

**Stabilisation-Association Process Dialogue
Justice, Freedom and Security (JFS) Subcommittee Meeting**

8 – 10 February 2011

Conclusions

The second Meeting of the Stabilisation-Association Process Dialogue Justice, Freedom and Security (JFS) Subcommittee took place in Prishtina/Pristina on 8 – 10 February 2011.

During its *first day*, the meeting was **co-chaired** by the Acting General Secretary of the Ministry of European Integration (MEI), Mr Edon Cana, and the EC ELARG Kosovo Desk Officer, Mr Lukas Holub.

During the *second and third days*, the meeting was **co-chaired** by the Director of Governance at MEI, Mr Arben Kalaja, and the EC ELARG Kosovo Desk Officer, Mr Arnaud Appriou.

Participants (*please see Attachment 1 for a detailed list of participants*):

- A) Kosovo authorities were represented by institutions of the Government of Kosovo and independent institutions/agencies. Participants were divided into presenters and discussants.

From the **Government of Kosovo**: MEI, Office of the Prime Minister (Office of Good Governance, Office of Community Affairs, Office of Legal Support Services, Agency of Gender Equality, Government Commission on the Use of Languages and the Government Commission on Missing Persons), Ministry of Internal Affairs (including the Kosovo Police), Ministry of Justice, Ministry of Communities and Returns, Ministry of Local Government Administration, Ministry of Education, Science and Technology, Ministry of Economy and Finance (including the Kosovo Customs), Ministry of Environment and Spatial Planning, Ministry of Culture, Youth and Sports, Ministry of Public Administration and.

From **independent institutions/agencies**: Assembly of Kosovo, Kosovo Judicial Council, Kosovo Prosecutorial Commission, Kosovo Anti-Corruption Agency, Ombudsperson Institution, Kosovo Property Agency, Office of the State Prosecutor, Public Procurement Regulatory Commission, and Police Inspectorate of Kosovo.

- B) From the **European Commission (EC)**: representatives of the DG Enlargement, DG Home Affairs and DG Justice, as well as the European Commission Liaison Office to Kosovo.

- C) EUSR and EULEX.

1. Introduction¹

The meeting was opened by the Minister of European Integration, Mr Besim Beqaj. On behalf of Kosovan institutions, he highlighted the importance of this meeting, particularly in view of preparations for a visa dialogue with the European Commission. He also summarized major achievements of Kosovan authorities in this sector since the first meeting of this Subcommittee and pointed out the main priorities for the forthcoming period as part of Kosovo's European Agenda, hence inviting representatives of all local institutions to engage in open discussions and to take on board recommendations proposed by the EC.

¹ The activities presented in this document, either as completed or planned, cover the period between October 2010 and October 2011. For more information on activities carried out within the fields covered by this document during 2010, please refer to the Kosovo's Input to the 2010 EC Progress Report on Kosovo.

Speaking on behalf of the EC, Mr Holub briefly summarized key findings of the 2010 Progress Report on Kosovo in the fields falling under this SAPD Meeting. He further underlined key challenges facing these sectors since the previous meeting of this Subcommittee, also inviting the participants to use this meeting to take stock of the progress achieved so far and focus on priority action points to be agreed on between Kosovan authorities and the EC in this meeting. Moreover, he pointed out key fields in which Kosovo needs to demonstrate a track record of tangible and measurable progress in its path to the visa liberalisation: readmission and reintegration of repatriated persons, civil registries, integrated border management and combating corruption and crime. He also informed Kosovan counterparts that the cut-off date for Kosovo to provide updated input to the 2011 Progress Report is early September. Lastly, concerning areas of migration, IBM, fight against organized crime, judiciary, human rights enforcement, and protection of and respect for minority communities, the EC recommended that Kosovan authorities apply restraint in view of the Kosovo – Serbia dialogue on practical issues of mutual interest and that EULEX is fully involved when relevant.

2. Home Affairs

As regards ***readmission of repatriated persons***, MIA reported that 5198 persons were readmitted during 2010. It further reported that readmission agreements are being negotiated with Hungary, Croatia, Netherlands and Luxembourg, while negotiations with other countries are expected to follow. MIA underlined the importance of diplomatic and direct contacts with the relevant governments in ensuring heightened cooperation with regards to accelerated readmission.

With regards to institutional capacity building, MIA reported on the approval of the new organizational structure for the Department of Citizenship, Asylum and Migration, while the database being designed for the department will also contain a component for managing data regarding readmission and reintegration. As regards inter-institutional cooperation, MIA emphasized that the flow of information between relevant institutions has improved; readmission requests are processed without delay and there are no complaints from returning countries.

With regards to ***reintegration of the repatriated persons***, MIA reported that implementation of the reintegration strategy and action plan continued. MIA further reported on the establishment of the Secretariat for the Inter-Ministerial Coordination Board and the opening of a registration and information office at Prishtina Airport for the readmitted persons, where four officers have been hired to work. Rules of Procedure and job descriptions for municipal return and communities officers are being prepared. Furthermore, training has been delivered to them, with the view to familiarizing them with the measures contained in the Reintegration Action Plan and their implementation. In this context, MIA and MLGA have organized five regional workshops, covering all municipalities, attended by relevant municipal officials dealing with education, employment, social affairs, health, property issues, human and minority rights, and returns. A Training of Trainers (ToT) has also started, envisaging to certify 16 trainers, who will be delivering trainings to Municipalities during April.

Information material has also been drafted and is being distributed to the readmitted persons on their rights and benefits, also through electronic form. €0.5 million have been allocated for 2010 with the view to implementing the Reintegration Action Plan. MIA reported that €5 000 - €15 000 have been spent out of the budget allocated in 2010, while €3.6 million have been included in the proposal for 2011 budget. The definition of the criteria regulating eligibility is ongoing. MIA further reported that services have continued to be provided to the readmitted persons, such as transportation to the place of origin, shelter for up to six months as well as access to the public education system (even when civil registration is pending).

As far as ***asylum and migration*** is concerned, MIA reported that there had been 267 cases of asylum seekers during 2010. It was further reported on the adoption of an AI on the rights and responsibilities of the asylum seekers in Kosovo, while it is expected that during 2011, Magurë/Magura asylum seekers centre is finalized. Furthermore, DCAM is preparing a database for all areas it covers, including matters related to asylum. During 2009-2011 there were 331 asylum seekers. 18 negative

decisions were issued, and 227 are in the procedure. Moreover, MIA started equipping asylum seekers with identification documents in autumn last year, and 40 have been issued so far.

