresees the following disciplinary measures for prosecutors which are imposed by the Disciplinary Committee: 1) reprimand; 2) reprimand with a directive to take corrective actions; 3) temporary reduction of salary by up to fifty percent (50%) taking into account the nature of misconduct; 4) demotion to a lower position within the prosecutorial system; or 5) proposal for removal of a prosecutor from office.

A judge may be transferred to another court without his/her consent due to disciplinary as well as other reasons, i.e. efficient functioning of the judiciary (LKJC).

The authorities have provided statistical data (absolute number as well as number per 100 judges/prosecutors) on disciplinary proceedings initiated and completed as well as sanctions pronounced against judges and public prosecutors.

		2019				2020				2021			
		Judges		Prosecutors		Judges		Prosecutors		Judges		Prosecutors	
		Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100
Number of disciplinary proceedings initiated during the reference year	Total number (1 to 5)	NA	NA	18	9,94	9	2,30	5	2,86	NA	NA	14	8,48
	1. Breach of professional ethics (including breach of integrity)	NA	NA	7	3,87	0	0,00	1	0,57	NA	NA	NA	NA
	2. Professional inadequacy**	NA	NA	10	5,52	9	2,30	4	2,29	NA	NA	NA	NA
	3. Corruption	NA	NA	0	0,00	0	0,00	0	0,00	NA	NA	NA	NA
	4. Other criminal offence	NA	NA	1	0,55	0	0,00	0	0,00	NA	NA	NA	NA
	5. Other	NA	NA	0	0,00	0	0,00	0	0,00	NA	NA	NA	NA
Number of cases completed in the reference year against	Total number (1 to 5)	NA	NA	12	6,63	8	2,05	7	4,00	NA	NA	5	3,03
	1. Breach of professional ethics (including breach of integrity)	NA	NA	4	2,21	0	0,00	3	1,71	NA	NA	1	0,61
	2. Professional inadequacy	NA	NA	7	3,87	8	2,05	4	2,29	NA	NA	NA	NA
	3. Corruption	NA	NA	0	0,00	0	0,00	0	0,00	NA	NA	NA	NA
	4. Other criminal offence	NA	NA	1	0,55	0	0,00	0	0,00	NA	NA	NA	NA
	5. Other	NA	NA	0	0,00	0	0,00	0	0,00	NA	NA	NA	NA
Number of sanctions pronounced during the reference year	Total number (total 1 to 10)	NA	NA	12	6,63	8	2,05	7	4,00	NA	NA	5	3,03
	1. Reprimand	NA	NA	4	2,21	0	0,00	2	1,14	NA	NA	1	0,61
	2. Suspension	NA	NA	0	0,00	0	0,00	0	0,00	NA	NA	NAP	NAP
	3. Withdrawal from cases	NA	NA	3	1,66	5	1,28	4	2,29	NA	NA	4	2,42
	4. Fine	NA	NA	0	0,00	0	0,00	0	0,00	NA	NA	NAP	NAP
	5. Temporary reduction of salary	NA	NA	0	0,00	3	0,77	1	0,57	NA	NA	NAP	NAP
	6. Position downgrade	NA	NA	2	1,10	0	0,00	0	0,00	NA	NA	NAP	NAP
	7. Transfer to another geographical (court) location	NA	NA	0	0,00	0	0,00	0	0,00	NA	NA	NAP	NAP
	8. Resignation	NA	NA	0	0,00	0	0,00	0	0,00	NA	NA	NAP	NAP
	9. Other	NA	NA	2	1,10	0	0,00	0	0,00	NA	NA	NAP	NAP
10. Dismissal	NA	NA	1	0,55	0	0,00	0	0,00	NA	NA	NAP	NAP	



The authorities have explained that they could not provide statistical data on judges for 2019 due to Covid 19 situation.

In 2021, the authorities reported in respect of prosecutors that 14 requests for disciplinary proceedings be initiated were submitted – in 13 cases the KPC established investigative panels. As a result, in five cases disciplinary liability was established, one case was suspended due to a criminal proceeding, in two cases a decision will be made by the KPC in 2022 and five cases are ongoing.

*With regard to judges, professional inadequacy includes, but is not limited to a continuous failure to perform official duties as per the law in timely manner or a continuous failure to participate in disciplinary proceedings or to respond to disciplinary investigations.

**With regard to prosecutors, professional inadequacy refers to violations of professional work such as disregard for prescribed deadlines which is the most common violation.


Council for the Judiciary/ Prosecutorial Council

The Kosovo Judicial Council (KJC) is the governing body of the judiciary. It has a constitutional mandate to ensure the independence and impartiality of the judicial system (Article 108, Constitution). Its competences are further regulated in the Law on Kosovo Judicial Council (LKJC).

According to the Constitution (Article 108), it consists of 13 members who are elected for a term of 5 years that is not renewable: five members are judges elected by their peers, the remaining eight members are appointed by the Kosovo Assembly deputies (four members are elected by deputies holding seats attributed during the general distribution of seat – at least two of the four members must be judges and one a member of the Kosovo Chamber of Advocates; two members are elected by the deputies holding reserved seats for the Kosovo Serb community – at least one members must be a judge; two members are elected by the deputies holding reserved seats for other communities – at least one member must be a judge). Members who are not judges may be respectable professionals from the legal and outside the legal field (i.e. having expertise in management, finance, IT, social sciences). All members hold a full-time position.

