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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: 2023

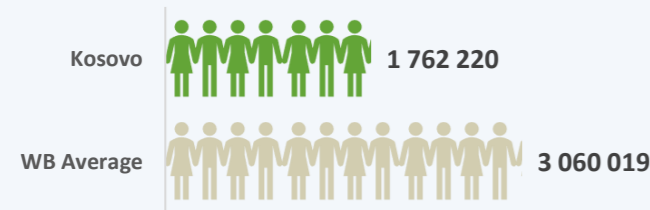
Report prepared by the CEPEJ for the attention of the European Commission

Part 2 (A) - Beneficiary profile - Kosovo*

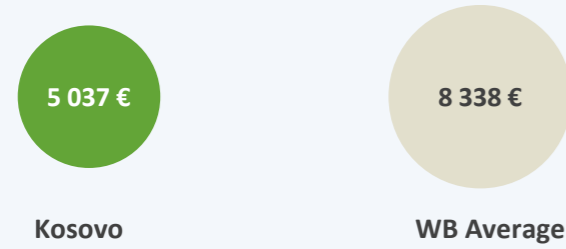
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Executive Summary - Kosovo in 2023

Population in 2023



GDP per capita in 2023



Average annual salary in 2023



Judicial Organisation

In Kosovo, the judicial system comprises 10 courts: 9 general jurisdiction courts and 1 specialized commercial court (established in 2022), which operates as both a first and second instance court. Of the 9 general jurisdiction courts, 7 are first instance (Basic) courts, 1 is a second instance (Court of Appeals), and 1 is the highest instance court (Supreme Court).

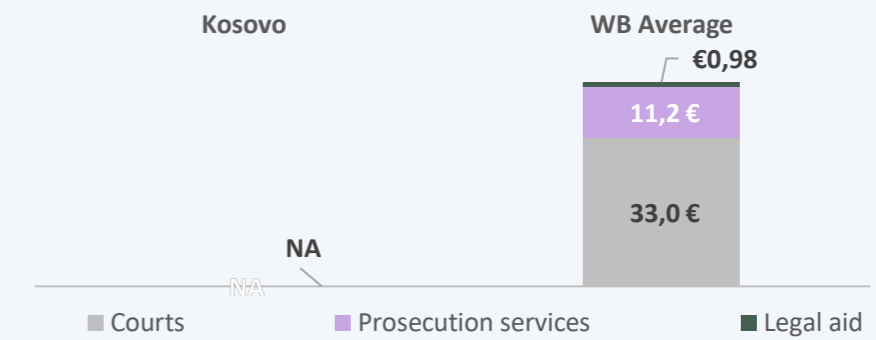
Legal aid

In Kosovo, legal aid services are provided for both court representation and legal advice for criminal and non-criminal cases. In 2023, a total of 6 081 individuals received legal aid, equating to 0,35 per 100 inhabitants. This rate surpasses the World Bank median of 0,28 per 100 inhabitants, indicating a relatively high level of access to legal aid in Kosovo.

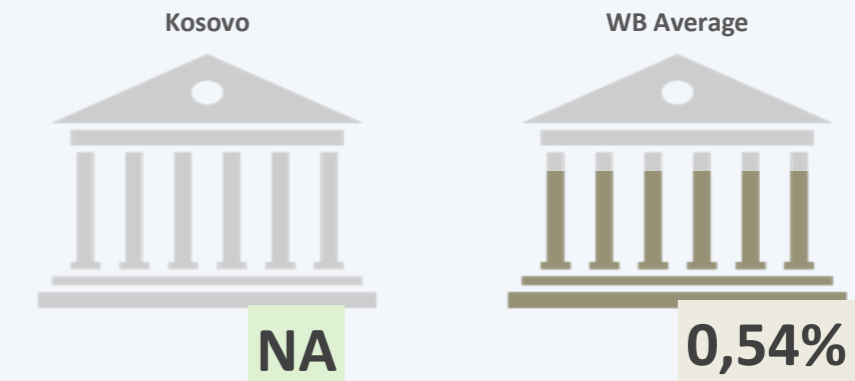
The distribution of legal aid recipients highlights a significant focus on non-criminal cases, with 5 781 out of the total 6 081 cases falling into this category. Furthermore, legal aid was more frequently provided for cases not brought to court, with 3 148 instances compared to 2 933 cases that were actually brought before the court.

Budget of the Judicial System

Implemented Judicial System Budget per inhabitant in 2023



Implemented Judicial System Budget as % of GDP in 2023



Efficiency

1st instance 2nd instance

Clearance rate in 2023 (%)

NA	NA	NA	NA	NA	NA
Civil and commercial litigious cases	Administrative cases	Sum of Severe and Misdemeanour and/or minor criminal cases			

Disposition time in 2023 (days)

Civil and commercial litigious cases	NA
Administrative cases	NA
Sum of Severe and Misdemeanour and/or minor criminal cases	NA

ADR (Alternative Dispute Resolution)

ADR, and mediation in particular, 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 claim, 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. Data for 2023 were not provided.

ICT Deployment index (scale 0-10)

The three ICT deployment indices (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are existing.



ICT Tools

In Kosovo, the CMS has been developed and deployed in all courts gradually since 2018. In 2023, the CMS was deployed in all courts and the data is stored on a database consolidated at national level. The Case Management Information System (CMIS) in Kosovo is designed to streamline court operations. It provides templates for official documents and creates electronic registries for all case types. CMIS includes statistical reporting capabilities, with CEPEJ indicators, for evaluating the performance of judges and courts. It supports the joining and splitting of cases, maintaining detailed process histories, and manages the reallocation of cases upon approval. Additionally, the system automates the formation of judicial panels and the scheduling of court sessions, while also offering judges personal calendars for organizing their schedules.

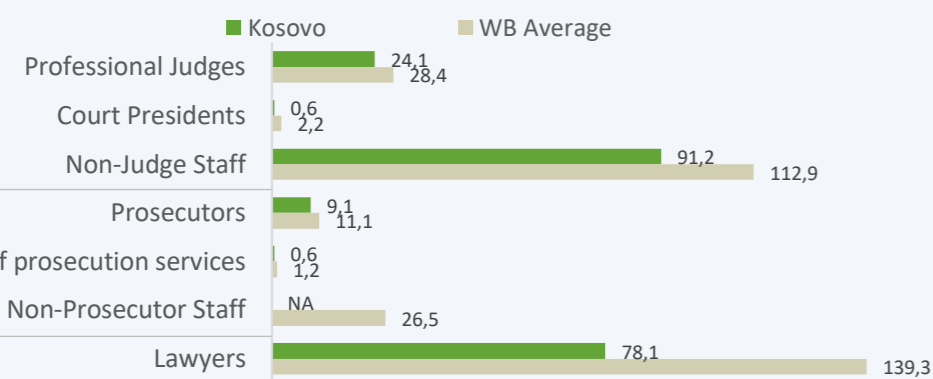
Training

In 2023, Kosovo spent in total **876 615€ for training for judges and prosecutors**, of which 310 816 € are coming from donors. This represents 0,50 € per inhabitant which is less than the WB average of 0,83€.

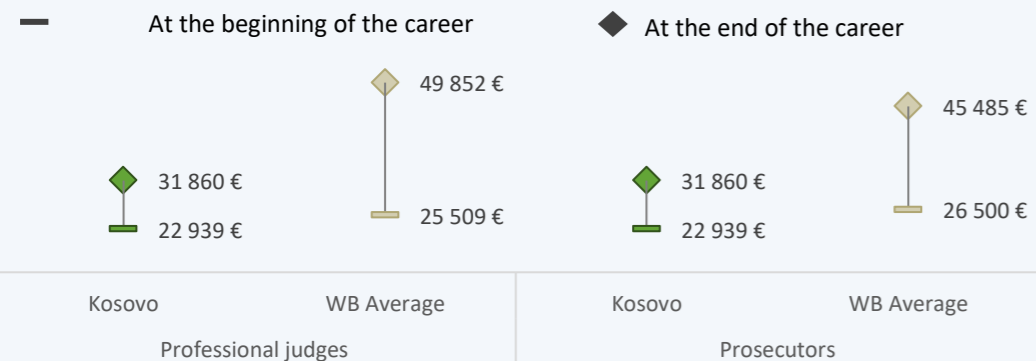
79% of judges and 90% of prosecutors attended at least one training per year in 2023. Prosecution offices have prosecutors specially trained in domestic violence and, also, specifically trained in dealing with cases when minor victims are involved. In all Prosecution Offices across Kosovo, Coordinators for Domestic Violence are designated from among the prosecutors. These prosecutors, typically appointed for their expertise, are regularly invited to and participate in specialized training sessions related to domestic violence cases.

Professionals of Justice

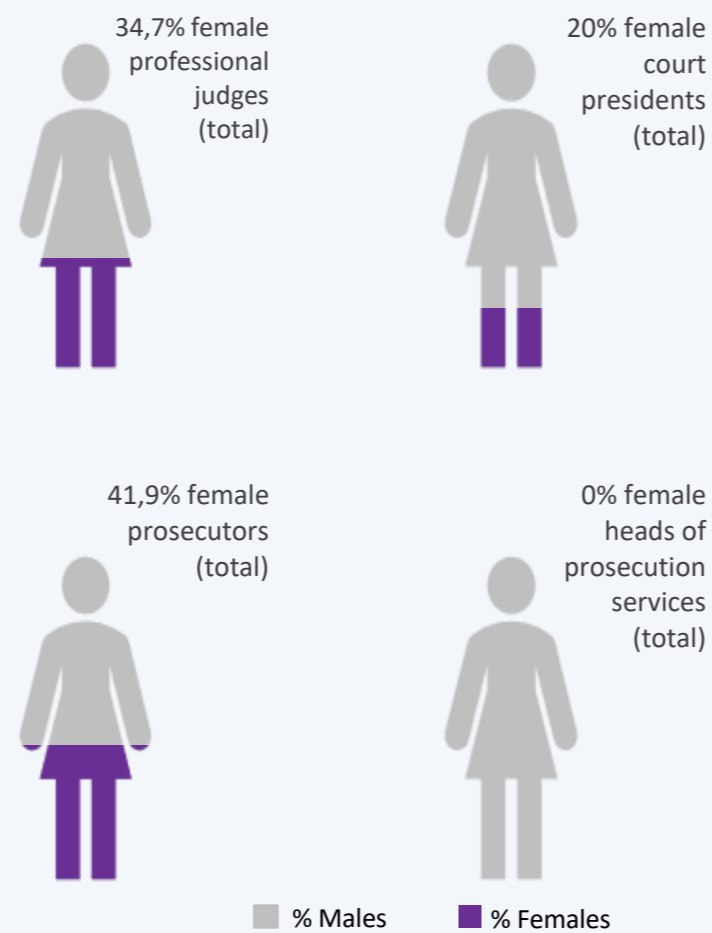
Total number of professionals per 100 000 inhabitants in 2023



Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2023 (€)



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 2023 (respectively 24,1 and 9,1) was lower than the WB Average (28,4 and 11,1) 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 (78,1) was significantly lower than the WB Average (139,3). 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 3,7 (higher than the WB Average of 2,7) and at the end of career it was 5,1 (still higher than the WB Average of 4,2).

As regards gender balance, **the percentage of female judges, prosecutors and staff was significantly lower than the WB Average in all instances in 2023.** It was particularly low for professional judges (34,7% of female vs the WB average of 63,3%) 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 female court presidents (20%) and heads of prosecution services (0%) 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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Judicial organisation in Kosovo in 2023 (Indicator 2.0)

In Kosovo, the judicial system comprises 10 courts: 9 general jurisdiction courts and 1 specialized commercial court, which operates as both a first and second instance court. Out of the 9 general jurisdiction courts, 7 are first instance (Basic) courts, 1 is a second instance (Court of Appeals), and 1 is the highest instance court (Supreme Court).

• Number of courts - legal entities

		Number of courts - legal entities in 2023		
		Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total number of all courts - legal entities (1 + 2)		10	0,6	2,3
General jurisdiction	Total General jurisdiction courts (1)	9	0,5	2,0
	1st instance	7	0,4	1,6
	2nd instance	1	0,1	0,4
	Highest instance	1	0,1	0,1
Specialised courts	Total Specialised courts (2)	1	0,1	0,2
	1st instance	1	0,1	0,2
	Higher instance	0	0,0	0,0



• Specialised courts

Specialised courts in 2023	First instance	Higher instances
Total number of specialised courts - legal entities	1	0
Commercial courts (excluded insolvency courts)	1	0
Insolvency courts	NAP	NAP
Labour courts	NAP	NAP
Family courts	NAP	NAP
Rent and tenancies courts	NAP	NAP
Enforcement of criminal sanctions courts	NAP	NAP
Fight against terrorism, organised crime and corruption	NAP	NAP
Internet related disputes	NAP	NAP
Administrative courts	NAP	NAP
Insurance and / or social welfare courts	NAP	NAP
Military courts	NAP	NAP
Juvenile courts	NAP	NAP
Other specialised courts	NAP	NAP

Commercial court which serves as both a court of first and second instance.

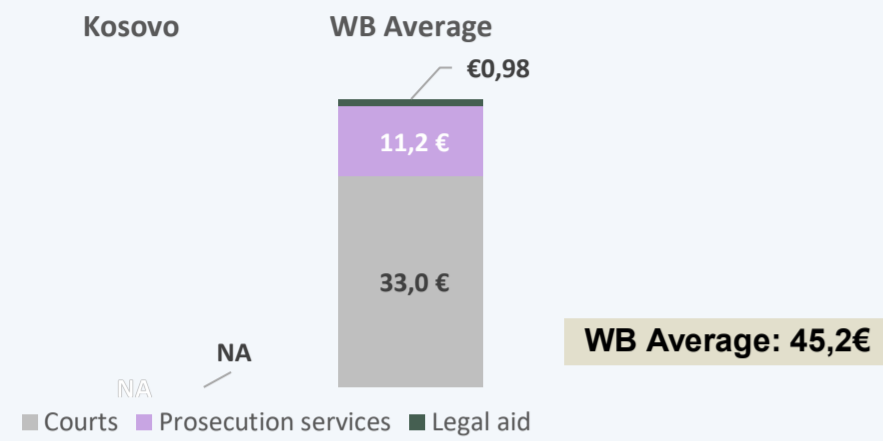
• Number of courts - geographic locations

Number of courts - geographic locations in 2023	Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total number	28	1,6	2,1
1st instance courts	28	1,6	1,8

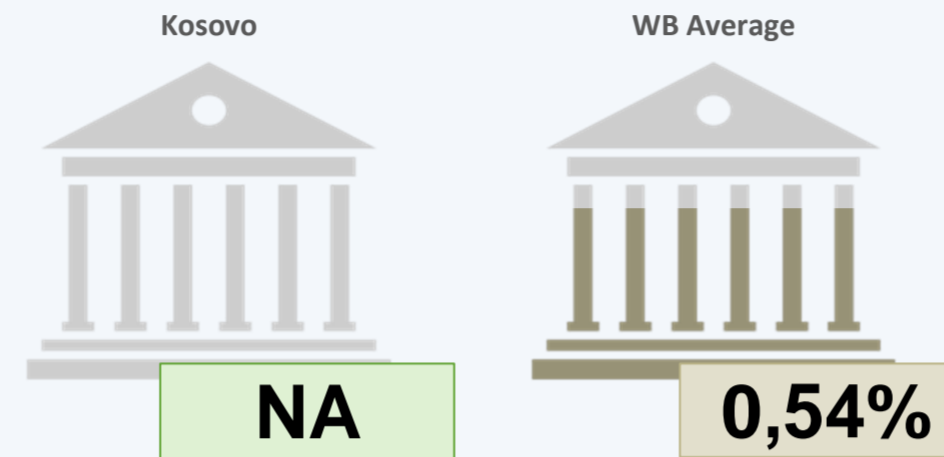
Kosovo is not included in the calculation of summary statistics

Budget of the judicial system in Kosovo in 2023 (Indicator 1)

Implemented Judicial System Budget per inhabitant



Implemented Judicial System Budget as % of GDP



Variation of the JSB per inhabitant between 2022 - 2023

Total	NA
Courts	NA
Prosecution	NA
Legal aid	NA

JSB = Judicial System Budget

Data for 2023 were not provided.

