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PART 2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

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

Data collection: 2022

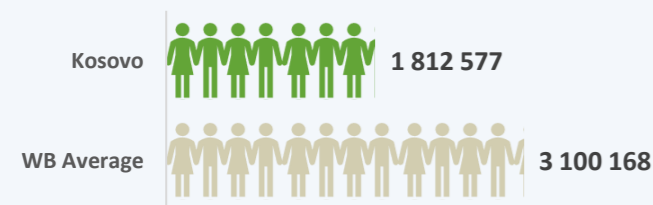
Report prepared by the CEPEJ for the attention of the European Commission

Part 2 (A) - Beneficiary profile - 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 2022

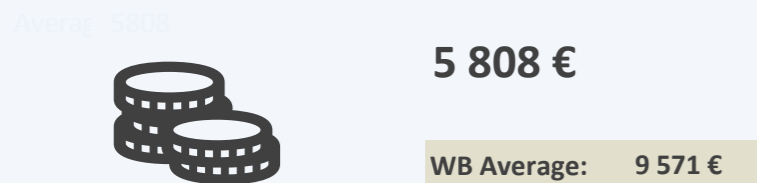
Population in 2022



GDP per capita in 2022



Average annual salary in 2022



Budget

In 2022, Kosovo spent 43 300 205 € as implemented Judicial System budget. Thus, it spent **23,9 € per inhabitant, which is less than the Western Balkans (WB) average** (38,5 €). The Judicial System budget **increased** by 3,1% from the previous year. In particular, budget for courts increased by 4,5%, budget for prosecution offices increased by 0,5% while budget for legal aid decreased by -0,4% (but it had increased by 19,5% between 2020 and 2021).

Within the courts budget, between 2021 and 2022 there was an increase in the budget for computerisation (+56,2%), justice expenses (+7,86%) and new court buildings (+68,7%).

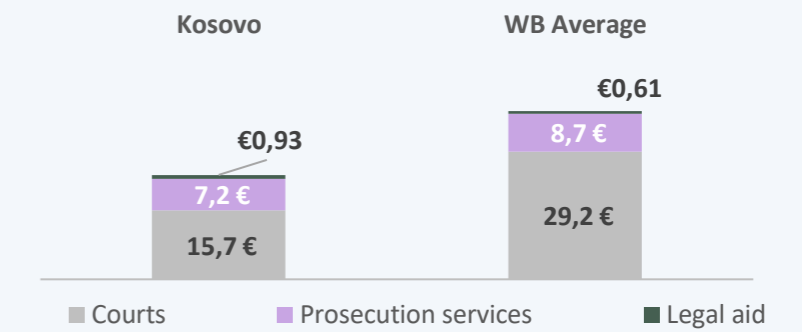
The amount of budget coming from **external donors** is difficult to calculate by the authorities. This is because funds are often allocated on projects that last longer than one year and involve not only justice system but also other areas. Furthermore, it is difficult to identify how much is directly or indirectly allocated to courts, prosecutor offices and legal aid. However, Kosovo was able to provide part of these data.

Legal aid

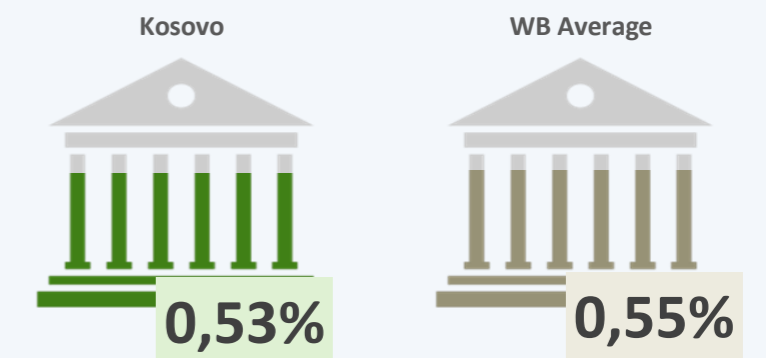
In 2022, the legal aid budget remained stable compared with the previous cycle. In 2020, legal aid budget had been cut. Compared to 2019, it diminished by 34%. In 2021, it increased by 19,5%, but it was still lower than in 2019. **The total implemented budget in 2022 was 0,92 € per inhabitant, which was remarkably above the WB median of 0,18 €.** 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 2022, the total number of legal aid cases per 100 inhabitants (0,34) was above the WB median (0,34).

Budget of the Judicial System

Implemented Judicial System Budget per inhabitant in 2022



Implemented Judicial System Budget as % of GDP in 2022



Efficiency**

In Kosovo, the DT is well above the average for every category of cases in the first instance, and it is particularly high for civil/commercial litigious cases (1 511 days) and administrative cases (967). First instance civil and commercial litigious cases still have a very low CR, well below 100%. Therefore, even if there was an improvement in 2022, the DT is constantly increasing since 2019. Kosovo has a high number of pending cases per inhabitant, and this backlog is affecting courts' performance. In 2022, in second instance there has been an improvement in CR and DT for civil and commercial litigious cases and administrative cases, and for civil and commercial litigious cases the DT (591 days) is now lower than the WB median (627 days). The DT for administrative cases decreased as well, while DT for criminal cases increased but it is still lower than the WB median.

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

Clearance Rate (CR) is the ratio obtained by dividing the number of resolved cases by the number of incoming cases in a given period, expressed as a percentage. It demonstrates how the court or the judicial system is coping with the in-flow of cases and allows comparison between systems regardless of their differences and individual characteristics. Its key value is 100%. A value below 100% means that the courts were not able to solve all the cases they received and, as a consequence, the number of pending cases increases. A 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 decreases.

Disposition Time (DT) is the indicator that estimates 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 within the same period, multiplied by 365 days. More pending than resolved cases will lead to a DT higher than 365 days (one year) and vice versa.

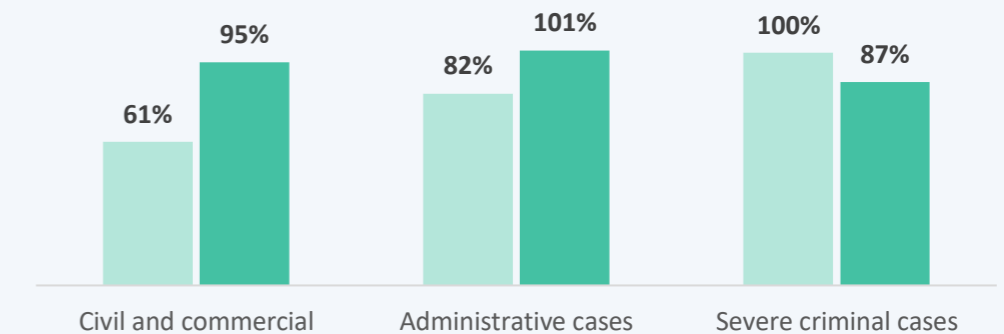
ADR (Alternative Dispute Resolution)

ADR and mediation, in general, are not well developed in the Western Balkans region. However, in Kosovo, court related mediation procedures are available. The judicial system provides for **mandatory mediation ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding.** When parties submit a statement of claim before the court, regarding disputes deriving from family relations such as alimony, custody, visits, child support and division of marital property, the judge in the preliminary hearing, after the preliminary review of the indictment, must inform and oblige the parties to mediation procedure. Under such circumstances, the parties shall meet with a mediator, and will have 30 days to try the commencement of mediation, starting from the day when the judge obliges the parties to try mediation. Parties may choose not to continue with the mediation procedure, and they can return to judicial proceedings, not longer than 30 days. In 2022, parties agreed to start mediation in 7 505 cases, and there were 2 426 finished court-related mediations.

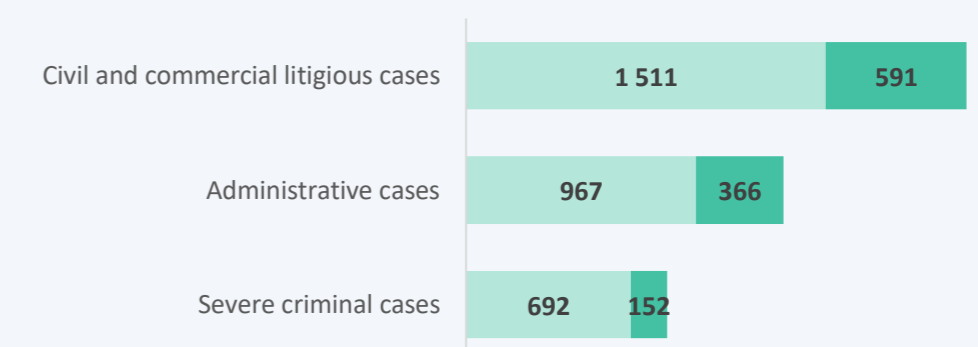
Efficiency

■ 1st instance ■ 2nd instance

Clearance rate in 2022 (%)



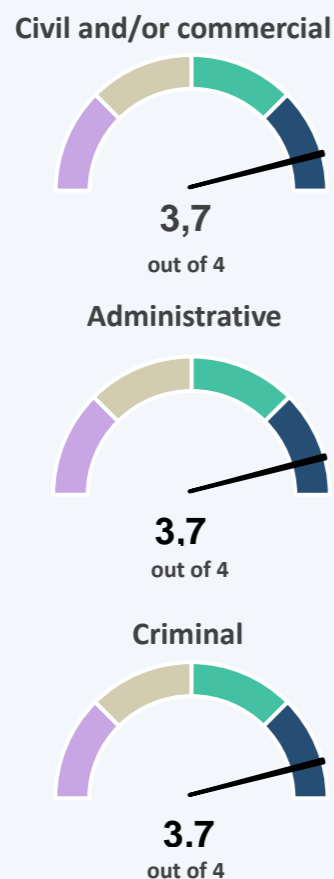
Disposition time in 2022 (in days)



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

For 2022 there was no specific strategy for the IT but there are measures and activities related to IT included in other strategies and working documents. In Kosovo, in 2021, digitalisation of the justice system has become a priority, as mentioned in the rule of **Law Strategy approved in August 2021**. There is a case management system (CMS), e.g. software used for registering judicial proceedings and their management. It has been developed and deployed in all courts gradually since 2018. In 2022, the CMS was deployed in all courts and the data is stored on a database consolidated at national level. In the KJC web portal, in September 2022, two web applications were deployed: the Case Tracking Mechanism (CTM) and Open Data Platform, (ODP). In the CTM, parties can follow their case status data, while in the OPD are available all statistical reports of the CMS. **The CMS index for Kosovo is higher than the WB average (3,7 for each type of cases versus 2,6).**

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

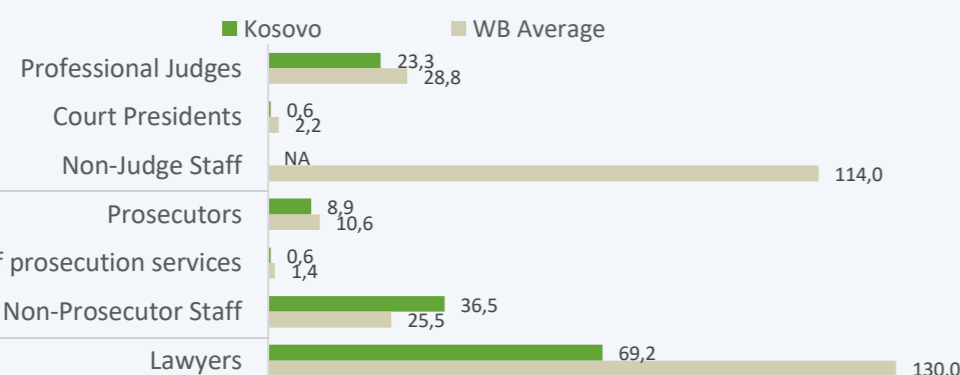
Training

Kosovo spent in total **687 156 € for training for judges and prosecutors in 2022** (budget of the training institution and budget of courts spent on training), of which 27 007 € are coming from donors. This represents 0,39 € per inhabitant which is less than the WB average of 0,66 €.

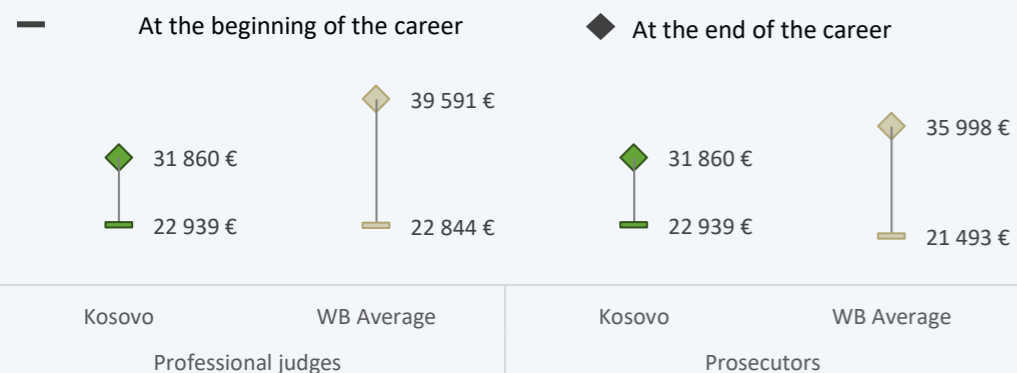
In Kosovo, judges and prosecutors must attend at least 1 training of the duration of 2 days annually, but, on average, judges attended 4,7 trainings and prosecutors 3,9. **85,6% of judges and 92,5% of prosecutors attended at least one training per year in 2022.** In Kosovo, judges and prosecutors have to undergo compulsory in-service training solely dedicated to ethics. This training lasts 2-3 days and they need to participate to it more than once on a regular basis. On the contrary, training on corruption is not mandatory.

Professionals of Justice

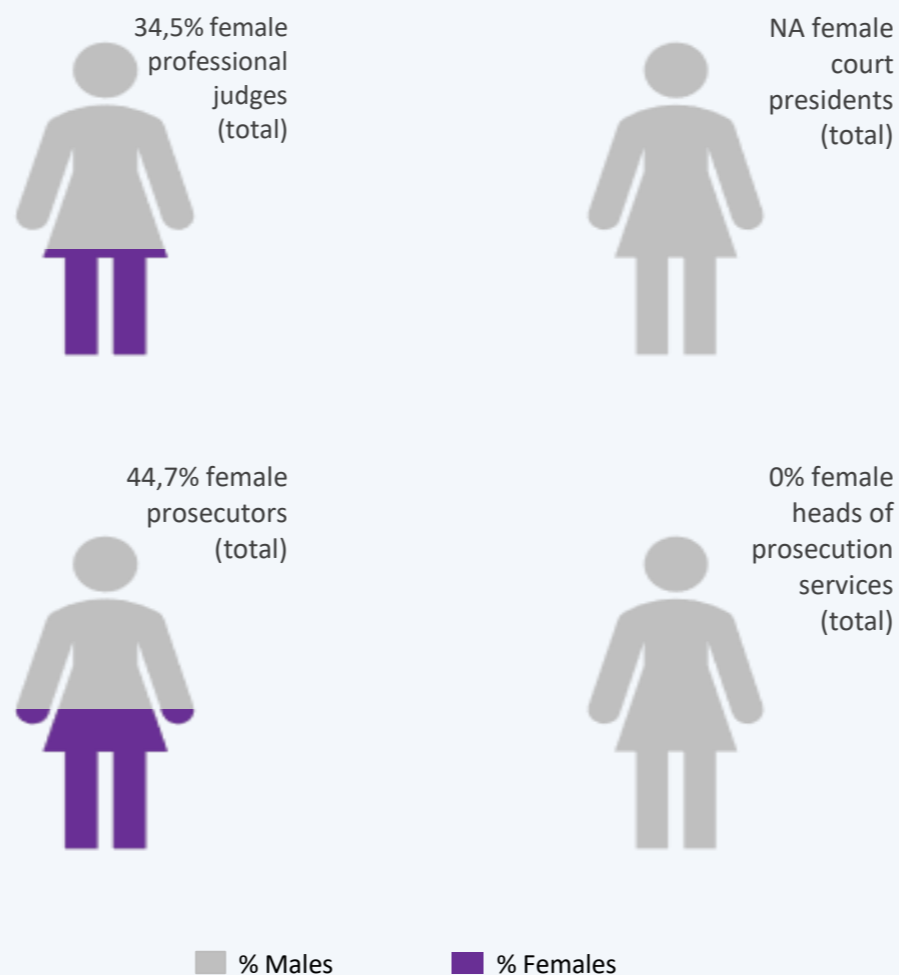
Total number of professionals per 100 000 inhabitants in 2022



Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2022 (€)



Gender Balance



Professionals and gender

Western Balkans' countries traditionally have a very high number of professionals per inhabitants. In Kosovo, however, the number of judges and prosecutors per inhabitant in 2022 (respectively 23,3 and 8,9) was lower than the WB Average (28,8 and 10,6) and it decreased from the previous cycles. The average number of non-judge staff per judge was higher than the WB Average.

The number of lawyers per inhabitants (69,2) was significantly lower than the WB Average (130).

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 3,9 (higher than the WB Average of 2,5) and at the end of career it was 5,5 (still higher than the WB Average of 4,1).

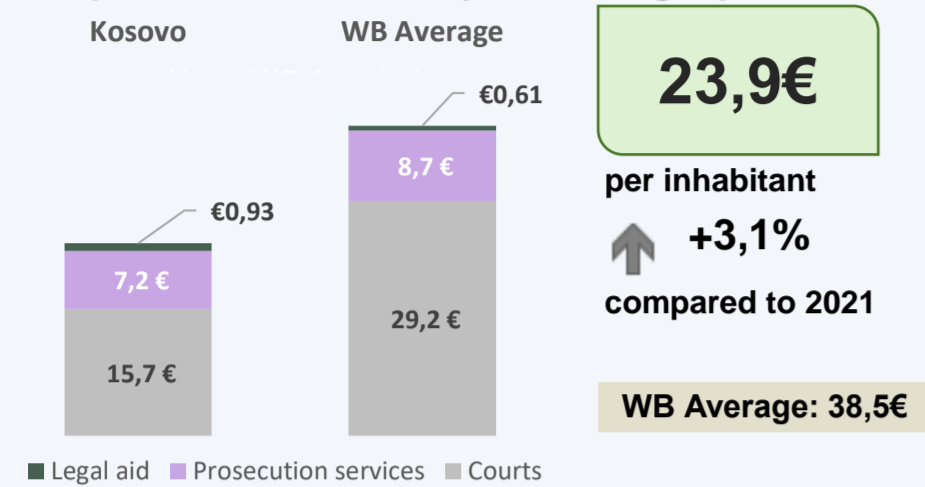
As regards gender balance, **the percentage of female judges, prosecutors and staff was significantly lower than the WB Average in all instances in 2022.** It was particularly low for professional judges (34,5% of female vs the WB average of 62,2%) and heads of prosecution services, where 100% are men. 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 a phenomenon called "glass ceiling", meaning that the higher the hierarchical level, the more the number of women (and thus the percentage) decreases.

Kosovo* is not included in the calculation of summary statistics

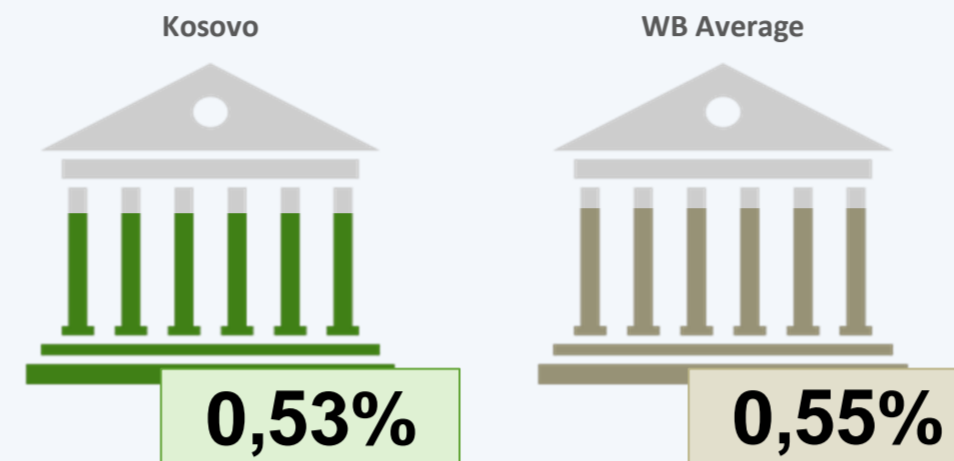
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Budget of the judicial system in Kosovo in 2022 (Indicator 1)

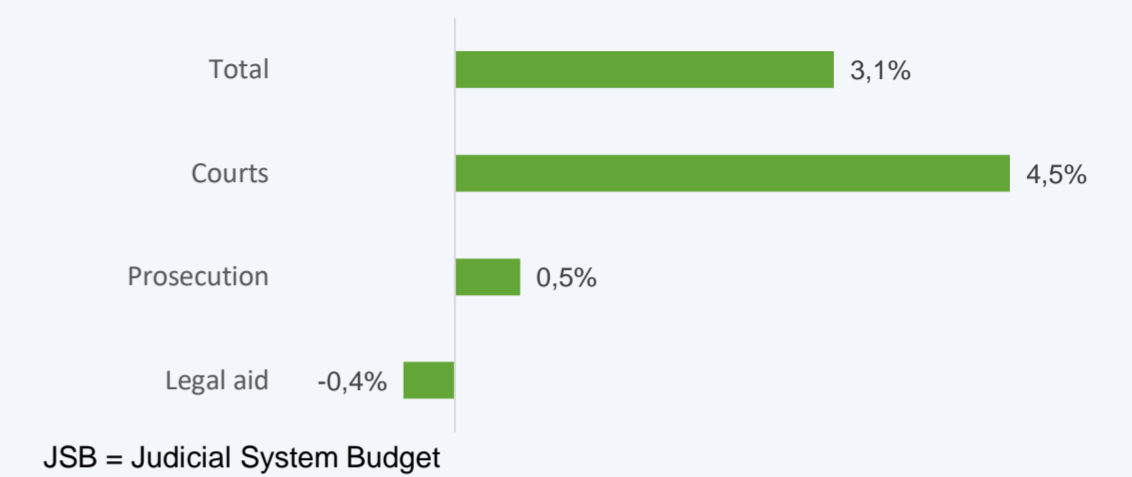
Implemented Judicial System Budget per inhabitant



Implemented Judicial System Budget as % of GDP



Variation of the JSB per inhabitant between 2021 - 2022



The Judicial System Budget (JSB) is composed by the budget for courts, public prosecution services and legal aid. In 2022, the implemented JBS for Kosovo was 23,9€ per inhabitant (+3,1% compared to 2021). It was lower than the WB Average of 38,5€. The expenditure on JSB represented 0,53% of the GDP of Kosovo (the WB Average was 0,55%).

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

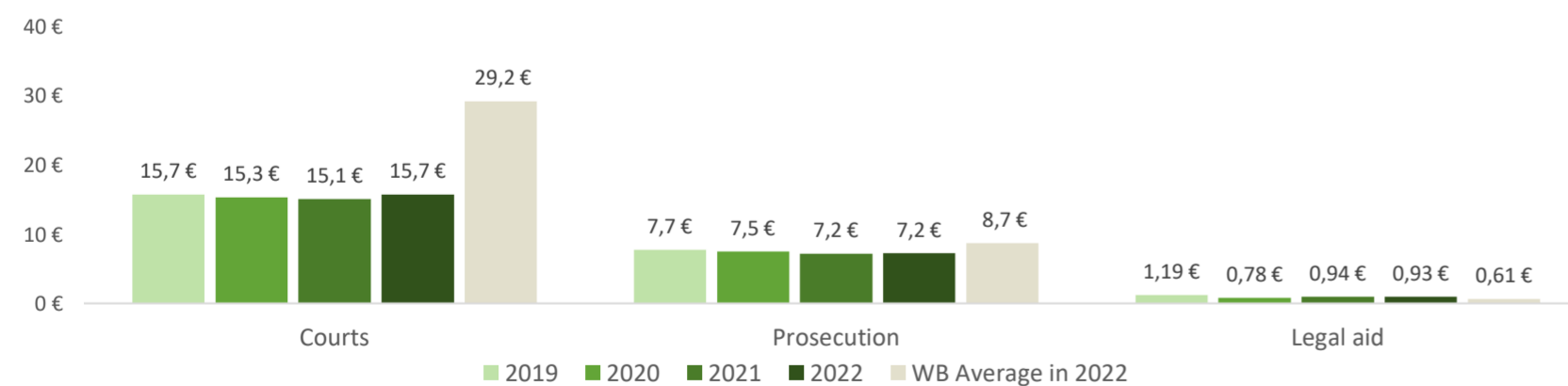
In 2022, Kosovo spent 43 300 205€ on the implemented judicial system budget. This means that Kosovo spent 23,9€ per inhabitant, which is less than the WB Average of 38,5€. 65,9% was spent for courts, 30,2% for prosecution services, 3,9% for legal aid.