Challenges:

- Capacity of DCAM to carry out periodical and thorough assessment of capacities of Municipalities to reintegrate repatriated persons and resources needed to support their reintegration;
- Efficient and timely spending of the budget allocated to the Reintegration Fund;
- Capacities of DCAM to deal in timely manner with asylum requests, particularly when it comes to verification issues;
- Adequate facilities for detention of foreigners entering illegally, as well as dealing with rejected cases in adequate and timely manner;

As regards **civil registration and document security**, MIA reported that up to 70 percent of civil registry records have been scanned, while the pre-qualifying phase of the tender for biometric passports production is complete. The Civil Registration Agency (CRA) emphasized its support to the implementation of the 2009 IPA project “*Support to Civil Registration Agency and the Unified Address System*”, which envisages a considerable number of capacity building measures. When comparing the civil registration data contained in registry books and the database of the Department for Document Production, CRA found that out of a sample of 1,000 registration data, only 55 did not match. The discrepancies were mainly related to the data regarding address of residence within the sample, a challenge to be addressed through the forthcoming law on unified address system and the above-mentioned IPA project. However, corrective measures in these cases have yet to be taken.

CRA has also made efforts to improve the performance of Civil Status Municipal Offices, by supporting the construction and partial refurbishment of some of their facilities. Furthermore, a civil status database has been installed and around 95 percent of these offices have been connected to intranet, while they have also been equipped with metal safes and lockers. Also, blinds have been placed on doors and windows and security personnel hired for some of these offices. Moreover, about 25 sets of equipment for online application have been provided to the municipal offices as well as to the consular service units in Kosovo’s Embassies.

Challenges:

- Lack of network (Internet and Intranet) connection in 9 Civil Registration Sub-Offices;
- Adequate and fully functional interconnection of civil registry and civil status databases throughout Kosovo, including due to the lack of an address system.

In relation to **Integrated Border Management**, Border Police reported that 7 out of 10 Administrative Instructions envisaged for the implementation of the Law on Integrated Border Management, have been adopted by the Government. It further reported the continuous efforts being undertaken in installing and making operational the BMS control system in all border crossing points, despite the delays mentioned by the EC, which is planned to be linked with the Passports, ID cards and Vehicle registration reference databases belonging to the Civil Registration Agency and AFIS. Also, it was reported that a joint task force consisting of KP and Kosovo Customs was created with the view to carrying out operations against organized crime and smuggling.

The transfer of responsibilities over the control of the green and blue border with FYROM, has commenced in January 2011, in accordance with the roadmap on the transfer of responsibilities for border control from KFOR to Kosovo Police and the IBM Strategy. As regards inter-institutional cooperation, a report has been produced after joint efforts by KP, KC and Veterinary and Food Agency, while with regards to cooperation with neighbouring countries, regular meetings were held with Albanian, Montenegrin and Macedonian counterparts and synchronized patrolling were organised with Albania and Montenegro. Furthermore, a permanent state committee has been established

between the Governments of Kosovo and Montenegro with the view to demarcate the border between the two.

Challenges:

- Capacity, expertise and preparedness of all IBM Agencies to carry out their duties as well as joint cross-border operations with counterparts of neighbouring countries;
- Full and equal involvement of the KFVA phytosanitary and veterinary services deployed at the border-crossing points, in terms of both planning and execution;
- Enhancement of crime-detection capacities;
- Adequate review of the Law on IBM in order to fully reflect the IBM concept, particularly roles of all IBM Agencies;
- Ensuring full and adequate access of all IBM Agencies to the relevant databases;
- Capacities to effectively carry out risk analyses and detect cross-border crime.

As far as *fight against organized crime* is concerned, it was reported that a witness protection unit has been created within the Kosovo Police as well as a unit on combating cyber crime. When it comes to *fighting trafficking in human beings*, KP reported that it continued with the implementation of the measures as envisaged in the relevant strategy and action plan, while a number of operations were carried out with the view to checking the suspicious premises. KP reported that 57 cases in the area of trafficking of human beings were opened in 2010. Based on the Strategy against THB, Kosovo Police has decided to centralize the anti-trafficking units and put them under a single chain of command as well as it has decided to establish the Sector of Trafficking Investigation within the Directorate against THB.

With regard to *fighting illegal migration*, it was reported on the completion of the legal framework through the adoption of the Law on Foreigners, seven administrative instructions and the relevant SOPs. It was further reported on the advancement of the database for foreigners.

Regarding the *fight against drug trafficking and smuggling of goods*, KP reported that there had been 305 cases opened in 2010. The seized drugs storage facility was improved and three joint operations were carried out with FYROM counterparts with the view to investigate drug trafficking and exchange of intelligence information. Furthermore, joint investigation with Montenegrin counterparts was reported, as well as another one with the Swedish authorities. It was further reported that 23 anti-smuggling operations have been carried out during the reporting period, resulting confiscation of 14,403 litres of fuel, 1,272 litres of alcoholic beverages and 1,070 packages of medicaments, thus leading to initiation of criminal investigations against 75 suspected perpetrators, with investigations still going on, in cooperation with respective prosecution offices. Furthermore, 104 court cases against drugs were processed by the courts in 2010, out of which 31 have been concluded with convicting judgments.

As regards *fighting against economic crimes and money laundering*, the implementation of the Law on Money Laundering has already commenced: the Financial Investigations Unit conducted inspections of financial entities and awareness raising activities were organised.

Overall, as regards the capacities to fight the various forms of organized crime, it was reported that a SOP establishing an informant reward system had been adopted, as well as an Administrative Instruction and a SOP on the use of covert funds for KP which has also acquired more advanced equipment to carry out cover operations. A number of specialized training sessions on anti-organized crime were delivered to the Kosovo Police, in line with the intelligence led policing strategy. KP has also continued to provide close protection, whenever deemed necessary, to prosecutors. On the other hand, the Agency on Management of Seized and Confiscated Assets is almost fully operational, and the process of drafting implementing legislation on the Law on Management of Seized and Confiscated Assets is ongoing.