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

Judicial System Budget	Judicial System Budget in 2023		Implemented Judicial System Budget per inhabitant				Implemented Judicial System Budget as % of GDP			
	Approved	Implemented	Per inhabitant in 2023	WB Average in 2023	% Variation between 2019 - 2023	% Variation between 2022 - 2023	As % of GDP	WB Average in 2023	Variation (in ppt) 2019 -2023	Variation (in ppt) 2022 - 2023
Total	NA	NA	NA	45,2 €	NA	NA	NA	0,54%	NA	NA
Courts	NA	NA	NA	33,0 €	NA	NA	NA	0,39%	NA	NA
Prosecution	NA	NA	NA	11,2 €	NA	NA	NA	0,13%	NA	NA
Legal aid	NA	NA	NA	1,0 €	NA	NA	NA	0,01%	NA	NA

PPT = Percentage points

Budget allocated to the functioning of the courts - Categories

	2023		% Variation between 2019 and 2023		% Variation between 2022 and 2023	
	Approved budget	Implemented budget	Approved budget	Implemented budget	Approved budget	Implemented budget
Total (1 + 2 + 3 + 4 + 5 + 6 + 7)	NA	NA	NA	NA	NA	NA
1. Gross salaries	NA	NA	NA	NA	NA	NA
2. Computerisation (2.1 + 2.2)	NA	NA	NA	NA	NA	NA
2.1 Investment in computerisation	NA	NA			NA	NA
2.2 Maintenance of the IT equipment of courts	NA	NA			NA	NA
3. Justice expenses	NA	NA	NA	NA	NA	NA
4. Court buildings	NA	NA	NA	NA	NA	NA
5. Investment in new buildings	NA	NA	NA	NA	NA	NA
6. Training	NA	NA	NA	NA	NA	NA
7. Other	NA	NA	NA	NA	NA	NA

Budget received from external donors

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

	Absolute value	Calculated as %
Courts	312 264 €	NA
Prosecution services	325 431 €	NA
Legal aid	12 114 €	NA
Whole justice system	NA	NA

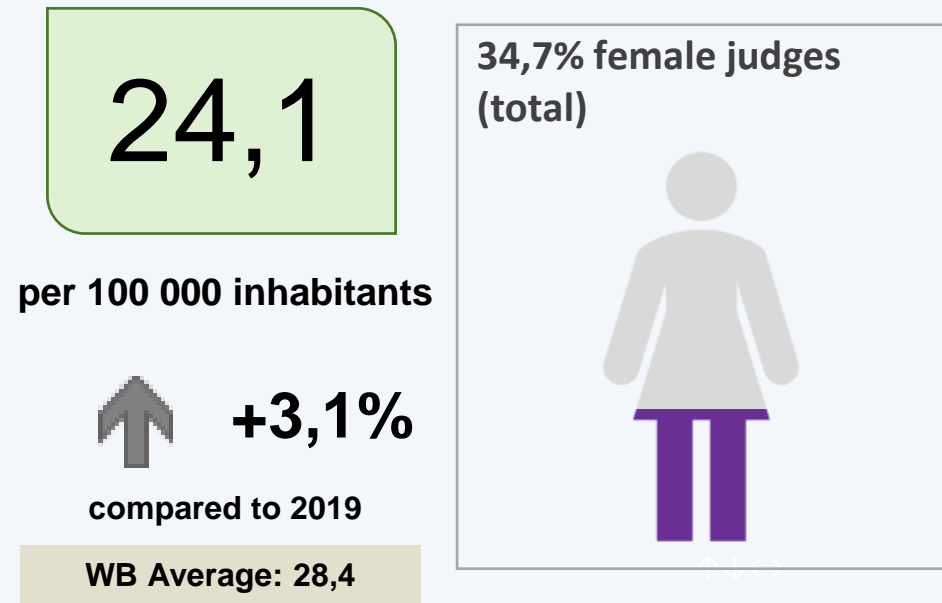
The Agency for Free Legal Aid (FLAA) has established significant partnerships with various international organizations over the years. Notably, in 2023, there was extensive collaboration with GIZ, USAID, EUKOJUST, OSCE, and UNHCR. These partnerships have facilitated numerous activities including the development of workshops for by-law drafting, training sessions, awareness campaigns, the creation and distribution of brochures, conducting workshops, providing information sessions and meetings on legal matters, organizing focus groups with citizens, and producing and publishing various analyses, manuals, and other documents.

While these international organizations have actively supported these initiatives, financial transfers to FLAA were generally not part of the support, with the exception of GIZ. GIZ has contributed by covering the salaries of four officials working in six mobile offices providing free legal aid for a period of six months from January to June. The financial details of this support are reflected in the table above.

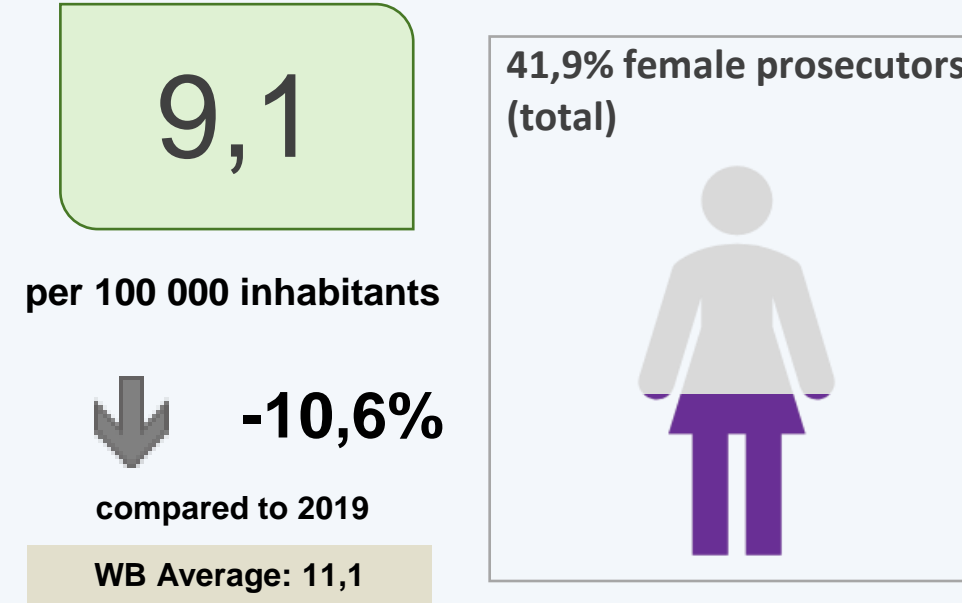
Kosovo is not included in the calculation of summary statistics

Professionals and Gender Balance in judiciary in Kosovo in 2023 (Indicators 2 and 12)

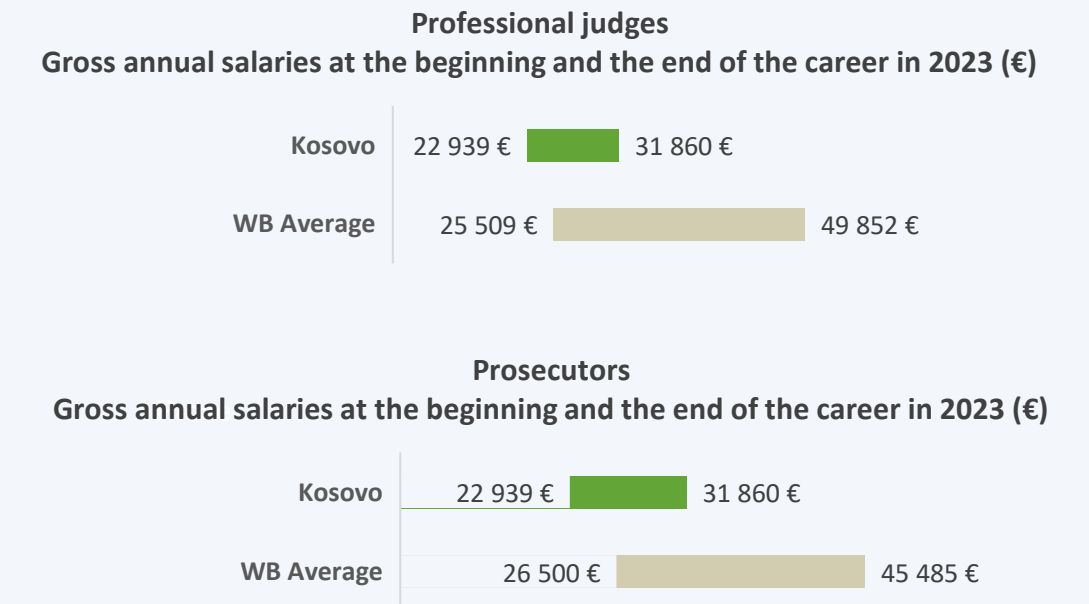
Professional Judges



Prosecutors



Salaries of judges and prosecutors

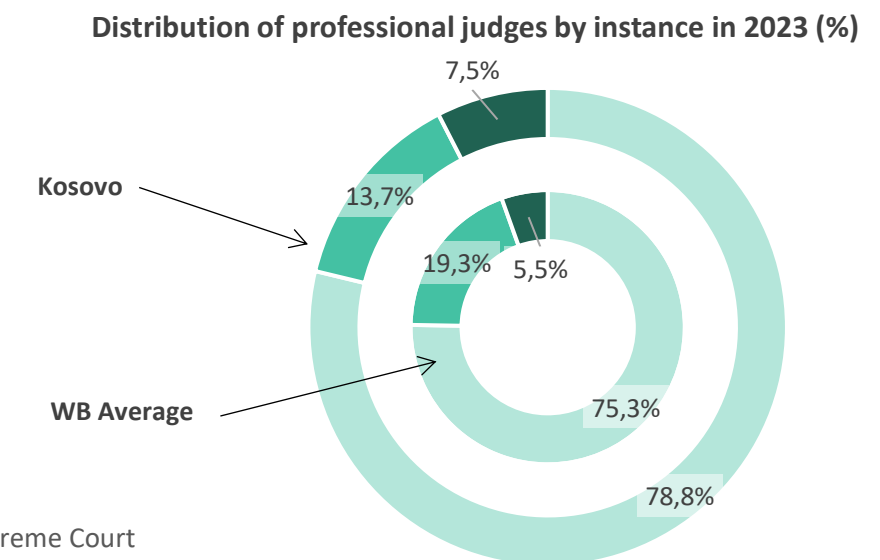
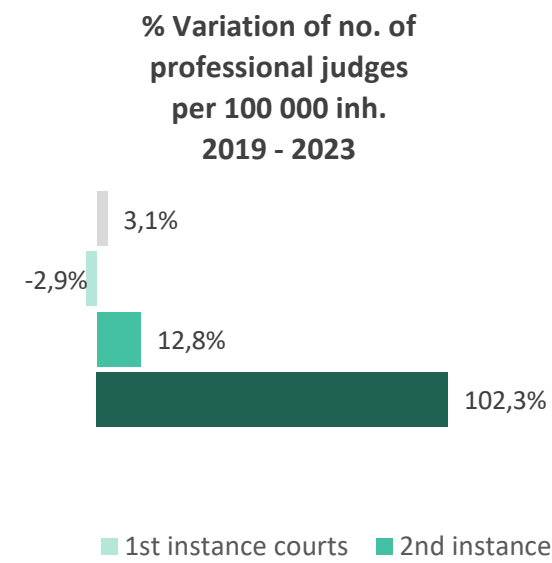


In 2023, Kosovo had 24,1 professional judges per 100 000 inhabitants and 9,1 prosecutors per 100 000 inhabitants. Both figures were below the WB Average of 28,4 and 11,1, respectively. Less than half of professional judges (34,7%) and prosecutors (41,9%) were women (the WB Average was 63,3% and 52,4%, respectively).

Professional Judges

	Professional judges in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	424	100,0%	24,1	28,4
1st instance courts	334	78,8%	19,0	21,4
2nd instance courts	58	13,7%	3,3	5,5
Supreme Court	32	7,5%	1,8	1,6

For reference only: the 2022 EU median is 22,9 judges per 100 000 inhabitants.



In 2023, the absolute number of professional judges in Kosovo was 424 (i.e. 24,1 per 100 000 inhabitants, which was significantly lower than the WB Average of 28,4).

Compared to 2019, the total number of professional judges per 100 000 inhabitants increased by 3,1%.

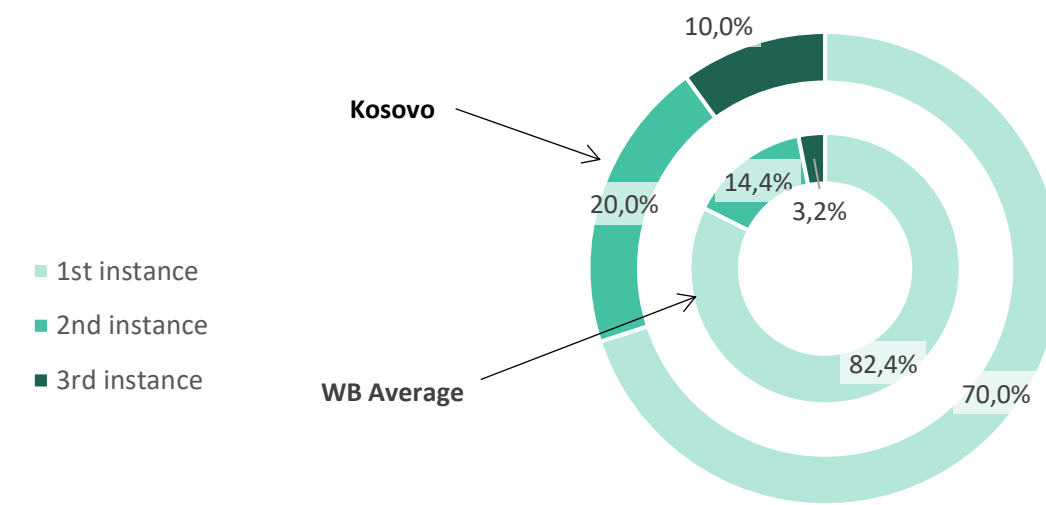
The figures show a difference of -3,5 percentage points between the percentage of judges in the first instance (78,77%) and the WB Average (75,3%)

• Court presidents

	Court presidents in 2023			
	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	7	70,0%	0,4	1,8
2nd instance courts	2	20,0%	0,1	0,3
Supreme Court	1	10,0%	0,1	0,1

The absolute number of court presidents in Kosovo in 2023 was 10 (i.e. 0,6 per 100 000 inhabitants, which was the WB Average of 2,2).

Distribution of court presidents by instance in 2023 (%)



• Non-judge staff

The absolute total number of non-judge staff in Kosovo was 1 607, which increased by 5,1% between 2019 and 2023. The number of non-judge staff per 100 000 inhabitants was 91,2, which was below WB Average of 112,9.

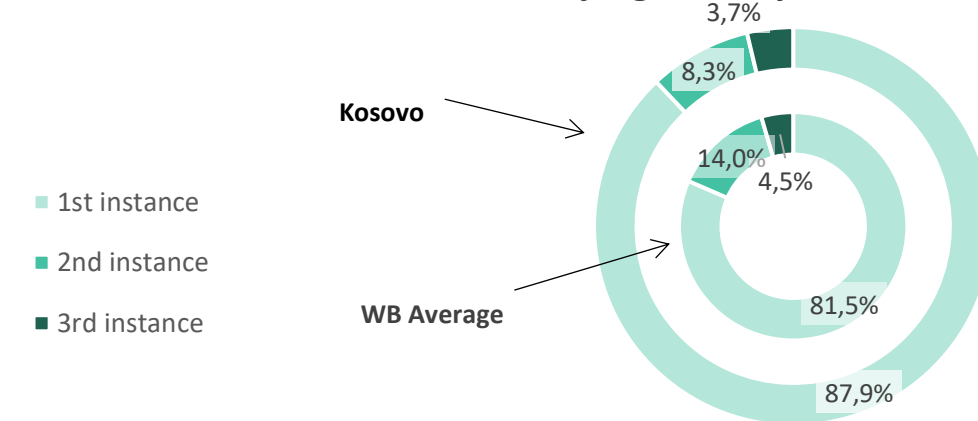
	Number of non-judge staff by instance in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	1 607	100,0%	91,2	112,9
1st instance courts	1 413	88%	80,2	92,0
2nd instance courts	134	8%	7,6	15,8
Supreme Court	60	4%	3,4	5,1

For reference only: the 2022 EU median is 59,4 non-judge staff per 100 000 inhabitants.