Compared to 2021, Kosovo has spent, per inhabitant, 4,5% more for courts, 0,5% more for prosecution services, and -0,4% less for legal aid.

Judicial System Budget	Judicial System Budget in 2022		Implemented Judicial System Budget per inhabitant				Implemented Judicial System Budget as % of GDP			
	Approved	Implemented	Per inhabitant in 2022	WB Average in 2022	% Variation between 2019 - 2022	% Variation between 2021 - 2022	As % of GDP	WB Average in 2022	Variation (in ppt) 2019 -2022	Variation (in ppt) 2021 - 2022
Total	48 893 447 €	43 300 205 €	23,9 €	38,5 €	-3,0%	3,1%	0,53%	0,55%	-0,12	-0,08
Courts	30 350 365 €	28 540 350 €	15,7 €	29,2 €	0,0%	4,5%	0,35%	0,41%	-0,07	-0,05
Prosecution	16 665 948 €	13 067 462 €	7,2 €	8,7 €	-6,3%	0,5%	0,16%	0,13%	-0,04	-0,03
Legal aid	1 877 134 €	1 692 393 €	0,9 €	0,6 €	-21,5%	-0,4%	0,021%	0,01%	-0,011	-0,004

PPT = Percentage points

Evolution of the implemented judicial system budget per inhabitant between 2019 and 2022 (€)



As regards courts budget, in 2022 there has been an increase in ICT budget because of digitalization of services; and in new court buildings because of new courts to be built.

In 2022 there has been no financing trainings due to budget cut.

As regards prosecution services, the initial approved budget for KPC was 17 144 178 € however, with budget reviews it was approved in the value of 14 596 934 € in total. The sum in the table 16 665 948 € does not include the amount approved for lawyers (478 229 €).

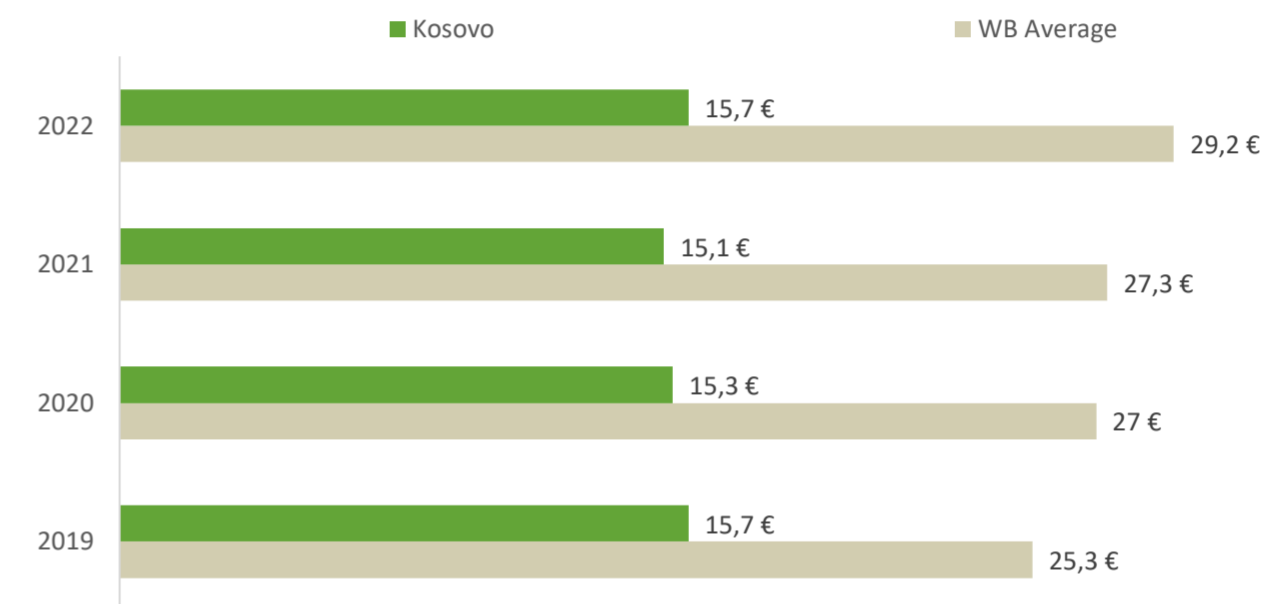
Budget allocated to the functioning of the courts

In 2022, Kosovo spent 28 540 350€ on the implemented budget for courts. 83,2% was spent for gross salaries, 1,6% for computerisation, 1,1% for justice expenses, 0,7% for court buildings, 2,7% for investment in new buildings, 9% for other.

Between 2021 and 2022, the implemented budget for courts has increased by 5,4%.

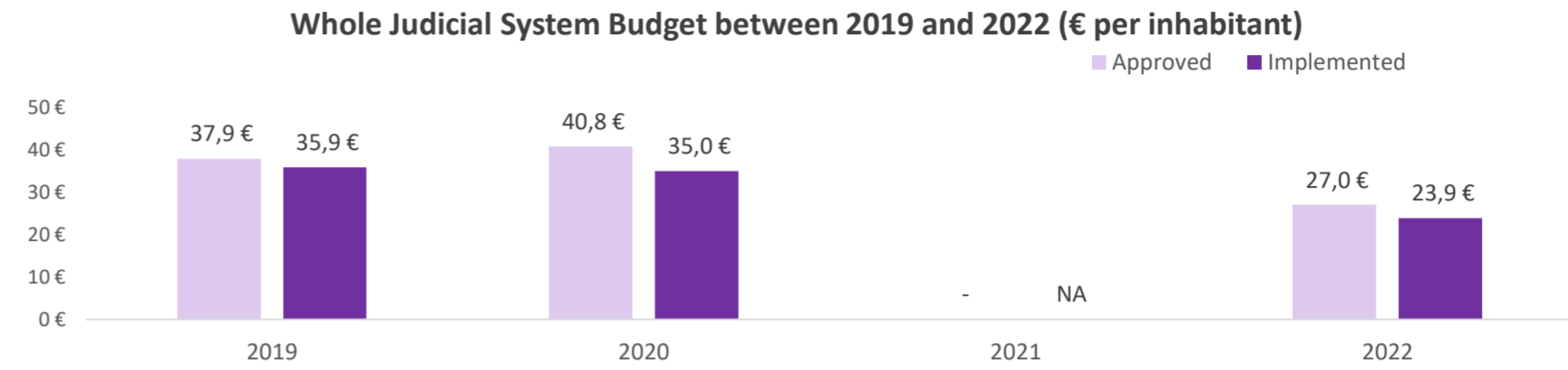
	2022		% Variation between 2019 and 2022		% Variation between 2021 and 2022	
	Approved budget	Implemented budget	Approved budget	Implemented budget	Approved budget	Implemented budget
Total (1 + 2 + 3 + 4 + 5 + 6 + 7)	30 350 365 €	28 540 350 €	4,7%	1,7%	11,8%	5,4%
1. Gross salaries	24 399 325 €	23 747 373 €	3,4%	0,9%	4,9%	2,1%
2. Computerisation (2.1 + 2.2)	502 101 €	465 402 €	151,1%	207,1%	64,0%	56,2%
2.1 Investment in computerisation	237 961 €	219 813 €			104,9%	89,2%
2.2 Maintenance of the IT equipment of courts	264 139 €	245 588 €			39,0%	35,1%
3. Justice expenses	330 000 €	319 819 €	-62,2%	-65,6%	8,2%	7,9%
4. Court buildings	200 000 €	189 120 €	17,6%	11,5%	NA	NA
5. Investment in new buildings	1 608 000 €	782 413 €	80,7%	781,4%	143,6%	68,6%
6. Training	0 €	0 €	-100,0%	0,0%	-100,0%	0,0%
7. Other	2 808 839 €	2 570 822 €	-13,7%	-18,8%	NA	NA

Implemented budget allocated to the courts per inhabitant between 2019 and 2022 (€)



• Budget allocated to the whole justice system

Whole Justice System Budget	2022		% Variation of the Whole Justice System Budget per inhabitant	
	Absolute number	Per inhabitant	2019 - 2022	2021 - 2022
Approved	48 893 447 €	27,0 €	-33,8%	NA
Implemented	43 300 205 €	23,9 €	-31,7%	NA



The whole justice system budget includes the following elements in 2022:

Court budget	✓	Constitutional court	✗	Functioning of the Ministry of Justice	✗
Legal aid budget	✓	Judicial management body	✗	Refugees and asylum seekers service	✗
Public prosecution services budget	✓	State advocacy	✗	Immigration services	✗
Prison system	✗	Enforcement services	✗	Some police services	✗
Probation services	✗	Notariat	✗	Other services	✗
Council of the judiciary	✓	Forensic services	✗		
High Prosecutorial Council	✓	Judicial protection of juveniles	✗		

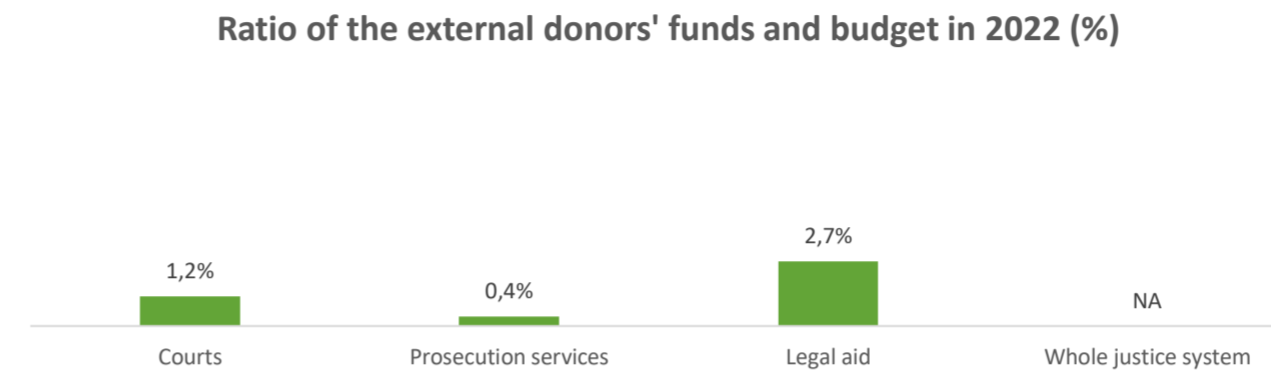
The justice system budget includes:

- Kosovo Judicial Council (KJC): Approved: 30,350,365 and 28,540,350 implemented.
- Kosovo Prosecutorial Council (KPC): Approved: 16,665,948 and 13,067,462 implemented.
- Free Legal Aid Agency Approved (FLAA): 1,877,134 and 1,692,393 implemented.

• 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 %
Courts	350 783 €	1,2%
Prosecution services	52 403 €	0,4%
Legal aid	45 207 €	2,7%
Whole justice system	NA	NA



Kosovo Judicial Council during 2022 received donations in the amount of € 350 783,24 and that from UNDP and GIZ mainly for the support of the administrative staff in some courts of Kosovo (€48 627,95) and from the Norwegian Government for the SMIL project (€302,155.29).

-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.

-For FLAA funds have been allocated for the extension of free legal aid in municipalities where there is no regional office and mobile office for providing free legal aid and raising the professional capacities of officials.

During 2022, FLAA was also supported by the donor USAID - JAK through these activities:

- Publication of the Manual of Legal Aid Practitioners in Kosovo in civil, family and property legal matters;
- Training for 5 trainers trained in the use of the Manual of Legal Aid Practitioners in Kosovo in civil, family and property legal matters and the realization of trainings;
- Drafting of the report Mapping the Needs of Communities for Justice 2022;
- Organization of training on Mediation for 24 officials of FLAA;
- FLAA Communication Strategy 2022 - 2025;
- Support in the organization of the Free Legal Aid Week (23 – 27 May)
- Organization of 3 thematic roundtables with the participation of representatives from FLAA and NGOs that offer free legal assistance;
- Setting up the Info stand and distributing brochures with information about the FLAA, in Prizren during the Dokufest festival;
- Placement of permanent information shelves with brochures for the FLAA in the Basic Court in Mitrovica (in the south and north);
- Preparation and publication of the Video with information on the Agency for Free Legal Aid in sign language - dedicated to deaf people;
- Preparation, promotion and distribution of brochures in Braille with information on the Agency for Free Legal Aid and services, dedicated to blind people;
- Distribution of 1,100 questionnaires in 11 branches of the association HANDIKOS throughout Kosovo and summary of data from the respondents.

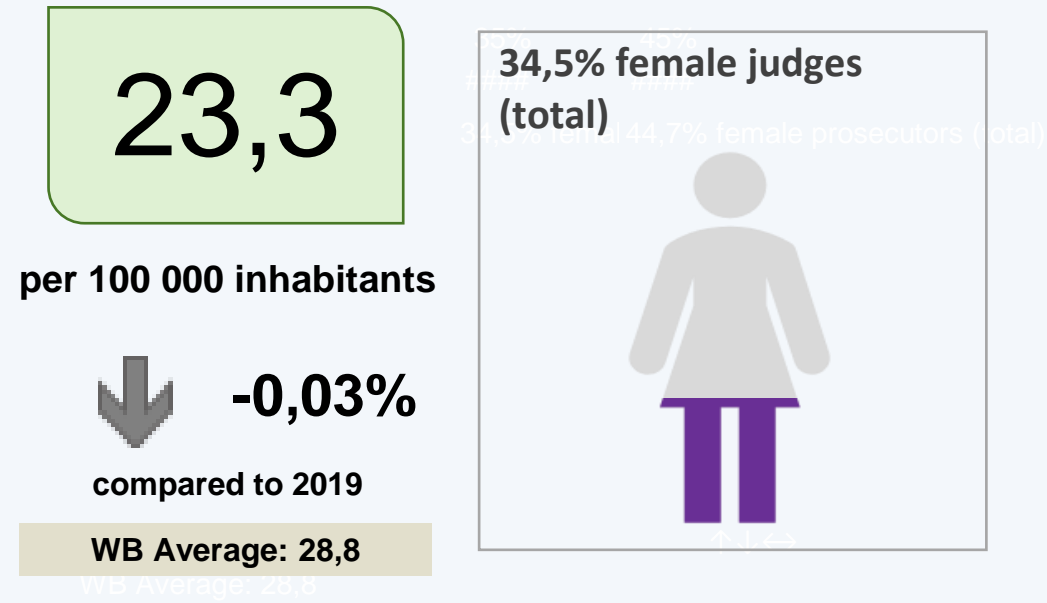
The donor USAID - JAK has implemented the budget, therefore is not possible to know the amount spent for the above activities.

Free legal aid is also offered through 6 (six) mobile offices financially supported by GIZ which operate in the municipalities: Podujevë, Klinë, Lipjan, Shtime, Kaçanik and Hani i Elezit, enabling the employment of 4 (four) officials who will provide free legal assistance. Free legal aid is also offered through the Mobile Clinic, financially supported by UNDP, which has operated in municipalities where there is no regional office and mobile office for free legal aid and in the deepest regions of the Republic of Kosovo, as well as for the realization of sensitizing and informing campaigns of citizens.

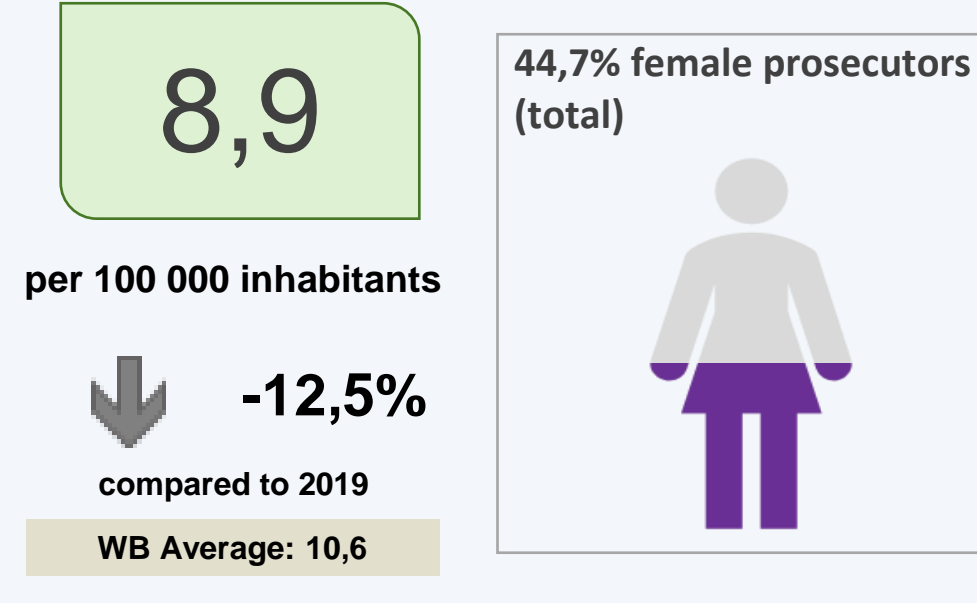
Kosovo is not included in the calculation of summary statistics

Professionals and Gender Balance in judiciary in Kosovo in 2022 (Indicators 2 and 12)

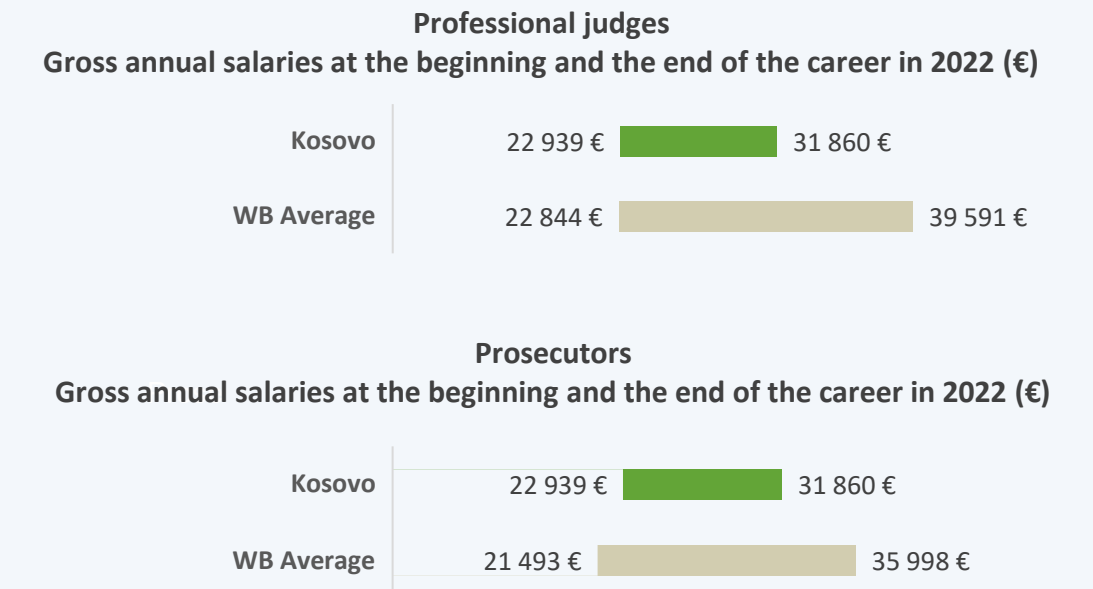
Professional Judges



Prosecutors



Salaries of judges and prosecutors



In 2022, Kosovo had 23,3 professional judges per 100 000 inhabitants and 8,9 prosecutors per 100 000 inhabitants. Both figures were below the WB Average of 28,8 and 10,6, respectively. Less than half of professional judges (34,5%) and prosecutors (44,7%) were women (the WB Average was 62,4% and 54,9%, respectively).

Professional Judges

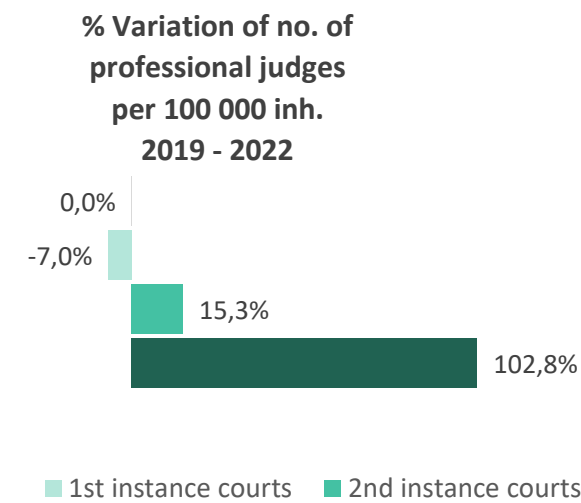
	Professional judges in 2022			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	423	100,0%	23,3	28,8
1st instance courts	329	77,8%	18,2	21,7
2nd instance courts	61	14,4%	3,4	5,6
Supreme Court	33	7,8%	1,8	1,6

For reference only: the 2021 EU median is 24,1 judges per 100 000 inhabitants.

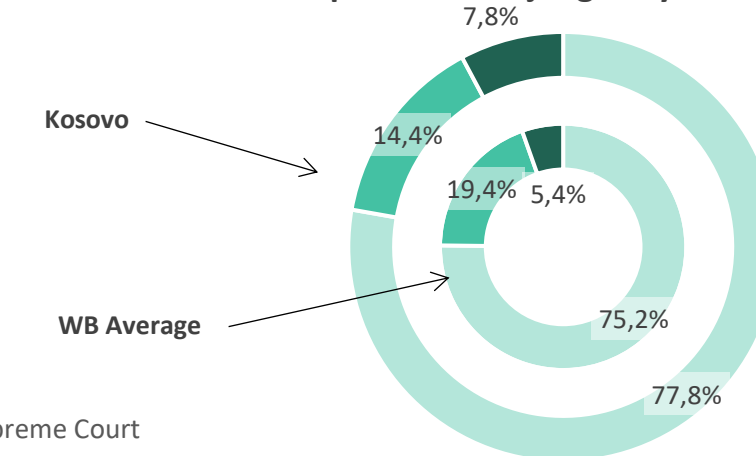
In 2022, the absolute number of professional judges in Kosovo was 423 (i.e. 23,3 per 100 000 inhabitants, which was significantly lower than the WB Average of 28,8). In 2022, the number of judges increased due to recruitment procedures and also promotions. The number of judges also includes the Commercial Court, which was established in 2022.

Compared to 2019, the total number of professional judges per 100 000 inhabitants remained stable.

The figures show a difference of -2,6 percentage points between the percentage of judges in the first instance (77,78%) and the WB Average (75,2%)



Distribution of professional judges by instance in 2022 (%)

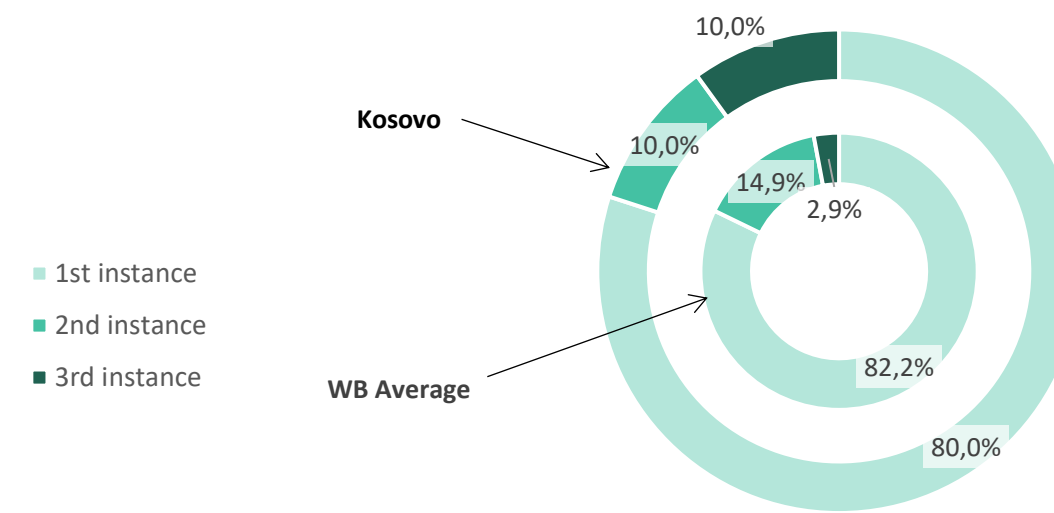


• Court presidents

	Court presidents in 2022			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	10	100,0%	0,6	2,2
1st instance courts	8	80,0%	0,4	1,8
2nd instance courts	1	10,0%	0,1	0,3
Supreme Court	1	10,0%	0,1	0,1

The absolute number of court presidents in Kosovo in 2022 was 10 (i.e. 0,6 per 100 000 inhabitants, which was below the WB Average of 2,2).