Challenges:

- A track record of arrests, prosecution and convictions against all types of organized crime;
- Capacities of law enforcement agencies to generate homogeneous statistics;
- Capacities of the Agency for Management of Confiscated and Sequestered Assets;
- A track record of cases involving confiscation and sequestration of assets;
- Resources needed for implementation of the future Witness Protection Law;
- Capacities of the relevant institutions to provide effective witness protection services;
- Setting out a clear and adequate regulatory framework on tapping of phones for investigation purposes, including a track record in this regard;
- A track record of the system on rewards to informants for investigation purposes;
- A track record of close protection services provided by the Kosovo Police to judges and prosecutors facing threats and intimidation;
- A track record of using the Kosovo Police K9 Unit dogs for purposes of detecting drugs and cash at border-crossing points;
- A track record of results achieved by using mobile scanners by the Kosovo Customs for purposes of detecting drugs at border-crossing points;
- A track record of achievements in fighting money laundering, as well as resources and cooperation (particularly on regular reporting of suspicious transactions) of all relevant local authorities with the EULEX's FIC;
- A clear and realistic assessment of existing capacities and needs of local authorities in view of gradual take-over of responsibilities from EULEX in the area of anti-money laundering;
- Further enhancement of capacities of the Kosovo Police Directorate of Organized Crime and the Directorate of Economic Crime and Corruption;
- A track record on fighting tax evasion.

With regards to *police reform and cooperation with EULEX*, KP reported on the commencement of the implementation of the community police and intelligence led policing strategies. Further, it was reported that the new Director General of the Police had been appointed. Moreover, the six months review of the organisation structure was completed, while the Strategic Development Plan 2011 – 2015 and an action plan to implement are being finalized. On the other hand cooperation with EULEX was considered as being at a satisfactory level.

Challenges

- Fully functionalizing the IBM Joint Operations Centre, ensuring possibility to access Kosovo Police and Kosovo Customs database;
- A track record demonstrating that the Intelligence-Led Policing (ILP) Strategy and Action Plan delivers results for the Kosovo Police;
- Extending the use of performance indicators to all Kosovo Police structures.

Follow-up actions:

Readmission and reintegration of repatriated persons

Readmission

1. Kosovo to continue signing bilateral readmission agreements, giving priority to EU Member States (December 2011);
2. MIA (DCAM) and KP (Directorate of Foreigners) to ensure that readmission procedures are carried out in timely manner, also ensuring adequate quality check, including criminal record of persons undergoing readmission procedures (August 2011);

Reintegration of repatriated persons

1. The respective working group to finalize and the Government of Kosovo to adopt the Terms of Reference and Job Descriptions) on Functioning of the Municipal Communities and Returns Offices (April 2011)
2. Kosovan authorities to clarify who is eligible for assistance from the funding for repatriated persons; (April 2011);

3. Kosovan authorities to ensure that the 2011 Budget foresees €3,6 million to be allocated to the Reintegration Fund (April 2011) and is spent on the actions of the reintegration actions plan while observing the procedures (December 2011);
4. Strengthening implementation at the municipal level:
 - 4.1. MIA and MLGA to complete the Training of Trainers (ToT) to central-level officials on implementation of the Strategy and Action Plan for Reintegration of Repatriated Persons at the Municipal level (April 2011);
 - 4.2. Trainers to provide further training to the relevant municipal officials, with particular focus on MCROs, including on how to apply for funding available (June 2011);
 - 4.3. Awareness-raising and information sessions to be organised for municipalities on the reintegration process, including on possibilities for funding and support (April 2011);
 - 4.4. Municipalities to be supported in developing information material for local purposes (monthly bulletins, leaflets etc.) (August 2011);
 - 4.5. Provision of basic services to repatriated persons to be ensured on the municipal level (August 2011).

Other migration issues

1. Enhance the legal framework:
 - 1.1. MIA to finalize and the Assembly of Kosovo to adopt the amended Law on Asylum, while ensuring close involvement of EULEX and the EC (June 2011);
 - 1.2. MIA to finalize and the Assembly of Kosovo to adopt the amended Law on Foreigners, while ensuring close involvement of EULEX and the EC (June 2011);
 - 1.3. MIA to finalize and adopt all the remaining secondary legislation implementing the amended Law on Asylum and that on Foreigners (August 2011).
2. Further strengthen institutional capacities:
 - 2.1. MIA to develop a database on migration and make it fully functional (June 2011);
 - 2.2. MIA and KP to establish proper facilities for detention of foreigners entering illegally and temporary accommodation of those whose asylum requests are rejected (December 2011);
 - 2.3. Kosovan authorities to ensure timely handling of asylum requests including determination of origin procedures (August 2011).

Reports

1. MIA (DCAM) to provide the EC with a report on implementation of readmission law and agreements, and of the Reintegration Strategy and Action Plan (May 2011);
2. MIA (DCAM) to provide the EC with a comprehensive report on the amount of financial means used from the Reintegration Fund in 2010 and 2011, linking it with the Reintegration Strategy and Action Plan (May 2011);
3. MIA (DCAM) to provide the EC with a comprehensive statistical report on the number of asylum requests, with the exact data broken down according to all categories (requests, decisions, complaints, court cases and verdicts, IDs issued) (July 2011).

Civil registries and document security

1. Enhance the legal framework:
 - 1.1. MIA to finalize and the Assembly of Kosovo to adopt the amended Law on Civil Status, while ensuring close involvement of EULEX and the EC (April 2011);
 - 1.2. MIA to finalize and the Assembly of Kosovo to adopt the amended Law on ID Card, while ensuring close involvement of EULEX and the EC (April 2011);
 - 1.3. MIA to finalize the amendment of and adopt all the remaining legislation implementing the amended Law on Civil Status and that on ID Card (September 2011);
 - 1.4. MIA to finalize and the Assembly of Kosovo to adopt the Law on Address System (August 2011);
2. Ensure adequate implementation:

- 2.1. Start implementing the new law on civil status and its implementing instructions (13); Ensure that all rules are implemented both at central and municipal level;
- 2.2. MIA to complete digitalization of all civil registries prior to the commencement of issuing biometric passports (April 2011);
- 2.3. MIA to ensure continuous quality check of civil registries, including identifying and addressing discrepancies of data in civil registration and civil status databases prior to the commencement of issuing biometric passports (August 2011);
3. Further strengthen institutional capacities (December 2011):
 - 3.1. MIA to complete linkage of all Municipal Civil Registration Offices, including their IT systems and databases, with the central level (June 2011);
 - 3.2. MIA to address the issue of lack of network connection of 9 Civil Registration Sub-offices (June 2011);
 - 3.3. The newly-established Municipalities to establish their Civil Status Offices and make them fully functional (June 2011), and MIA to establish the Civil Registration Offices in those Municipalities and make them fully functional (December 2011);
 - 3.4. Municipal Civil Registration Offices to continue to follow-up on the recommendations enumerated in the assessment report drafted by CRA and EULEX on the municipal civil registry centres and civil status offices (August 2011);
 - 3.5. An expert mission assessing the field of civil registries and document security envisaged for the first half of 2011;
 - 3.6. Kosovan authorities to ensure close cooperation with the EC assistance in the area, particularly by focusing on implementing recommendations provided thereby.