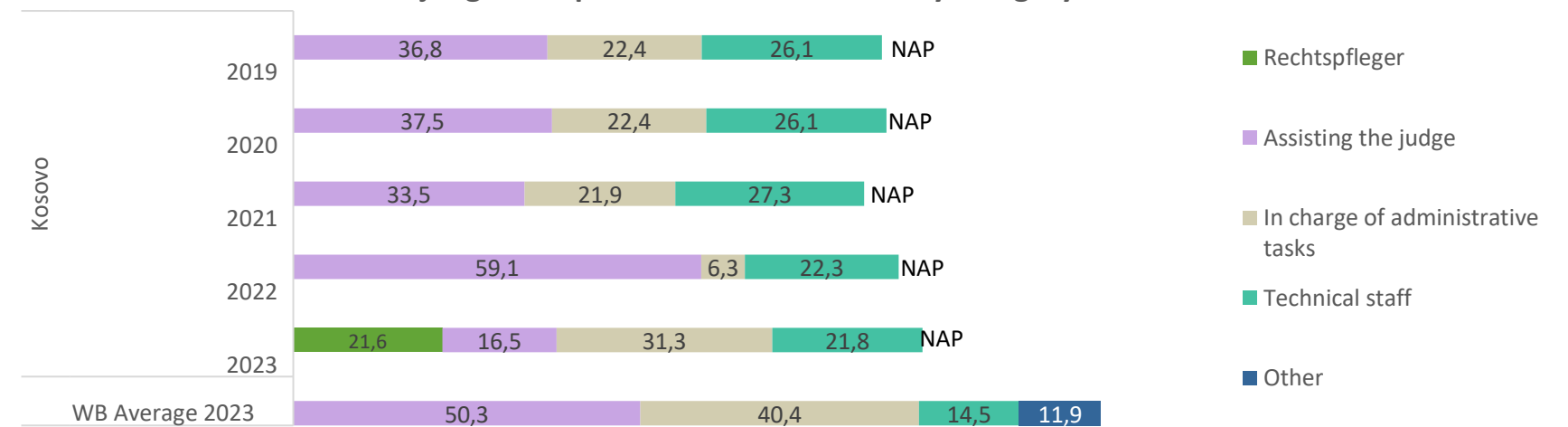
The highest number of non-judge staff were in charge of administrative tasks and represented 34,3% of the total.

	Number of non-judge staff by category in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	1 607	100,0%	91,2	112,9
Rechtspfleger	381	23,7%	21,6	-
Assisting the judge	291	18,1%	16,5	50,3
In charge of administrative tasks	551	34,3%	31,3	40,4
Technical staff	384	23,9%	21,8	14,5
Other	NAP	NAP	NAP	11,9

Distribution of non-judge staff by instance in 2023



Number of non-judge staff per 100 000 inhabitants by category between 2019 and 2023



In recruitment procedures for non judge staff, a number of staff in charge of different administrative tasks moved in the other category (staff whose task is to assist the judge)

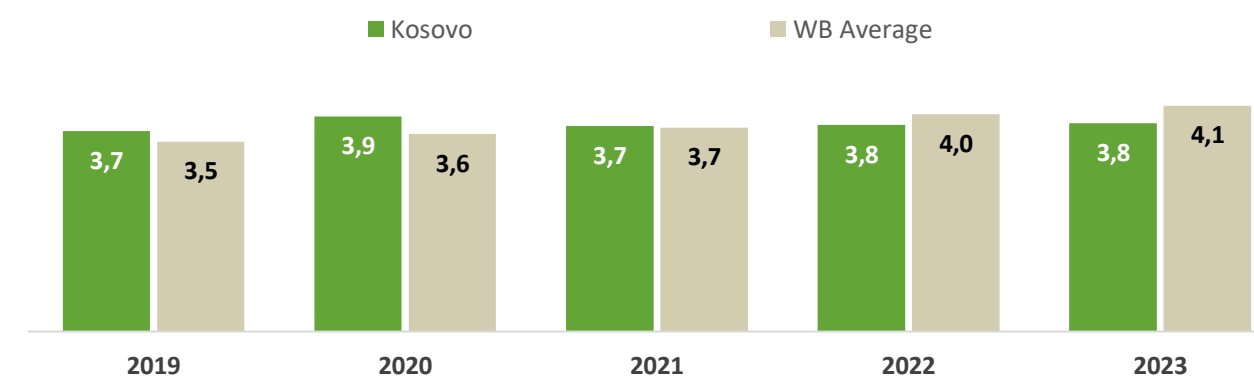
• Ratio between non-judge staff and professional judges

In Kosovo, the ratio of non-judge staff per professional judge was 3,8 in 2023, whereas the WB Average was 4,1. It remained stable since 2019.

	Ratio in 2023		% Variation between 2019 and 2023
	Kosovo	WB Average	Kosovo
Total	3,8	4,1	3,7%
1st instance courts	4,2	4,4	7,1%
2nd instance courts	2,3	3,2	46,5%
Supreme Court	1,9	4,2	-52,4%

For reference only: the 2022 EU median ratio of non-judge staff per judge is 3,3.

Ratio between non-judge staff and judges between 2019 and 2023



• Prosecutors

	Number of prosecutors by instance in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	160	100,0%	9,1	11,1
1st instance level	144	90,0%	8,2	8,8
2nd instance level	8	5,0%	0,5	1,8
Supreme Court level	8	5,0%	0,5	0,9

For reference only: the 2022 EU median is 11,1 prosecutors per 100 000 inhabitants.

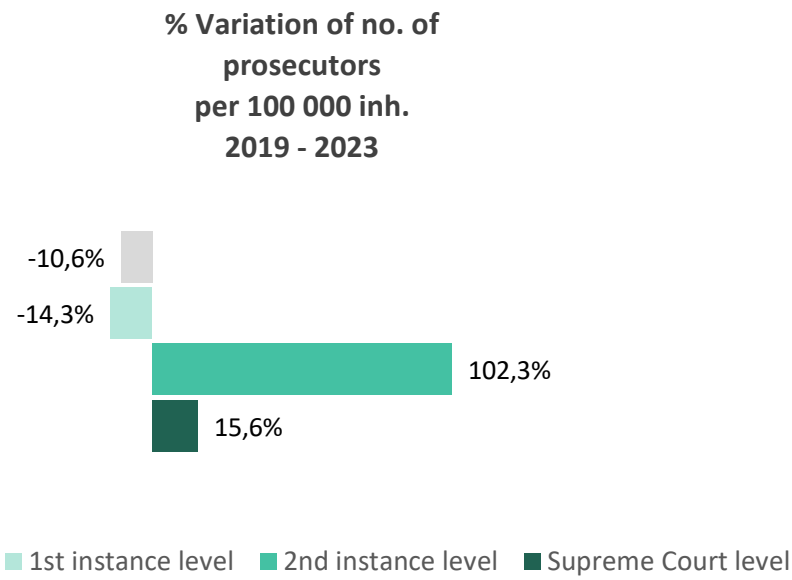
In 2023, the absolute number of prosecutors in Kosovo was 160 (i.e. 9,1 per 100 000 inhabitants, which was significantly lower than the WB Average of 11,1).

The total number of prosecutors per 100 000 inhabitants decreased by -10,6% between 2019 and 2023.

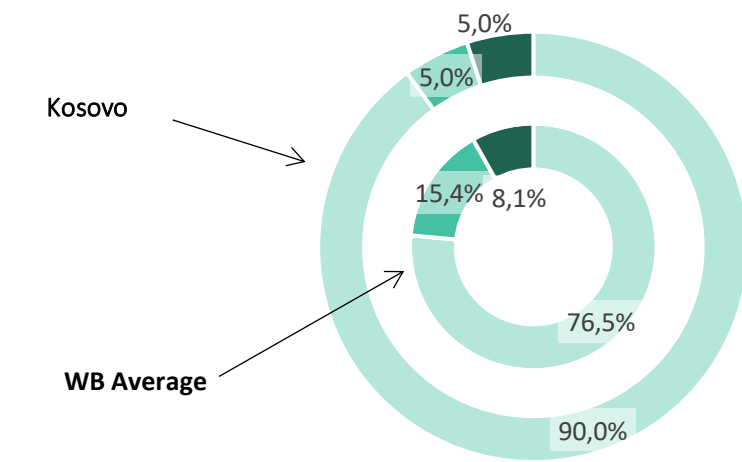
The figures show a difference of -13,5 percentage points between the percentage of prosecutors in the first instance (90%) and the WB Average (76,5%)

The total number of prosecutors in the prosecutorial system, including these positions on December 31, 2023 was 189.

In the table above the number of prosecutors is 160. This number does not include prosecutors who during 2023 have not handled cases as a result of their functions in the prosecutorial system. Prosecutors who are not included in this number are 29 prosecutors including: Chairman of the Council, Acting Chief State Prosecutor, Deputy Chairman of the Council, Chairman of the Commission for Normative Acts, Chairman of the Commission for Evaluation of Performance of Prosecutors, Chairman of Committee for Budget, Finance and Personnel, the Chief Prosecutor of the Appellate Prosecution, the Chief Prosecutor of the Special Prosecution, the Chief Prosecutors of the 7 Basic Prosecution Offices, 3 heads of Departments in BPO Prishtina, 4 prosecutors are in maternity leave and 8 prosecutors from the Serbian community who have offered their resignations.



Distribution of prosecutors by instance in 2023 (%)

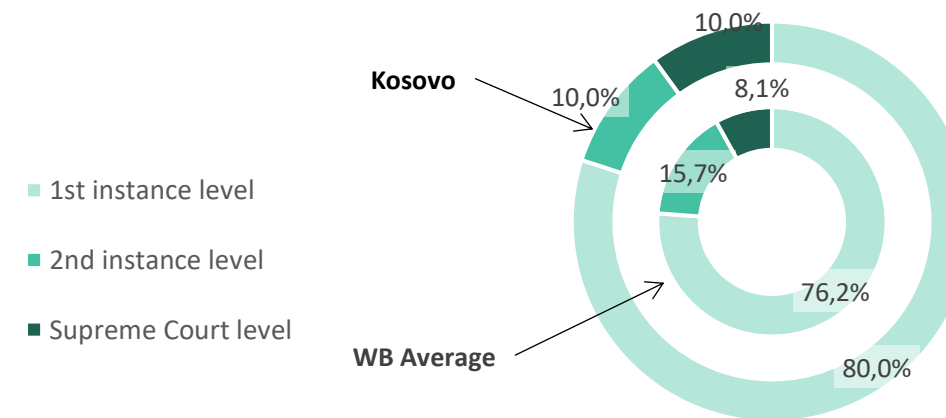


• Heads of prosecution services

	Heads of prosecution services in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	10	100,0%	0,6	1,2
1st instance level	8	80,0%	0,5	0,9
2nd instance level	1	10,0%	0,1	0,2
Supreme Court level	1	10,0%	0,06	0,10

In 2023, 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 1,2).

Distribution of heads of prosecution services by instance in 2023 (%)

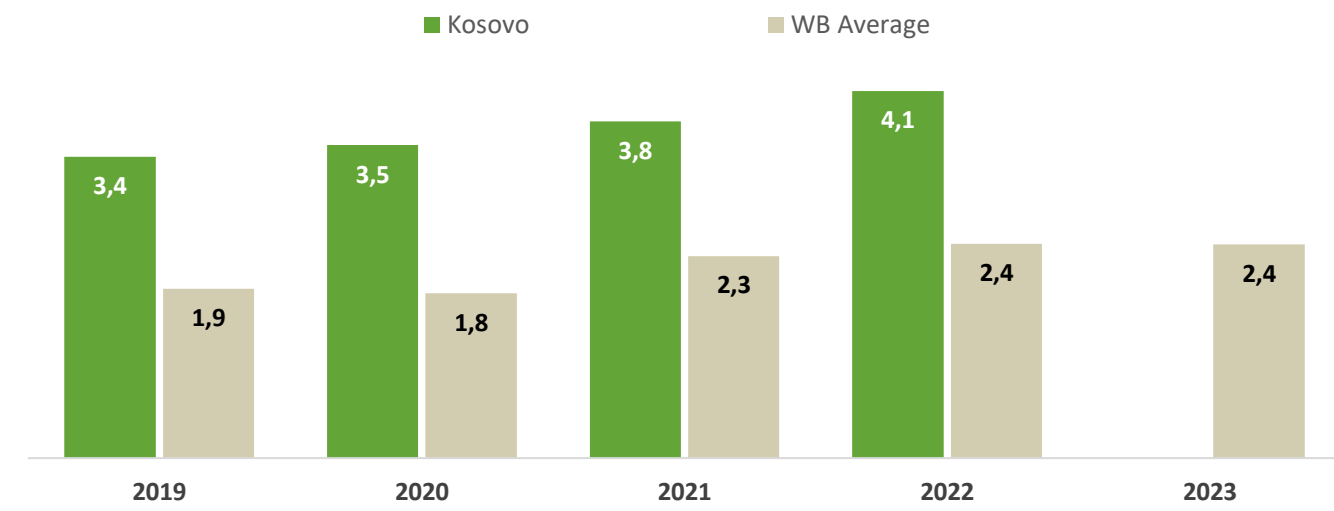


• **Non-prosecutor staff and Ratio between non-prosecutor staff and prosecutors**

	Non-prosecutor staff in 2023			Ratio between non-prosecutor staff and prosecutors		
	Absolute number	Per 100 000 inhabitants		2023		% Variation 2019 - 2023
	Kosovo	Kosovo	WB Average	Kosovo	WB Average	Kosovo
Total	NA	NA	26,5	NA	2,4	NA

For reference only: the 2022 EU median is 14,4 non-prosecutors staff per 100 000 inhabitants.

Ratio between non-prosecutor staff and prosecutors between 2019 and 2023



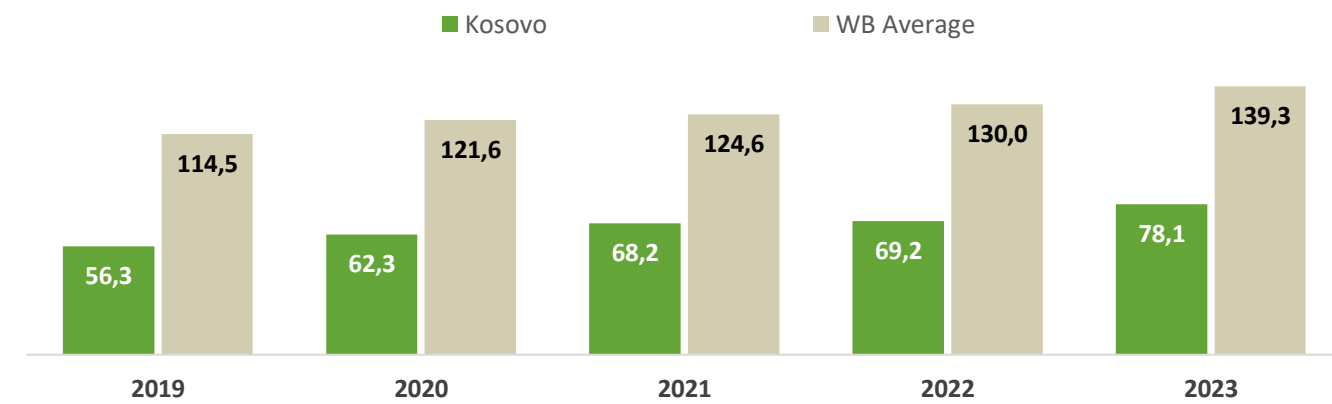
• **Lawyers**

	Number of lawyers in 2023			% Variation 2019 - 2023
	Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants	Kosovo
Total	1 376	78,1	139,3	38,6%

For reference only: the 2022 EU median is 132,1 lawyers per 100 000 inhabitants.

In 2023, the number of lawyers was 78,1 per 100 000 inhabitants, which was significantly lower than the WB Average (139,3). The number of lawyers per 100 000 inhabitants increased by 38,6% between 2019 and 2023.

Number of lawyers per 100 000 inhabitants between 2019 and 2023



Salaries of professional judges and prosecutors

In 2023, the ratio between the salary of professional judges at the beginning of career with the annual gross average salary in Kosovo was 3,7, which was more than the WB Average (2,2).

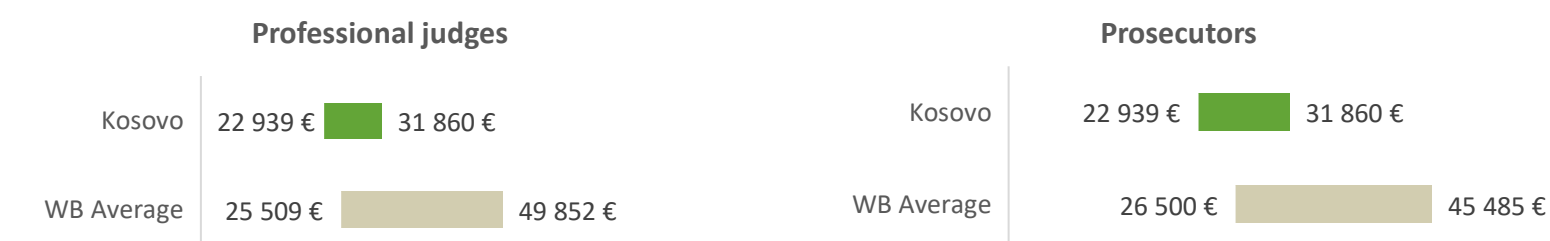
At the end of career, judges were paid more than at the beginning of career by 38,9%, which was less than the variation noted for the WB Average (92,7%).