Distribution of court presidents by instance in 2022 (%)

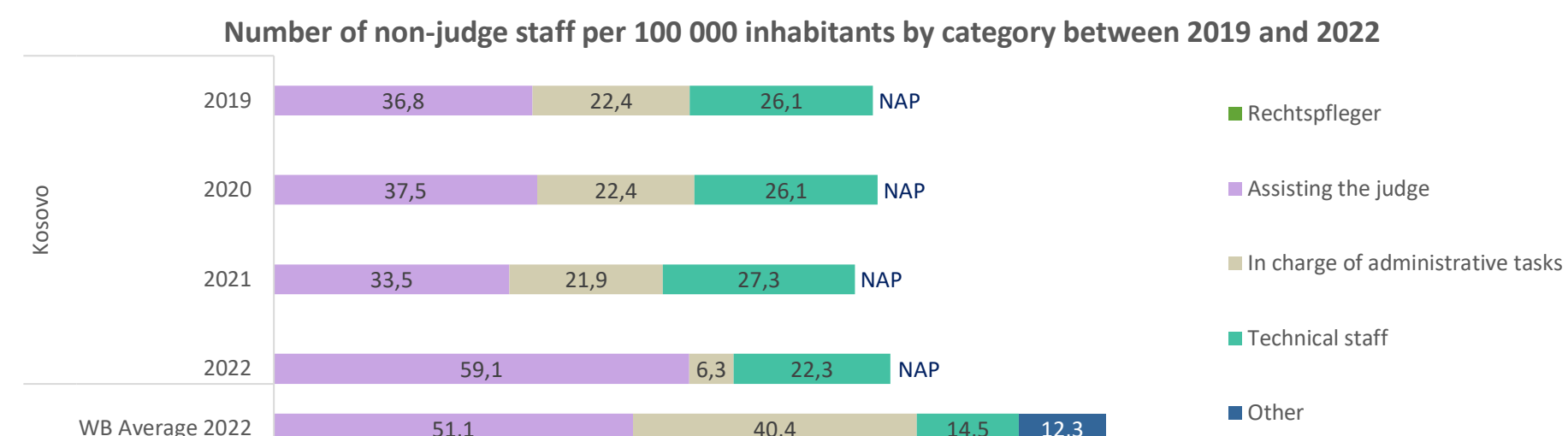


• Non-judge staff

	Number of non-judge staff by instance in 2022			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	NA	NA	NA	114,0
1st instance courts	NA	NA	NA	92,5
2nd instance courts	NA	NA	NA	16,4
Supreme Court	NA	NA	NA	5,0

For reference only: the 2021 EU median is 58,5 non-judge staff per 100 000 inhabitants.

	Number of non-judge staff by category in 2022			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	1 590	100,0%	87,7	114,0
Rechtspfleger	NAP	NAP	NAP	-
Assisting the judge	1 071	67,4%	59,1	51,1
In charge of administrative tasks	115	7,2%	6,3	40,4
Technical staff	404	25,4%	22,3	14,5
Other	NAP	NAP	NAP	12,3



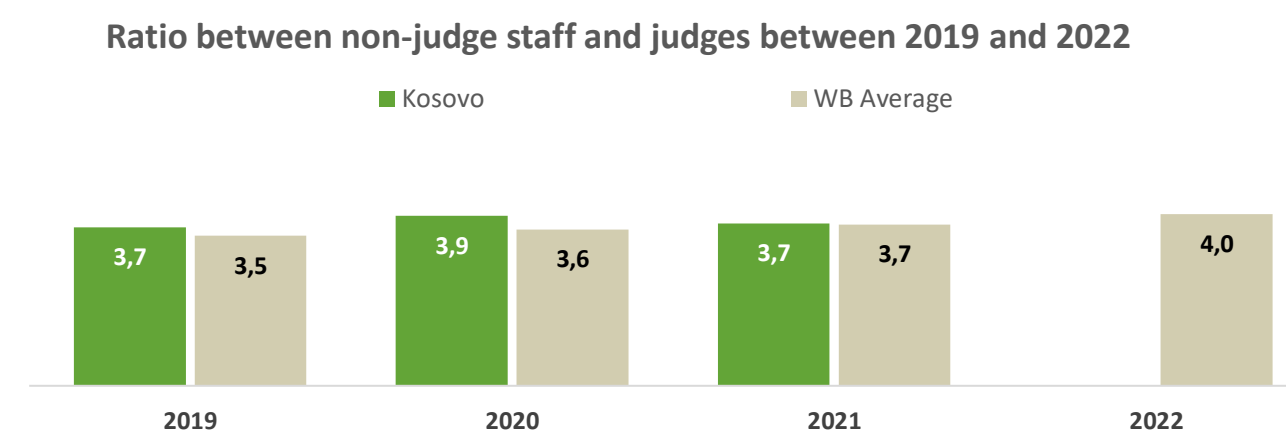
The highest number of non-judge staff were assisting judges and represented 67,4% of the total.

In 2022, more staff is in charge of assisting the judge instead of being in charge of administrative tasks.

• Ratio between non-judge staff and professional judges

	Ratio in 2022		% Variation between 2019 and 2022
	Kosovo	WB Average	Kosovo
Total	NA	4,0	NA
1st instance courts	NA	4,2	NA
2nd instance courts	NA	3,0	NA
Supreme Court	NA	4,3	NA

For reference only: the 2021 EU median ratio of non-judge staff per judge is 3,1.



Prosecutors

	Number of prosecutors by instance in 2022			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	161	100,0%	8,9	10,6
1st instance level	147	91,3%	8,1	8,2
2nd instance level	6	3,7%	0,3	1,9
Supreme Court level	8	5,0%	0,4	0,9

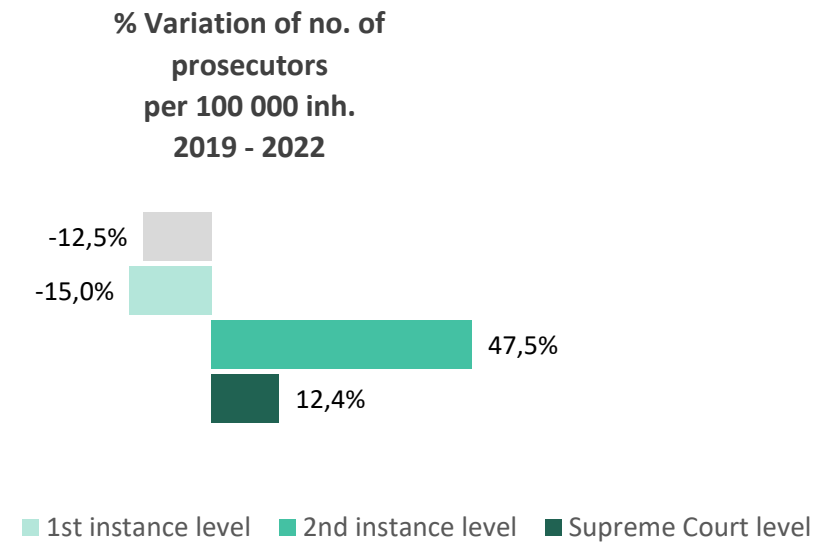
For reference only: the 2021 EU median is 10,8 prosecutors per 100 000 inhabitants.

In 2022, the absolute number of prosecutors in Kosovo was 161 (i.e. 8,9 per 100 000 inhabitants, which was significantly lower than the WB Average of 10,6).

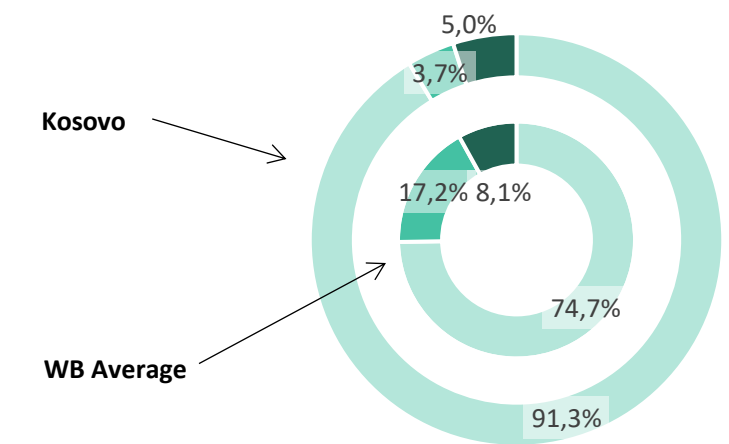
The total number of prosecutors per 100 000 inhabitants decreased by -12,5% between 2019 and 2022.

The figures show a difference of -16,6 percentage points between the percentage of judges in the first instance (91,3%) and the WB Average (74,7%)

In the table above the number of prosecutors is 161. This number does not include prosecutors who during 2022 have not handled cases as a result of their functions in the prosecutorial system.



Distribution of prosecutors by instance in 2022 (%)

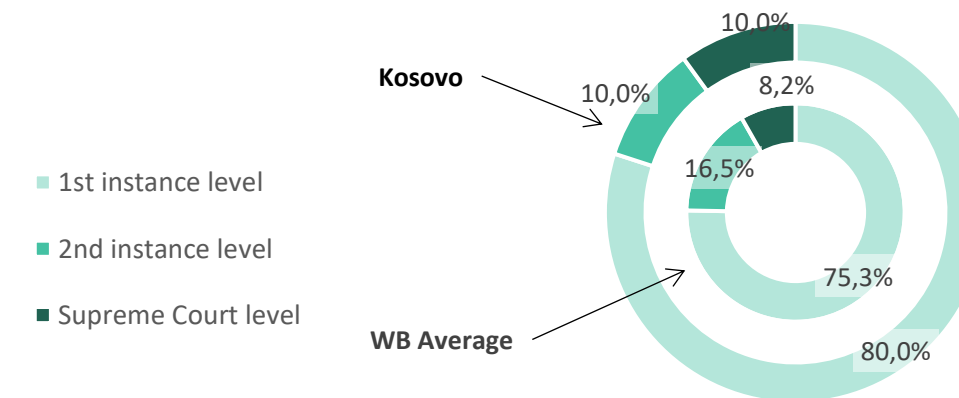


Heads of prosecution services

	Heads of prosecution services in 2022			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	10	100,0%	0,6	1,4
1st instance level	8	80,0%	0,4	1,1
2nd instance level	1	10,0%	0,1	0,2
Supreme Court level	1	10,0%	0,06	0,12

In 2022, the absolute number of heads of prosecution services in Kosovo was 10 (i.e. 0,6 per 100 000 inhabitants, which was remarkably lower than the WB Average of 1,4).

Distribution of heads of prosecution services by instance in 2022 (%)



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

	Non-prosecutor staff in 2022			Ratio between non-prosecutor staff and prosecutors		
	Absolute number	Per 100 000 inhabitants		2022		% Variation 2019 - 2022
	Kosovo	Kosovo	WB Average	Kosovo	WB Average	Kosovo
Total	662	36,5	25,5	4,1	2,4	21,8%

For reference only: the 2021 EU median is 14,7 non-prosecutors staff per 100 000 inhabitants.

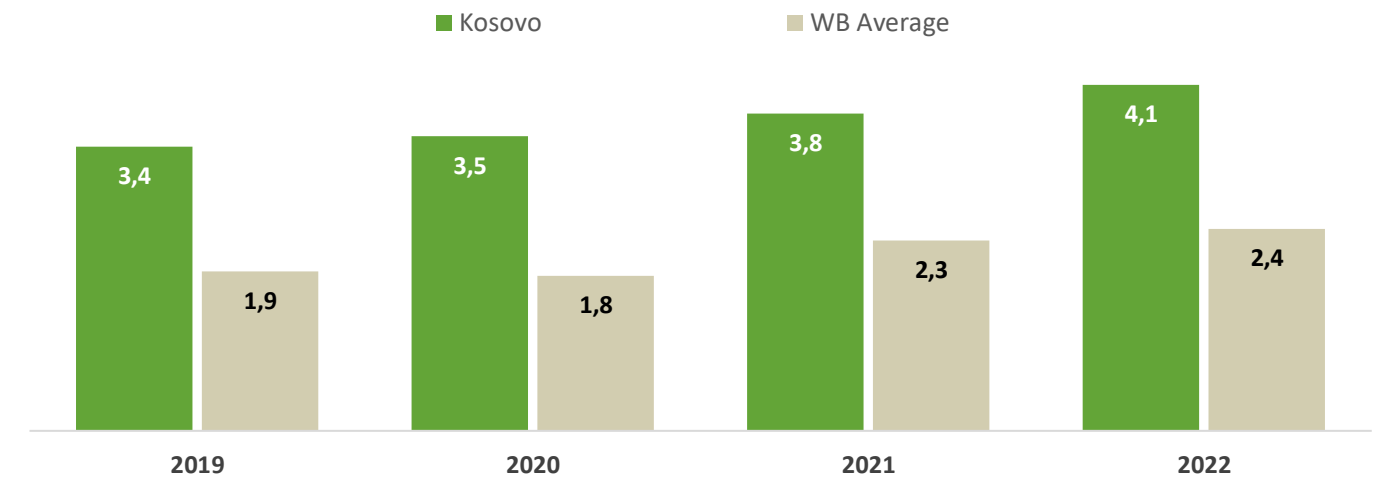
In 2022, the total number of non-prosecutor staff in Kosovo was 662. Their number increased by 8,3% compared to 2019.

The number of non-prosecutor staff per 100 000 inhabitants was 36,5, which was above the WB Average of 25,5.

The ratio of non-prosecutor staff per prosecutor was 4,1 (significantly higher than the WB Average of 2,4).

In this category are included Director of Secretariat of KPC, Director of PPRU, Heads of departments, divisions, offices, administrators of prosecution offices, professional associates, legal officers and all other professional and administrative positions within the prosecutorial system.

Ratio between non-prosecutor staff and prosecutors between 2019 and 2022



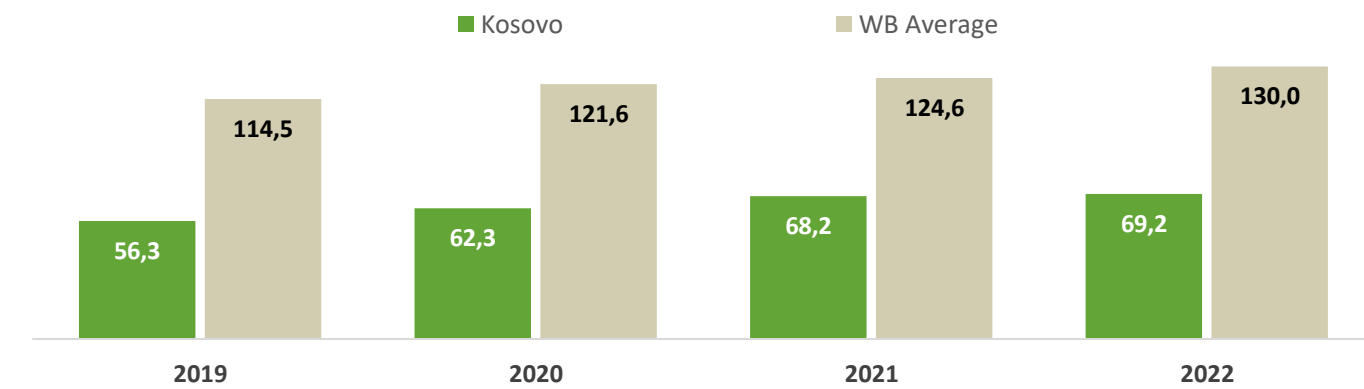
• Lawyers

	Number of lawyers in 2022			% Variation 2019 - 2022
	Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants	Kosovo
Total	1 255	69,2	130,0	22,9%

For reference only: the 2021 EU median is 122,4 lawyers per 100 000 inhabitants.

In 2022, the number of lawyers was 69,2 per 100 000 inhabitants, which was significantly lower than the WB Average (130). The number of lawyers per 100 000 inhabitants increased by 22,9% between 2019 and 2022.

Number of lawyers per 100 000 inhabitants between 2019 and 2022



Salaries of professional judges and prosecutors

In 2022, the ratio between the salary of professional judges at the beginning of career with the annual gross average salary in Kosovo was 3,9, 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 noted for the WB Average (68%).

In 2022, the ratio between the salary of prosecutors at the beginning of career with the annual gross average salary in Kosovo was 3,9, which was more than the WB Average (2,3).

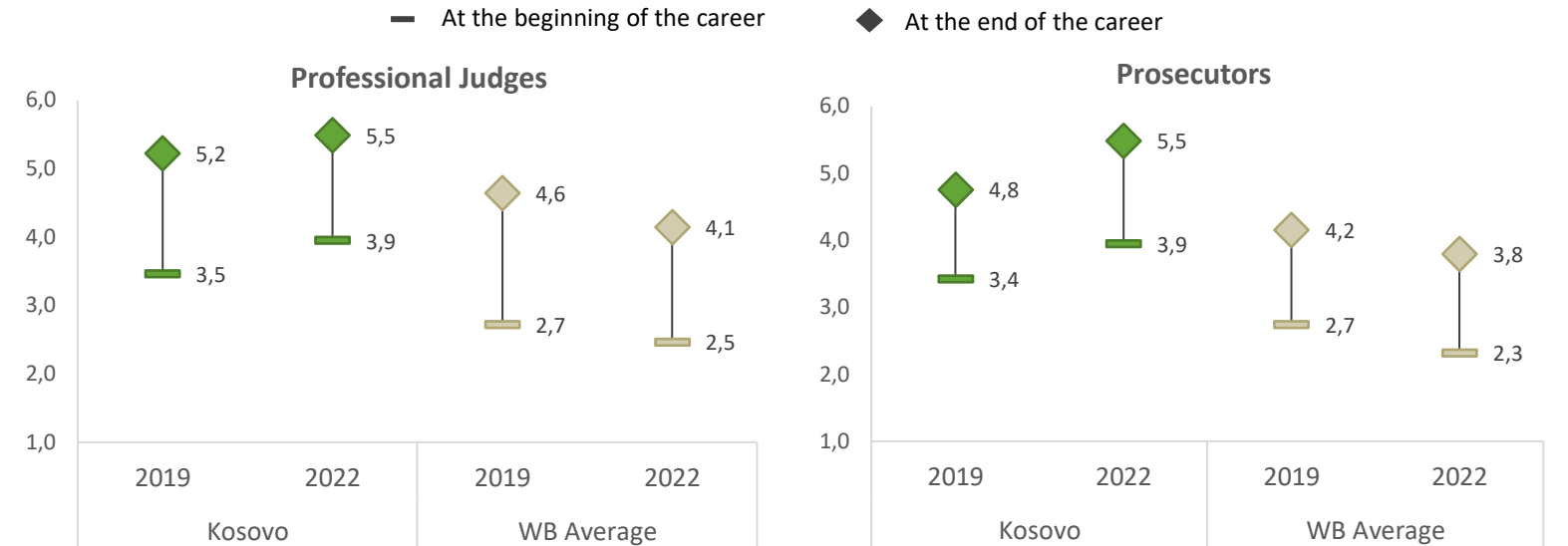
At the end of career, prosecutors were paid more than at the beginning of career by 38,9%, which was less than the variation noted for the WB Average (63,6%).

		Salaries in 2022 (absolute values)			Ratio with the average gross annual salary	
		Gross annual salary in €	% Variation 2019 - 2022	Net annual salary in €	Kosovo	WB Average ratio
Professional judge	At the beginning of his/her career	22 939	▼ -1,0%	19 879	3,9	2,5
	Of the Supreme Court or the Highest Appellate Court	31 860	▬ 0,0%	27 506	5,5	
Public prosecutor	At the beginning of his/her career	22 939	▬ 0,0%	19 879	3,9	2,3
	Of the Supreme Court or the Highest Appellate Court	31 860	▬ 0,0%	27 506	5,5	3,8

Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2022 (€)



Ratio of the gross annual salaries of judges and prosecutors with the average gross annual salary at the beginning and the end of career in 2019 and 2022 (€)



For reference only: the 2021 EU median for the ratio of judges and prosecutors' salaries with average gross annual national salary is:

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

- prosecutors' salary at the beginning of career: 1,7

- professional judges' salary at the end of career: 4,1

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

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.

The Appellate judge which is the level between the First instance court and the Supreme court has the salary of 2,389 EUR.

Additional benefits and bonuses for professional judges and prosecutors

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

KJC: The President of the Supreme Court after the end of the mandate earns a pension of 70% of the basic salary.

KPC: Prosecutors in SPRK 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.

Prosecutors in Special Prosecution 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.

Gender Balance

	% Female in 2022		Variation of the % females between 2019 - 2022 (in ppt)	
	Kosovo	WB Average	Kosovo	
Professional Judges	34,5%	62,4%	▲	1,6
Court Presidents	NA	50,6%		
Non-Judge Staff	NA	70,9%		NA
Prosecutors	44,7%	54,9%	▲	1,6
Heads of Prosecution Services	0,0%	39,7%		
Non-Prosecutor Staff	55,1%	68,7%	▼	-1,0
Lawyers	21,8%	37,2%	▲	1,6

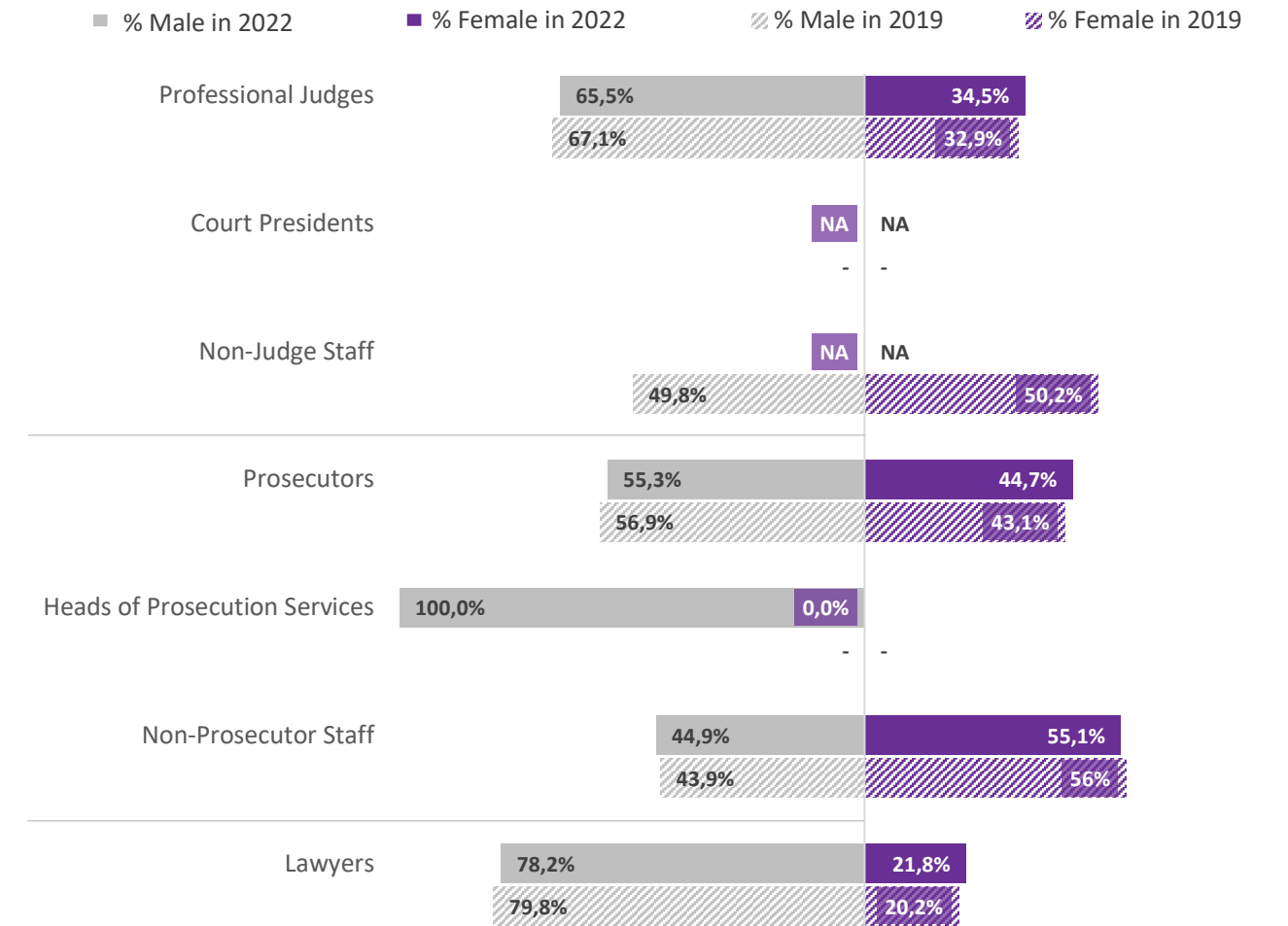
PPT= Percentage points

For reference only: 2021 EU medians on gender are among professionals are as follows: 62% women judges; 76% women non-judge staff; 60% women prosecutors; 74% women non-prosecutor staff; and 47% women lawyers.

The percentage of female prosecutors was 44,7% (lower than the WB Average of 54,9%). There is no female among the heads of . The percentage of female non-prosecutor staff was 55,1%.

Finally, the percentage of female lawyers was 21,8%, which was lower than WB Average (37,2%).

Gender Balance in Kosovo in 2019 and 2022



In 2022, a prevalence of female professionals was observed in all instances of courts and prosecution services.