Reports

1. MIA to continuously report to the EC on achievements and next steps in the field of civil registration and document security (August 2011);
2. The Head of the CRA's Office of Coordination and Cooperation to provide the EC with a report on handling of cases reported to Schengen visa offices about false civil status certificates, containing statistics, analysis and follow-up measures on the cases;
3. MIA to continue to inform EC on every step taken in view of commencement of issuing biometric passports.

Integrated Border Management

Remark: Customs will be discussed in further details at the SAPD Subcommittee on Trade, Industry, Customs and Taxation, envisaged for April.

1. Enhance the legal framework:
 - 1.1. MIA to finalize and the Assembly of Kosovo to adopt the amended Law on Integrated Management and Control of the State Border while adequately reflecting the concept of IBM and responsibilities of all IBM Agencies (June 2011);
 - 1.2. MIA to finalize the amendment of and adopt all the remaining legislation and SOPs implementing the amended Law on Integrated Management and Control of the State Border (December 2011).
2. Ensure adequate implementation:
 - 2.1. Kosovan authorities to complete demarcation of the border with Montenegro (December 2011);
 - 2.2. Kosovo Police to conclude hand-over of responsibilities from KFOR over the green borderline with FYROM, provided that conditions are met (June 2011);
 - 2.3. IBM Agencies to enhance their cooperation with counterparts of neighbouring countries on IBM as well as prevention and fighting of cross-border crime (August 2011);
 - 2.4. IBM Agencies to commence applying and complying with provisions of the Law on Protection of Personal Data (December 2011).
3. Further strengthen institutional capacities:

- 3.1. The IBM Executive Board to commence with rotational chairmanship with a view to supporting equal involvement in and ownership of all IBM Agencies over the process (March 2011), as well as ensure adequate participation of all of them in consultations with the EC;
- 3.2. Kosovan authorities to make the Border Management System (BMS) fully functional as soon as possible (April 2011);
- 3.3. The KP Border Police to deliver training to its officers on border checks on professional and systematic border checks, with a view to ensuring procedures and rules are complied to (December 2011);
- 3.4. IBM Agencies to enhance their capacities to detect cross-border crime (December 2011);
- 3.5. Kosovan authorities to ensure adequate access of all IBM agencies to the relevant databases (June 2011).

Reports

1. IBM agencies to provide the EC with a report 3 months after the completion of handover of the FYROM/Kosovo Border indicating how the handover translated into increasing capacities and concrete results in terms of fighting cross border crime (illegal migration, drug smuggling, etc.);
2. Kosovan authorities to continuously report to the EC on progress and next steps in the field of IBM (August 2011).

Fight against crime and organised crime (trafficking in human beings, illegal migration, drugs and economic crime)

1. Enhance the legal framework:
 - 1.1. MoJ to finalize and the Assembly of Kosovo to adopt a European standards compliant Witness Protection Law respecting EULEX mandate, and adopt the relevant secondary legislation, in cooperation with EULEX, the EC and the IPA regional project on witness protection (June 2011);
 - 1.2. Kosovan authorities to ensure that the amended Criminal Code provides adequate reference to money laundering (September 2011);
 - 1.3. Kosovan authorities to set out the regulatory and procedural framework on tapping of phones for investigative purposes in order to ensure effective usage of this procedure while not infringing upon fundamental human rights provided for by the legislation in force (September 2011).
2. Ensure adequate implementation and enforcement:
 - 2.1. Kosovan authorities to step up their efforts to demonstrate a track record in effectively investigating and prosecuting all types of organized crime (August 2011);
 - 2.2. Kosovan authorities to carry out preparations for implementing the future Witness Protection Law, focusing on developing the whole structure and infrastructure to this end, in close cooperation with EULEX (June 2012);
 - 2.3. Kosovan authorities to step up their efforts to demonstrate a track record in effectively combating drug trafficking, including through cooperation with neighbouring countries' counterparts and targeted trainings (August 2011);
 - 2.4. All the relevant Kosovan authorities to enhance reporting to the EULEX's FIC on all transactions over €10,000 (August 2011).
3. Further enhance institutional capacities:
 - 3.1. Kosovo Police to complete staffing of its Witness Protection Unit and make it fully operational (September 2011);
 - 3.2. MoJ to complete staffing of the Agency for Management of Confiscated and Sequestered Assets and make it fully functional; MoJ to ensure adequate premises for the agency (June 2011);
 - 3.3. GoK to take the decision for the creation of the International Law Enforcement Coordination Unit, in close coordination with the regional IPA project (March 2011) and to build its capacities (August 2011);
 - 3.4. Kosovo Police to complete staffing of and further enhance capacities of its Directorate against Organized Crime and the Directorate against Economic Crime and Corruption (August 2011);

- 3.5. Kosovo Police to develop a European-standards compliant system of wiretapping, for purposes of investigating organized crime, focusing on defining the security measures (December 2011);
- 3.6. Kosovo Police to complete staffing of and further enhance capacities of its Directorate against Trafficking in Human Beings (August 2011);
- 3.7. Kosovan law enforcement agencies and judiciary institutions to enhance cooperation in prosecuting trafficking in human beings, and to ensure an adequate level of punishment (August 2011);
- 3.8. Kosovo Police to finalize and adopt policy guidelines for anti-drugs undercover operations (September 2011);
- 3.9. Kosovo Police to enhance the use of its K9 Unit dogs, both at the border and within the country's territory, to combat drug trafficking (August 2011);
- 3.10. MEF to establish the FIU and make it fully operational (August 2011);

Reports

1. KP and KC to provide the EC with a joint statistical report (covering October 2010 – February 2011) on the amount of drugs seized, including results achieved by using K9 Unit dogs and Customs scanners at BCPs (May 2011);
2. KP to provide the EC with a report explaining institutional responsibilities over tapping of phones for investigation purposes, and a statistical report on achievements by using this procedure (May 2011);
3. KP to provide the EC with a statistical report on achievements by using the system of rewards to informants for purposes of criminal investigation (March 2011);
4. KP and KC to provide the EC with a joint report on resources available for combating money laundering (April 2011);
5. Kosovan authorities to provide the EC with a report on cooperation with EULEX's FIC and the progress achieved as a result of this cooperation (April 2011);
6. KP to provide the EC with a statistical report (covering October 2010 – February 2011) on achievements in combating economic crime and corruption (April 2011);
7. Kosovan authorities to provide the EC with a statistical report (covering October 2010 – March 2011) on achievements in combating THB (April 2011);
8. MIA to continue providing the EC with quarterly progress reports on implementation of strategies under its responsibility.