In 2023, the ratio between the salary of prosecutors at the beginning of career with the annual gross average salary in Kosovo was 3,7, which was more than the WB Average (2,2).

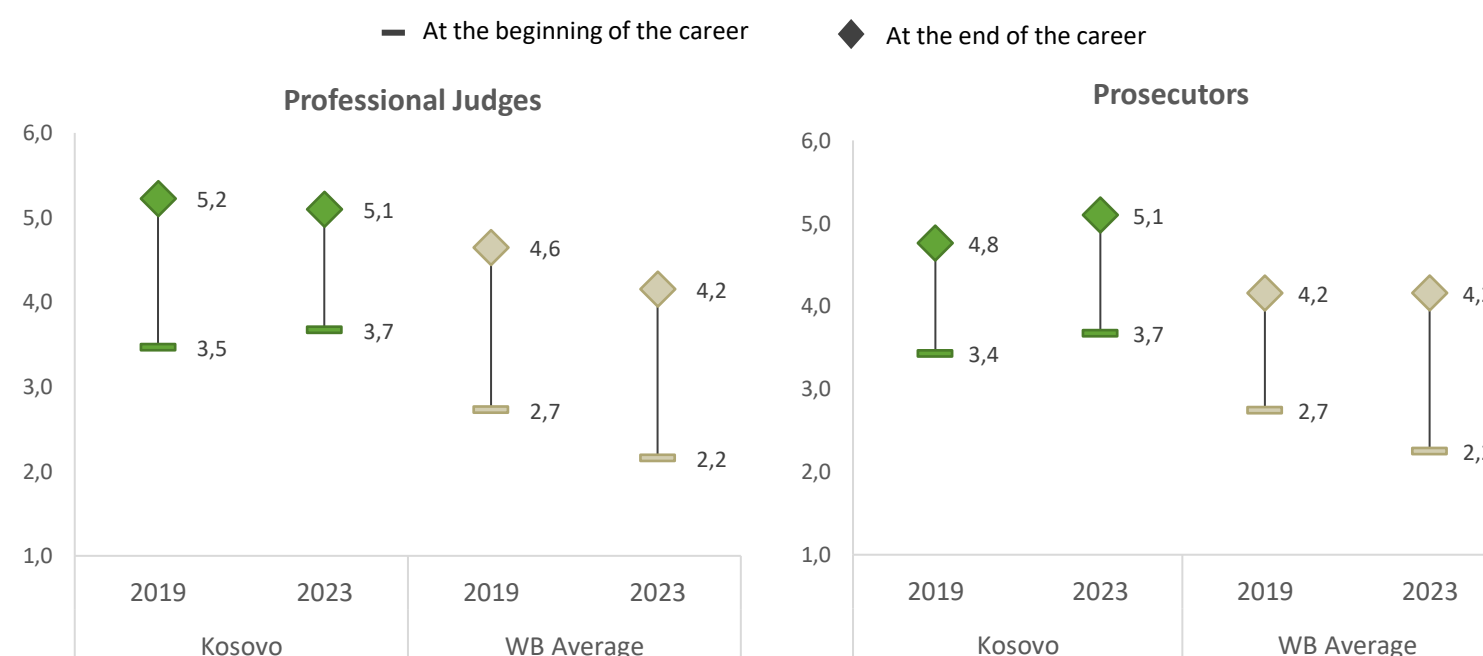
At the end of career, prosecutors were paid more than at the beginning of career by 38,9%, which was less than the variation noted for the WB Average (70,2%).

		Salaries in 2023 (absolute values)			Ratio with the average gross annual salary	
		Gross annual salary in €	% Variation 2019 - 2023	Net annual salary in €	Kosovo	WB Average ratio
Professional judge	At the beginning of his/her career	22 939	▼ -1,0%	19 635	3,7	2,2
	Of the Supreme Court or the Highest Appellate Court	31 860	▬ 0,0%	27 262	5,1	4,2
Public prosecutor	At the beginning of his/her career	22 939	▬ 0,0%	19 635	3,7	2,2
	Of the Supreme Court or the Highest Appellate Court	31 860	▬ 0,0%	27 506	5,1	3,8

Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2023 (€)



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 2023 (€)



For reference only: the 2022 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: 4,3
- prosecutors' salary at the end of career: 3,3

In specific: the annual salary of the Supreme Court president is 35 400 €, the annual salary of the Appellate Court president is 31 860 € and the Annual salary of the Basic Court president is 28 389 €

The salary for "public prosecutors at the beginning of his/her career" is the salary of prosecutors who have started working in 2023 and work in the general department of the basic prosecution offices. However, with the new law on salaries during 2023, other prosecutors of the general department received higher salaries than the ones who were decreed in 2023 after the law entered into force, because the Law decreased the salaries of prosecutors.

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

Additional benefits and bonuses for professional judges and prosecutors

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

The President of the Supreme Court after the end of the mandate earns a pension of 70% of the basic salary. Prosecutors in Special Prosecution of the Republic of Kosovo (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.

Gender Balance

	% Female in 2023		Variation of the % females between 2019 - 2023 (in ppt)	
	Kosovo	WB Average	Kosovo	
Professional Judges	34,7%	63,3%	▲	1,7
Court Presidents	20,0%	49,1%		
Non-Judge Staff	49,3%	71,5%	▼	-0,9
Prosecutors	41,9%	52,4%	▼	-1,2
Heads of Prosecution Services	0,0%	39,7%		
Non-Prosecutor Staff	NA	69,3%		NA
Lawyers	22,9%	38,3%	▲	2,7

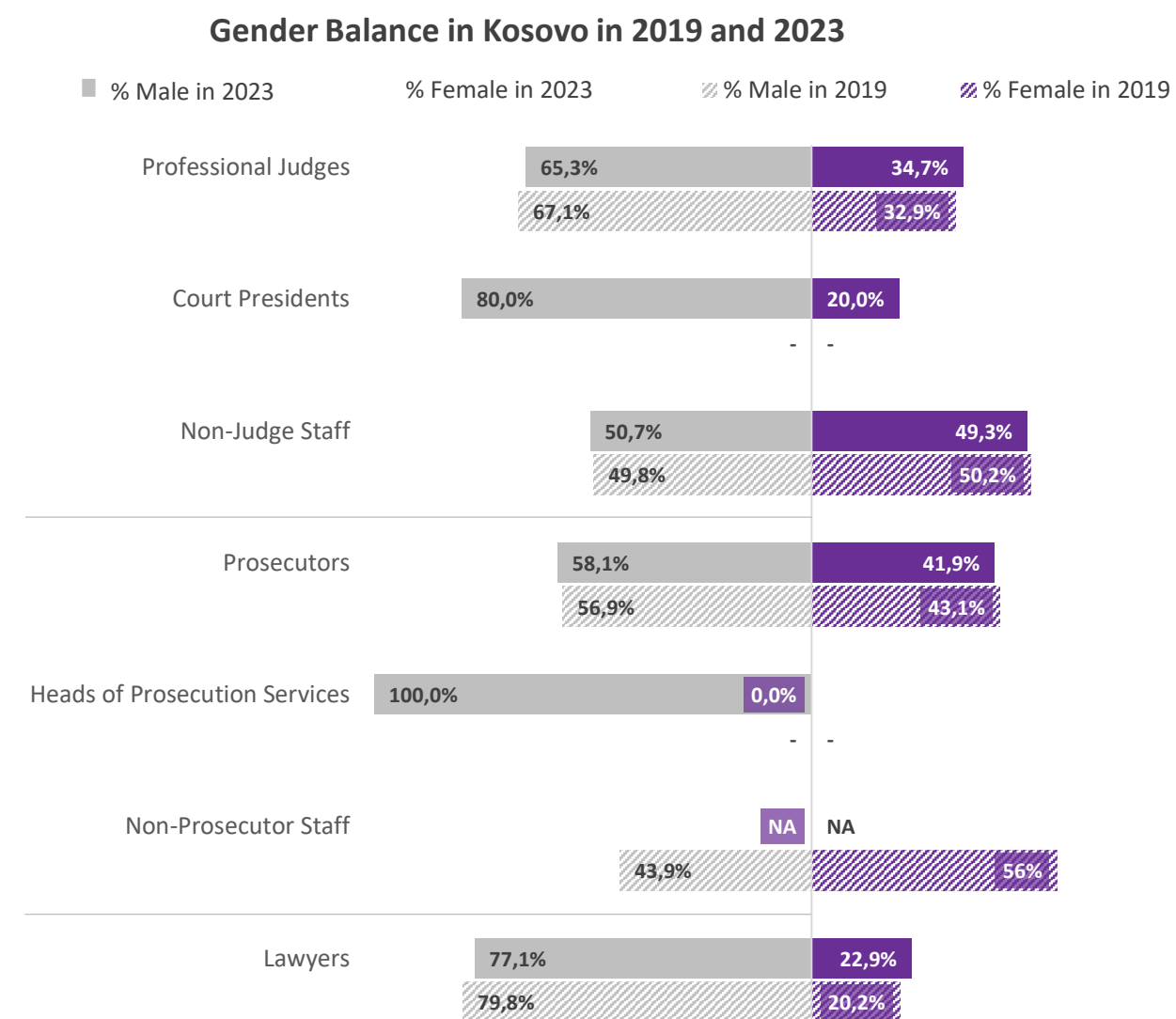
PPT= Percentage points

For reference only: the 2022 EU medians on gender are among professionals are as follows: 62% women judges; 76% women non-judge staff; 60% women prosecutors; 77% women non-prosecutor staff; and 49% women lawyers.

In 2023, the percentage of female professional judges was 34,7%, which was lower than WB Average (63,3%). With a presence of 20%, the number of female court presidents in Kosovo was remarkably lower than the WB Average of 49,1%. Moreover, the percentage of female non-judge staff was 49,3%.

Finally, the percentage of female lawyers was 22,9%, which was lower than WB Average (38,3%).

The professional judges, court presidents, non-judge staff, prosecutors, heads of prosecution services and lawyers were the only categories with less than 50% of female presence.



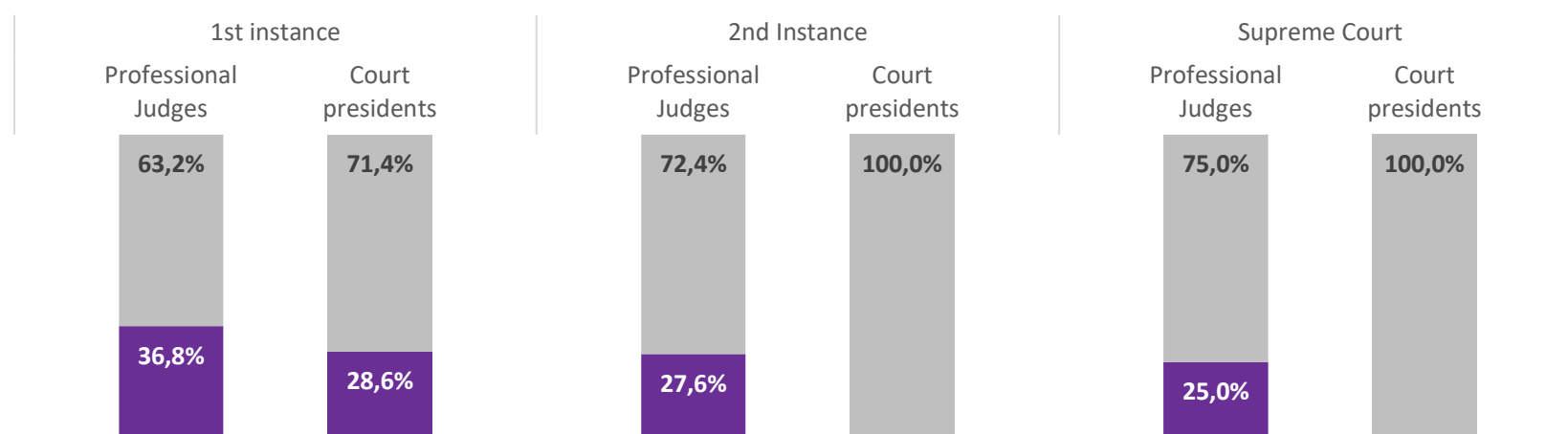
For judges and prosecutors, a diminution of the percentage of female can be observed from first to third instance and for the roles of court president and chief of prosecutor office.

	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%	63,5%	28,6%	48,4%	43,1%	53,1%	0,0%	43,9%
2nd instance	27,6%	64,2%	0,0%	48,1%	37,5%	47,0%	0,0%	25,0%
Supreme Court	25,0%	61,3%	0,0%	73,3%	25,0%	48,2%	0,0%	30,7%

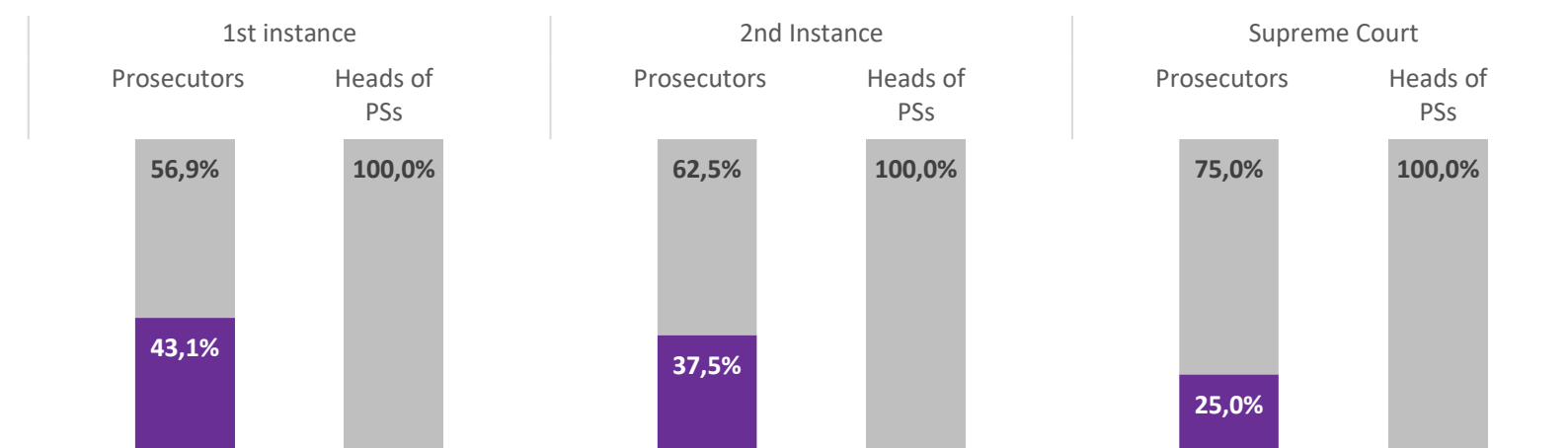
Gender Balance by instance in 2023

■ % Females ■ % Males

Professional Judges and Court Presidents



Prosecutors and Heads of Prosecution Services



• 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 an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary.

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. Article 20, paragraph 6 when elaborating the recruitment process stipulates as following: Giving priority to candidates with equal qualifications from under-represented communities will be implemented while the percentage of non-majority community prosecutors in Kosovo is below fifteen per cent (15%) and/or while the percentage of prosecutors who are members of the Kosovo Serb community is below eight percent (8%).

As regards lawyers: 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.