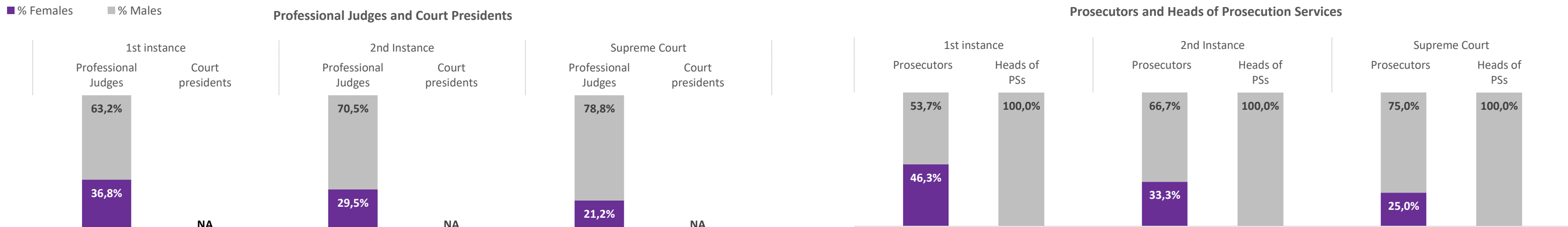
As shown in the table on the side, the percentages of female professionals in Kosovo were well below the regional averages for all the categories. Furthermore, the percentage of females diminishes with increasing instance.

Heads of prosecutor offices are 100% men.

This highlights the phenomenon called “glass ceiling”, meaning that the higher the hierarchical level, the more the number of women (and thus the percentage) decreases.

	Professional Judges % Female		Court presidents % Female		Prosecutors % Female		Heads of Prosecution Services % Female	
	Kosovo	WB Average	Kosovo	WB Average	Kosovo	WB Average	Kosovo	WB Average
1st instance	36,8%	62,2%	NA	51,9%	46,3%	57,0%	0,0%	43,3%
2nd instance	29,5%	64,5%	NA	39,1%	33,3%	48,4%	0,0%	25,0%
Supreme Court	21,2%	55,6%	NA	73,3%	25,0%	43,7%	0,0%	44,4%

Gender Balance by instance in 2022



• 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. However, there are general provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting judges and prosecutors.

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. The Law on KPC, Article 7, paragraph 5 stipulates the duty of the Council among others to ensure the implementation and oversighting of the requirements for admission to the prosecution office, which should be made in accordance with the principles of merit, equal opportunities, gender equality, non-discrimination and equal representation.

In 2022, the Governing Council of the KCA for the year 2022 and 2023, has decided to make it easier for lawyers who are on maternity leave to practice the profession of lawyer, issued Decision no. 1962-1/2021, dt. 31.12.2021 and Decision no. 1458-2/22, with which lawyers in maternity have been released from paying the annual membership.

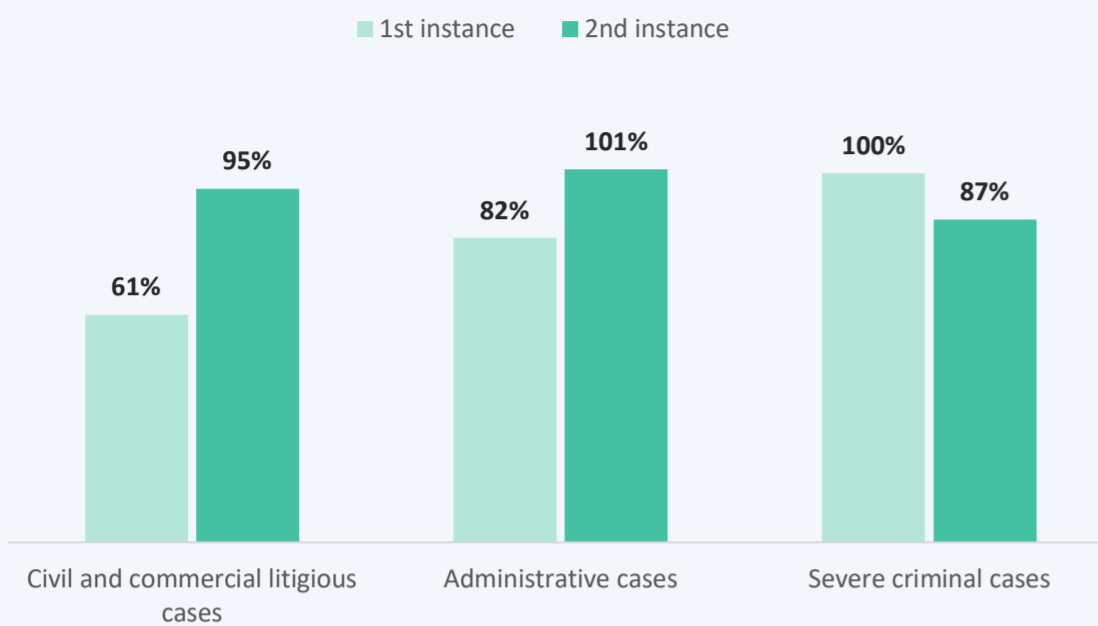
In the judicial and prosecutorial system there is a Forum of women judges and prosecutors which is an independent association registered according to the legislation in force. The activities of this forum are based on the Statute approved by its members. All members belong to the female gender.

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.

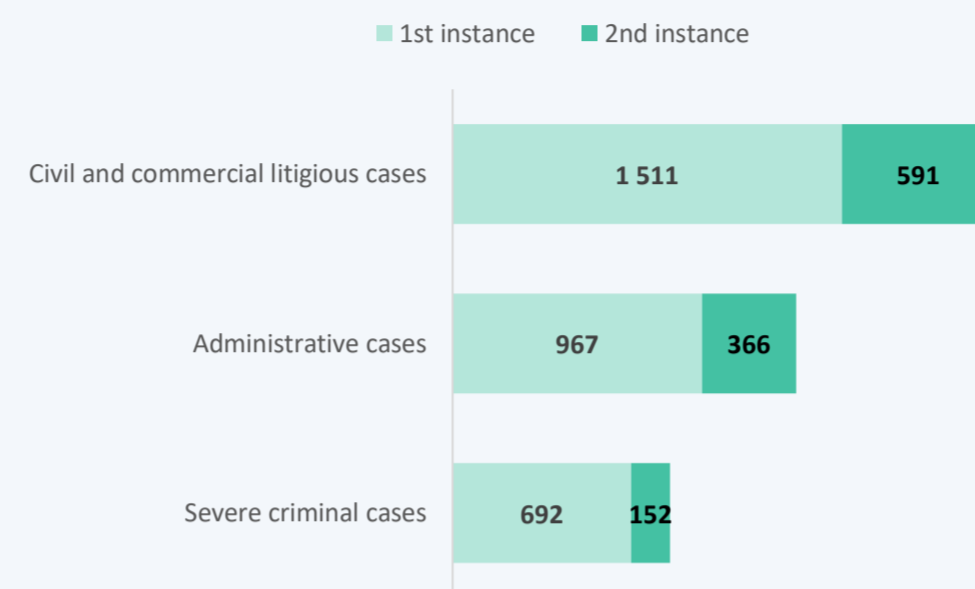
Kosovo is not included in the calculation of summary statistics

Efficiency in Kosovo in 2022 (Indicators 3.1 and 3.2)

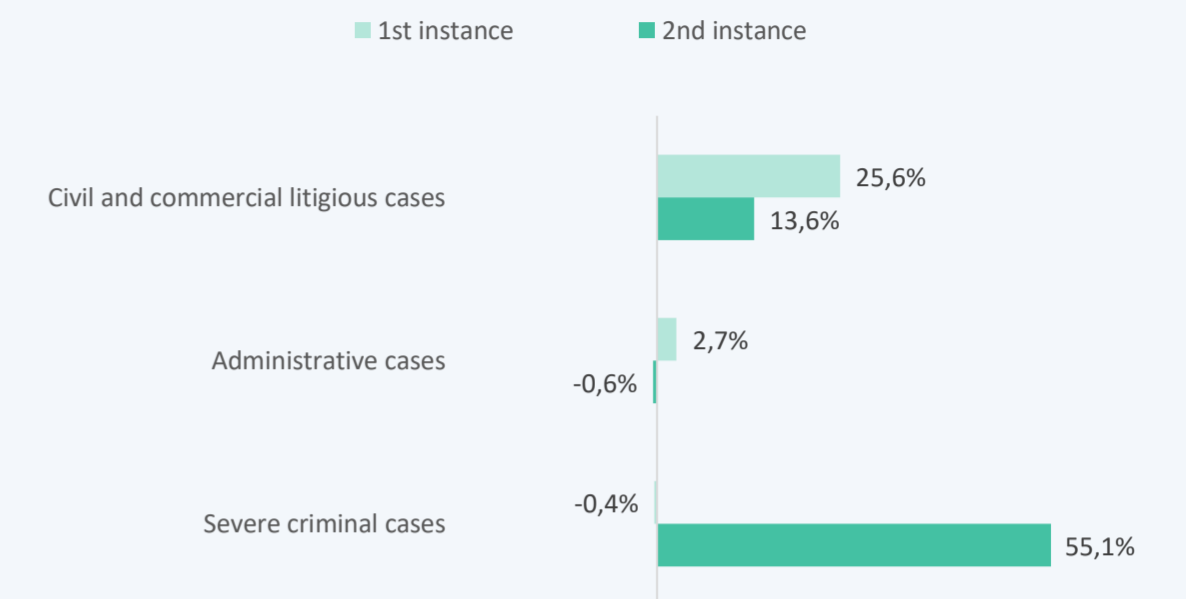
Clearance Rate in 2022 (%)



Disposition Time in 2022 (in days)



% Variation of pending cases at the end of year between 2021 and 2022



In 2022, the only Clearance rate (CR) above 100% was calculated for the second instance Administrative cases, with a CR of 101%. Otherwise, Kosovo was not able to deal as efficiently with the first instance Civil and commercial litigious cases (CR of 61%). With a Disposition Time of approximately 152 days, the second instance severe criminal cases were resolved faster than any other type of cases.

Compared to 2021, the pending cases at the end of year increased for the second instance severe criminal cases (55,1%), whereas they decreased for the second instance Administrative cases by -0,6%.

First instance cases

Clearance rate (%) and Disposition Time (days) for first instance cases from 2018 to 2022



Second instance cases

Clearance rate (%) and Disposition Time (days) for second instance cases from 2018 to 2022



In Kosovo, the DT is well above the average for every category of cases in the first instance, and it is particularly high for civil/commercial litigious cases (1 511 days) and administrative cases (967). First instance civil and commercial litigious cases still have a very low CR, well below 100%. Therefore, even if there was an improvement in 2022, the DT is constantly increasing since 2019. Kosovo has a high number of pending cases per inhabitant, and this backlog is affecting courts' performance. In 2022, in second instance there has been an improvement in CR and DT for civil and commercial litigious cases and administrative cases, and for civil and commercial litigious cases the DT (591 days) is now lower than the WB median (627 days). The DT for administrative cases decreased as well, while DT for criminal cases increased but it is still lower than the WB median.

NB: For the second instance Administrative cases: the WB Median of the Disposition Time is visualised in the graph above (instead of the WB average). Also, as per methodological note, the 2019 WB Medians for these type of cases are not available.

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

1st instance cases in 2022 (absolute values)	Kosovo (2022)				% Variation between 2021 and 2022			
	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
Total of other than criminal law cases (1+2+3+4)	NA	NA	NA	NA	NA	NA	NA	NA
1 Civil and commercial litigious cases	42 975	26 403	109 333	34 460	-3,8%	11,3%	25,6%	18,4%
2 Non-litigious cases**	NA	NA	NA	NA	NA	NA	NA	NA
3 Administrative cases	3 295	2 708	7 173	1 610	-3,3%	-15,2%	2,7%	-12,0%
4 Other cases	NA	NA	NA	NA	NA	NA	NA	NA

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

In 2022, the incoming civil and commercial litigious cases were 42 975 (2,37 per 100 inhabitants vs the WB Average of 2,7). They decreased by -3,8% between 2021 and 2022. The resolved cases were 26 403 (1,46 per 100 inhabitants) and they increased by 11,3%. In 2022, the number of resolved cases was considerably lower than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2022 were more than in 2021. Indeed, the 2022 Clearance rate for this type of cases was 61% (well below the WB Average of 107%). This increased by 8,3 percentage points compared to 2021.

As a consequence of the low CR, the Disposition Time for civil and commercial litigious cases was approximately 1 511 days in 2022 (above the WB Average of 384 days). This increased by 12,9% over the 2021-2022 period.

The incoming administrative cases were 3 295 in 2022 (ie 0,18 per 100 inhabitants vs the WB Average of 0,84). They decreased by -3,3% compared to the previous year. In 2022, the resolved cases were 2 708 (0,15 per 100 inhabitants, below of the WB Average of 0,46). Between 2021 and 2022, the number of resolved administrative decreased by -15,2%. The number of incoming cases was thus higher than the resolved cases. As a consequence, the administrative pending cases at the end of 2022 were more than in 2021 and the Clearance rate for this type of cases was 82% (above the WB Average (73%). The CR decreased by -11,5 percentage points compared to the previous year.

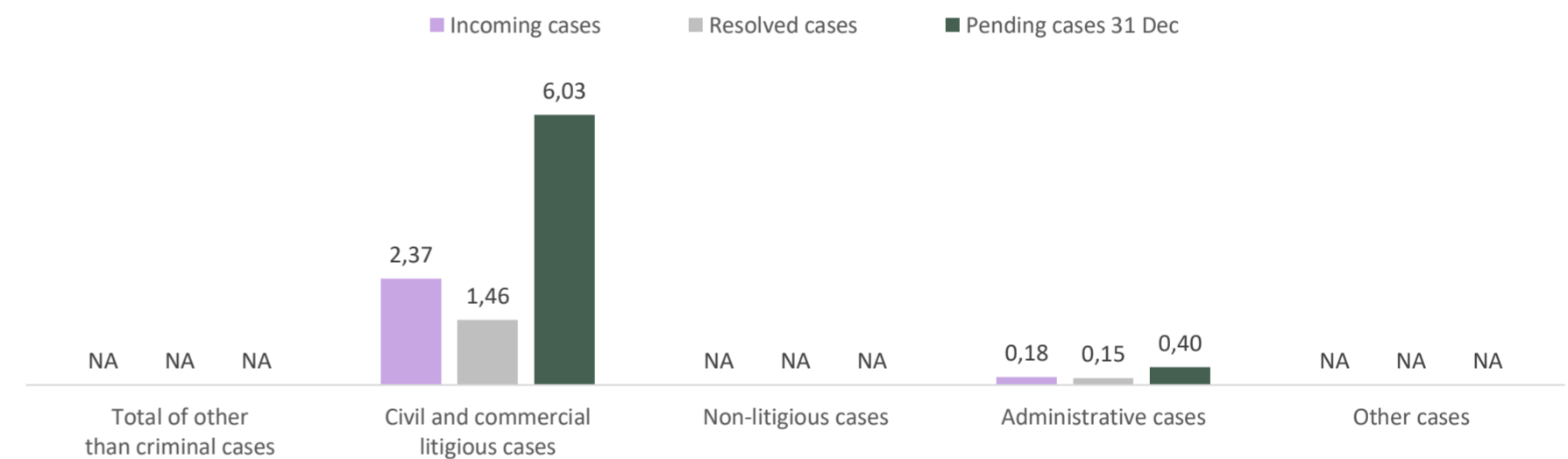
Finally, the Disposition Time for administrative cases was approximately 967 days in 2022. This has increased by 21,1% compared to 2021 and it was above the WB Average (716 days). Both efficiency indicators, CR and Disposition Time, showed negative tendency in 2022 and if situation doesn't improve in near future this might lead to further accumulation of pending cases, creation of backlog and increased length of proceedings.

1st instance cases in 2022 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Kosovo	WB Average	Kosovo	WB Average	Kosovo	WB Average	Kosovo	WB Average
Total of other than criminal law cases (1+2+3+4)	NA	11,82	NA	12,47	NA	15,15	NA	11,40
1 Civil and commercial litigious cases	2,37	< 2,70	1,46	< 3,03	6,03	> 3,12	1,90	> 1,01
2 Non-litigious cases**	NA	7,82	NA	8,52	NA	10,99	NA	10,30
3 Administrative cases	0,18	< 0,84	0,15	< 0,46	0,40	< 1,01	0,09	= 0,09
4 Other cases	NA	0,77	NA	0,77	NA	0,03	NA	-

For reference only: the 2021 EU Median was as follows:
 - Incoming first instance Civil and Commercial litigious cases per 100 inhabitants: 1,8;
 - incoming first instance Administrative cases per 100 inhabitants: 0,3.

Key: > Higher than the WB Average
 = Equal to the WB Average
 < Lower than the WB Average

First instance Other than criminal cases per 100 inhabitants in 2022



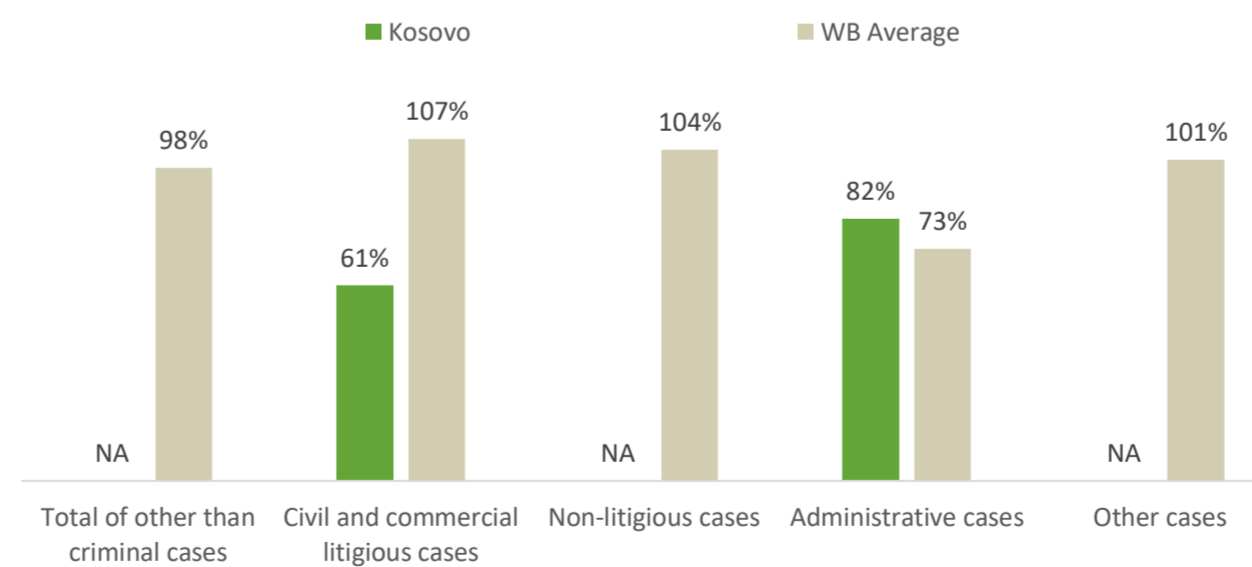
1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2022	CR (%)		DT (days)		% Variation 2021 - 2022	
	Kosovo	WB Average	Kosovo	WB Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	NA	98%	NA	334	NA	NA
1 Civil and commercial litigious cases	61%	107%	1 511	384	8,3	12,9%
2 Non-litigious cases**	NA	104%	NA	193	NA	NA
3 Administrative cases	82%	73%	967	716	-11,5	21,1%
4 Other cases	NA	101%	NA	84	NA	NA

PPT = Percentage points

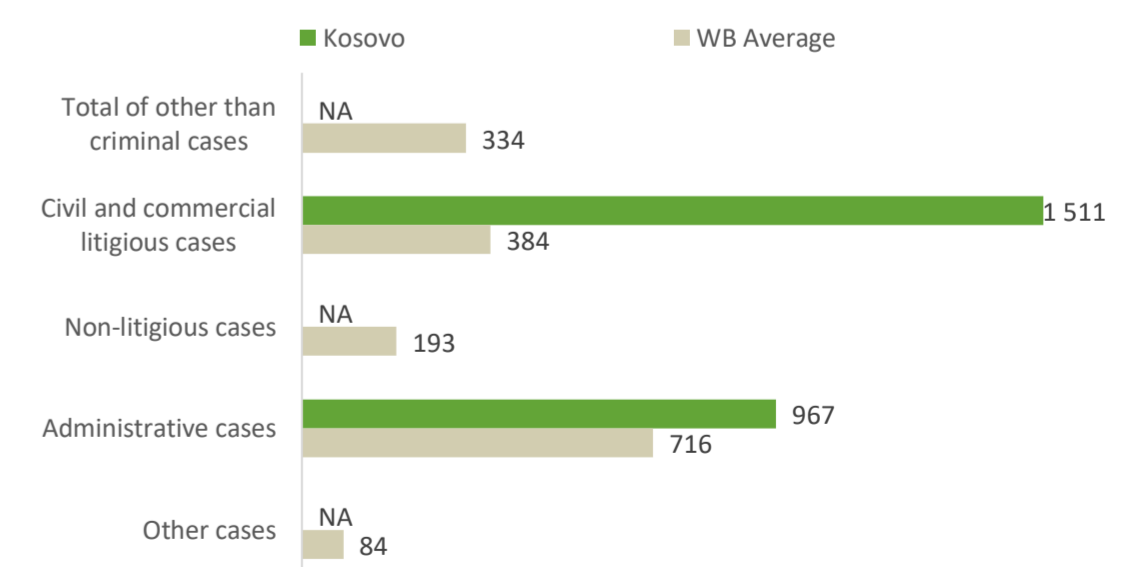
For reference only: the 2021 EU Median for the first instance Civil and Commercial litigious cases was as follows:
 - Clearance rate: 102,5%; - Disposition time: 234 days.

For reference only: the 2021 EU Median for the first instance Administrative cases was as follows:
 - Clearance rate: 101,7%; - Disposition time: 296 days.

Clearance Rate for first instance Other than criminal cases in 2022 (%)



Disposition Time for first instance Other than criminal cases in 2022 (in days)



• First instance cases - Criminal law cases

1st instance cases in 2022 (absolute values)		Kosovo (2022)				% Variation between 2021 and 2022			
		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
Total of criminal law cases (1+2+3)		NA	NA	NA	NA	NA	NA	NA	NA
1	Severe criminal cases	18 677	18 599	35 242	14 862	-7,0%	-11,7%	-0,4%	-5,2%
2	Misdemeanour and / or minor criminal cases	30 549	25 708	35 785	3 587	-2,3%	15,0%	15,1%	433,0%
3	Other cases	NA	NA	NA	NA	NA	NA	NA	NA

In 2022, the incoming severe criminal cases were 18 677 (1,03 per 100 inhabitants vs the WB Average of 0,48). They decreased by -7% between 2021 and 2022. The resolved cases were 18 599 (1,03 per 100 inhabitants). Between 2021 and 2022, they decreased by -11,7%. The number of resolved cases was thus only slightly lower than the incoming cases. Indeed, the 2022 Clearance rate for this type of cases was very close to 100% (above the WB Average of 99,3%). This is a decrease of -5,3 percentage points compared to 2021.

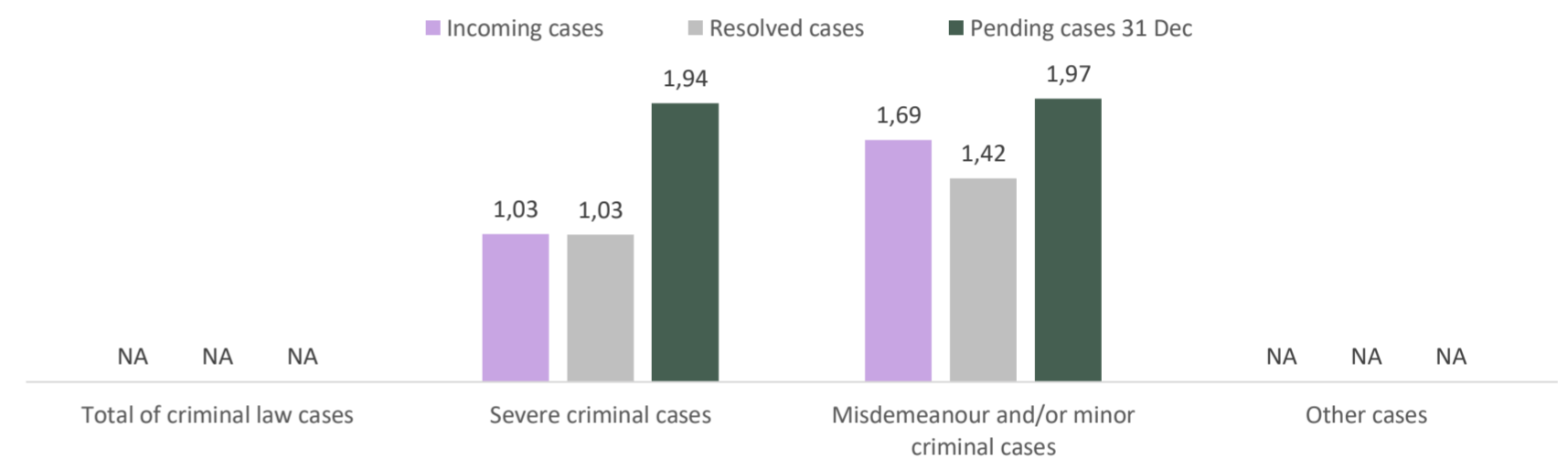
The Disposition Time for severe criminal cases was approximately 692 days in 2022 (above the WB Average of 217 days). This increased by 12,8% over the 2021-2022 period.