Police reform and cooperation with EULEX

1. Enhance the legal framework:
 - 1.1. MIA to finalize and the Assembly of Kosovo to adopt the amended Law on Kosovo Police (June 2011);
 - 1.2. MIA to finalize the amendment of and adopt the relevant legislation implementing the amended Law on Kosovo Police (December 2011);
 - 1.3. The Police Inspectorate of Kosovo to finalize and adopt the relevant secondary legislation implementing the Law on the Police Inspectorate of Kosovo (December 2011).
2. Further strengthen institutional capacities:
 - 2.1. Once the Minister of Interior approves the new KP structure, KP to work together with EU partners on resource allocation;
 - 2.2. Kosovo Police to complete recruitment of its management in permanent positions, in line with its new organisational chart (August 2011);
 - 2.3. Kosovo Police to commence applying performance-based indicators throughout its structures (August 2011);
 - 2.4. Kosovo Police to finalize its regular needs assessment report on implementation of its Strategic Development Plan (April 2011);
 - 2.5. Kosovo Police to establish Police Stations in all newly-established Municipalities and make them fully functional (December 2011);
 - 2.6. PIK to complete the recruitment process for its staff, as foreseen by its Law (August 2011);
 - 2.7. KP and other relevant authorities to continue in close cooperation and coordination with EULEX;

2.8. KP to ensure commitment in implementing IPA projects, in particular the “*Intelligence-Led Policing*” project, with a view to enhancing its crime investigation capacities (August 2011).

Reports

1. KP to provide the EC with quarterly report on implementation its annual work plan for 2011 (April 2011);
2. MIA to provide the EC with its regular needs assessment report (April 2011);
3. PIK to provide the EC with a comprehensive statistical report on complaints received so far and measures undertaken to address them, including on monitoring KP’s procurement activities (April 2011).

3. Fight against Corruption

With regard to **KACA activities**, the agency reported the adoption of the Anti-Corruption plan in September 2010 as well as the improvement of cooperation with the prosecutors’ office and EULEX through a tripartite MoU and regular meetings. Furthermore, KACA reported that recruitment of its staff is now completed and training activities are organised. Since 2009, 39 corruption cases were reported to prosecutors: 6 cases are currently under investigation, 1 under MMA Tracking Mechanism, 11 cases are still being assessed and 21 cases have been dismissed.

As regards **anti-corruption legislation**, MoJ reported on further strengthening the anti-corruption legal framework by including the draft laws on protection of whistleblowers, liability of legal persons and the amendment of the Law on Conflict of Interest while Performing Public Functions in the draft-Legislative Strategy 2011. KACA further reported on its efforts to support the criminalization of the lack of declaration and false declaration of assets. KACA also reported that it has requested FIC’s cooperation in dealing with asset declaration forms containing discrepancies in comparison to earlier declarations. It was also reported that 5 experts had been recruited in the Anti-Corruption Task Force and one prosecutor assigned to deal with anti-corruption cases in each of the district prosecution offices.

When it comes to **internal anti-corruption measures**, MoJ reported on the handling of 5 mismanagement cases within the Kosovo Correctional Service, but no such cases were detected within the Ministry itself. KCS itself reported that all of its senior staff members had declared its assets to KACA as per the guidelines. KCS also reported that preparations to establish an internal inspection unit were underway, installation of CCTV in all correction facilities, and suspension of five staff over the last months.

Regarding **MIA’s efforts against internal corruption**, it was reported on the establishment of the Inspectorate and a contact office (responsible for supervision of compliance with procedures and enhancing transparency in providing services for citizens) within the CRA as well as video surveillance equipment has been installed in the CRA facility. Furthermore, MIA emphasized that CRA closely monitors the operation of municipal civil status and civil registration centres. As regards police, the Kosovo Police Inspectorate reported that there had been around 5000 complaints during 2010 in relation to all forms of misconduct. The Inspectorate also emphasized the need to double the number of its staff.

As regards **Kosovo Customs’ efforts in fighting internal corruption**, KC mentioned the annual revision of its Anti-Corruption Action Plan (based on Kosovo Anti-Corruption Strategy and Action Plan), the provision of a 24/7 hotline for complaints of any misconduct and corruptive behaviour as well as cooperation with other mechanisms in the field of anti-corruption and field inspections. KC considers that the decline of the number of corruption cases with the Customs from 16 in 2008 to 9 in 2010 has come as a result of measures undertaken in this regard.

Furthermore, as regards **anti-corruption measures in public procurement**, PPRC reported that during the reporting period, 9 monitoring checks were carried out with 43 procurement activities involved, wherein 54 recommendations on the breach of the Public Procurement Law were issued. [Note: public procurement will be dealt with under another sectoral meeting in a greater detail.]

Challenges:

- A track record of investigation, prosecution and convictions against corruption;
- Developing a concept paper on identifying, evaluating and spreading best practices on fighting corruption;
- Ensuring complete publication of asset declarations;
- Addressing discrepancies in the declarations;
- Insufficient inter-institutional cooperation in preventing, investigating and prosecuting corruption;
- Public awareness on preventing and fighting corruption.