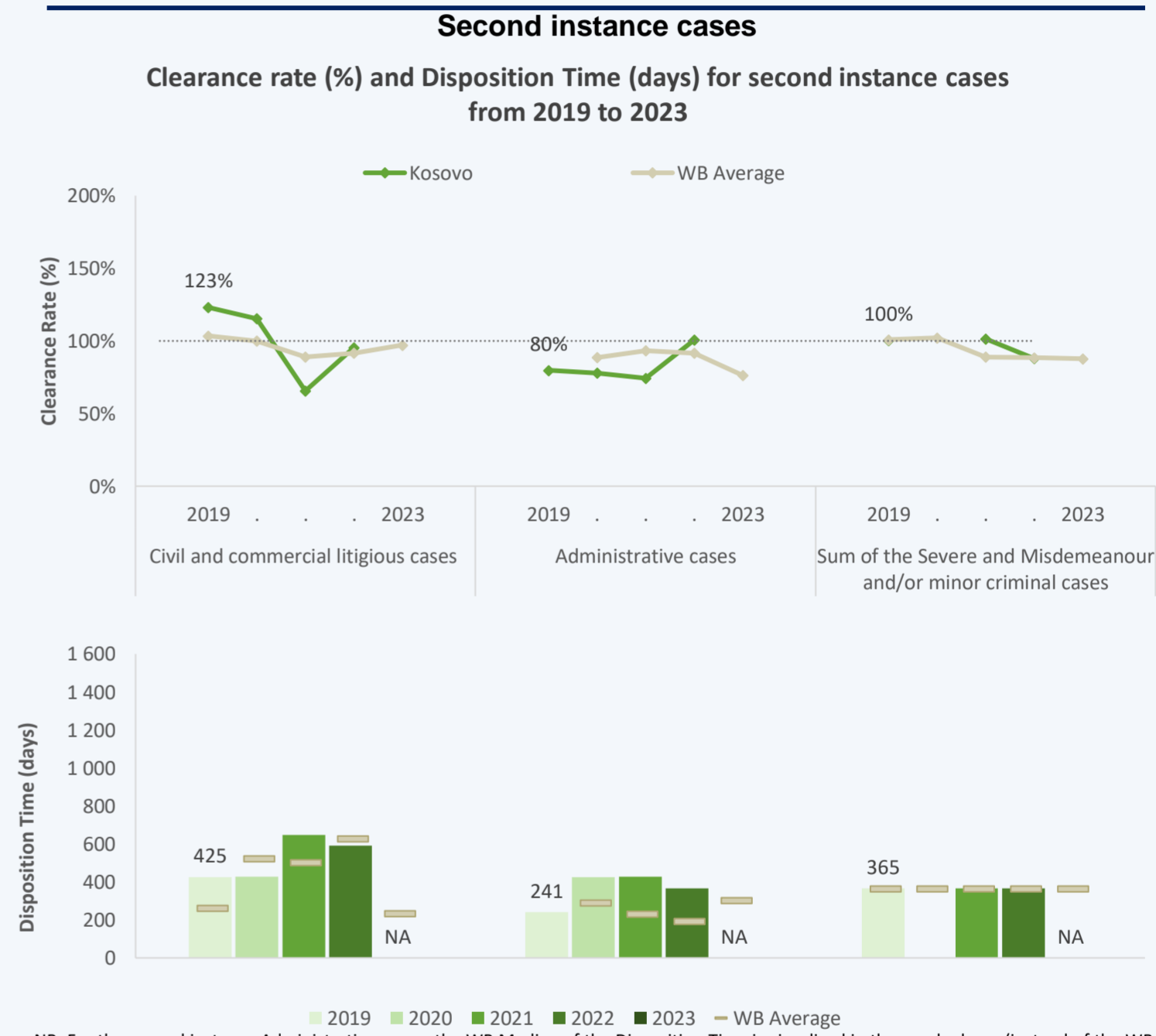
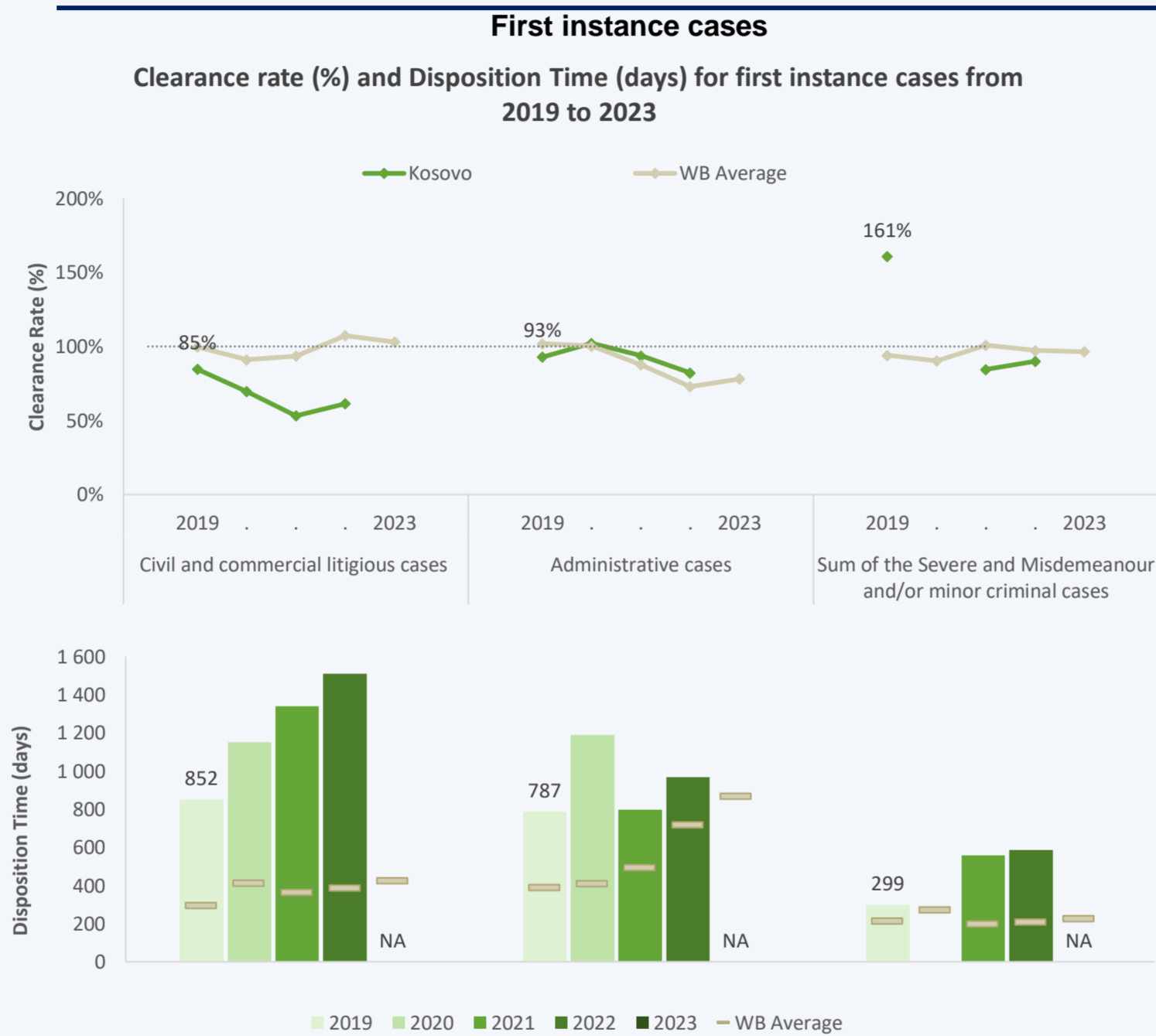
The executive of the forum is the board of representatives which has 9 members. The Board is chaired by the Chair of the Forum. The main purpose of this forum is to empower the presence of women in the justice system by promoting equality and respect for all.

Kosovo is not included in the calculation of summary statistics

Efficiency in Kosovo in 2023 (Indicators 3.1 and 3.2)

The data on caseload were not provided for 2023

In 2022, the DT is well above the average for every category of cases in the instance, and it was particularly high for civil/commercial litigious cases (1 51 days) and administrative cases (967). First instance civil and commercial litigious cases still had a very low CR, well below 100%. Therefore, even if there was improvement in 2022, the DT was constantly increasing since 2019. Kosovo high number of pending cases per inhabitant, and this backlog is affecting co performance. In 2022, in second instance there had been an improvement in and DT for civil and commercial litigious cases and administrative cases, and civil and commercial litigious cases the DT (591 days) is now lower than the 1 median (627 days). The DT for administrative cases decreased as well, while 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 2023 (absolute values)	Kosovo (2023)				% Variation between 2022 and 2023			
	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	NA	NA	NA	NA	NA	NA	NA	NA
2 Non-litigious cases**	NA	NA	NA	NA	NA	NA	NA	NA
3 Administrative cases	NA	NA	NA	NA	NA	NA	NA	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.

1st instance cases in 2023 (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	12,0	NA	11,8	NA	15,4	NA	11,31
1 Civil and commercial litigious cases	NA	2,5	NA	2,7	NA	3,0	NA	1,07
2 Non-litigious cases**	NA	8,1	NA	8,2	NA	11,0	NA	10,09
3 Administrative cases	NA	1,0	NA	0,5	NA	1,5	NA	0,15
4 Other cases	NA	0,7	NA	0,7	NA	0,0	NA	-

For reference only: the 2022 EU Median was as follows:

- Incoming first instance Civil and Commercial litigious cases per 100 inhabitants: 1,9;

- incoming first instance Administrative cases per 100 inhabitants: 0,3.

1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Kosovo	WB Average	Kosovo	WB Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	NA	93%	NA	390	NA	NA
1 Civil and commercial litigious cases	NA	103%	NA	424	NA	NA
2 Non-litigious cases**	NA	98%	NA	213	NA	NA
3 Administrative cases	NA	78%	NA	868	NA	NA
4 Other cases	NA	104%	NA	82	NA	NA

PPT = Percentage points

For reference only: the 2022 EU Median for the first instance Civil and Commercial litigious cases was as follows:

- Clearance rate: 100,5%;

- Disposition time: 239 days.

For reference only: the 2022 EU Median for the first instance Administrative cases was as follows:

- Clearance rate: 98,8%;

- Disposition time: 288 days.

• First instance cases - Criminal law cases

1st instance cases in 2023 (absolute values)		Kosovo (2023)				% Variation between 2022 and 2023			
		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
Sum of Severe and Misdemeanour and / or minor criminal cases (1+2)		NA	NA	NA	NA	NA	NA	NA	NA
1	Severe criminal cases	NA	NA	NA	NA	NA	NA	NA	NA
2	Misdemeanour and / or minor criminal cases	NA	NA	NA	NA	NA	NA	NA	NA
3	Other cases	NA	NA	NA	NA	NA	NA	NA	NA

1st instance cases in 2023 (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	7,1	NA	6,9	NA	3,8	NA	0,36
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)		NA	3,9	NA	3,8	NA	2,6	NA	0,08
1	Severe criminal cases	NA	0,5	NA	0,5	NA	0,3	NA	0,05
2	Misdemeanour and / or minor criminal cases	NA	3,5	NA	3,4	NA	2,3	NA	0,04
3	Other cases	NA	3,9	NA	3,8	NA	1,5	NA	0,28

For reference only: for the first instance Total Criminal law cases, the 2022 EU Median was as follows:
- Incoming cases per 100 inhabitants: 1,7.

1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023		CR (%)		DT (days)		% Variation 2022 - 2023	
		Kosovo	WB Average	Kosovo	WB Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)		NA	97%	NA	197	NA	NA
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)		NA	96%	NA	226	NA	NA
1	Severe criminal cases	NA	96%	NA	238	NA	NA
2	Misdemeanour and / or minor criminal cases	NA	97%	NA	232	NA	NA
3	Other cases	NA	98%	NA	171	NA	NA

PPT = Percentage points

For reference only: for the first instance Total Criminal law cases, the 2022 EU Median was as follows:
- Clearance rate: 100%; - Disposition time: 136 days.

• Second instance cases - Other than criminal law cases

2nd instance cases in 2023 (absolute values)		Kosovo (2023)				% Variation between 2022 and 2023			
		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	NA	NA	NA	NA	NA	NA	NA	NA
2	Non-litigious cases**	NA	NA	NA	NA	NA	NA	NA	NA
3	Administrative cases	NA	NA	NA	NA	NA	NA	NA	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.

2nd instance cases in 2023 (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	1,08	NA	0,80	NA	0,64	NA	-
1	Civil and commercial litigious cases	NA	0,92	NA	0,68	NA	0,55	NA	-
2	Non-litigious cases**	NA	-	NA	-	NA	-	NA	-
3	Administrative cases	NA	0,14	NA	0,10	NA	0,28	NA	0,20
4	Other cases	NA	-	NA	-	NA	-	NA	-

For reference only: the 2022 EU Median was as follows:

- Incoming Second instance Civil and Commercial litigious cases per 100 inhabitants: 0,2;
- incoming Second instance Administrative cases per 100 inhabitants: 0,1.

2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023		CR (%)		DT (days)		% Variation 2022 - 2023	
		Kosovo	WB Average	Kosovo	WB Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)		NA	96%	NA	239	NA	NA
1	Civil and commercial litigious cases	NA	97%	NA	233	NA	NA
2	Non-litigious cases**	NA	-	NA	-	NA	NA
3	Administrative cases	NA	76%	NA	1 548	NA	NA
4	Other cases	NA	-	NA	-	NA	NA

PPT = Percentage points

For reference only: the 2022 EU Median for the Second instance Civil and Commercial litigious cases was as follows:

- Clearance rate: 97,1%;
- Disposition time: 207 days.

For reference only: the 2022 EU Median for the Second instance Administrative cases was as follows:

- Clearance rate: 102,6%;
- Disposition time: 277 days.

• **Second instance cases - Criminal law cases**

2nd instance cases in 2023 (absolute values)		Kosovo (2023)				% Variation between 2022 and 2023			
		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
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)		NA	NA	NA	NA	NA	NA	NA	NA
1	Severe criminal cases	NA	NA	NA	NA	NA	NA	NA	NA
2	Misdemeanour and / or minor criminal cases	NA	NA	NA	NA	NA	NA	NA	NA
3	Other cases	NA	NA	NA	NA	NA	NA	NA	NA

2nd instance cases in 2023 (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	0,34	NA	0,32	NA	0,20	NA	-
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)		NA	0,30	NA	0,28	NA	0,28	NA	-
1	Severe criminal cases	NA	0,15	NA	0,13	NA	0,12	NA	0,05
2	Misdemeanour and / or minor criminal cases	NA	0,16	NA	0,15	NA	0,06	NA	-
3	Other cases	NA	-	NA	-	NA	-	NA	-

For reference only: for the second instance Total Criminal law cases, the 2022 EU Median was as follows:
- Incoming cases per 100 inhabitants: 0,1.

2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023		CR (%)		DT (days)		% Variation 2022 - 2023	
		Kosovo	WB Average	Kosovo	WB Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)		NA	91%	NA	307	NA	NA
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)		NA	88%	NA	365	NA	NA
1	Severe criminal cases	NA	89%	NA	459	NA	NA
2	Misdemeanour and / or minor criminal cases	NA	84%	NA	132	NA	NA
3	Other cases	NA	-	NA	-	NA	NA

PPT = Percentage points

For reference only: for the second instance Total Criminal law cases, the 2022 EU Median was as follows:
- Clearance rate: 99%; - Disposition time: 135 days.

NBNB: For the second instance Misdemeanour and / or minor criminal cases: the WB Median of the Disposition Time is visualised in the graph above (instead of the WB average).

• Specific category cases

	Kosovo (2023)						% Variation between 2022 and 2023						
	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	NA
Litigious divorce cases	NA	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	NA
Insolvency cases	NA	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	NA
Intentional homicide cases	NA	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	NA
Trading in influence	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

The average length of cases corresponds to the average length of resolved cases at a certain instance within the reference year.

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

In Kosovo there are quality standards determined for the judicial system at national level. Also, courts have specialised personnel entrusted with implementation of these national level quality standards

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

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

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

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

Based on Article 2 of Regulation No. 04/2020, concerning the Authority, Organization, and Functioning of the Judicial Inspection Unit, studies are conducted to evaluate the efficiency of judicial procedures and to regularly assess the internal functioning of individual courts. These assessments aim to identify and address any weaknesses within the court system.

The Criminal Procedure Code outlines specific timeframes within which prosecutors must complete their actions related to a case. Failure to adhere to these deadlines results in sanctions, which include work assessment, performance evaluation, and potential disciplinary measures. These provisions ensure that prosecutors are held accountable for timely and efficient case management.

• Quantitative targets for each judge and prosecutor

Existence of quantitative targets for:

Judges



Prosecutors



The 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:	✗

The 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
Without disciplinary procedure	Warning by court's president/ head of prosecution	✗	✗
	Temporary salary reduction	✗	✗
	Reflected in the individual assessment	✓	✓
	Other	✓	✗
With disciplinary procedure	Warning by court's president/ head of prosecution	✗	✗
	Temporary salary reduction	✗	✗
	Reflected in the individual assessment	✗	✗
	Other	✗	✗
No consequences		✗	✗

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

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 fulfill 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

• **System of individual evaluation of the judges and public prosecutors' work**

	Judges	Prosecutors
Existence of a system of individual evaluation	✓	✓
Quantitative work	✓	✓
Qualitative work	✓	✓

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	✗	✗

The performance evaluation and work assessment of prosecutors in Kosovo are regulated by specific laws and regulations to ensure a structured and comprehensive review process.

Prosecutors undergo two primary types of evaluations. The first is an annual work evaluation, conducted by their respective chief prosecutor, which assesses their performance over the past year. The second type is a performance evaluation by the Council's Permanent Committee for Performance Evaluation of Prosecutors. For prosecutors on an initial mandate, this committee conducts two evaluations: the first after their initial training and the second at the end of their initial term. Prosecutors with a permanent mandate undergo this performance evaluation every three years.

In addition to these regular evaluations, prosecutors may also be subject to extraordinary performance evaluations. These are initiated by a decision of the Chief State Prosecutor or their respective chief prosecutor if there are specific concerns about the prosecutor's professionalism, ability, or judgment. This could be due to credible information questioning their competence or if they receive an insufficient rating during their annual performance assessment by their supervisor.