The election procedure conducted by the Assembly starts six months before the expiry of the mandate of a member, with the vacancy announcement made by the relevant Assembly Committee which also conduct interviews with each candidate who meets the requirements to be elected and prepares a shortlist of the candidates. Two candidates are proposed for one vacant position of a KJC member. The Assembly then elects the KJC members with a secret vote; to be elected, the candidate must receive the majority of votes of all present and voting deputies.

The KJC is an independent institution in the performance of its functions with the purpose of ensuring an independent, fair, apolitical, accessible, professional and impartial judicial system (Article 108 of the Constitution; Article 3 of the LKJC). It is responsible to oversee the functioning of the courts in Kosovo and to determine the policies and strategies for the efficient and effective functioning of the courts. The KJC recruits and proposes to the President candidates for appointment and reappointment and dismissal of judges; issues regulations on transfer, disciplinary procedure for judges and internal regulations for courts; proposes to the President the appointment of the President of Supreme Court, President Judges of the Court of Appeal and Basic Courts; appoints Supervising Judges in compliance with Law on Courts; provides for the regular periodic assessment of the caseloads of the courts and implements a case allocation system to ensure the efficient functioning of the courts; transfers and conducts disciplinary proceedings of judges; overseeing and conducting judicial inspection, and administration; develops court rules in accordance with the law; hires and supervises court administrators; prepares, submits and oversees the budget of the judiciary; announces the public competition for judges and lay judges; determines the number of judges in each court and branch; issuing the code of professional ethics for its members, for judges and lay judges as well as for the supporting administrative staff etc.




The Chairperson of the KJC is the chief administrative official of the courts and, together with the KJC, is responsible for the efficient and effective operation of the courts. S/he (and Vice-Chairperson) is elected from the KJC members for a term of three years.

According to Article 110 of the Constitution, the Kosovo Prosecutorial Council (KPC) is an independent institution in the exercise of its functions in accordance with law. The KPC ensures equal access to prosecutor's service for all persons in Kosovo. It also ensures that prosecutors carry out their function in an independent, professional, and impartial way and reflects the multi-ethnic nature of Kosovo and the principle of gender equality. The composition of the KPC, as well as provisions regarding the reappointment, removal, term of office, organisational structure and rules of procedure, are determined by Law on Kosovo Prosecutorial Council (LKPC).

According to Article 5 of the LKPC, the KPC is composed of 13 members who are elected for a 5 year term without the possibility to be re-elected: ten members must be prosecutors (representing the Chief State Prosecutor, Appellate and Basic Prosecution offices); three members are elected by the Assembly on the proposal of the Chamber of Advocates (Bar), law faculties and civil society where each proposes a list of two candidates for each vacant position. The civil society representative is selected in a public competition announced by the Assembly and must meet the following criteria: high professional training, proven knowledge in the field of justice, knowledge in the field of human rights and five years of work experience in legal matters. Three non-prosecutor KPC members are elected by a secret vote, by majority of votes of present and voting Assembly deputies (Article 9, LKPC). Only the Chairperson, the Vice-chairperson and chairmen of specific KPC bodies hold a full-time position.

The KPC is responsible for recruiting, proposing for appointment or reappointment to the President candidates for prosecutors as well as recommending dismissal of prosecutors; assessing, promoting, transferring, disciplining, and determine policies, standards and instructions for the training of prosecutors. proposing candidates to the President for appointment as Chief State Prosecutor and recommending to the President the removal of the Chief State Prosecutor; in cooperation with the Kosovo Judicial Institute, establishing the standards for recruiting, organising and advertising the preparatory examination for the qualification of prosecutors; announcing the public competition for prosecutors; determining the number of prosecutors in each prosecution office; appointing the Chief Prosecutors for the Basic Prosecution Offices and Appellate Prosecution Office in compliance with Law on State Prosecutor; preparing an annual report on the activities of the State Prosecutor and the expenditures of the KPC; providing and publishing information and statistical data on the prosecution system; overseeing the administration of the prosecution offices and its personnel; overseeing the Prosecution Performance Review Unit and issuing rules and regulations in accordance with its competencies; providing the support for the regular periodic assessment of the caseloads of the prosecution offices and implementing a case allocation system to ensure the efficient functioning of the prosecution offices; preparing, submitting and overseeing the budget of the prosecutorial system to ensure efficient and effective functioning of prosecution offices and accounting for the use of fiscal resources; issuing the Code of Professional Ethics for its members, prosecutors, and supporting administrative staff; establishing the procedures for and conducting disciplinary proceedings etc.



Regarding operational arrangements in place to avoid an over-concentration of powers in the same hands concerning different functions to be performed by members of the KJC and the KPC the authorities made a reference to the code of ethics and professional conduct of judges and prosecutors as well as the Law on Conflict of Interest which specify that both Councils' members shall act at all times in a manner that promoted public confidence in the dignity, integrity, effectiveness, independence and impartiality of the Councils. Members of both Councils are obliged to avoid any conduct and situation that could lead to questioning of the Councils' integrity and impartiality and should consider public interest as the basis for their actions.

Accountability measures in place regarding the activities of both Councils are primarily ensured through ensuring transparency of their work (activity reports and decisions are published on their respective websites; KPC's decisions are also reasoned).

In case of an evident breach of the independence or the impartiality of a judge or pressure on a prosecutor the Councils are competent to initiate disciplinary proceedings, based on Article 5 and 6 of the Law on Disciplinary Liability of Judges and Prosecutors.