Follow-up actions:

1. Enhance the legal framework:
 - 1.1. MoJ to finalize and the Assembly of Kosovo to adopt the amended Law Preventing Conflict of Interest in Exercising Public Function; focus on including relevant reporting obligations and clarifying the provisions on sanctions (June 2011);
 - 1.2. MoJ to finalize and the Assembly of Kosovo to adopt the Law on Protection of Whistleblowers (June 2011);
 - 1.3. OPM to finalize and the Assembly of Kosovo to adopt the amended Public Procurement Law (June 2011);
 - 1.4. OPM to amend and the Assembly of Kosovo to adopt the Law on Financing of Political Parties, particularly to address transparency of donations by public and private entities (June 2011);
 - 1.5. MoJ to finalize and the Assembly of Kosovo to adopt the Law on Liability of Legal Entities (June 2011);
 - 1.6. MoJ to finalize and the Assembly of Kosovo to adopt the amended Law on Declaration and Origin of Property and Gifts of Senior Public Officials, focusing on making the procedure before courts less cumbersome, and harmonize it with the Law on Access to Public Documents in order to address contradictions concerning publication of asset declarations (August 2011).
2. Ensure adequate implementation:
 - 2.1. Kosovan authorities to step up their efforts to demonstrate a track record in effectively preventing, investigating and prosecuting corruption cases, including through enhanced cooperation of KACA with law enforcement agencies and judiciary institutions (August 2011);
 - 2.2. KACA to ensure publication of all asset declarations, (August 2011);
 - 2.3. KACA to regularly identify discrepancies between the overall amount of assets declared and the part of it that is justified, and to follow up particular cases to law enforcement agencies and judiciary institutions (August 2011);
 - 2.4. KACA to help to initiate public debate about the declaration of assets following their publication this year;
 - 2.5. Kosovo Customs to ensure regular declaration of assets by all its staff, and to help spread good practices to other institutions;
 - 2.6. KACA to continuously support the SPORK's Task Force against Corruption and Organized Crime in terms of information and expertise it is capable of providing (August 2011).
3. Further strengthen institutional capacities:
 - 3.1. KP to ensure that the PIK, the SPORK's Task Force against Corruption and Organized Crime, and the KP Directorate against Economic Crime and Corruption are sufficiently staffed and delivering investigative results;
 - 3.2. Kosovan rule of law institutions (MIA and MoJ), law enforcement agencies (KP, KC and KCS/MoJ) and judicial institutions to establish and make functional their internal procedures to prevent and combat corruption, as well as to strictly monitor and follow up with disciplinary procedures (August 2011);

- 3.3. KACA to develop a concept on identifying, evaluating and spreading best practices on preventing and fighting corruption (August 2011);
- 3.4. All Kosovan relevant institutions to step up their efforts in ensuring precise, timely, comparable and reliable statistics are provided on anti-corruption measures (August 2011).

Reports

1. KACA to provide the EC with a comprehensive statistical report on corruption cases under investigation and the number of convictions so far (May 2011);
2. KACA to provide the EC with its 2010 Annual Report (April 2011);
3. Kosovan rule of law institutions (MIA, MoJ, KP, KC and KCC) to provide the EC with comprehensive statistical reports on all measures undertaken so far to prevent and combat corruption within their own institutional structures (May 2011);
4. KJC and KPC to provide the EC with comprehensive statistical reports on all measures undertaken so far to prevent and combat corruption within all courts and prosecution offices (May 2011);
5. KCC to provide the EC with a comprehensive statistical report on its efforts in preventing and addressing cases of misconduct of its staff (May 2011);
6. MoJ to provide a report on the laws that are planned to be drafted or amended in 2011 in order to improve the legislative framework on anti-corruption;
7. MoJ to provide the current draft of the law on liability of legal persons
8. Public procurement commission to provide statistics for 2008-2010 on the monitoring of procurement activities of ministry agencies (KP, customs, correctional services etc.);
9. KCC to regularly update EULEX and EC about all internal disciplinary measures against its staff.

4. Judiciary

In relation to *the activities of the Kosovo Judicial Council*, it reported on the adoption of the 3-year National Strategy on Reduction of Backlog of Cases. KJC has hired 30 "execution officers" for the five Municipal Courts where the number of such cases is the highest with the view to providing them assistance in the execution of pending cases (enforcement cases represent 40 percent of the overall backlog of cases). MoJ reported that eight sub-legal acts deriving from the Law on Mediation have been adopted and a vacancy announcement published for 45 mediation officers to work in Prishtinë/Priština, Pejë/Peć and Gjiilan/Gnjilane.

It was reported that during the reporting period, six cases investigated by the KJC resulted in suspension of eight judges and prosecutors, because: a) there was an official indictment by prosecutor's office for criminal violations, of which three out of six cases were corruption cases, or b) the Disciplinary Committee found evidence of misconduct. When it comes to appointment of judges, KJC reported the establishment of the Office for Judicial and Prosecutorial Vetting and Evaluation (OJPVA), which is planned to take on the best practices for vetting from the IJPC. Upon adoption of internal regulation, KJC will proceed with the recruitment process in order to fulfil vacant positions (approximately 130 positions). The recruitment process will be conducted in three phases in parallel by the KJC and KPC, owing to the fact that both Councils share services of the OJPVA. Initially, it is planned to fulfil positions for the Supreme Court, State Prosecutor's Office, then District Courts and District Public Prosecutor's Office, and later on with Municipal Courts including Minor Offences Courts, and Public Prosecutor's Office.

Some of the initial activities already took place and preparations needed for this process including vacancy announcements and gathering of applications, wherein 350 applications were received. This activity is expected to be completed after six to eight months. KJC expects that the process of filling the vacant positions, including those reserved for the future members of the judiciary coming from the non-majority communities, will be made easier by the increase of salaries for the staff of the judiciary, in force since January 2011. As for the fight against corruption, KJC cooperates with KPC, MoJ and the KAA. Courts are instructed to prioritize corruption cases. 65 new cases were registered in the reporting period. 139 are altogether pending, 36 have been finalized with convictions. As an outcome of co-operation between the KJC and KAA, requests sent to the KJC by the ACA have been addressed and required files have been submitted. In terms of preventive measures, the KJC envisaged salary

increases for judges and prosecutors as of January 2011, as well as a performance based assessment of results achieved by each individual judge.