The committee evaluates prosecutors based on a comprehensive set of criteria. These include their professional knowledge, work experience, and performance, particularly their understanding and compliance with human rights standards. They also assess the prosecutors' ability to reason legally, analyze legal problems, and their participation in formal training and professional development. Furthermore, the evaluation considers the prosecutor's capacity to perform tasks impartially and responsibly, their communication skills, and behavior outside the office. Personal integrity and evaluations by their superior are also significant factors.

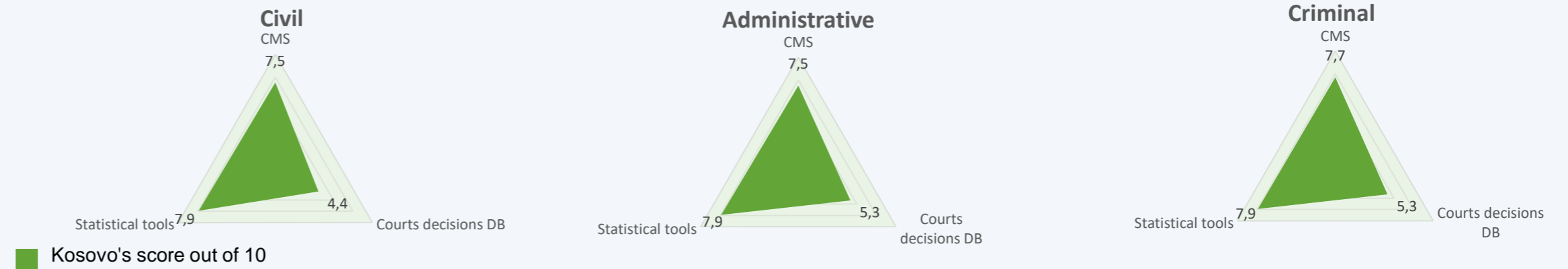
The regular performance evaluation process for all permanently appointed prosecutors occurs every three years. To manage this, the Kosovo Prosecutorial Council (KPC) conducts a draw to assign one-third of the prosecutors within each prosecution office for performance evaluation within three months. This draw process is repeated annually to ensure that each group of prosecutors is evaluated in a staggered manner.

For more detailed information, including specific evaluation categories and procedures, the Regulation for Performance Evaluation is available here: <https://prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Legjislacioni/rregullore/Regullation%20No.05.2020%20-%20on%20the%20prosecutor's%20performance%20assessment.pdf>

Kosovo is not included in the calculation of summary statistics

Information and communication technology tools in Kosovo in 2023 (Indicator 3.3)

The three ICT indices (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are included.



In Kosovo, the highest overall score among the three ICT indices is achieved by the statistical tools (7,9). The CMS index is higher for criminal cases (7,7). Regarding the Court decisions database, the score is lower for civil cases (4,4) than for civil and administrative cases (5,3).

In Kosovo, there exists an overall Information and Communication Technology (ICT) strategy in the judicial system. There is no plan for a significant change in the present IT system in the judiciary in 2023.

It can be found at the address https://www.gjyqesori-rks.org/wp-content/uploads/reports/13969_KJC_IT_Strategic_Plan_of_the_Kosovo_Judicial_Council_2024_2029.pdf

There is 1 case management systems (CMS), eg software used for registering judicial proceedings and their management. This has been developed between 5 and 10 years.

• Electronic case management system

The CMS is developed and used in all courts (95-100% for all matters).

	Deployment rate	Usage rate	Centralised and/or interoperable CMS databases	Active case management dashboard	Random allocation of cases	Case weighting	Identification of a case between instances	Electronic transfer of a case to another instance/ court	Anonymisation of decisions to be published	Interoperability with prosecution system	Interoperability with other systems	Access to closed/resolved cases	Advanced search engine	Protected log files	Electronic signature	Other
Civil	95-100 %	95-100 %	✓	✓	✓	✗	✓	✓	✗	NAP	✓	✓	✓	✓	✗	✓
Administrative	95-100 %	95-100 %	✓	✓	✓	✗	✓	✓	✗	NAP	✓	✓	✓	✓	✗	✓
Criminal	95-100 %	95-100 %	✓	✓	✓	✗	✓	✓	✗	✓	✓	✓	✓	✓	✗	✓

Some of other important CMIS functionalities are:

1. Templates, CMIS provides all type of official documents needed in the court in case processing.
2. System generates electronic registries with all necessary data for the all case types.
3. Statistical reports with CEPEJ indicators available in the system that enable to monitoring and performance evaluation of the individual judge and the court.
4. Joining case, the judge has the possibility to joint one or more cases in one case, CMIS supports all steps and keeps history of the this process.
5. Splitting Case, CMIS supports the possibility to split one case in two or more cases. For this feature, CMIS allows judge to split parties, legal base and all necessary action i order to complete splitting of the case. The CMIS keeps all history of the process, which was the mother case and which are new cases created by splitting.
6. Reallocation of case, CMIS supports the reallocation of cases. If the judge has legal base to ask reallocation of the case, the judge can make the request for the reallocation to the court president. If court presidents accept the request for reallocation of the case, CMIS automatically will assign the case to another judge with the same criteria applied for assigning the first judge.
7. CMIS automatically creates the panels for every case in the court that needs to be handled by the panel.
8. Setting courts sessions with the system, possibility to postpone, cancelling with the reasons for postpone and cancelling, including reports for sessions.
9. Judge calendar, every judge has its calendar with the all data needed for creating its agenda, booking court rooms, summons etc.

• Database of court decisions

The database of court decision is available for all instances and matters and its deployment rate is 75-95% (except for Supreme Court where it is 95-100%). The court decisions are published online (i.e. on a public website) and the functionalities of the database include "manual anonymisation" of court decision as well as "free public online access" for all matters. However, only the database for the civil court decisions have advanced search engine.

	1st instance		2nd instance		Supreme court		Functionalities										
	Deployment rate	Modalities of publication	Deployment rate	Modalities of publication	Deployment rate	Modalities of publication	Automatic anonymisation	Manual anonymisation	Free public online access	Link to the case law of the European Court of Human Rights (ECHR)	Open data	Advanced search engine	Machine-readable content	Structured content	Metadata	European Case Law Identifier (ECLI)	Other
Civil	75-95 %	Published online (public website)	75-95 %	Published online (public website)	95-100 %	Published online (public website)	✗	✓	✓	✓	✓	✓	✗	✗	✓	✗	✗
Administrative	75-95 %	Published online (public website)	75-95 %	Published online (public website)	95-100 %	Published online (public website)	✗	✓	✓	✓	✓	✓	✗	✗	✓	✓	✗
Criminal	75-95 %	Published online (public website)	75-95 %	Published online (public website)	95-100 %	Published online (public website)	✗	✓	✓	✓	✓	✓	✗	✗	✓	✓	✗

• Statistical tools

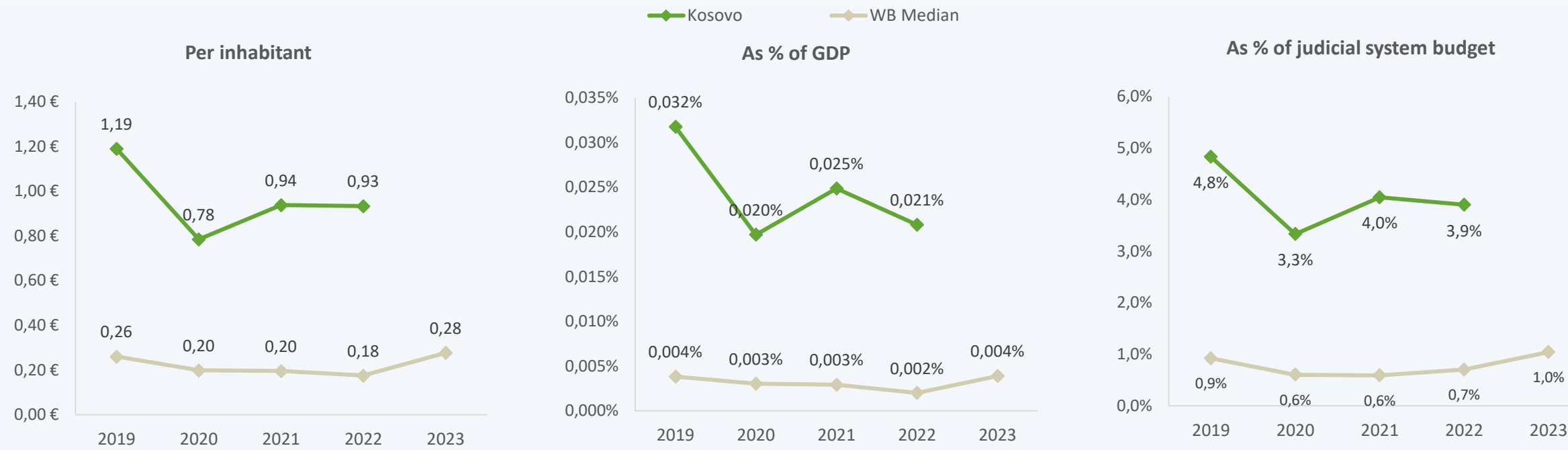
The statistical tools are developed in all courts (deployment rate is 95-100% for all matters). Among their functionalities, they are integrated with the CMS. Yet, the statistical tools for the administrative matter have an internal page/dashboard and real-time data are available.

	Deployment rate	Functionalities									Data available for statistical analysis								
		Integration/connection with the CMS	Business intelligence software	Generation of predefined statistical reports	Generation of customised statistical reports	Internal page and/or dashboard	External page with statistics (public website)	Real-time data availability	Automatic consolidation of data at the national level	Other special functionality	Case flow data (number of incoming, resolved,)	Age of a pending case	Length of proceedings	Number of hearings	Cases per judge	Case weights	Number of parties in a case	Indicator of appeal	Result of the appeal
Civil	95-100 %	✓	✗	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓
Administrative	95-100 %	✓	✗	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓
Criminal	95-100 %	✓	✗	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓

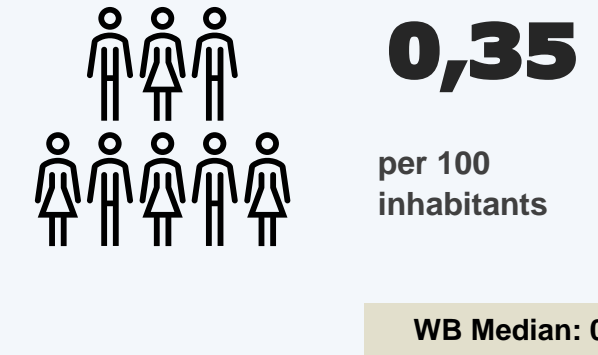
Kosovo is not included in the calculation of summary statistics

Legal Aid in Kosovo in 2023 (Indicator 4)

Total implemented budget for Legal Aid between 2019 and 2023



Number of recipients of legal aid in 2023



• Organisation of the legal aid system

The Constitution of the Republic of Kosovo defines legal aid as a constitutional category, and Article 31 paragraph 6 defines that "Free legal aid shall be provided to those who do not have sufficient financial resources, if such aid is necessary, to ensure effective access to justice."

Free Legal Aid Agency is Executive Agency within the Ministry of Justice, the most relevant institution in the integrated legal aid system in the Republic of 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 for Free Legal Aid, 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 Supplement to the 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 Misdemeanor proceedings, through which effective access to justice is ensured for citizens who do not have sufficient financial means.

The number and variety of requests for legal aid beneficiaries indicate the need and sustainability of this institution.

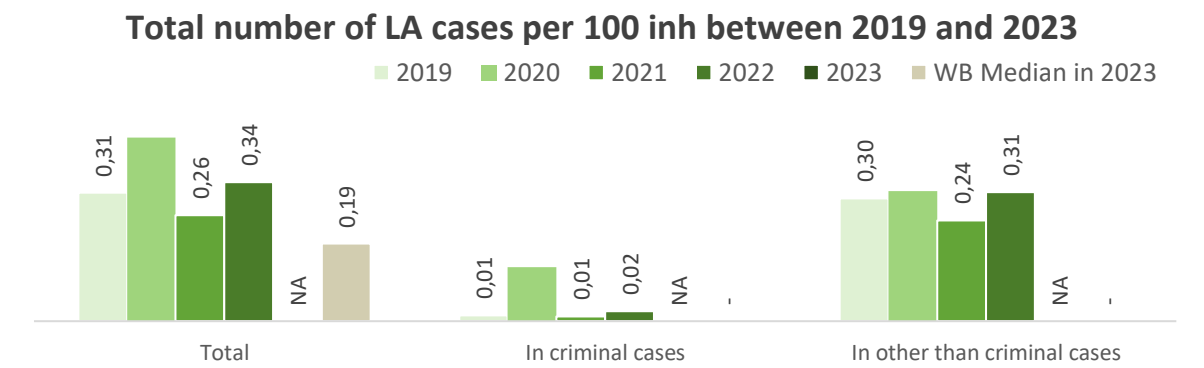
Legal aid is applied to:

	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**

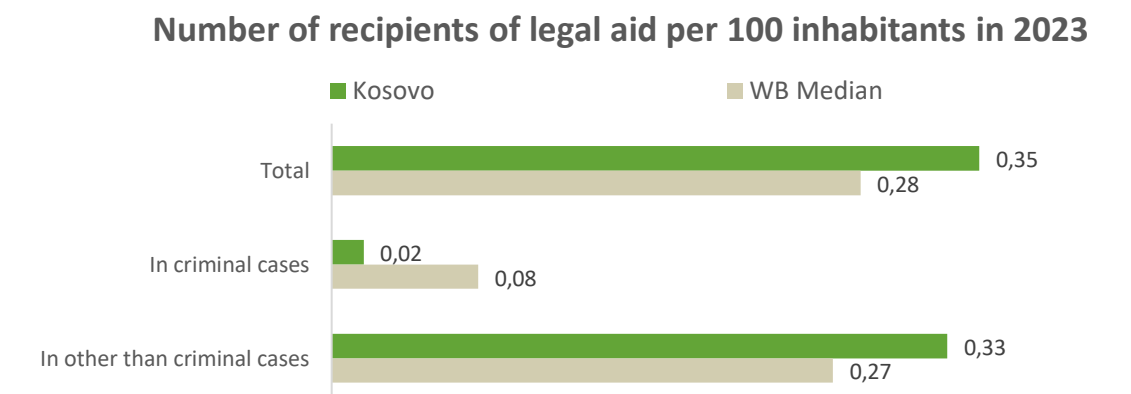
	Implemented budget for legal aid in €				Total implemented budget for legal aid per inhabitant		Total implemented budget for legal aid as % of GDP		Total implemented budget for legal aid as % of the judicial system budget	
	Total (a+b)	% Variation 2019 - 2023	Cases brought to court (a)	Cases not brought to court (b)	Kosovo	WB Median	Kosovo	WB Median	Kosovo	WB Median
Total (1+2)	NA	NA	NA	NA	NA	0,28 €	NA	0,004%	NA	1,0%
In criminal cases (1)	NA	NA	NA	NA						
In other than criminal cases (2)	NA	NA	NA	NA						

	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 - 2023					
Total (1+2)	NA	NA	NA	NA	NA	NA	NA	NA
In criminal cases (1)	NA	NA	NA	NA	NA	NA	NA	NA
In other than criminal cases (2)	NA	NA	NA	NA	NA	NA	NA	NA



• **Number of recipients of legal aid**

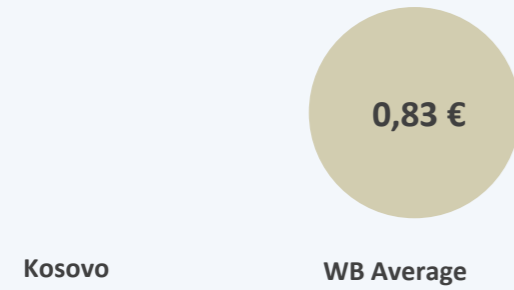
	Number of recipients of legal aid					Amount of LA granted by recipient (€)		
	Total (a+b)			Cases brought to court (a)	Cases not brought to court (b)	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 inh.	WB Median					
Total (1+2)	6 081	0,35	0,28	2 933	3 148	NA	NA	NA
In criminal cases (1)	300	0,02	0,08	286	14	NA	NA	NA
In other than criminal cases (2)	5 781	0,33	0,27	2 647	3 134	NA	NA	NA



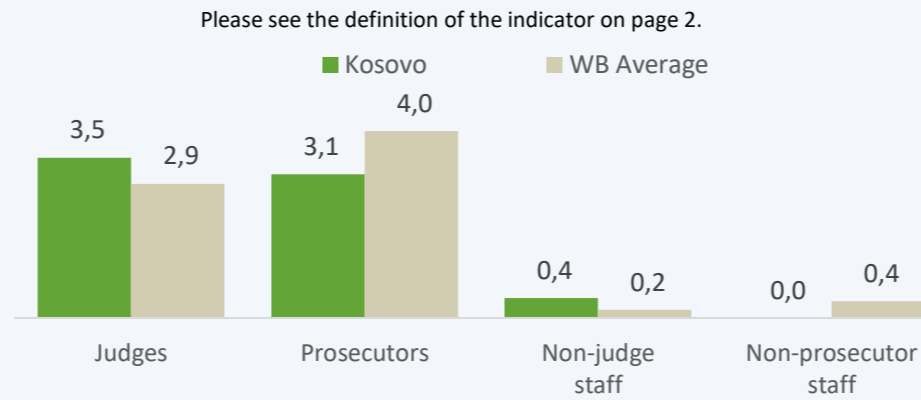
Kosovo is not included in the calculation of summary statistics

Training of judges and prosecutors in Kosovo in 2023 (Indicator 7)

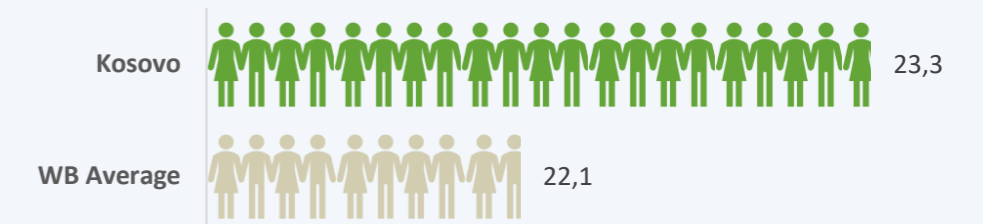
Total budget for training per inhabitant



Average number of live training participations per professional



Average number of participants per delivered training



In 2023, 3 264 participants (of which 1 474 judges and 499 prosecutors) were trained in 140 live trainings (in-person, hybrid or video conferences).