1st instance cases in 2022 (per 100 inhabitants)		Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
		Kosovo	WB Average	Kosovo	WB Average	Kosovo	WB Average	Kosovo	WB Average
Total of criminal law cases (1+2+3)		NA	10,69	NA	10,62	NA	4,77	NA	1,02
1	Severe criminal cases	1,03	> 0,48	1,03	> 0,48	1,94	> 0,28	0,82	> 0,04
2	Misdemeanour and / or minor criminal cases	1,69	< 3,84	1,42	< 3,47	1,97	< 2,20	0,20	> 0,06
3	Other cases	NA	7,97	NA	8,34	NA	2,85	NA	0,92

For reference only: for the first instance Total Criminal law cases, the 2021 EU Median was as follows:
- Incoming cases per 100 inhabitants: 1,6.

Key:	>	=	<
	Higher than the WB Average	Equal to the WB Average	Lower than the WB Average

First instance Criminal law cases per 100 inhabitants in 2022

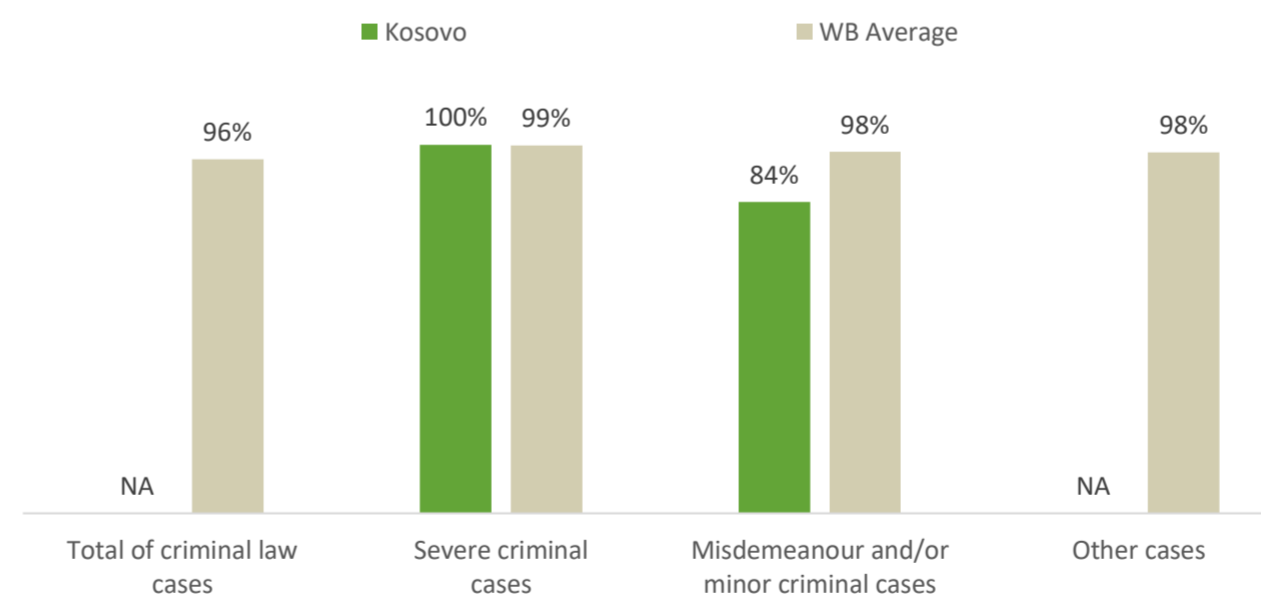


1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2022		CR (%)		DT (days)		% Variation 2021 - 2022	
		Kosovo	WB Average	Kosovo	WB Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)		NA	96%	NA	185	NA	NA
1	Severe criminal cases	100%	99%	692	217	-5,3	12,8%
2	Misdemeanour and / or minor criminal cases	84%	98%	508	221	12,7	0,1%
3	Other cases	NA	98%	NA	205	NA	NA

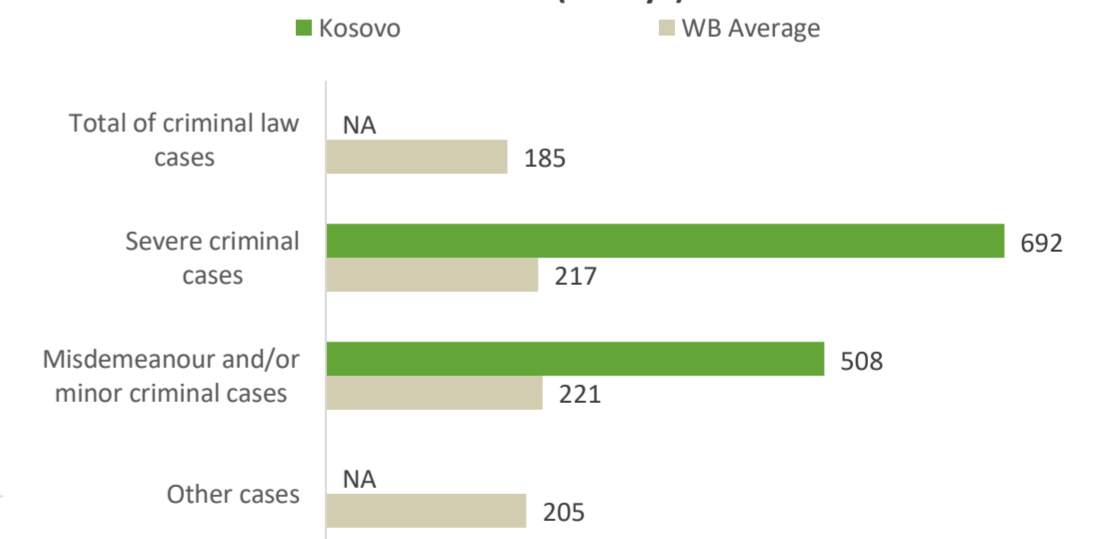
For reference only: for the first instance Total Criminal law cases, the 2021 EU Median was as follows:
- Clearance rate: 100%;
- Disposition time: 134 days.

PPT = Percentage points

Clearance Rate for first instance Criminal Law cases in 2022 (%)



Disposition Time for first instance Criminal Law cases in 2022 (in days)



• Second instance cases - Other than criminal law cases

2nd instance cases in 2022 (absolute values)	Kosovo (2022)				% Variation between 2021 and 2022			
	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
Total of other than criminal law cases (1+2+3+4)	NA	NA	NA	NA	NA	NA	NA	NA
1 Civil and commercial litigious cases	9 687	9 250	14 978	NA	-14,7%	24,2%	13,6%	NA
2 Non-litigious cases**	NA	NA	NA	NA	NA	NA	NA	NA
3 Administrative cases	1 010	1 016	1 018	NA	-14,4%	15,8%	-0,6%	NA
4 Other cases	NA	NA	NA	NA	NA	NA	NA	NA

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

In 2022, the incoming civil and commercial litigious cases were 9 687 (0,53 per 100 inhabitants vs the WB Average of 1,2). They decreased by -14,7% between 2021 and 2022. The resolved cases were 9 250 (0,51 per 100 inhabitants). Between 2021 and 2022, they increased by 24,2%. The number of resolved cases was thus lower than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2022 were more than in 2021. Indeed, the 2022 Clearance rate for this type of cases was 95% (above the WB Average of 92%). This increased by 29,9 percentage points compared to 2021.

The Disposition Time for civil and commercial litigious cases was approximately 591 days in 2022 (below the WB Average of 627 days). This indicator decreased by -8,6% compared to 2021 and it is now below the WB average.

The incoming administrative cases were 1 010 in 2022 (ie 0,06 per 100 inhabitants vs the WB Average of 0,13). They decreased by -14,4% compared to the previous year. The resolved cases were 1 016 (0,06 per 100 inhabitants, below of the WB Average of 0,12). Between 2021 and 2022, the number of resolved administrative increased by 15,8%. The number of incoming cases was thus lower than the resolved cases. As a consequence, the administrative pending cases at the end of 2022 were less than in 2021 and the Clearance rate for this type of cases was 101% (above the WB Average (92%). The CR increased by 26,3 percentage points compared to the previous year.

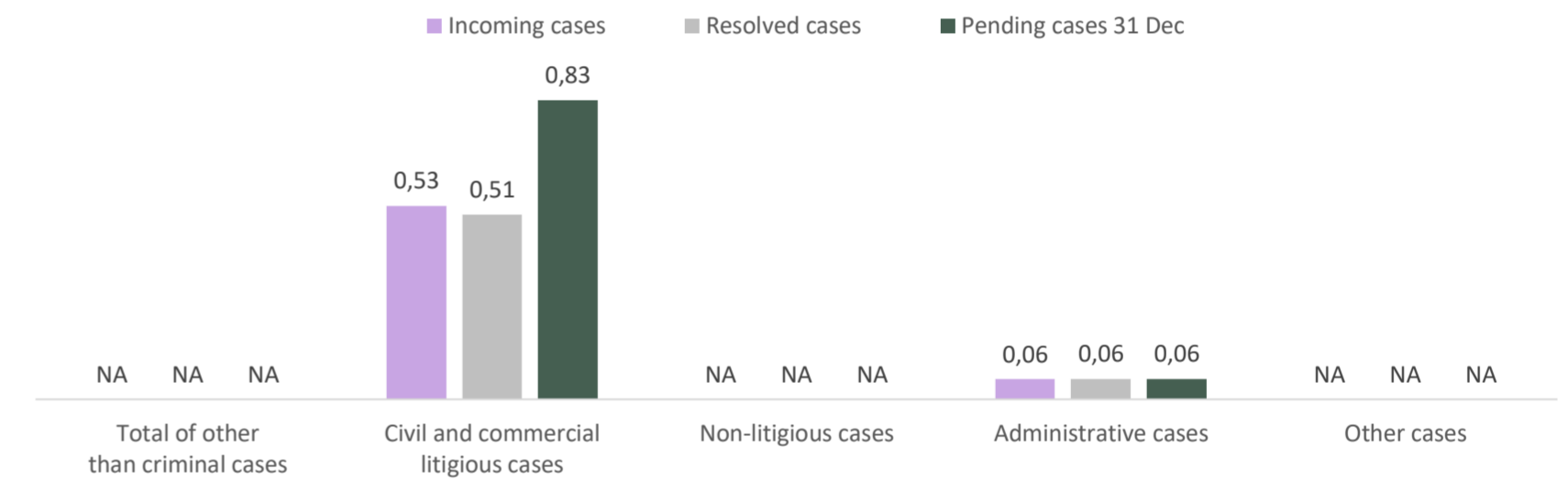
Finally, the Disposition Time for administrative cases was approximately 366 days in 2022. This indicator has decreased by -14,2% compared to 2021 but it is still above the WB Average (193 days).

2nd instance cases in 2022 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Kosovo	WB Average	Kosovo	WB Average	Kosovo	WB Average	Kosovo	WB Average
Total of other than criminal law cases (1+2+3+4)	NA	1,37	NA	1,30	NA	1,11	NA	0,71
1 Civil and commercial litigious cases	0,53	<	0,51	<	0,83	<	0,88	0,57
2 Non-litigious cases**	NA	0,11	NA	0,10	NA	0,07	NA	0,03
3 Administrative cases	0,06	<	0,06	<	0,06	<	0,24	0,16
4 Other cases	NA	-	NA	-	NA	-	NA	-

For reference only: the 2021 EU Median was as follows:
 - Incoming Second instance Civil and Commercial litigious cases per 100 inhabitants: 1,8;
 - incoming Second instance Administrative cases per 100 inhabitants: 0,3.

Key:
 > Higher than the WB Average
 = Equal to the WB Average
 < Lower than the WB Average

Second instance Other than criminal cases per 100 inhabitants in 2022



2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2022	CR (%)		DT (days)		% Variation 2021 - 2022	
	Kosovo	WB Average	Kosovo	WB Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	NA	90%	NA	760	NA	NA
1 Civil and commercial litigious cases	95%	92%	591	627	29,9	-8,6%
2 Non-litigious cases**	NA	90%	NA	409	NA	NA
3 Administrative cases	101%	92%	366	193	26,3	-14,2%
4 Other cases	NA	-	NA	-	NA	NA

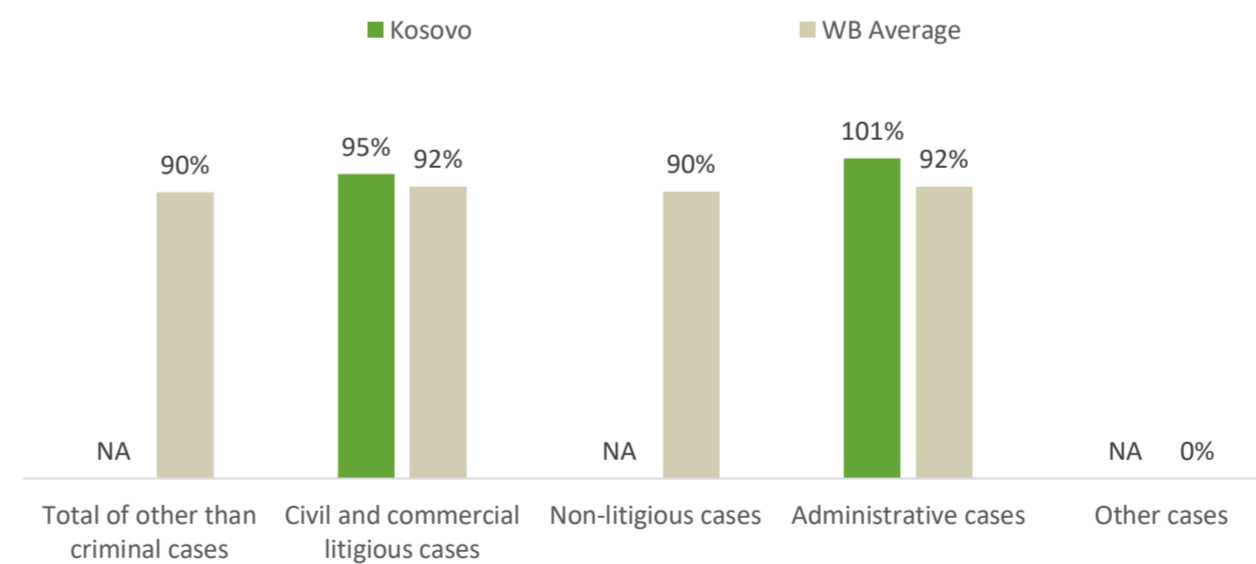
PPT = Percentage points

For reference only: the 2021 EU Median for the Second instance Civil and Commercial litigious cases was as follows:
 - Clearance rate: 102,5%; - Disposition time: 234 days.

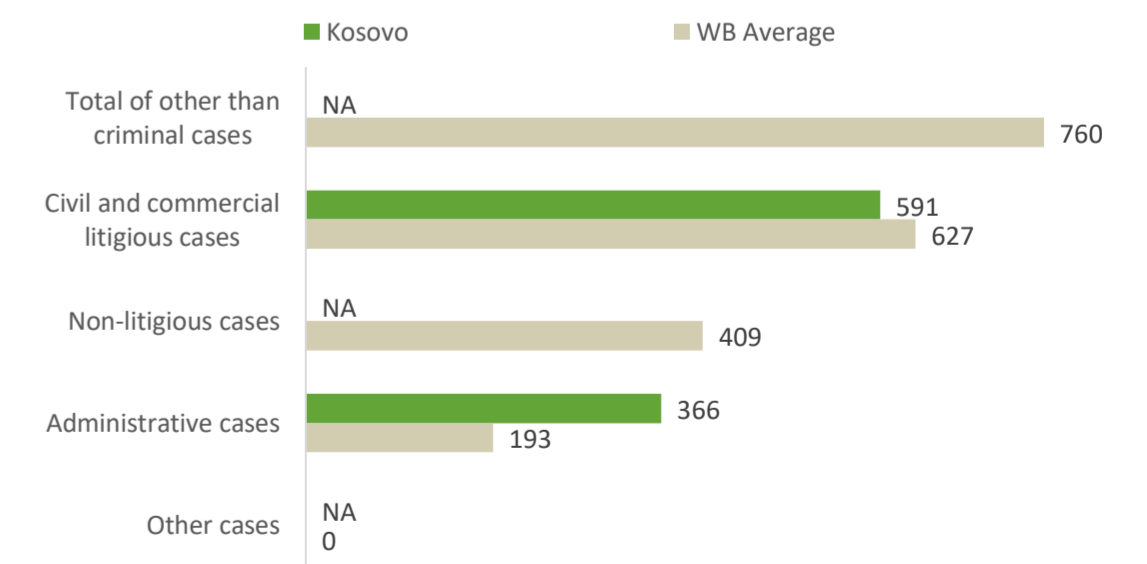
For reference only: the 2021 EU Median for the Second instance Administrative cases was as follows:
 - Clearance rate: 101,7%; - Disposition time: 296 days.

NB: In the table and the graph above, the WB Median of the Disposition Time is presented for the second instance Administrative cases, instead of the WB Average.

Clearance Rate for Second instance Other than criminal cases in (%)



Disposition Time for Second instance Other than criminal cases in (in days)



• Second instance cases - Criminal law cases

2nd instance cases in 2022 (absolute values)		Kosovo (2022)				% Variation between 2021 and 2022			
		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
Total of criminal law cases (1+2+3)		NA	NA	NA	NA	NA	NA	NA	NA
1	Severe criminal cases	2 733	2 380	994	NA	15,2%	0,9%	55,1%	NA
2	Misdemeanour and / or minor criminal cases	685	624	73	NA	3,8%	-13,3%	508,3%	NA
3	Other cases	NA	NA	NA	NA	NA	NA	NA	NA

In 2022, the incoming severe criminal cases were 2 733 (0,15 per 100 inhabitants vs the WB Average of 0,2), and they increased by 15,2%, compared to the previous year. The resolved cases were 2 380 (0,13 per 100 inhabitants). Between 2021 and 2022, they increased by 0,9%. In 2022, the number of resolved cases was thus lower than the incoming cases. As a consequence, the severe criminal pending cases at the end of 2022 were more than in 2021. Indeed, the 2022 Clearance rate for this type of cases was 87% (equal to the WB Average). This decreased by -12,3 percentage points compared to 2021.

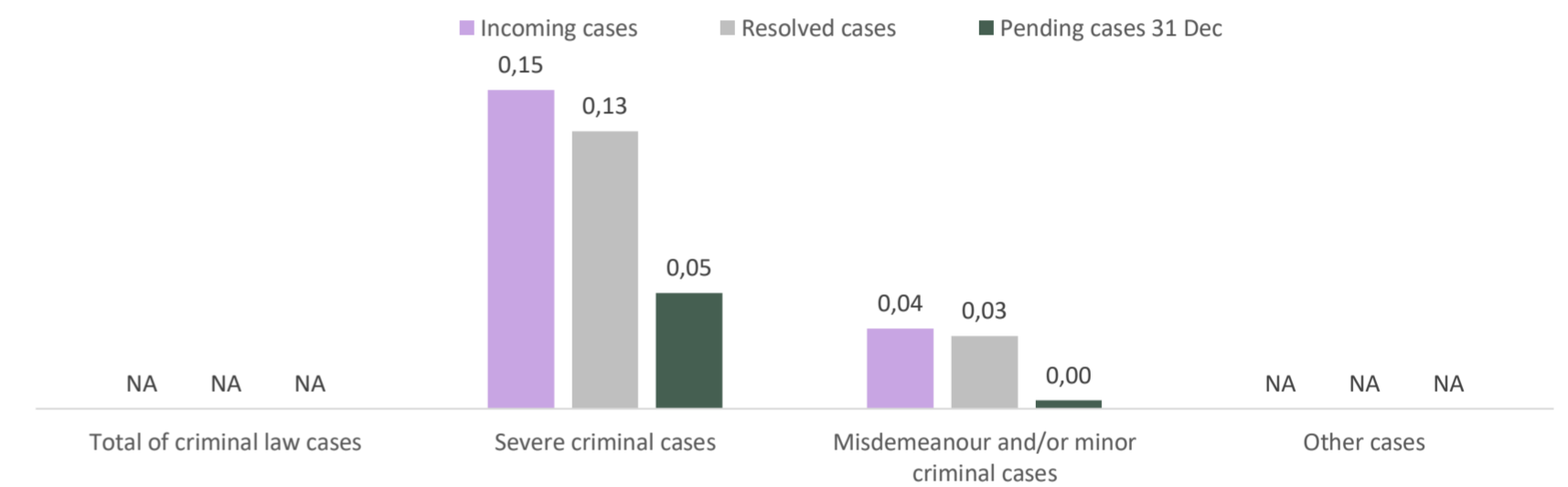
The Disposition Time for severe criminal cases was approximately 152 days in 2022 (below the WB Average of 352 days). This increased by 53,6% over the 2021-2022 period. Although DT is still much below WB average, all efficiency indicators show negative tendency in 2022 for this category of cases. If situation does not change, and especially if CR remains low in future period, it will lead to further accumulation of pending cases and decline of efficiency.

2nd instance cases in 2022 (per 100 inhabitants)		Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
		Kosovo	WB Average	Kosovo	WB Average	Kosovo	WB Average	Kosovo	WB Average
Total of criminal law cases (1+2+3)		NA	0,50	NA	0,47	NA	0,16	NA	0,04
1	Severe criminal cases	0,15	<	0,13	<	0,05	<	0,09	0,02
2	Misdemeanour and / or minor criminal cases	0,04	<	0,03	<	0,00	<	0,05	0,009
3	Other cases	NA	0,13	NA	0,14	NA	0,02	NA	0,005

For reference only: for the second instance Total Criminal law cases, the 2021 EU Median was as follows:
- Incoming cases per 100 inhabitants: 1,6.

Key:	>	Higher than the WB Average
	=	Equal to the WB Average
	<	Lower than the WB Average

Second instance Criminal law cases per 100 inhabitants in 2022



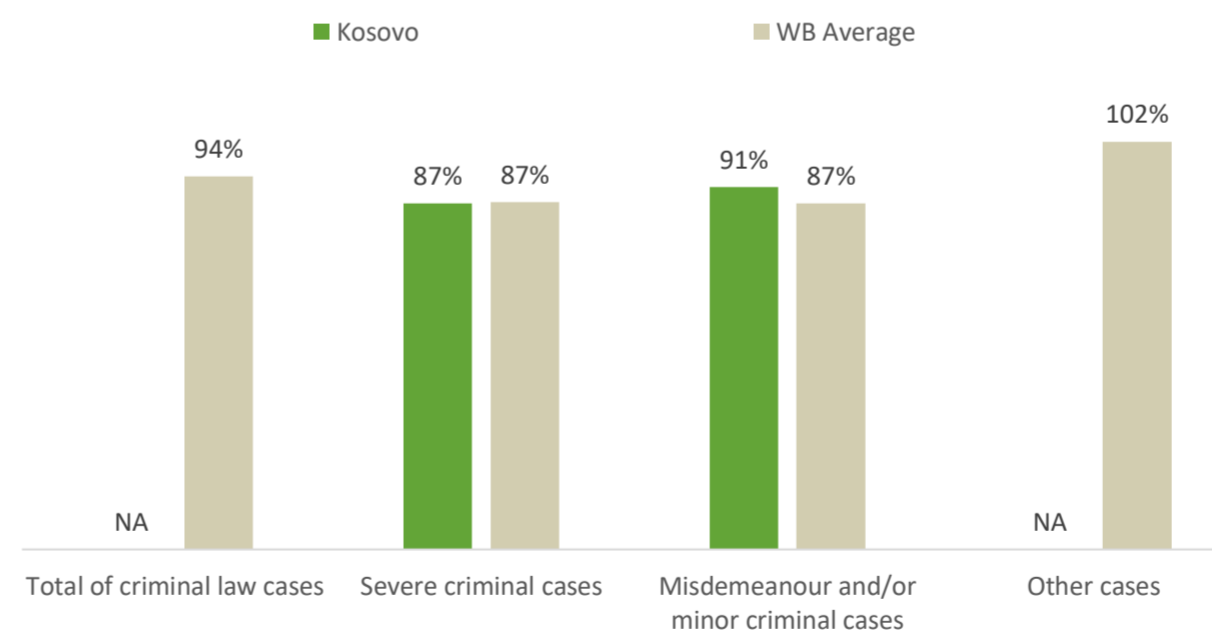
2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2022		CR (%)		DT (days)		% Variation 2021 - 2022	
		Kosovo	WB Average	Kosovo	WB Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)		NA	94%	NA	172	NA	NA
1	Severe criminal cases	87%	87%	152	352	-12,3	53,6%
2	Misdemeanour and / or minor criminal cases	91%	87%	43	84	-18,0	601,9%
3	Other cases	NA	102%	NA	53	NA	NA

PPT = Percentage points

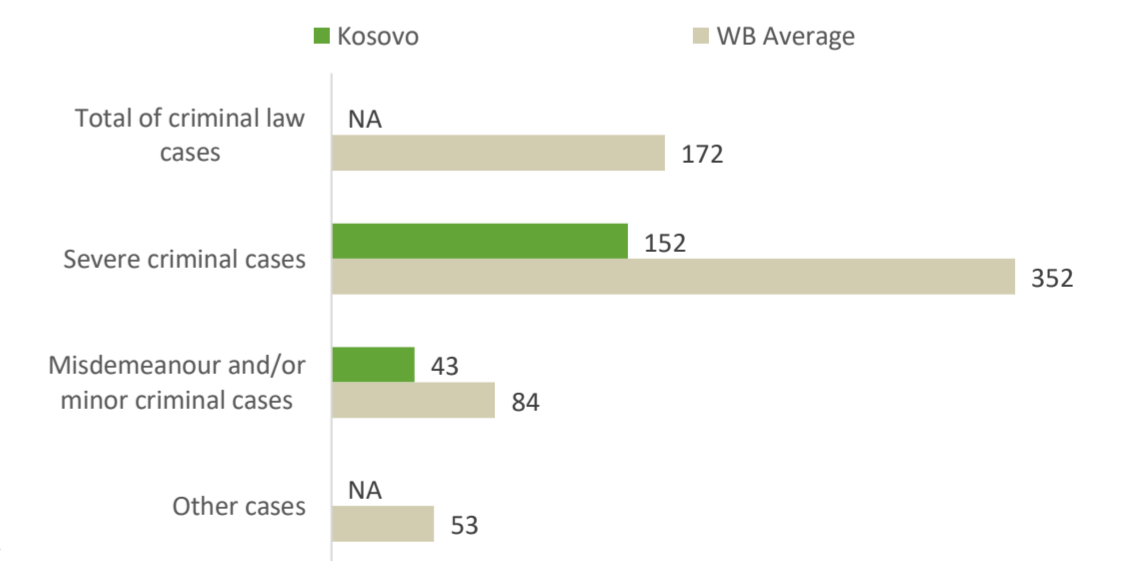
For reference only: for the second instance Total Criminal law cases, the 2021 EU Median was as follows:
- Clearance rate: 100%; - Disposition time: 134 days.