As far as **Kosovo Prosecutorial Council** is concerned, it was reported on the establishment of the KPC, while its secretariat's organizational structure and job descriptions were drafted. KCA, MEST and the civil society organizations have been asked to propose potential candidates for KPC members as well as Municipal and District Prosecution Offices. A request for an annual budget of €4m was made. Working premises were secured for KPC. It was further reported that no investigations have been initiated involving prosecutors during the reporting period, hence no decisions by KJC. KPC also informed that the vetting and verification of candidates for prosecutorial positions will remain a responsibility of the KJC's Office for Judicial and Prosecutorial Vetting and Evaluation. There are 88 prosecutors in the system. The representation of minorities was discussed. Use, effectiveness and legality of covert measures and other investigative measures such as wiretapping were also discussed and Head of KPC referred to an ongoing discussion among prosecutors over the legality of such measures prior to the formal opening of an investigation. As for election-related complaint and ensuing criminal proceedings (including complaints related to the 2007 and 2009 elections). Head of KPC confirmed the priority given to such cases, in line with EC demands. The Head of KPC is aware of criminal proceedings against 49 persons for offences related to the 2007 and 2009 elections but had no information as to the outcome/current status of such cases.

With regard to **Judicial Reform**, MoJ reported that Laws on Judicial Council, on Prosecutorial Council and on State Prosecutor were adopted during the reporting period. In line with this, KJC reported that it is working on drafting a strategic plan on judicial reform with the view to implementing the new framework legislation on the judiciary. Full implementation of the new framework judicial legislation is expected from January 2013 onwards. Furthermore, MoJ informed that the process of amending and supplementing the Criminal Code and Criminal Procedure Code is under review at the Government Working Group. MoJ is also planning to draft the Law on Obligations, as well as to amend the Law on Execution of Penal Sanctions and the Law on Notaries. The Head of the KPC expressed concerns regarding the extent of the involvement of Prosecutors in the drafting process of the Criminal Code and Criminal Procedure Code.

In relation to **International Legal Cooperation in Judicial and Criminal Matters**, MoJ reported that future agreement texts have been agreed with FYROM on extradition, transfer of sentenced persons and mutual legal assistance in criminal matters and with Switzerland on transfer of sentenced persons. Agreement with Albania and Turkey on texts covering extradition, transfer of sentenced persons and mutual legal assistance in criminal cases, is in a final stage. MoJ further reported on the completion of staffing for the Division on International Legal Cooperation. 8965 requests were received during 2010, while 17 individuals were arrested in foreign jurisdictions based on requests made by MoJ. 36 international notices for wanted persons were issued against wanted persons within Kosovo, while in addition, all of the 15 cases of international child abduction cases were successfully completed.

As regards **personal data protection**, the Assembly reported on the adoption of the Law on Protection of Personal Data as well as the submission by the Government of a list of nominees for the management position of the future Agency on Personal Data Protection, which had not been approved in the Assembly session. It was further reported on the intentions of Kosovo institutions to go ahead with the plans to establish and make operational the Agency, after the new Assembly and Government start their work.

Challenges:

- A track record demonstrating delivery of courts and prosecution offices;
- Capacities of the KJC and KPC to effectively deal with disciplinary measures for all courts and prosecution offices;
- Completion of the implementing legislation for the protection of personal data;
- Establishment and full operationalization of the Agency for the Protection of Personal Data;

- Awareness and capacities of all public administration institutions, particularly the Ministry of Internal Affairs and Kosovo Police, to comply with provisions of the Law on Protection of Personal Data;
- A track record of implementation of and compliance of both the public and private sectors with the relevant legislation on protection of personal data;
- Capacities and expertise of the future Agency for the Protection of Personal Data to effectively monitor and evaluate implementation of the legislation on protection of personal data;
- Awareness of the private sector and citizens about personal data protection and the need to implement the relevant legislation.

Follow-up actions:

1. Further enhance the legal framework:
 - 1.1. KJC and KPC to finalize and adopt the Regulation on Appointment of Judges and Prosecutors, which needs to include recommendations of the IJPC and reflect the expertise acquired during the vetting process (April 2011);
 - 1.2. MoJ to finalize and the Assembly of Kosovo to adopt the Criminal Code, while ensuring continuous involvement of practitioners while ensuring good quality (September 2011);
 - 1.3. MoJ to finalize and the Assembly of Kosovo to adopt a law regulating issues of international legal cooperation in criminal matters, extradition, and transfer of convicted persons (September 2011);
 - 1.4. MoJ to finalize and the Assembly of Kosovo to adopt a law on execution procedures (September 2011);
 - 1.5. Kosovan authorities to continue with signing bilateral agreements on international legal cooperation (August 2011);
 - 1.6. MoJ to finalize and adopt all the subsidiary legislation implementing the Law on Execution of Criminal Sanctions (August 2011).
2. Ensure adequate implementation and enforcement:
 - 2.1. Kosovan judicial institutions to implement the State Strategy on Reduction of Backlog Cases, including by diminishing the number of retrials in civil cases (August 2011);
 - 2.2. KJC and KPC to further enhance their capacities to effectively deal with disciplinary measures for all courts and prosecution offices (August 2011);
 - 2.3. KJC to improve the system of case allocation;
 - 2.4. KJC and KPC to continuously monitor and evaluate the performance of judges and prosecutors, taking into account quantitative and qualitative criteria (August 2011);
 - 2.5. KJC to implement the Court Management Manual (June 2011);
 - 2.6. KPC to assign specific prosecutors in investigating cases of corruption (August 2011);
 - 2.7. MoJ, KJC and KPC to step up their efforts in preparing for implementation of the four judiciary reform laws (August 2011);
 - 2.8. KJI to ensure full usage of SMIL/CMIS and provide further targeted training to newly-appointed judges and prosecutors (August 2011);
 - 2.9. KJC and courts to address recommendations of the Judicial Audit Unit (August 2011);
 - 2.10. KJC to help enhancing transparency of courts by ensuring unhampered access of citizens to court hearings (August 2011);
3. Further strengthen capacities of KJC and KPC:
 - 3.1. The Assembly of Kosovo to complete appointment of KPC and KJC members, also ensuring representation of non-majority communities, as provided for by the respective laws (June 2011);
 - 3.2. KPC adopt its Rules of Procedure and set up two committees (on recruitment and on disciplinary measures);
 - 3.3. The Assembly of Kosovo to complete and the President of Kosovo to appoint judges to the Special Supreme Court Chamber on Privatization Issues (June 2011);
 - 3.4. KJC to appoint the Director of its Secretariat (April 2011).
4. Further strengthen capacities of MoJ:
 - 4.1 MoJ to improve the formulation of the legal policy prior to the drafting of the legislation;