There were 4 participants in internet-based trainings. This shows that the participation on live trainings is higher than the participation in internet-based trainings.

In Kosovo, each judge participated, on average, to 3,5 live trainings in 2023, which was higher than the WB Average (2,9) while each prosecutor participated, on average, to 3,1 live trainings, less than the WB Average (4).

Regarding the internet-based trainings (not-live), 19 trainings in total were provided on the e-learning platform of the training institution for judges and prosecutors, whereas a total of 18 trainings was completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc.). The total number of participants was 4 and 0, respectively.

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)	% of budget of the training institution(s) covered by external donors	Budget of the courts/prosecution allocated to training (2)	Total (1)+(2)								
				Absolute Number	Evolution of training budget per inhabitant					% Variation 2019 - 2023	% Variation 2022 - 2023	WB Average per inhabitant
					2019	2020	2021	2022	2023			
Total	NA	NA	NA	876 615 €	0,66 €	0,30 €	NA	0,39 €	NA	-24,7%	26,3%	0,83 €
Judges	NA	NA	NA	NA								
Prosecutors	NA	NA	NA	NA								
One single institution for both judges and prosecutors	NA	NA		NA								

Kosovo spent in total 876 615€ for training for judges and prosecutors in 2023, which is 0,5€ per inhabitant (below the WB average of 0,83€ per inhabitant).

• 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 (2023)							
	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	151	140	225	3 264	1,6 >	1,5	23,3 >	22,1
Judges	151	140	225	1 474	1,6 >	1,5	10,5 <	13,2
Prosecutors	100	96	160	499	1,7 >	1,5	5,2 <	11,3
Non-judge staff	61	61	70	696	1,1 <	1,6	11,4 <	72,5
Non-prosecutor staff	61	61	70	595	1,1 <	1,2	9,8 <	149,8

CEPEJ distinguishes 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.

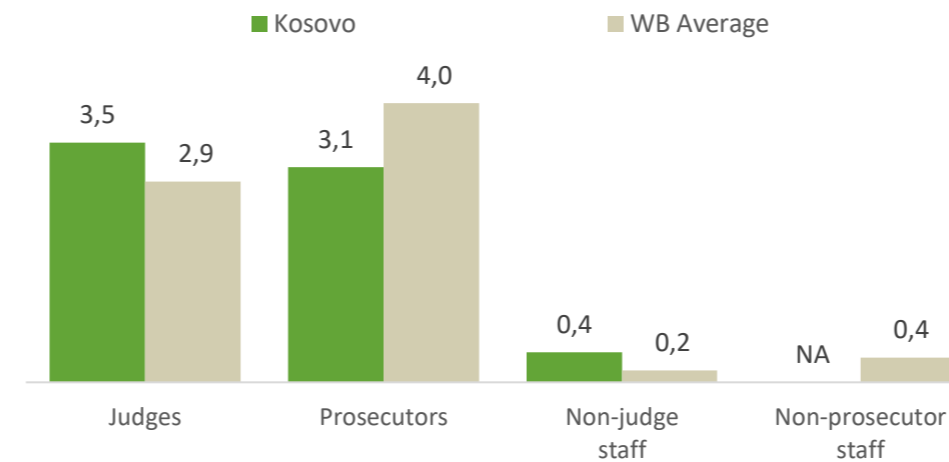
Key:	>	Higher than the WB Average
	=	Equal to the WB Average
	<	Lower than the WB Average

In 2023, the average duration of trainings for judges in Kosovo was 1,6 days (slightly above the WB Average of 1,5). During the same period, the average duration of training for prosecutors was 1,7 days, which was well above the WB Average of 1,5 days.

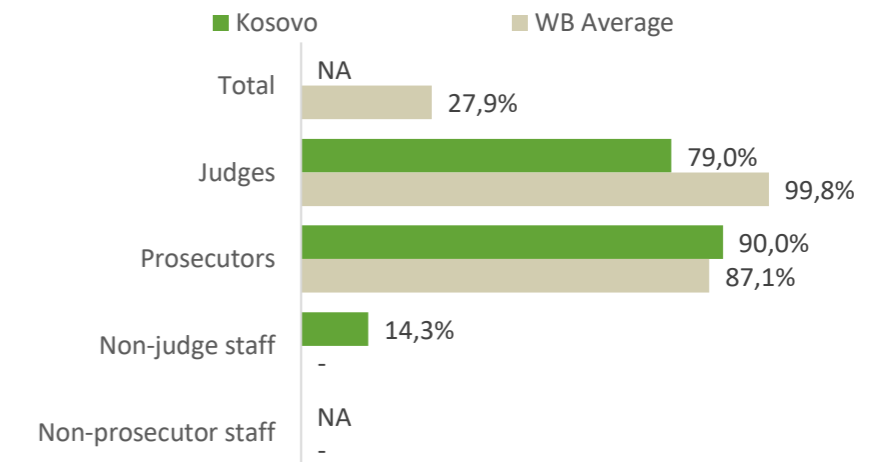
Indicators on training participation: Number of training participations per professional and unique participants

	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	NA	1,0	872	NA	27,9%
Judges	3,5 >	2,9	335	79,0% <	99,8%
Prosecutors	3,1 <	4,0	144	90,0% >	87,1%
Non-judge staff	0,4 <	0,2	230	14,3%	-
Non-prosecutor staff	NA	0,4	163	NA	-

Average number of live training participations per professional in 2023



Percentage of professionals attending at least one training in 2023



Average number of live training participations per professional

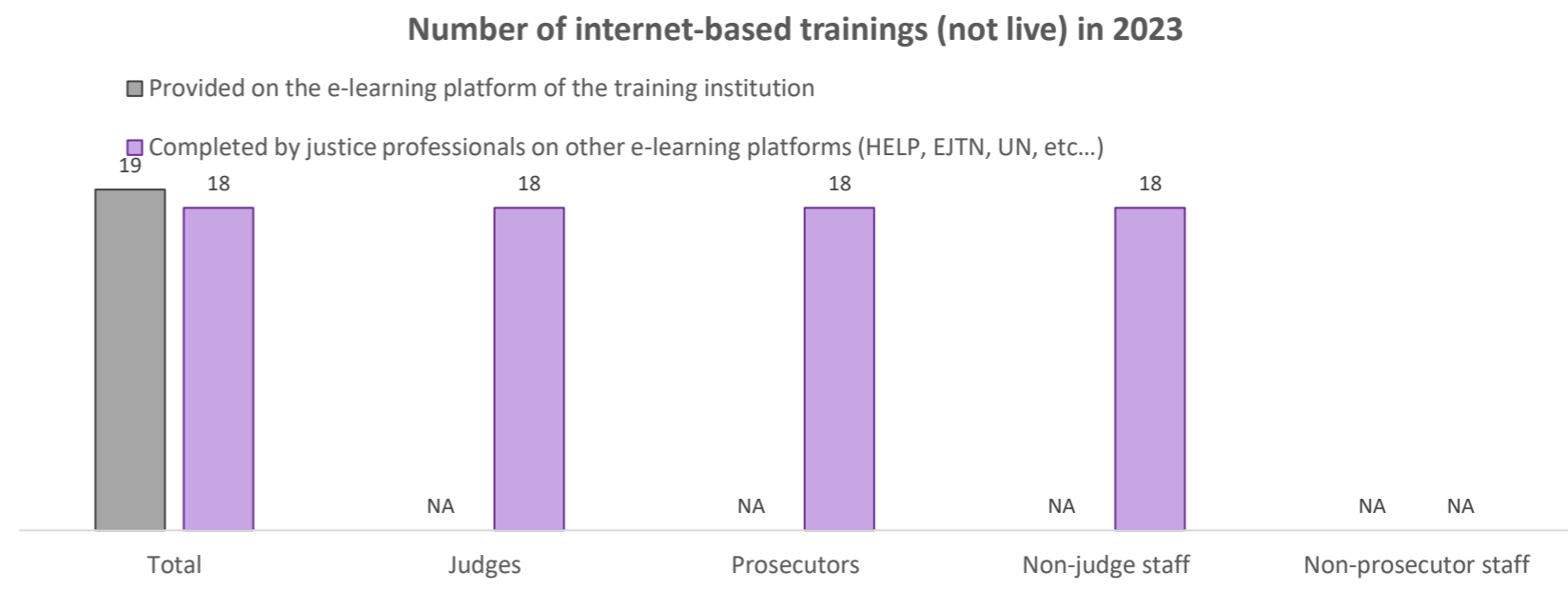
This indicator is calculated as follows: the number of participants in live trainings is divided by the number of professionals for that category. For example, the WB Average for judges is 2,9. This means that, on average, each judge in the region participated to 2,9 live trainings. This indicator should 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 judge (3,5 live training participations per judge). Hence, compared to the other professionals, Kosovo gave priority to the trainings for judge; while in the region, the highest priority was given to train prosecutor (indeed, the WB Average number of live training participations per prosecutor was 4).

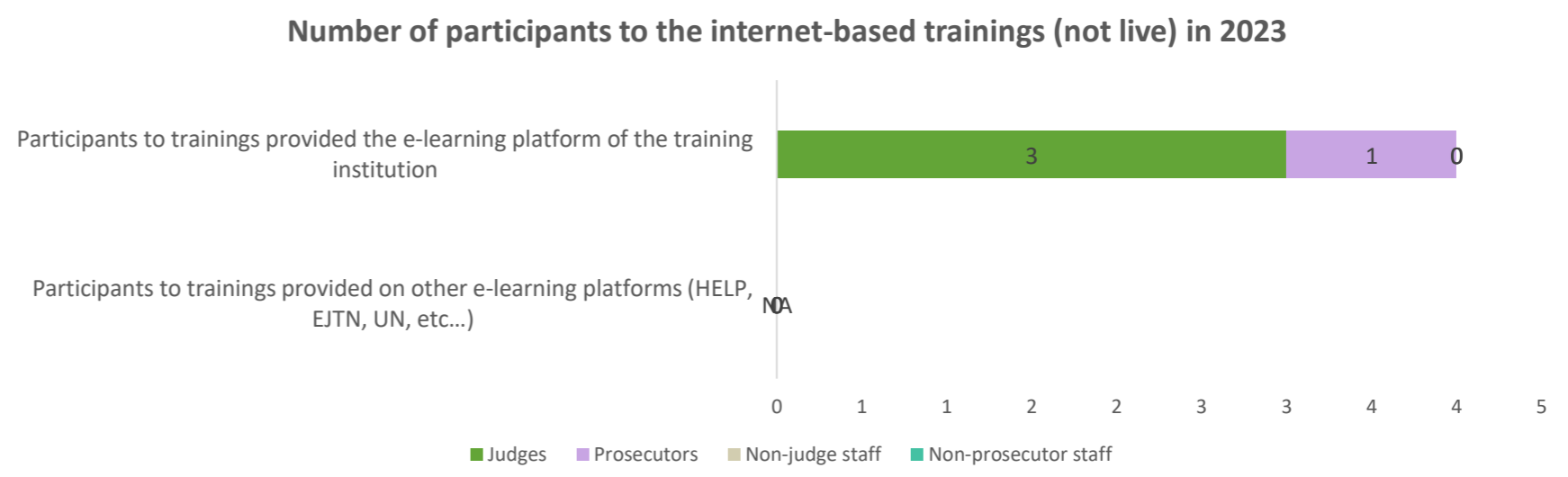
In 2023 the highest priority for live training was given to the training of Judges (3,5 participations on trainings per judge). At the same time, the percentage of judge attending at least one training was 79,0%.

Number of in-service internet-based trainings and participants

	Number of internet-based trainings (not live) in 2023			
	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	19	4	18	0
Judges	NA	3	18	0
Prosecutors	NA	1	18	0
Non-judge staff	NA	0	18	0
Non-prosecutor staff	NA	0	NA	NA



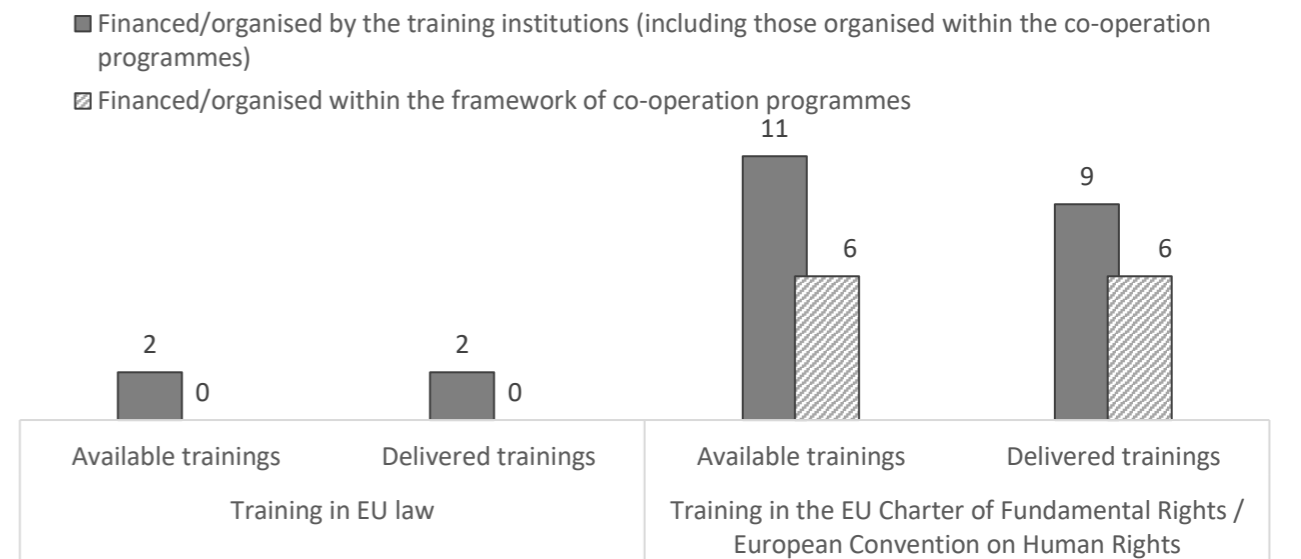
The number of 19 trainings included 18 courses of HELP were translated into Albanian and Serbian languages and they are expected to be launched and provided for all the legal community and another course for seizing and confiscating assets, the only one that has been implemented.