NB: In the table and the graph above, the WB Median of the Disposition Time is presented for the second instance Other criminal cases, instead of the WB Average.

Clearance Rate for second instance Criminal Law cases in 2022 (%)



Disposition Time for second instance Criminal Law cases in 2022 (in days)



• Specific category cases

	Kosovo (2022)						% Variation between 2021 and 2022					
	Decisions subject to appeal (%)	Average length of proceedings (in days)				% of cases pending for more than 3 years for all instances	Decisions subject to appeal (PPT)	Average length of proceedings (in days)				Cases pending for more than 3 years for all instances (PPT)
		First instance	Second instance	Third instance	Total			First instance	Second instance	Third instance	Total	
Civil and commercial litigious cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Litigious divorce cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Insolvency cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Intentional homicide cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bribery cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Trading in influence	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Kosovo was not able to provide these data

• **Quality standards and performance indicators in the judicial system**

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

• **Regular monitoring of courts and prosecution offices' activities**

In Kosovo, there exists a system to annually evaluate court performance based on the monitored indicators listed below. This evaluation of the court activities is then used for the allocation of resources within the courts by identifying the causes of improved or deteriorated performance and by reengineering internal procedures to increase efficiency.

Moreover, there exists a system to annually evaluate public prosecution services' performance based on the monitored indicators listed below. This evaluation of the public prosecution services' activities is then used for the allocation of resources within the public prosecution services by identifying the causes of improved or deteriorated performance, reallocating resources (human/financial resources based on performance) and by reengineering internal procedures to increase efficiency.

	Regular assessment	
	Courts	Prosecution offices
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

Based on Article 2 of Regulation No. 04/2020, On the Authority, Organization and Functioning of the Judicial Inspection Unit, conduct studies to assess the efficiency of judicial procedures, assess the internal functioning of individual courts in a regular manner to identify weaknesses in the work of the courts

Monitoring of the waiting time during judicial proceedings	
Within the courts	Yes
Within the public prosecution services	Yes

Criminal procedure Code foresees all time frames within which prosecutors shall complete respective actions regarding a case. Prosecutors who fail to respect those deadlines are sanctioned through work assessment, performance evaluation and disciplinary measures.

With the usage of the electronic system CMIS, it became also possible to generate and regularly monitor court activities based on the marked indicators.

There is a Statistical and Analysis unit inside the KJC who drafts yearly reports on the performance of the Courts based on the defined indicators. These report are published online in the web page of the KJC.

In the KPC also, there is a specific unit who drafts detailed reports on the performance of the prosecution annually.

The difference between the monitoring of the judicial and procedural performance is mainly due to the differences in 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. 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**

Existence of quantitative targets for:

Judges



Prosecutors



Responsibility for setting up quantitative targets for judges lies on:	
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:	✗

Responsibility for setting up quantitative targets for public prosecutors lies on:	
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	For judges	For public prosecutors
Warning by court's president/ head of prosecution	✓	✗
Disciplinary procedure	✓	✗
Temporary salary reduction	✓	✗
Reflected in the individual assessment	✓	✓
Other	✗	✓
No consequences	✗	✗

Productivity targets

As regards performance targets for judges, at the moment 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 regulation on performance targets for judges.

As regards prosecutors, KPC 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 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. 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.

Performance indicators

Kosovo Judicial Council and Kosovo Prosecutorial Council are two separate and independent institutions. Thus, they independently decide on performance indicators, policies, and internal regulations. For these reasons, they may have different performance indicators or criteria for recruitment procedures. Kosovo is still working on enhancing and advancing its legislation in the Rule of Law Sector, so both KPC and KJC are working on advancing and aligning their legislation with the EU best practices. Moreover, a Functional Review process for the Rule of Law Sector is undergoing, meaning that there will be other changes in the structure, functioning and legislation, where needed.

Evaluation of judges' performance

The chapter 4 of the regulation no. 11/2016 of the Kosovo Judicial Council, specifies the procedure of evaluation of judges' efficacy. The efficacy of the judges' work is evaluated based on a set of criteria:

1. meeting or exceeding their working norm
2. comparing the number of resolved cases by the judge to the average of resolved cases in that court, in the same category of cases;
3. comparing the number of pending cases of the judge to the average of pending cases in that court (where judge works)
4. case complexity.

These are the main criteria. However, there are also other factors taken into the consideration, such as the absence of the judges because of the training or holidays, annual leave, medical leave, and other engagements in working groups from the Kosovo Judicial Council or other institutions as foreseen by the existing laws

Evaluation of prosecutors' performance

The evaluation of performance and work of prosecutors is regulated by law and regulations. Prosecutors undergo 2 types of evaluations. Every year their work is evaluated by their respective chief prosecutor and their performance is evaluated by the committee as well. Prosecutors in their initial mandate are evaluated twice by the committee and prosecutors with permanent mandate are evaluated by the committee every 3 years.

Evaluation of the prosecutors with initial term is conducted after the initial training and again at the end of the initial term. The first evaluation of the performance of the prosecutors after the initial training covers the period from the thirteen (13) until the twenty-second (22) month of his/her work as a prosecutor, while the second assessment of the performance of the prosecutor with an initial term includes the period from the twenty-three (23) until thirty-second (32) month. Regular evaluation of all prosecutors permanently appointed is done every three (3) years. KPC appoints by draw one-third (1/3) of prosecutors within each prosecution office, as the first group who will be subject to performance evaluation within three (3) months. The same draw is held after one (1) year with the aim to appoint prosecutors who will take part in the second group and the third group after two (2) years, respectively.

• Qualitative targets for each judge and prosecutor

Existence of qualitative targets for:		Judges	Prosecutors
Responsibility for setting up the criteria qualitative 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		✗	✗
Responsibility for setting up the criteria for the qualitative assessment of the public prosecutors' work			
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		✗	✗

Frequency of this assessment	For judges	For public prosecutors
Annual	✓	✓
Less frequent	✗	✗
More frequent	✗	✗

Based on Article 6 of Regulation 11/2016 on the Evaluation of Judicial Performance, of the KJC:

The Commission for the Evaluation of Judges' Performance has the competence to evaluate the performance of judges with permanent mandate according to the "Random" method, judges with initial mandate and those who are candidates for promotion. The Commission for the Evaluation of Judges' Performance performs its tasks and activities based on the Law on the Judicial Council and the Regulation on the Evaluation of the Performance of Judges, approved by the Kosovo Judicial Council. The Judicial Performance Evaluation Committee assesses the basis for the promotion or demotion of judges, including the initiation of dismissal proceedings and the evaluation for the purpose of reappointment.

Judges with initial mandates are evaluated two (2) times during this mandate and once after the initial training and once before the expiration of the initial mandate for the purpose of reappointment. Permanent judges are evaluated every 3 years.

Pursuant to Article 14 of the Regulation on the evaluation of the performance of judges, Judges are evaluated according to the following scales, from 0 to 89 points: 1.1. From 0 to 35 points is evaluated "debit", 1.2. From 36 to 51 points is considered "sufficient", 1.3. From 52 to 67 points is rated "good", 1.4. From 68 to 82 points is evaluated "very good", 1.5. From 83 to 89 points is rated "excellent". 2. Only judges who are evaluated with "excellent" evaluation will be considered for promotion, in case of vacancies in the Court of Appeals and / or the Supreme Court. In case the evaluation results that there are not enough judges ranked according to the points with "excellent" evaluation, the Council takes into account the judges ranked according to the points with the evaluation "very good". The evaluation commission will compile a Guide for the evaluation of judges for each indicator which will be made public to judges before the evaluation process begins.

Pursuant to Article 3.19 of the Regulation on the Evaluation of Judges' Performance, the evaluation of judges is done in accordance with the principle of legality, objectivity, transparency and equality, in order to guarantee equal opportunities and rights for the development of the judge's career. According to the authorities, the evaluation is not intended to interfere with the independence and impartiality of the judge. Unless otherwise provided by law or regulation, all data and information collected during the performance appraisal process are confidential and are not disclosed during the first phase of the appraisal. Disclosure of any information that violates the confidentiality of the evaluation process constitutes a disciplinary violation and will be treated according to applicable

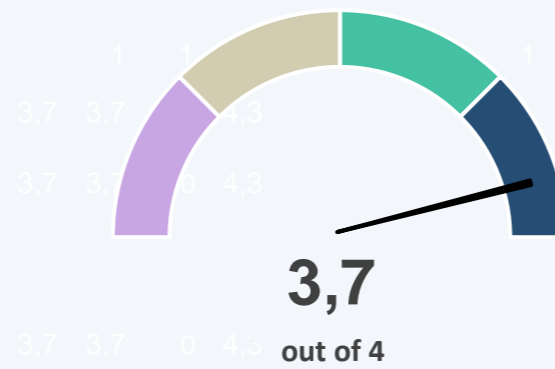
Kosovo is not included in the calculation of summary statistics

Electronic case management system and court activity statistics in Kosovo in 2022 (Indicator 3.3)

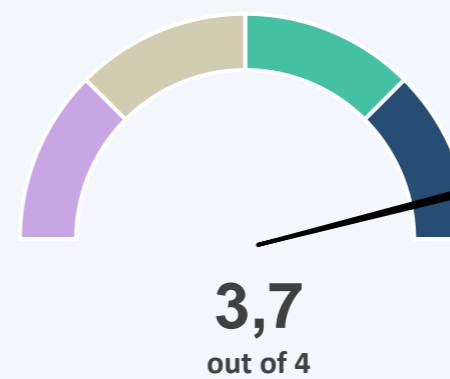
The Case Management System (CMS) Index is an index ranging from 0 to 4 points. It is calculated based on five questions on the features and deployment rate of the CMS of the courts of the respective beneficiary.

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.

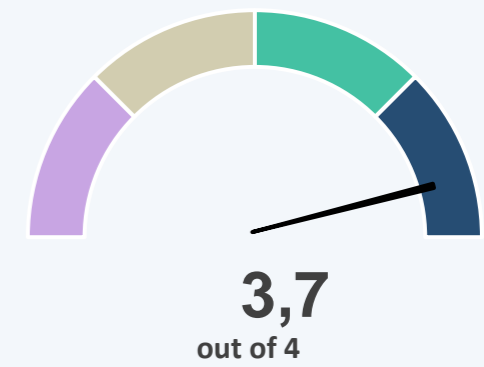
CMS index for Civil and/or commercial



CMS index for Administrative



CMS index for Criminal



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 2022.

There is a case management system (CMS), eg software used for registering judicial proceedings and their management. This has been developed between 5 and 10 years.

The CMS is developed in all courts (100% deployment rate) and the data is stored on a database consolidated at national level, integrated with a statistical tool. The CMS index for Kosovo is higher than the WB average (3,7 for each type of cases versus 2,6)

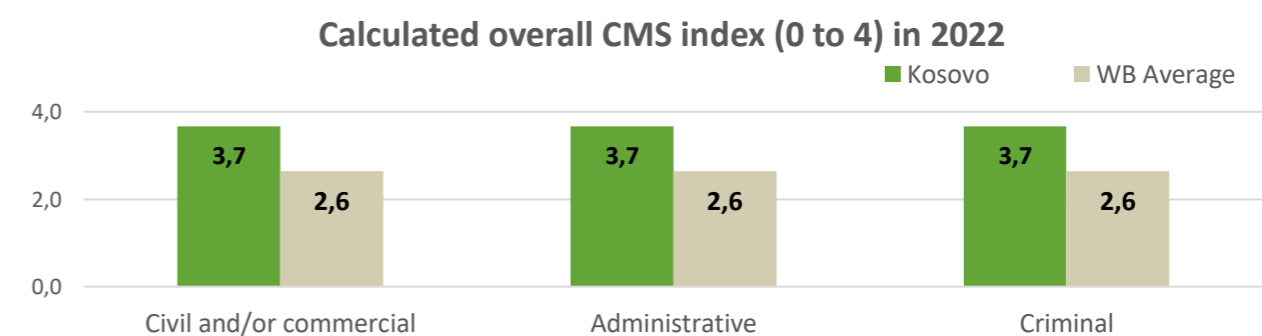
	Case management system and its modalities				
	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/ connection of a CMS with a statistical tool
Civil and/or commercial	100%	Both	✓	✓	Integrated
Administrative	100%	Both	✓	✓	Integrated
Criminal	100%	Both	✓	✓	Integrated

Legend for "Status of case online":

Both: Accessible to parties
Publication of decision online

In the KJC web portal, on September 2022 are deployed two web applications; the Case Tracking Mechanism (CTM) and Open Data Platform (ODP). In the CTM, parties can follow their case status data, while in the ODP are available all statistical reports of the CMIS.

	Overall CMS Index in 2022	
	Kosovo	WB Average
Civil and/or commercial	3,7	2,6
Administrative	3,7	2,6
Criminal	3,7	2,6



• **Centralised national database of court decisions**

In Kosovo, there is a centralised national database of court decisions in which all judgments for all instances are collected, with anonymised data. This case-law database is available for free online and in open data.

	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	✓	✓	✓
Administrative	Yes all judgements	Yes all judgements	Yes all judgements	NAP	✓	✓	✓
Criminal	Yes all judgements	Yes all judgements	Yes all judgements	NAP	✓	✓	✓

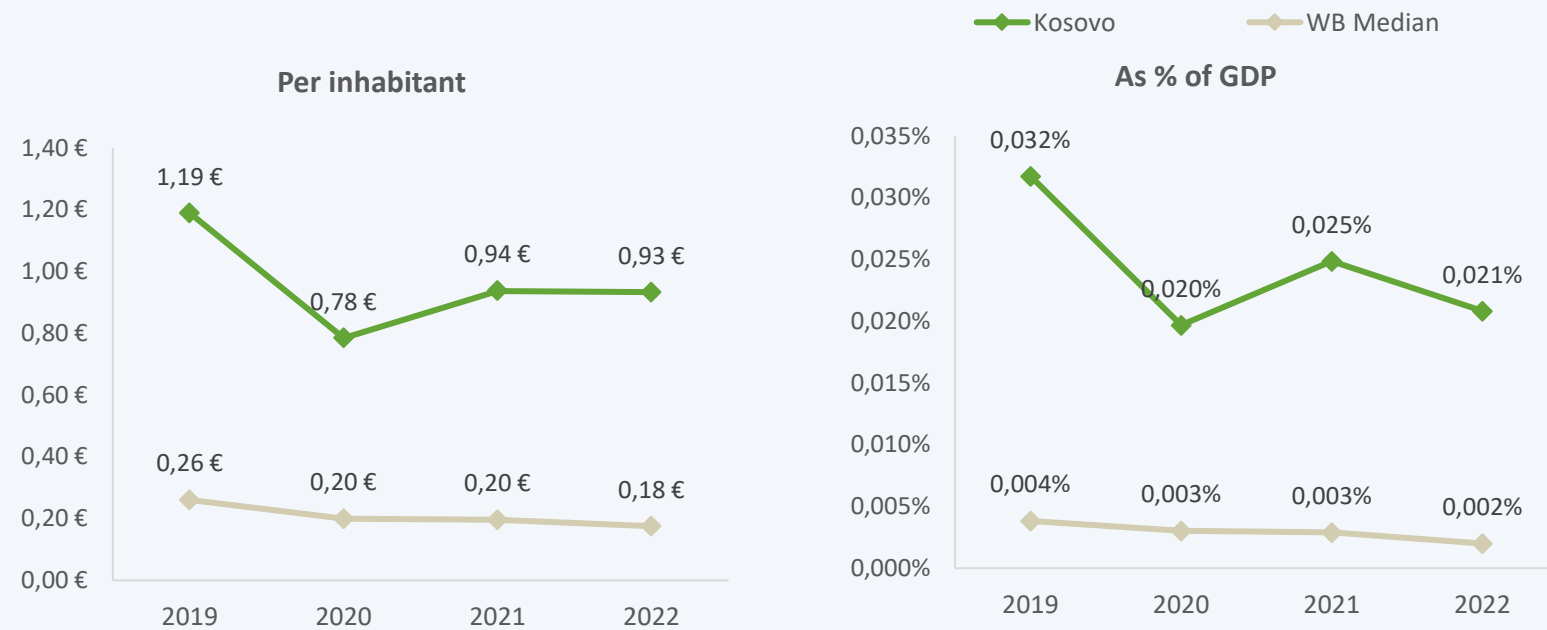
All data and judgments have been entered into the system in the Criminal Evidence Database where they are within the SKJK

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 2022 (Indicator 4)

Total implemented budget for Legal Aid between 2019 and 2022



Number of cases for which LA has been granted in 2022



0,34

per 100 inhabitants

WB Median: 0,27

In 2022, the implemented budget for legal aid spent by Kosovo was 1 692 393€ (3,91% of the judicial system budget). This means that an amount of 0,93€ was spent per inhabitant (above the WB Median of 0,18€). The budget for legal aid was equal to 0,021% of the GDP, whereas the WB Median was 0,002%.

• Organisation of the legal aid system

Free Legal Aid Agency (FLAA) is the Executive Agency within the Ministry of Justice, the only one in Kosovo, responsible for the organization and provision of Free Legal Aid. It exercises its function and responsibility in accordance with Law no. 04/L-017 on Free Legal Aid, which entered into force in March 2012, Law No. 08/L-035 on Amendment and Supplement to Law No. 04/L-017 on Free Legal Aid and Law No. 08/L-063 - for the Amendment and Completion of Laws related to the Rationalization and Establishment of Accountability Lines of Independent Agencies.

These laws regulate the creation of a functional system for Free Legal Aid in Civil, Criminal, Administrative and Misdemeanour proceedings, through which effective access to justice is ensured for citizens who do not have sufficient financial means.

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 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 fulfil 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.

Legal aid is applied to:

	Criminal cases	Other than criminal cases
Representation in court	✓	✓
Legal advice, ADR and other legal services	✓	✓

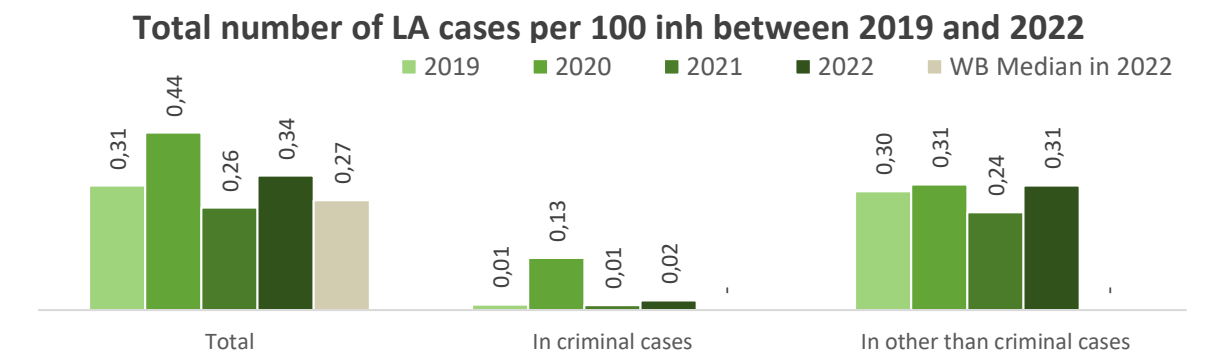
• **Implemented budget for legal aid and number of cases for which legal aid has been granted**

	Implemented budget for legal aid in €				Total implemented budget for legal aid per inhabitant		Total implemented budget for legal aid as % of GDP		Total implemented budget for legal aid as % of the judicial system budget	
	Total (a+b)	% Variation 2019 - 2022	Cases brought to court (a)	Cases not brought to court (b)	Kosovo	WB Median	Kosovo	WB Median	Kosovo	WB Median
Total (1+2)	1 692 393 €	-20,2%	1 119 494 €	572 899 €	0,93 €	0,18 €	0,021%	0,002%	3,91%	0,7%
In criminal cases (1)	1 364 904 €	-23,3%	1 012 761 €	352 143 €						
In other than criminal cases (2)	327 489 €	-3,6%	106 733 €	220 756 €						

In 2022, Kosovo spent 1 692 393€ on the total implemented budget for legal aid, which was -20,2% less compared to 2019. This means that it spent a more than double amount per inhabitant compared to the WB median (0,93€ and 0,18€, respectively).

As there was quite a budget cut for legal aid in 2020 due to the pandemic, in 2021 the budget was increased, and in 2022 it remained stable.

	Number of cases for which legal aid has been granted				Amount of LA granted per case (€)			
	Total (a+b)			Cases brought to court (a)	Cases not brought to court (b)	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 inh.	% Variation 2019 - 2022					
Total (1+2)	6 084	0,34	8,0%	2 364	3 720	278,2 €	473,6 €	154,0 €
In criminal cases (1)	434	0,02	70,0%	271	163	3 144,9 €	3 737,1 €	2 160,4 €
In other than criminal cases (2)	5 650	0,31	5,1%	2 093	3 557	58,0 €	51,0 €	62,1 €



In 2022, the number of cases for which legal aid was granted was 6 084, which was 8% more compared to 2019. The number of criminal cases were 434, and the other than criminal cases were 5 650. The total cases brought to court were 2 364, while the total cases not brought to court were 3 720. On average, the amount granted per legal aid case was 278,2€.

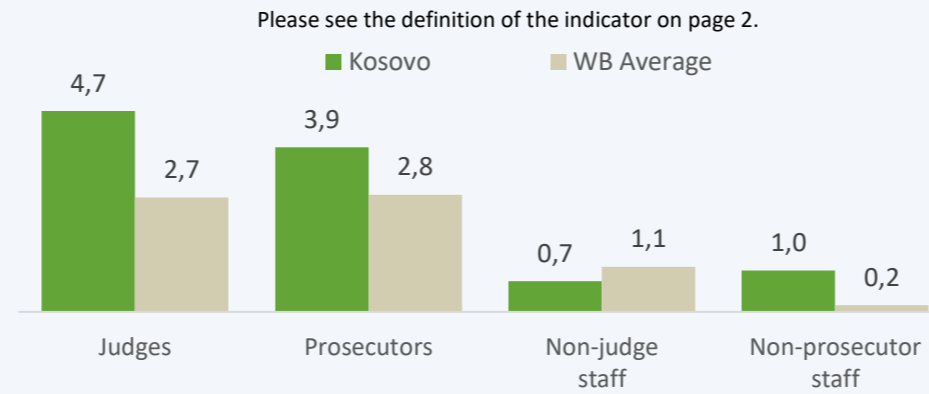
Kosovo is not included in the calculation of summary statistics

Training of judges and prosecutors in Kosovo in 2022 (Indicator 7)

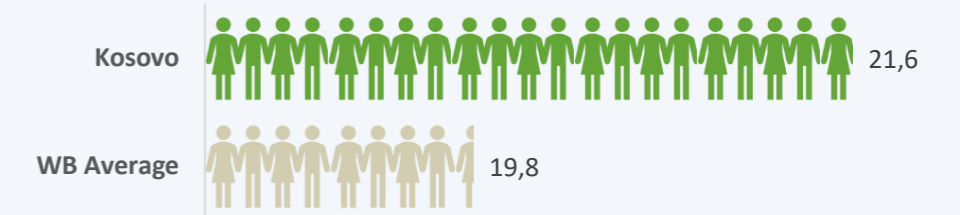
Total budget for training per inhabitant



Average number of live training participations per professional



Average number of participants per delivered training



The total budget for training of judges and prosecutors in Kosovo was 0,39€ per inhabitant, lower than the WB Average of 0,66€ per inhabitant.

In 2022, 3 810 participants (of which 2 005 judges and 626 prosecutors) were trained in 176 live trainings (in-person, hybrid or video conferences).

In Kosovo, each judge participated, on average, to 4,7 live trainings in 2022, which was higher than the WB Average (2,7) while each prosecutor participated, on average, to 3,9 live trainings, also more than the WB Average (2,8).

Regarding the internet-based trainings (not-live), NA trainings in total were provided on the e-learning platform of the training institution for judges and prosecutors, whereas a total of 11 trainings was completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc.). The total number of participants was NA and 11, respectively.

In Kosovo, both judges and prosecutors are required to attend a minimum of 2 days of in-service compulsory training.

Budget for training

This part analyses the budget of training institution/s for judges and prosecutors but also the budgets of courts and prosecutions dedicated to training (when applicable)

	Budget of the training institution(s) (1)	Budget of the courts/prosecution allocated to training (2)	Total (1)+(2)							
			Absolute Number	Evolution of training budget per inhabitant				% Variation 2019 - 2022	% Variation 2021 - 2022	WB Average per inhabitant
				2019	2020	2021	2022			
Total	687 156 €	27 000 €	714 156 €	0,66 €	0,30 €	NA	0,39 €	-40,4%	NA	0,66 €
Judges	NAP	0 €	0 €							
Prosecutors	NAP	27 000 €	27 000 €							
One single institution for both judges and prosecutors	687 156 €		687 156 €							
Donor's contribution	27 007 €									

Kosovo spent in total 714 156€ for training for judges and prosecutors in 2022, which is 0,39€ per inhabitant (below the WB average of 0,66€ per inhabitant).

Based on the Law on the Academy of Justice, Kosovo has a joint institution that provides training for judges and prosecutors, administrative staff of courts and prosecutors' offices, as well as, according to the possibility and requirements, also for the free professions and other legal professionals.

The budget that was available for the year 2022 is a total of 660 149 €, within which were all expenses for training, staff payments and other categories of goods and services.

With the Law on the Budget of Kosovo for the year 2022, the initial budget for this year was 660 149 €, for all economic categories including salaries and wages, goods and services and municipal expenses.

The total amount of donations made for 2022 was 27 007,11 €, from JUFREX the donation is 12 007,11 €, of which 4 227,11 are carryovers from 2021 and 7 780 € are donations this year, a donation of 15 000 € was made by UNDP this year, while 24 607,11 € were spent from the total donations for this year, and the remainder for the next year is 2 400 € unspent donation from UNDP.

• Number of in-service live trainings and participants

Organisation of the trainings (number, duration and average number of participants on trainings)

	Live (in-person, hybrid, video conference) trainings (2022)							
	Number of available trainings	Number of delivered trainings	Delivered trainings in days	Number of participants	Average duration of trainings in days		Average number of participants per delivered training	
					Kosovo	WB Average	Kosovo	WB Average
Total	176	176	328	3 810	1,9 >	1,4	21,6 >	19,8
Judges	138	138	272	2 005	2,0 >	1,4	14,5 >	12,5
Prosecutors	119	119	247	626	2,1 >	1,5	5,3 <	11,8
Non-judge staff	33	33	36	534	1,1 <	1,3	16,2 <	24,7
Non-prosecutor staff	33	33	36	645	1,1 >	1,0	19,5 <	26,9

CEPEJ distinguish these types of trainings:
 "A live" training shall be understood as a training conducted in real time. This means that both trainers and participants are physically present in one location or several locations assisted with information technology (digital tools).
 "Internet-based" trainings are all trainings that take place over internet, irrespective of the format of the training (such as trainings via specifically designed LMS - Learning Management System platforms, webinars, podcasts and other forms of downloadable lectures and self-learning digital tools). The internet-based training shall be understood as e-training that is implemented according to participant own pace and time of training.

Key:		
>	Higher than the WB Average	
=	Equal to the WB Average	
<	Lower than the WB Average	

In 2022, the average duration of trainings for judges in Kosovo was 2 days (above the WB Average of 1,4). During the same period, the average duration of training for prosecutors was 2,1 days, which was also well above the WB Average of 1,5 days.

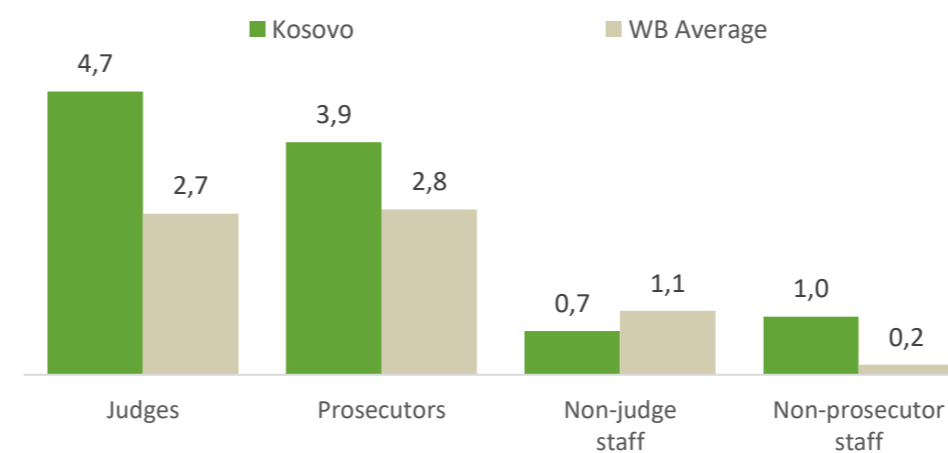
In the total number of trainings 209, there were also 114 joint trainings for judges and prosecutors, 145 continuous trainings programme, 10 trainings for free legal professions, 7 training of trainers. For non-judge staff and For non-prosecutor staff there were 33 joint trainings.

-Regarding the category Number of days of delivered live (in person, hybrid, video conference) trainings, the total number of 354 days includes 237 trainings jointly for judges and prosecutors, 35 days trainings only for judges, 10 days only for prosecutors, 36 days of trainings jointly for non-judge and non-prosecutor staff. Furthermore, there were 10 days training for free legal professions and 19 days for trainings for trainers.

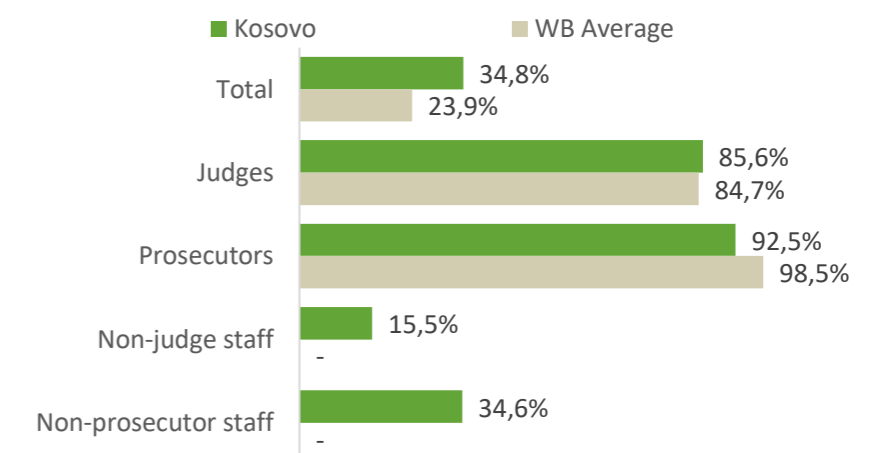
Indicators on training participation: Number of training participations per professional and unique participants

	Average number of live training participations per professional		Professionals attending at least one training (unique participants)		
	Kosovo	WB Average	Number	% of total professionals by category	
				Kosovo	WB Average
Total	1,3 >	0,9	986	34,8% >	23,9%
Judges	4,7 >	2,7	362	85,6% >	84,7%
Prosecutors	3,9 >	2,8	149	92,5% <	98,5%
Non-judge staff	0,7 <	1,1	246	15,5%	-
Non-prosecutor staff	1,0 >	0,2	229	34,6%	-

Average number of live training participations per professional in 2022



Percentage of professionals attending at least one training in 2022



Average number of live training participations per professional

This indicator is calculated as follows: the number of participants in live trainings is divided by the number of professionals for that category. For example, the WB Average for judges is 2,7. This means that, on average, each judge in the region participated to 2,7 live trainings. This indicator should also be analysed together with the indicator on percentage of professionals attending training, shown in the table as well. Indeed, this analysis allows to better understand how long a professional was trained on average and if all were trained.

Looking at the average participations on live trainings, the highest average was for judges (4,7 live training participations per judge). Hence, compared to the other professionals, Kosovo gave priority to the trainings for judges; while in the region, the highest priority was given to train prosecutor (indeed, the WB Average number of live training participations per prosecutor was 2,8).

Besides 3,810 participants judges, prosecutors, non-judge staff and non-prosecutor staff, the total number of participants at the Academy of Justice was 4,374 participants, including the participants from 139 trainings for private enforcement agents, free legal aid officers and victims' defenders, 289 other participants from the Probation Service, Kosovo Police, lawyers, Center for Social Work, Financial Intelligence Unit, etc.

Moreover, there were 78 participants (private enforcement agents, free legal aid officials and victim defender) and 286 other professionals.

• **Number of in-service internet-based trainings and participants**

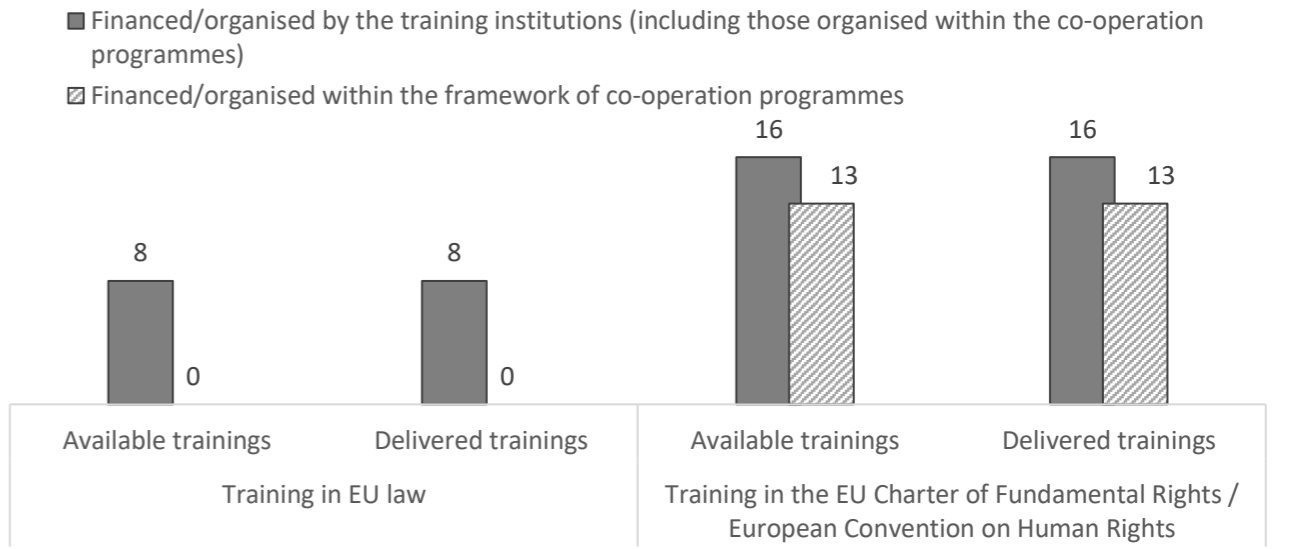
	Number of internet-based trainings (not live) in 2022			
	Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Number of trainings	Number of participants	Number of trainings	Number of participants
Total	NA	NA	11	11
Judges	NA	NA	NA	NA
Prosecutors	NA	NA	NA	NA
Non-judge staff	NA	NA	NA	NA
Non-prosecutor staff	NA	NA	NA	NA

There is no information provided on the number of trainings and participants on internet based trainings in 2022.

• Number of EU law training courses and participants

	Training in EU law organised/financed:		Training in the EU Charter of Fundamental Rights / European Convention on Human Rights organised/financed:	
	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes
Live trainings (2022)				
Number of available live trainings	8	0	16	13
Number of delivered live trainings	8	0	16	13
Number of delivered live training in days	13	0	23	21
Internet-based trainings(2022)				
Provided on the e-learning platform of the training institution (not live)	NA	0	NA	0
Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	NA	0	NA	2

Number of live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2022



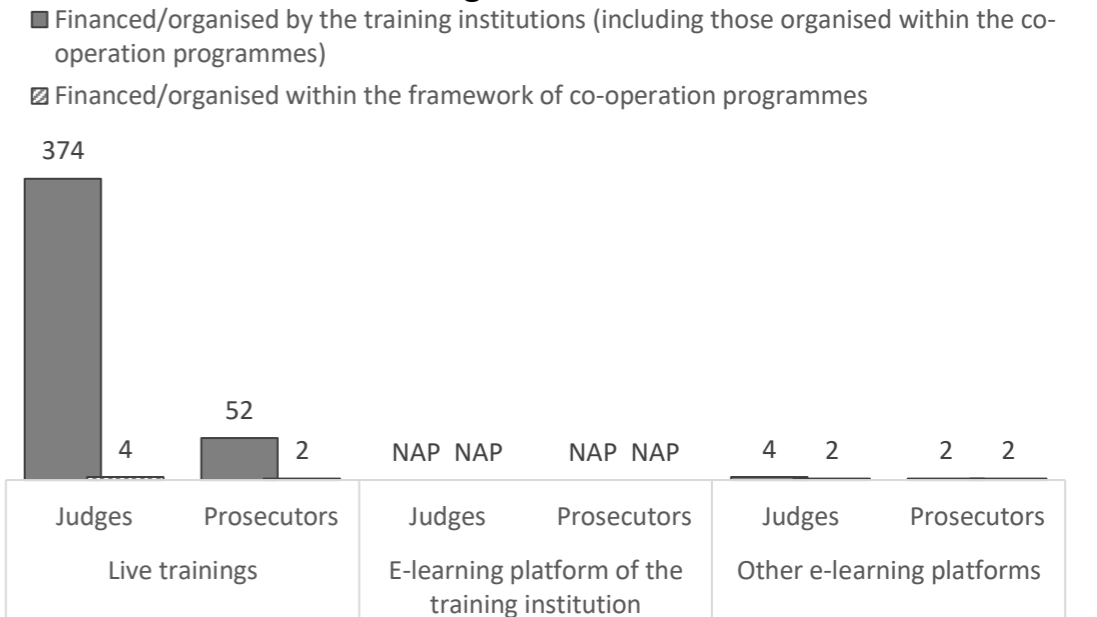
In 2022, all trainings on EU Law were organised by the training institution, while many trainings on the EU Charter of Fundamental Rights and the European Convention on Human Rights available or delivered in Kosovo were co-organised or co-financed with International partners.

A total of 16 trainings for ECHR were carried out, 13 of them were supported by EU projects such as JUFREX, OSCE, EKOJUST and GIZ

1 training on Domestic violence and violence against women and 1 by EJTN on Freedom of Expression in the digital age were conducted by HELP, this training was conducted with the physical participation of 2 Legal Advisors from the Constitutional Court.

Training in EU law and EU Charter of Fundamental Rights / European Convention on Human Right organised/financed:	Live (in-person, hybrid, video conference) trainings				Internet-based trainings (not live)			
	Number		Unique participants		Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
By the training institutions for judges and prosecutors	374	52	240	35	NAP	NAP	4	2
Within the framework of co-operation programmes	4	2	NAP	NAP	NAP	NAP	2	2

Number of participants to live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2022



Professional associates and legal officers of the courts, other support staff of the courts and prosecutor's offices, lawyers and police officers also participated in the trainings for the ECHR: 19 professional associates, 10 legal officers, 1 administrative staff from prosecutors'office, 16 lawyers, 6 police officers

The training on domestic violence and violence against women in the local context and from the EU standard carried out on the HELP platform has been shared with judges and prosecutors and has also included other legal professionals

Participation shall be understood as one attendance of a person to a training.

• Type and frequency of trainings

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

General training during service, or continuous training for judges as stated by the Law on the Academy of Justice, is in principle voluntary, while the training quota is determined by the KJC for mandatory training within the year.

Also, for specialized functions, such as the case for a judge of the Economic Court, training is mandatory. Training for CMIS has been mandatory training. In the reporting period, there was a training for Registers, statistical reports and dashboards of CMIS which was dedicated to the administrative staff of the courts, namely heads of the office for case management, statistical officers, administrators and assistant administrators of the courts in which they participated 35 participants from all courts.

Authorities have highlighted the in-service training on child-friendly justice as optional for all judges, since all without exception have the opportunity to participate in training, while juvenile judges choose to continue training in this field as they are within the scope of their work competencies.

In-service ethics training is mandatory for all judges except for judges who are 2 years before retirement. However, for 2022, the Judicial Council has removed the obligation for ethics training.

In addition to professional training, the program also offers interdisciplinary training, which is why judges also participate in other trainings during their service.

In Kosovo, sanctions are foreseen if judges 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.

The training aspect is also an important component that has an impact on the evaluation of the judge's performance. The Performance Evaluation Commissions within the KJC and the KPC are the competent authorities and decide on sanctions or any other measure. The Academy of Justice has the obligation to design and implement mandatory training if there are requests from the Judicial Council and the Prosecutorial Council and through reports to notify the relevant institution about the attendance or non-attendance of judges in training.

In Kosovo, judges and prosecutors have to undergo compulsory in-service training solely dedicated to ethics. 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.

Judicial Academy has the obligation that the training program is adequate with the training needs and requirements that have resulted from the strategies at the national level and other integration reports. Therefore, there is a continuous program of training for the prevention of corruption and conflict of interest, and as a target there are judges and prosecutors who deal with the relevant cases and mainly from the special department, the department for serious crimes.

From the point of view of the Judicial Academy, as reported, these trainings should be mandatory, while the strategies and other monitoring reports of the justice system estimate that there is no significant progress and improvement is needed in the fight against these crimes.

In the comments above, it has been highlighted that the competent authority to specifically determine the mandatory trainings are KJC and KPC. Currently, the training regulations of the two councils have emphasized mandatory training according to performance evaluation, when there are legislative changes, according to experience and ethical issues.

• **Minimum number of compulsory trainings**

	Initial compulsory training		In-service compulsory trainings	
	Minimum number of trainings	Minimum number of days	Minimum number of trainings	Minimum number of days
Judges	1	250	1	2
Prosecutors	1	250	1	2

In-service compulsory trainings - minimum number of days per year:

Judges with work experience over 20 years - 2 (two) days.

Judges with work experience over 10 to 20 years - 5 (five) days.

Judges with work experience from 5 to 10 years - 6 (six) days.

Judges with experience from 3 to 5 years-7 (seven) days.

Per prosecutors the number of days is set according to the request of the KPC.

Regarding In-service compulsory trainings - minimum number of trainings per year it is indicated 1 as the minimum days and it varies from 1 to 7.


Regarding In-service compulsory trainings - minimum number of days per year it is indicated 2 and it varies from 2 to 7.

Mandatory initial training - means for newly appointed judges and prosecutors that in total they have to continue the training in 12 months, 6 months of theoretical training at the Law Academy and 6 months at the respective courts/prosecution offices where they are appointed .

During the reporting period in the framework of the trainings for judges, 206 days of training were carried out, divided into two groups (for two groups of 103 days each) because the training started in July 2022. While for the procurator, a total of 112 days of training were carried out.

• Quality of judicial training

Kosovo identifies (collects information about) future in-service training needs via:

Target audience itself		Relevant judicial institutions	
Previous participants in trainings		Ministry of Justice	
Trainers		Other	
Courts/prosecutor's offices			

Future in-service training needs are assessed annually.

The Academy of Justice, in addition to the above-mentioned resources, also implements the following mechanisms:







- Strategies and documents approved by the institutions that contain recommendations for the judiciary and the rule of law;
- Work reports of courts and prosecutors' offices;
- Monitoring of print and electronic media
- Recommendations of the Office for Performance Evaluation of judges and prosecutors;
- Analysis of the legislative agenda of the assembly
- Proposals of the staff, the Program Council and the Governing Council of the AD;
- Recommendations from NGOs
- The recommendations of local and international institutions and organizations are also taken as a basis
- The report of the European Commission on Kosovo.

The list of defined mechanisms is updated according to developments or priorities. The innovation in this list was also receiving opinions from civil societies, whose activity helps to create new perspectives for the training program.

The assessment of training needs is done continuously throughout the year.

In Kosovo, in-service trainings (seminars, workshops, round tables) are evaluated immediately after the training is delivered by using the Kirkpatrick training evaluation model.

The feedback of the training evaluation process is used:

To prepare a training evaluation report with recommendations		To suppress a training course	
To improve the training course which, according to the report, needed improvements		To introduce a new course	
To replace the trainers that failed to meet expected learning outcomes/were negatively evaluated		Other	

Kosovo is not included in the calculation of summary statistics

Alternative Dispute Resolution in Kosovo in 2022 (Indicator 9)

Legal aid for court-related mediation or related mediation provided free of charge



Court-related mediation procedures



Mandatory informative sessions with a mediator



Mandatory mediation with a mediator



Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

Mediators

10,4

per 100 000 inhabitants

WB Average: 14

34,9% female mediators



Total number of court-related mediations

Number of cases for which the parties agreed to start mediation	7 505
Number of finished court-related mediations	2 426
Number of cases in which there is a settlement agreement	NA

In Kosovo, court related mediation procedures are available. However, legal aid for court-related mediation or related mediation provided free of charge could not be granted. The judicial system provides for mandatory mediation with a mediator ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding. There are also mandatory informative sessions with a mediator. In 2022, the number of mediators was 10,4 per 100 000 inhabitants, which was below the WB Average (14 per 100 000 inhabitants). Only 34,9% were female mediators. There were in total 7505 cases for which the parties agreed to start mediation and NA mediation procedures which ended with a settlement agreement.

• Court-related mediation procedures

Court related mediation is the mediation which includes the intervention of a judge, a public prosecutor or other court staff who facilitates, directs, advises on or conducts the mediation process. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor (or a judge) can refer a case to a mediator or propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement). Such mediation may be mandatory either as a pre-requisite to proceedings or as a requirement of the court in the course of the proceedings.

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.

Mandatory mediation - refers to the mediation procedure initiated by the competent judge who obliges the parties to try the mediation procedure, as provided by the law.

• Other ADR methods

Mediation other than court-related mediation



Arbitration



Conciliation (if different from mediation)



Other ADR



• Mediators and court-related mediations

Requirements and procedure to become an accredited or registered mediator:

A mediator may be any person who meets the conditions:

- shall possess a university degree;
- shall have the capacity to act;
- shall have successfully passed the training course for mediation, including the solution of practical cases within the training and under the supervision of a licensed mediator.

The person who successfully completes the training for mediators shall be equipped with a certificate, which shall serve as the basis for entry in the registry of mediators.

Certification of mediators shall be conducted by the Minister of Justice.

The Ministry of Justice licenses mediators who fulfil the following criteria:

1. is certified as a mediator;
2. not have been convicted of a criminal offense;
3. have high professional reputation and moral integrity.

The Ministry of Justice suspend or revokes the license of a mediator, in accordance with the Law on Mediation.

A mediator's license shall be revoked in the following cases:

1. if against him/her was initiated a criminal procedure, respectively, he/she has been convicted for a criminal offence by a final judgement;
2. for a serious violation of the Code of Ethics.

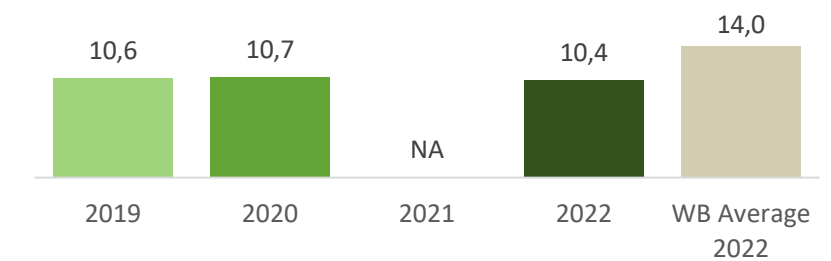
Decision of the Minister from paragraph 4 and 5 of this Article is final in the administrative procedure.