• Number of EU law training courses and participants

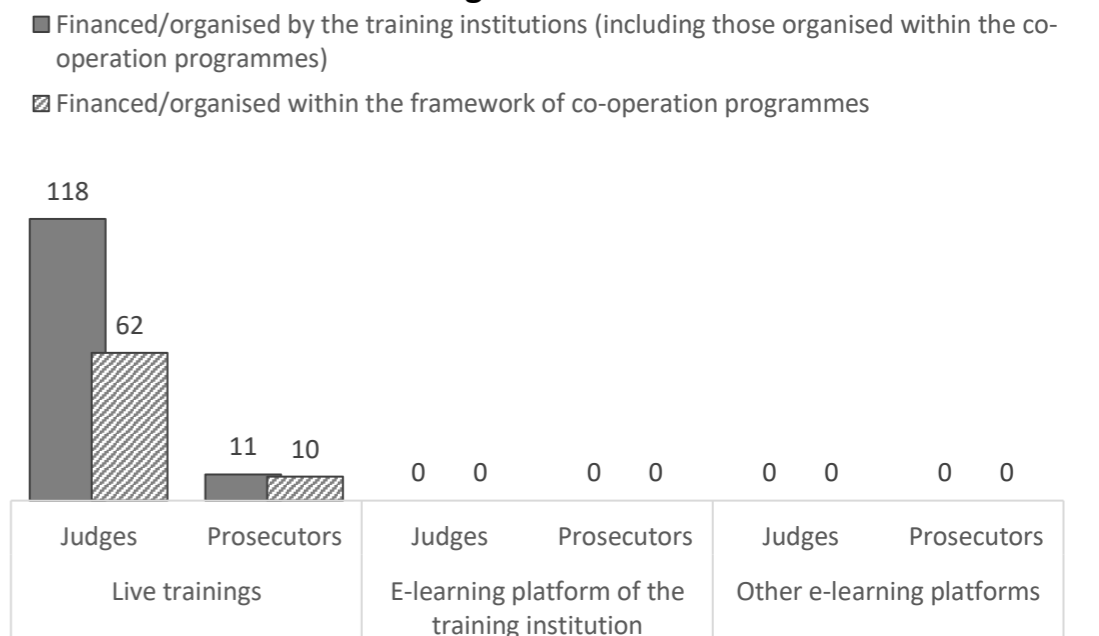
	Training in EU law organised/financed:		Training in the EU Charter of Fundamental Rights / European Convention on Human Rights organised/financed:	
	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes
Live trainings (2023)				
Number of available live trainings	2	0	11	6
Number of delivered live trainings	2	0	9	6
Number of delivered live training in days	2	0	12	8
Internet-based trainings(2023)				
Provided on the e-learning platform of the training institution (not live)	0	0	0	0
Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	-	0	-	0

Number of live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2023



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	118	11	96	10	0	0	0	0
Within the framework of co-operation programmes	62	10	54	9	0	0	0	0

Number of participants to live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2023



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

• Type and frequency of trainings

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

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

As regards prosecutors, 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.

Prosecution offices have prosecutors specially trained in domestic violence and, also, specifically trained in dealing with cases when minor victims are involved.


In all Prosecution Offices across Kosovo, Coordinators for Domestic Violence are designated from among the prosecutors. These prosecutors, typically appointed for their expertise, are regularly invited to and participate in specialized training sessions related to domestic violence cases.

• 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	NA	NA	NA	NA
Prosecutors	NA	NA	NA	NA

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.

In addition to the previously mentioned sources, the perspectives of civil society, media monitoring of the judiciary, reports on the operations of courts and prosecution offices, recommendations from the Ombudsperson, and national strategic documents that influence the judiciary's functions are also considered.

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 result 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	

The evaluation form is one of the first mechanisms which the Academy of Justice constantly uses after each training. This form enables the participants to declare on the training methodology applied in the training, to evaluate the trainer, content of th training, organizational aspects of the training, duration and other important aspects including their proposals for the necessary trainings. The findings from this form are particularly important for our training institution in order to improve the quality of trainings, the trainers, etc. All the results are processed and taken into account when preparing the upcoming training. From the roundtables the conclusions valid for the judicial practice are drawn.

Kosovo is not included in the calculation of summary statistics

Alternative Dispute Resolution in Kosovo in 2023 (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



Before/instead of going to court

Mediators

7,2

per 100 000 inhabitants

WB Average: 17,8

Total number of court-related mediations

Number of cases for which the parties agreed to start mediation NA

Number of finished court-related mediations NA

Number of cases in which there is a settlement agreement NA

In Kosovo, court related mediation procedures are available and 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 before or instead of going to court and 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 2023, the number of mediators was 7,2 per 100 000 inhabitants, which was below the WB Average (17,8 per 100 000 inhabitants). The number of cases in 2023 was not available.

• 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.

• 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 in Kosovo must meet specific conditions to qualify for the role. They are required to possess a university degree, have the legal capacity to act, and successfully complete a training course for mediation, which includes practical case solutions supervised by a licensed mediator. Upon successful completion of this training, they receive a certificate, which serves as the basis for their registration as a mediator.

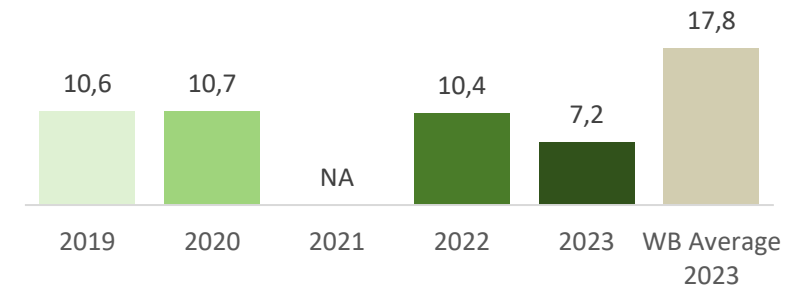
The certification of mediators is overseen by the Minister of Justice. To be licensed by the Ministry of Justice, a mediator must be certified, have no criminal convictions, and demonstrate a high level of professional reputation and moral integrity. The Ministry has the authority to suspend or revoke a mediator's license in accordance with the Law on Mediation. A mediator's license can be revoked if a criminal procedure is initiated against them or if they are convicted of a criminal offense by a final judgment, or for a serious violation of the Code of Ethics.

Decisions made by the Minister regarding the certification and licensing of mediators are final in the administrative procedure. The Ministry of Justice is also responsible for organizing training for mediators.

For more details, refer to the [Law on Mediation](https://gzk.rks-gov.net/ActDetail.aspx?ActID=17769).

Accredited/registered mediators for court-related mediation			% Variation between 2019 and 2023
Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants	
126	7,2	17,8	-33,3%

Accredited/registered mediators for court-related mediation per 100 000 inhabitants between 2019 and 2023

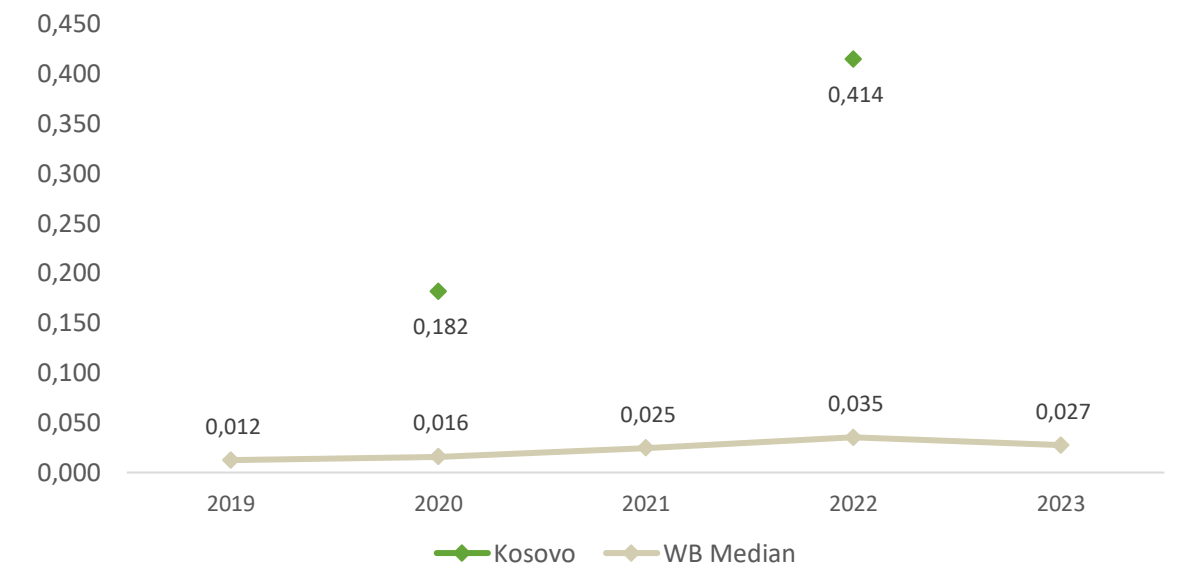


For reference only: the 2021 EU median is 17,4 mediators per 100 000 inhabitants.

In 2023, the total number of mediators in Kosovo was 126, which is -33,3% less than in 2019. The number of mediators per 100 000 inhabitants was 7,2, which is less than the WB Average of 17,8.

	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)	NA	NA	NA				
1. Civil and commercial cases	NA	NA	NA	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	NA	NA	NA	NAP	✓	✓	✗
6. Consumer cases	NA	NA	NA	NAP	✓	✓	✗
7. Other cases	NA	NA	NA				

Evolution of the number of court-related mediation for which parties agreed to start mediation per 100 inhabitants between 2019 and 2023



Court related mediations are provided by public authorities (other than the court) and judges. Their number was not available in 2023.

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

Kosovo is not included in the calculation of summary statistics

Reforms in Kosovo in 2023

	Yes (planned)	Yes (adopted)	Yes (implemented)	Comment
(Comprehensive) reform plans	✓	✓	✗	NA
Budget	NA	NA	NA	-
Courts and public prosecution services	✗	✓	✓	NA
Access to justice and legal aid	✗	✗	✓	-
High Judicial Council and High Prosecutorial Council	✓	✗	✓	NA
Legal professionals	✗	✗	✓	-
Gender equality	✗	✗	✓	-
Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities	✓	✗	✗	-
Mediation and other ADR	✗	✗	✓	-
Fight against corruption and accountability mechanisms	✗	✗	✓	-
Domestic violence	✗	✗	✓	-
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: 2023

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

Procedure of recruitment of judges

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 selection criteria are also published, but separately from the announcement 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, prepared by the Qualification Test Drafting Commission (comprised of nine members whose mandate ends after the exam has been prepared) which is 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).

A candidate who has successfully completed the recruitment process if s/he 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.

Transparency of the evaluation during the interview is achieved through audio or video recording of the interview, 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 skills; (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 gathering the information regarding a candidate's profile and his/her past from relevant institutions. Criminal records are checked, as well as existence of any disciplinary proceedings or disciplinary sanctions imposed and integrity assessment test is performed.

Mandate of judges

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.

Procedure of recruitment of prosecutors

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. The procedure is further regulated in the Regulation on recruitment, examination, appointment and reappointment of prosecutors.

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 they are notified of the results. 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 all complaints, the KPC then compiles the final list of candidates 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 responsibility the duties of the office; (f) communication abilities; (g) conduct out of office; and (h) personal integrity (Article 18, LKPC).

The KPC decides on nomination of candidates for appointment to the President of Kosovo by a simple majority of votes. 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 President's 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. Criminal records are checked, as well as existence of any disciplinary proceedings or disciplinary sanctions imposed. The candidate's personal integrity is assessed at the interview where the candidate may be asked about personal issues and professional integrity, being given the possibility to confirm, contradict or complement the evaluation done on the basis of the verification of documents and information obtained from other sources.

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.

Mandate of prosecutors

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

Promotion of judges

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.

Promotion of prosecutors

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

Compensation of users of the judicial 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. Updated information for 2023 were not provided.

	2020			2021			2022			2023		
	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 €)	Number of requests for compensation	Number of compensation	Total amount (in €)
Total	NA	NA	NA	NA	NA	NA	NA	104	251.302 €	NA	NA	NA
Excessive length of proceedings	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NA	NA	NA
Non-execution of court decisions	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NA	NA	NA
Wrongful arrest/detention	NA	NA	NA	NA	NA	NA	NA	79	NA	NA	NA	NA
Wrongful conviction	NA	NA	NA	NA	NA	NA	NA	25	NA	NA	NA	NA
Other	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NA	NA	NA

Procedure to challenge a judge

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.

Instructions to prosecute or not addressed to public prosecutors

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 4), 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

Independence of judges and prosecutors

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).

Existence of specific measures to prevent corruption

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.

In-service trainings on ethics, corruption prevention and conflicts of interest

According to information provided in previous (2022) cycle, there were 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. No valid updated information were provided for 2023 cycle.

Breaches of integrity for judges, prosecutors and court staff

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).

Codes of conduct for judges and prosecutors and bodies giving opinions on ethical questions

According to information provided in previous (2022) cycle, 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.

Established mechanisms to report influence/corruption on judges and prosecutors

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 except that there are appeal boxes available in courts where citizens can file an appeal. 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.

Transparency in distribution of court cases


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).

Number of criminal cases against judges and prosecutors

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				2023			
	Judges		Prosecutors		Judges		Prosecutors	
	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100
Number of initiated cases	0	0,00	14	8,7	NA	NA	NA	NA
Number of completed cases	NA	NA	12	7,45	NA	NA	NA	NA
Number of sanctions pronounced	NA	NA	8	4,97	NA	NA	NA	NA



The authorities have reported that due to Covid 19 situation no information has been obtained with regard to judges for 2019. No statistical data 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. In 2023, no information were provided.

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, 2022 and 2023:

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
2023	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00

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

Procedures and mechanisms for managing potential conflict of interest of judges

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. 08/L-108 on Declaration, Origin and Control of Assets and Gifts, 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). In order to perform accessory activities, a judge has to obtain a prior authorisation from the KJC.

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.

Procedures and mechanisms for managing potential conflict of interest of prosecutors

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 non-prosecutorial 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 has to obtain 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 from the Chief Prosecutor (or from the Kosovo Prosecutorial Council in case of the Chief Prosecutor of the Prosecution Office) 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.

Possibility for judges and prosecutors to perform additional activities

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		✓		✓

Breaches of rules on conflict of interest

Absolute number of procedures for breaches of rules on conflict of interest for judges and prosecutors in 2019, 2020, 2021, 2022 and 2023:

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
2023	0	0	0	0	0	0

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

Description of the disciplinary procedure 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).

Any natural or legal person may submit a complaint against a judge or a prosecutor concerning an allegation of a disciplinary offense to the competent authority. 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 Ombudsman). 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 reasons (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				2023			
		Judges		Prosecutors		Judges		Prosecutors	
		Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
Number of disciplinary proceedings initiated	Total number (1 to 5)	NA	NA	8	4,97	10	2,36	8	5,00
	1. Breach of professional ethics (including breach of integrity)	NA	NA	0	0,00	3	0,71	NAP	NAP
	2. Professional inadequacy	NA	NA	8	4,97	7	1,65	8	5,00
	3. Corruption	NA	NA	0	0,00	NAP	NAP	NAP	NAP
	4. Other criminal offence	NA	NA	0	0,00	NAP	NAP	NAP	NAP
	5. Other	NA	NA	0	0,00	NAP	NAP	NAP	NAP
Number of cases completed	Total number (1 to 5)	NA	NA	15	9,32	10	2,36	5	3,13
	1. Breach of professional ethics (including breach of integrity)	NA	NA	2	1,24	3	0,71	NAP	NAP

	2. Professional inadequacy	NA	NA	13	8,07	7	1,65	5	3,13
	3. Corruption	NA	NA	0	0,00	NAP	NAP	NAP	NAP
	4. Other criminal offence	NA	NA	0	0,00	NAP	NAP	NAP	NAP
	5. Other	NA	NA	0	0,00	NAP	NAP	NAP	NAP
Number of sanctions pronounced	Total number (total 1 to 10)	NA	NA	11	6,83	6	1,42	5	3,13
	1. Reprimand	NA	NA	8	4,97	2	0,47	4	2,50
	2. Suspension	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP
	3. Withdrawal from cases	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP
	4. Fine	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP
	5. Temporary reduction of salary	NA	NA	1	0,62	1	0,24	1	0,63
	6. Position downgrade	NA	NA	2	1,24	1	0,24	NAP	NAP
	7. Transfer to another geographical (court) location	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP
	8. Resignation	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP
	9. Other	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP
	10. Dismissal	NA	NA	NAP	NAP	2	0,47	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.

In 2023, KPC received 8 requests for initiating the disciplinary procedures against prosecutors. In respect of 2 prosecutors the KPC received 2 separate requests for each of them so the cases were merged. As a result, in total, there were 6 cases treated. Out of 8 cases, 3 are still pending (1 at the Supreme Court, 1 at the KPC and 1 at the investigative panel. In 4 cases a reprimand was imposed (2 written non-public reprimands and 2 written public reprimands).



*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 LDLJP.

Council for the Judiciary/ Prosecutorial Council

Council for the Judiciary

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.

Prosecutorial Council

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 10 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 and one prosecutor of the Serbian community from the basic prosecution office in Mitrovica offered his resignation.

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; decisions are reasoned; the media, civil society and international partners are invited to the KPC's 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.