Trainings for mediators is organized by the Ministry of Justice.

Law on mediation: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=17769>

Accredited/registered mediators for court-related mediation			% Variation between 2019 and 2022
Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants	
189	10,4	14,0	-0,5%

Accredited/registered mediators for court-related mediation per 100 000 inhabitants between 2019 and 2022

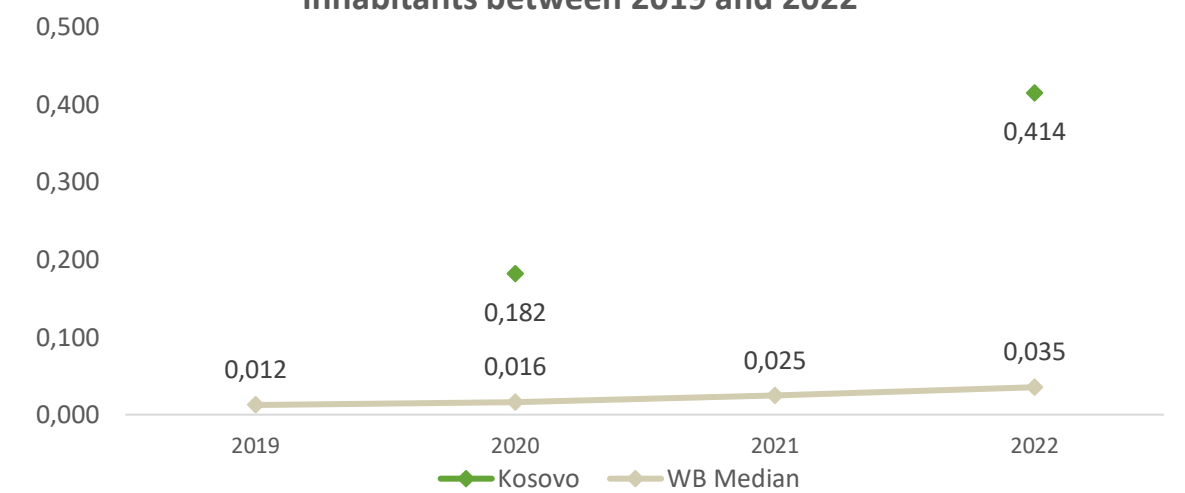


For reference only: the 2021 EU median is 16,2 mediators per 100 000 inhabitants.

In 2022, the total number of mediators in Kosovo was 189, which is -0,5% less than in 2019. The number of mediators per 100 000 inhabitants was 10,4, which is less than the WB Average of 14.

	Number of court-related mediations			Providers of court-related mediation services			
	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Total (1 + 2 + 3 + 4 + 5+ 6)	7 505	2 426	NA				
1. Civil and commercial cases	5 887	NA	1 201	NAP	✓	✓	✗
2. Family cases	NA	NA	NA	NAP	✓	✓	✗
3. Administrative cases	NA	NA	NA	NAP	✓	✓	✗
4. Labour cases incl. employment dismissals	NA	NA	NA	NAP	✓	✓	✗
5. Criminal cases	1 618	NA	1 225	NAP	✓	✓	✗
6. Consumer cases	NA	NA	NA	NAP	✓	✓	✗
7. Other cases	NAP	NAP	NAP				

Evolution of the number of court-related mediation for which parties agreed to start mediation per 100 inhabitants between 2019 and 2022



Court related mediations are provided by public authorities (other than the court) and judges. In 2022, mediation was most used for Civil and commercial cases and Criminal cases (parties agreed to start mediation in 5 887 and 1 618 cases, respectively).

In Kosovo, it is not possible to receive legal aid for court-related mediation or receive these services free of charge.

The mediation procedure can be initiated by the parties, court, prosecution office or a competent administrative body, in accordance with the applicable legislation.

If the case is before the court, the parties agree to undergo mediation, then the judge shall inform and instruct 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, shall be accepted.

Kosovo is not included in the calculation of summary statistics

Reforms in Kosovo in 2022

	Yes (planned)	Yes (adopted)	Yes (implemented during 2023)	Comment
(Comprehensive) reform plans	✔	✘	✘	Regarding prosecutorial system, there are several reform initiatives going on such as: Law on KPC (which was adopted by the Parliament but is currently in the Constitutional court); Law on State Prosecutor and Law on SPRK. In addition, the adoption of law on salaries and law on public officials affect the prosecutorial system a lot. Moreover, regarding the Judicial Council, Prosecutorial Council, presidents of courts and chief prosecutors a vetting process is in the process of legal drafting.
Budget	NA	NA	NA	-
Courts and public prosecution services	✔	✘	✘	KPC through its Normative acts committee has drafted the Regulations on Functioning of KPC and State Prosecutor which will have an impact on structure and management. These 3 regulations have not yet been approved by KPC.
Access to justice and legal aid	NA	NA	NA	During 2022, legal changes were made to the parties benefiting from free legal aid, Law No. 08/L-035 on Amendment and Supplement to Law No. 04/L-017 for Free Legal Aid, as well as in April, Law No. 08/L-063 - on the Amendment and Supplement to the Laws Related to the Rationalization and Establishment of Accountable Lines of Independent Agencies, which aims to amend and supplement the following Laws on the rationalization and establishment of the Accountable Lines of Agencies Independent
High Judicial Council and High Prosecutorial Council	✔	✘	✘	Law on KPC and Regulation as mentioned above. Also vetting process as mentioned above.
Legal professionals	NA	NA	NA	-
Gender equality	NA	NA	NA	-
Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities	✘	✔	✘	New Criminal procedure code
Mediation and other ADR	NA	NA	NA	-
Fight against corruption and accountability mechanisms	NA	NA	NA	-
Domestic violence	✘	✔	✘	National Strategy for Protection and Prevention of Domestic Violence and Violence against Women has been adopted in January 2022 and is valid until 2026. This Strategy has over 140 activities.
New information and communication technologies	NA	NA	NA	-

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

HFIII:

Towards a better evaluation of the results of judicial reform efforts in the Western Balkans – phase II

“Dashboard Western Balkans II”

Data collection: 2022

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 civil, 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); the results are published in the KJC web page; This exam is used only to qualify for the next stage (as a filter) and its results do not count in the overall result; 2) candidates who pass the first general written exam, will be invited to another written exam which consists of both a penal and civil case and the candidate is required to solve both cases (a minimum of 70 out of 100 points is required); all candidates are notified with their results while the final list of candidates who have passed the exam is published in the web page of KJC; after the second phase of recruitment is completed (including appealing period), there will be an integrity check of candidates before being invited to interview. The integrity check is 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. 3) then, an interview is held (a minimum of 30 out of 50 points). The interview is recorded by camera and the candidate is notified in advance.

A candidate who has successfully completed the recruitment process if he/she has scored a minimum of 100 points overall (at least 70 from the written exam and 30 from the interview) is ranked within the number of vacancy positions as defined by KJC in the call for application. Candidates can appeal each result, starting from the qualifying exam, with three days after the results are published.

The exam is prepared by the Qualification Test Drafting Commission (comprises of nine members whose mandate ends after the exam has been prepared).

Transparency of the evaluation during the interview is achieved through minutes of the interview be taken, a standardised questionnaire to be used for all candidates and through a standardised point system used to evaluate all candidates.

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 and shall, in case it finds violations of procedural rules regarding a particular part of the exam, repeat that part of the exam within five days after its decision.

In the event that the Review Committee of the KJC, after evaluating the complaint, finds that there have been violations of the rules regarding the organization of the qualifying test, the written test, the essay and the oral interview, as defined in this regulation, it may decide to repeat the part opposed to the exam to which the candidates from the list who have met the conditions to be submitted to the relevant part of the exam will be submitted. If the Review Committee of the KJC decides to repeat the relevant part of the exam, the exam will be organized within five (5) days from the decision of the Review Committee. In the event that the Review Committee finds that technical errors have been made in the calculation of the points of the qualifying test, the written test, the essay and the oral interview, while in the case of reviewing the complaint it is verified that the candidate is ranked in the group of candidates who have not passed the relevant part of the exam, that candidate will be included in the list of candidates who have passed that part of the exam. After reviewing the complaints for the qualifying test, the written test, and the oral interview, the Council compiles the final list of the exam, as determined by this regulation, which is published on the Council's official website.

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; 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 nor has an indictment files against him/her; 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, including knowledge 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 the duties of the office impartially, honestly, with care and responsibility; (f) communication abilities; (g) personal integrity (Article 20, Law on KJC).

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. The President has a right to appoint some and reject some among the proposed candidates within 60 days after the receipt of the proposal. If some of the proposed candidates are not appointed by the President, the KJC may re-submit the proposed candidate together with the supplementary reasoning in writing. Thereafter the President appoints the judge upon the proposal of the KJC. 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 similar to the ones for judges.

First, a general qualifying exam containing questions (multiple choice) from Criminal Law (material & procedural), and also questions from professional ethic and human rights fields, is held. Candidates should score at least 45 out of maximum 60 points in order to pass the exam. The results are published in the KPC web page. This exam is used only to qualify for the next stage (as a filter) and its results do not count in the overall result. Candidates who pass the first general written exam, will be invited to another written exam which consists of two practical cases. There is a maximum of 3 hours per each case. Each candidate is required to score at least 40 out of 60 points (each exercise has 30 points) in order to pass the exam. All candidates are notified with their results while the final list of candidates who have passed the exam is published in the web page of KPC. After the second phase of recruitment is completed (including appealing period), there will be an integrity check of candidates before being invited to interview. The integrity check is 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. Then, the interview is held. A candidate can score a maximum of 40 points in the interview. After the interview, preliminary results with a combination of results from written exam and interview are published in the KPC web page. A candidate is considered to have successfully passed the recruitment process if he/she has scored a minimum of 60 points in total and is ranked within the number of vacancy positions as defined by KPC in the call for application.

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.

As per Article 29 of the Regulation no. 02/2022 on the recruitment, examination, appointment and reappointment of prosecutors, 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 deadline for the appeal. In case it finds violations of procedural rules regarding a particular part of the exam, that part of the exam shall be repeated within five days after its decision. For that purpose, the Recruitment Committee shall draft a new test. Candidates who wish to file a complaint have a right to access his/her test prior to filing it. After the review of complaints, the KPC then compiles the final list of the exam which is published on the KPC's official website. Non-selected candidates have the right to appeal to the basic Court.


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. In addition to this, there are specific criteria with regard to the length of serving as a prosecutor in the past for appointment of candidates to certain state prosecutorial positions (i.e. Serious Crime Department prosecutor, a prosecutor at the Appellate Prosecution Office). To exercise the function of the Chief State Prosecutor, the candidate must have at least eight years of legal experience in criminal law, including at least six years of experience as a prosecutor. The criteria are announced as part of the public call as well as published online, as part of the LSP. 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 responsibly 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 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.

In case of reappointment, the Performance Evaluation Committee submits the reasoned recommendation for evaluation of the performance of a prosecutor to the KPC. The KPC decides on the reappointment with a permanent mandate within 45 days and sends it to the President within 15 days at the latest before the expiration of the initial mandate. The KPC notifies the prosecutor about the reappointment process. Before submitting the reappointment recommendation, the KPC requests the relevant prosecution office in which the candidate has been proposed for reappointment for its opinion (Article 37 of the Regulation no. 02/2000 on the recruitment, examination, appointment and reappointment of prosecutors).

Integrity of a candidate prosecutor is verified by the KPC. According to the KPC Regulation 02/2022 on the recruitment, examination, appointment and reappointment of prosecutors, the procedure for assessment of the compatibility of the candidate in order to become part of the prosecution office shall be done through the verification of the data submitted by the candidate, data from the relevant public registries for assessment, including the standard verification of registries for the criminal past.

All candidates who have met the conditions to undergo the interview are subject to the procedure of personal and professional integrity verification. Under the authority of the Council and the supervision of the Recruitment Committee, the support staff is responsible for the collection and collection of the necessary data, which will serve the committee to verify and evaluate the personal and professional integrity of the candidate, respecting the international standards and applicable laws in force. Candidates are notified that they have the right to see the documents collected in their file, no earlier than five (5) days and no later than ten (10) days, before the oral interview, except



when such a thing is not allowed by the laws in force. The procedure for assessing personal integrity and professional skills is included as part of the oral interview, in which candidates can be asked about issues related to their personal and professional integrity, being given the opportunity to confirm, complete or contradict evaluation based on the verification of documents and information requested and collected.

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 submitted to the KJC for a final decision. 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 is regulated in the Regulation no. 02/2021 on Transfer and Promotion of Prosecutors (Articles 14 and 15) which is published online. 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 explained that it is not possible to obtain compensation for excessive length of procedures or non-execution of court decisions. They have provided some statistical information on number of requests for compensation as well as on number of compensations awarded for 2022. Since it is not possible to obtain compensation for excessive length of procedures or non-execution of court decisions, the total amount of compensation provides refers to compensations awarded for cases of wrongful arrest, wrongful detention and wrongful conviction. Authorities responsible for dealing with the requests are courts which have to deal with the complaint within the set time limit.

	2020			2021			2022		
	Number of requests for compensation	Number of compensation	Total amount (in €)	Number of requests for compensation	Number of compensation	Total amount (in €)	Number of requests for compensation	Number of compensation	Total amount (in €)
Total	NA	NA	NA	NA	NA	NA	NA	104	251.302 €
Excessive length of proceedings	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Non-execution of court decisions	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP
Wrongful arrest/detention	NA	NA	NA	NA	NA	NA	NA	79	NA
Wrongful conviction	NA	NA	NA	NA	NA	NA	NA	25	NA
Other	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP



There is a procedure in place to effectively challenge a judge in case a party considers the judge is not impartial. As per the Criminal Procedure Code, a party may request dismissal of a judge as soon as s/he learned about the existence of reasons for dismissal, and such request may be exercised either directly in a court session or through a complaint, in cases where the judge may have a family relationship with any party in the procedure or when he suspects that the same cannot be impartial in the exercise of his function. Grounds for dismissal are family relations of a judge with the opposite party or other grounds for which the party suspects that the judge might not be 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, public prosecutors have an independent status as a separate entity among state institutions. State prosecutors and the Kosovo Prosecutorial Council are independent institutions whose independence is guaranteed by the Constitution (Articles 109-110), the Law on State Prosecution (Article 3), and the Law on the Kosovo Prosecutorial Council (Articles 3-4).

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. Accordingly, specific instructions cannot be addressed to a public prosecutor to prosecute or not in individual cases. There are no exceptions to these safeguards.

Promotion of integrity and prevention of corruption

According to the Constitution (Articles 102 to 110), 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.

There are optional in-service trainings regularly available to judges. Judges and public prosecutors have to undergo compulsory in-service training solely dedicated to prevention of corruption and conflicts of interest. More precisely, the Judicial Academy has the obligation to ensure that the training program is adequate with the training needs and requirements that have resulted from the strategies at the national level and other integration reports. Therefore, there is a continuous program of training for the prevention of corruption and conflict of interest, and as a target there are judges and prosecutors who deal with the relevant cases and mainly from the special department, the department for serious crimes. From the point of view of the Judicial Academy, these trainings should be mandatory, while the strategies and other monitoring reports of the justice system estimate that there is no significant progress and improvement is needed in the fight against these crimes. The competent authority for specifically determine the mandatory trainings are KJC and KPC. Currently, the training regulations of the two councils have emphasized mandatory training according to performance evaluation, when there are legislative changes, according to experience and ethical issues.

Different breaches of integrity of judges and prosecutors are defined in articles 5 and 6 of 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 for Judges (CEPCJ) which applies to all judges in Kosovo. The CEPCJ is regularly updated. It contains a set of rules on adherence to judicial values (independence, integrity, impartiality), judges' relationship with institution, citizens and users, competence and continuing education, extrajudicial and political activities, conflict of interest, information disclosure and relationship with press agencies, association membership and institutional positions and gifts. 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 and is updated every year.

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 contains a set of rules on adherence to judicial values (independence, integrity, impartiality), prosecutors' relationship with institution, citizens and users, competence and continuing education, extrajudicial and political activities, conflict of interest, information disclosure and relationship with press agencies, association membership and institutional positions and gifts.. 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 no body or mechanism 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 judges or prosecutors, natural and legal persons may file a complaint against a judge or a prosecutor regarding any allegation of a disciplinary violation (including attempts on influence, corruption) to the following: the



President of the Basic Court where the judge is employed regarding alleged disciplinary offences of the judge; the President of the Supreme Court concerning alleged disciplinary offence of the Presidents of the Basic Courts and the President of the Court of Appeals; KJC concerning alleged disciplinary offences of the President of the Supreme court; 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 judges or 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

	2022			
	Judges		Prosecutors	
	Abs	Per 100	Abs	Per 100
Number of initiated cases	0	0,00	14	8,7
Number of completed cases	NA	NA	12	7,45
Number of sanctions pronounced	NA	NA	8	4,97

The authorities have reported that due to Covid 19 situation no information has been obtained with regard to judges for 2019. No statistical data have 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. 2022 data are available only in respect of prosecutors. Namely, there were 14 initiated criminal cases, 12 completed criminal cases and 8 sanctions pronounced.

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, minor children,, adult children 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 which is published on its website 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 (in the amount of up to thirty percent (30%) of the net monthly salary of the declarant, but in no case shall this amount exceed the threshold of five hundred (500) Euro - for not submitting the declaration upon request of the Agency). 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). According to Article 430 of the Criminal Code (Failure to report or falsely report assets, income, gifts, other material benefits or financial obligations), a failure to declare assets, income, gifts, other property benefit or financial obligations is punished by a fine or by imprisonment of up to three years. The criminal is considered to have been committed when the statement is not submitted within the deadline for submission of the statement.

Number (absolute and per 100 judges/prosecutors) of proceedings against judges and prosecutors for violations or non-declaration of assets in 2019, 2020 2021 and 2022:

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
2022	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.

2022 data are not available.

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. Article 5 provides for principles of official's actions and inactions: 1. An official shall exercise his/her functions in compliance with the law and the code of conduct; shall perform his/her functions with honesty, consciousness and impartiality, shall maintain the official's and institutional' authority and through his work shall raise public trust for the institutions; 3. shall protect the public interest and has no right to put his private interest before the public interest during the discharge of public functions; 4. shall act with transparency and shall respect representing bodies' rights as well as citizens' rights to be informed about his/her performance as a public person during the discharge of public functions; 5. shall be held responsible for his actions during the discharge of functions entrusted to him by an institution or by citizens; 6. shall not be allowed to carry out an illegal activity or withhold from carrying out a legal activity, during the exercise of his functions, for the purpose of obtaining an undue advantage for himself or a person or another entity; 7. has no right to accept or solicit any other reward or an offer or the promise of a reward for tasks performed during the discharge of public functions, apart from the reimbursement permitted on the basis of applicable legal provisions; 8. must avoid the conflict of interest regardless if the conflict is factual, potential or apparent; 9. cannot use his/her position or function to advance his/her own personal interests or interests of the relatives.

Moreover, article 9 of the LPCI refers to forbidden actions for officials, article 11 – to forbidden work for officials, article 12 – to restrictions on high officials in the exercise of other activities in addition to public function, and article 18 – to restrictions for senior officials after termination of public function.

The LPCI regulates performance of 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 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, the CEPCP and the Criminal Code. As per Article 22 of the LPCI, the procedure on conflict of interest is initiated by the Agency *ex officio*, at the request of a senior official, at the request of an official and following an approval of the

employer, at the request of an institution, and on the basis of reporting by another person or anonymous information. Such a procedure may only be initiated within 2 years from the date of the act committed. The reporting person is informed on the processing of the report within 15 days. The procedure is confidential; however, in case the official continues to exercise activities or functions that are incompatible in accordance with this law, regardless of warnings by the Agency, the Agency shall request the employing institution to initiate a procedure for dismissing the official. The institution, where the official continues to exercise a function or an activity, which is incompatible in accordance with the present law, shall initiate the procedure for dismissal from function upon the request of the Agency. The competent authorities shall notify the Agency of the action undertaken by them within fifteen (15) days of receiving notice. All decisions issued by the Agency regarding a conflict of interest in discharge of public office and breach of the provisions of this law, including prohibited or restricted acts during the exercise of public functions, the exercise of other activities, incompatibilities in the exercise of public function, shall be respected by officials and relevant institutions. They shall be published on the official website of the Agency. After establishing a conflict of interest in a matter, the Agency shall request the body that issued a decision due to a conflict of interest to review, revoke or annul a legal act.

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		✓		✓

Absolute number of procedures for breaches of rules on conflict of interest for judges and prosecutors in 2019, 2020, 2021 and 2022:

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
2022	0	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.

In 2022, no procedures for breaches of rules on conflict of interest were initiated against judges. Other data are not available.

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.



According to article 7 of the LDLJP, the KJC/KPC may impose the following disciplinary measures for judges/prosecutors: 1) non-public written reprimand; 2) public written reprimand; 3) temporary reduction of salary by up to fifty percent (50%) for a period of up to one year; 4) temporary or permanent transfer to a lower level court/prosecution office; or 5) proposal for dismissal (Article 7, LDLJP). Disciplinary measures shall be imposed only in compliance with the principle of proportionality and taking into account: 1. seriousness of the disciplinary offense committee; 2. its consequences; 3. circumstances in which the offense was committed; 4. the overall performance and behaviour of a judge/prosecutor; and 5. the behaviour and level of cooperation of the judge/prosecutor during the disciplinary proceeding.

KJC/KPC keeps a record of disciplinary evidence which includes all disciplinary investigations conducted and sanctions pronounced against a judge/prosecutor. The records shall be deleted after 5 years except for disciplinary sanctions imposed for an intentional violation of the law or for a disciplinary offense which resulted in a conviction for a serious criminal offense.

A judge may be transferred to another court without his/her consent due to disciplinary as well as organisational 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.

		2022			
		Judges		Prosecutors	
		Abs	per 100	Abs	per 100
Number of disciplinary proceedings initiated	Total number (1 to 5)	NA	NA	8	4,97
	1. Breach of professional ethics (including breach of integrity)	NA	NA	0	0,00
	2. Professional inadequacy	NA	NA	8	4,97
	3. Corruption	NA	NA	0	0,00
	4. Other criminal offence	NA	NA	0	0,00
	5. Other	NA	NA	0	0,00
Number of cases completed	Total number (1 to 5)	NA	NA	15	9,32
	1. Breach of professional ethics (including breach of integrity)	NA	NA	2	1,24

	2. Professional inadequacy	NA	NA	13	8,07
	3. Corruption	NA	NA	0	0,00
	4. Other criminal offence	NA	NA	0	0,00
	5. Other	NA	NA	0	0,00
Number of sanctions pronounced	Total number (total 1 to 10)	NA	NA	11	6,83
	1. Reprimand	NA	NA	8	4,97
	2. Suspension	NA	NA	NAP	NAP
	3. Withdrawal from cases	NA	NA	NAP	NAP
	4. Fine	NA	NA	NAP	NAP
	5. Temporary reduction of salary	NA	NA	1	0,62
	6. Position downgrade	NA	NA	2	1,24
	7. Transfer to another geographical (court) location	NA	NA	NAP	NAP
	8. Resignation	NA	NA	NAP	NAP
	9. Other	NA	NA	NAP	NAP
	10. Dismissal	NA	NA	NAP	NAP

In 2022, KPC received 9 requests for initiation of a disciplinary proceeding against prosecutors. Based on these, KPC established 8 investigative panels, and dismissed 1 request for initiation disciplinary procedures. 9 cases were transferred from 2021 and as such in total KPC took 15 disciplinary decisions, and 2 other cases are still 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. For prosecutors, this notion is defined in article 6 of LDLP.

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 composition and 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: seven members are judges elected by their peers, the remaining six members are appointed by the Kosovo Assembly deputies after being subject to evaluation procedures (two members are elected by deputies holding seats attributed during the general distribution of seats – at least one of the two members must be a judge; two members are elected by the deputies holding reserved seats for the Kosovo Serb community – at least one of the 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). According to the provisions of the LKJC (Article 10, points 3-10), the representative of the civil society is selected through a public competition announced by the Assembly and must have high professional training, proven knowledge in the field of human rights, five years of work experience in the legal matters, and a support of at least five civil society organisations in the field of justice. Members do not 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.

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 decide on the organisation, management, administration and oversight of the proper functioning of the courts in Kosovo and to determine the policies and strategies for the efficient and effective functioning of the courts. 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; oversees and conducts 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; issues 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 KJC is the chief administrative official of the courts and, together with 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. 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 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, 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. Currently only 11 members of KPC are appointed, while two members (one from the Bar Association and one from the civil society) have not been elected by the Assembly.

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 of prosecutors, and determining policies, standards and instructions for the training of prosecutors; proposing candidates to the President for appointment as the 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; announcing public vacancies for prosecutors; 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 KJC and 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 observe high standards of professional and personal conduct, respect and comply with the law, 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 and media, civil society and international partners are invited to its meetings except in cases foreseen by law).

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.