- 4.2 MoJ to ensure that regulatory impact assessment is performed on draft legislation;
- 4.3 MoJ to complete upgrading of its Division of International Legal Cooperation into a Department (June 2011);
- 4.4 MoJ to continue addressing requests of international legal cooperation adequately and in timely manner, while ensuring EULEX's facilitation when it comes to countries that have not recognized Kosovo (particularly EU Member States and countries in the region) (August 2011);
- 4.5 MoJ to ensure that its Department of Forensics fully cooperates with EULEX at the operational level, as well as to ensure that it demonstrates a track record in terms of contributing to the issue of missing persons (May 2011);
- 4.6 Kosovan authorities to step up their commitment on implementation of two key IPA projects (*Palace of Justice* and *High Security Prison*) focusing on capital investments in the sector of justice, particularly in terms of financial resources as part of the co-financing arrangements in order to ensure adequate and timely implementation of these projects (August 2011);

Personal data protection:

1. Further enhance the legal framework:
 - 1.1. Kosovan authorities to adopt all the subsidiary legislation implementing the Law on Protection of Personal Data (December 2011);
 - 1.2. All the relevant Kosovan authorities to ensure adequate review of relevant legislation in order to ensure it is in full compliance with the Law on Personal Data Protection, starting with the sector of rule of law (June 2012).
2. Ensure adequate implementation:
 - 2.1. Kosovan public institutions, particularly those of rule of law, to commence implementing and complying with provisions of the Law on Protection of Personal Data (December 2011);
 - 2.2. Kosovan authorities to carry out public-awareness campaigns (targeting the private sector, as well) on data protection legislation in force (December 2011).
3. Enhance institutional capacities:
 - 3.1. Kosovan authorities to establish the Agency for the Protection of Personal Data and make it fully operational (August 2011);
 - 3.2. Kosovan authorities to ensure that the future National Agency for the Protection of Personal Data has the resources and expertise needed to effectively monitor and evaluate implementation of the legislation on protection of personal data.

Reports

1. MoJ to provide the EC with a report evaluating implementation of the four judicial reform laws (June 2011);
2. MoJ to provide an updated report on the overall number of the prison population, including the number of detainees in pre-trial detention and the number of juveniles participating in the after care programme that was developed in 2010 (June 2011);
3. KPC to provide the EC with a brief report on budget plan for 2011 for each category of expenses, and the budget plans for the forthcoming two-year period covered by the current MTEF (April 2011);
4. KJC to provide the EC with a comprehensive report (covering October 2010 – March 2011) on the progress in resolving backlog cases (April 2011);
5. KJC and KPC to provide the EC with a comprehensive statistical report on the number of convictions made so far in combating organized crime and corruption (June 2011).

5. Human Rights Enforcement

The session of the meeting was started with an overview by the EC representatives of the main challenges identified in the Progress Report in relation to the fundamental rights enforcement, which was then followed by a presentation by MEI on how these challenges are about to be reflected in the European Partnership Action Plan 2011.

As regards *the institutional set-up to enforce human rights* OGG reported on the capacity building efforts it is undertaking with the view to strengthening capacities of the HRUs on policy drafting, enforcing the legislation on access to official documents as well as the legislation on gender equality.

It further reported on the establishment of a commission that monitors the compliance with human rights provisions of legal acts adopted by municipalities. In relation to the ***Ombudsperson Institution (OI)***, *some developments were reported* on the implementation of the Law on the OI, notably the approval of the Rules of Procedure as well as the Code of Ethics. The OI further reported on its contributions to the drafting of legislation impacting the enforcement of fundamental rights.

With regards to ***the international reporting mechanisms*** OGG reported on the creation of a coordinating group in order to implement the CoE recommendations regarding the Framework Convention on the Protection of National Minorities. OGG produced an 'Agenda on the Implementation of Recommendations from CoE', which was then distributed to relevant stakeholders.

As far as ***the implementation of the Human Rights Strategy*** is concerned, OGG is finalizing the second report covering 2010 on the implementation of this strategy. As regards the ***implementation of the Law on Anti-Discrimination***, a working group was established within the Office of the Prime Minister to update the action plan on the implementation of the law. Moreover, a conference covering non-discrimination and social inclusion of women and children was held during the reporting period.

As regards ***freedom of expression*** the Assembly reported on the process of drafting of the Law on RTK, which had been completed by the Parliamentary Committee for Public Administration, Local Government and Media in October 2010, and then sent to Government for opinion before the dissolution of the Assembly. On the other hand, as regards ***the freedom of assembly and association*** Ministry of Public Administration reported on the finalization of the draft proposal to amend the Law on Freedom of Association in Non-Governmental Organizations. In addition, OPM reported on its plans to start the process of amending the Law on **Religious Freedom**, in order to, *inter alia*, address the gaps as identified by the latest Progress Report. Furthermore, in relation to ensuring access to religious sites, KP reported that during the reporting period, it has taken over responsibilities from KFOR and provide security to monasteries in Zočište/Zoqishte, Budisavce/Budisalc and Gorioč.

With regards to ***the implementation of policies on children's rights***, OGG started the drafting of a monitoring report on the implementation of Children's Rights Action Plan, while it has also carried out awareness raising activities on children's rights namely through a conference. Trainings on the prevention of trafficking of children were organized in three regions.

As regards the enforcement of the **Law on Domestic Violence**, Agency for Gender Equality reported that it has initiated the process of drafting the sub-legal acts for the implementation of the mentioned law. Furthermore, AGE informed on its coordination with Kosovo Judicial Institute with the aim of organizing training to be delivered to judges and prosecutors on the provisions contained in the Law on Domestic Violence. In addition, AGE has also focused on awareness raising activities in relation to prevention of domestic violence, such as the organizations in relation to the International Day for the Elimination of Violence against Women.

The representative from the Central Election Commission did not show up, hence no report was provided on the follow-up to the recent ***elections***, including on the alleged fraudulent cases.

In relation to ***property rights***, KPA reported the decisions on 492 claims, while 804 decisions were executed. 616 evictions have been undertaken, of which 214 with the support of the police. The number of properties under administration by KPA reduced from 3345 to 3128 as a result of repossession enabled to the original owners (219). The revenues from the rental scheme reached the amount of €182,336 of which €136,764 was paid to the owners. The Assembly appointed the two local members for the Supervisory Board of the KPA, while the MoU with UNHCR on the opening of KPA's offices in Serbia continues being implemented.

When it comes to measures taken with the view ***to clarifying the fate of the missing persons***, the Assembly reported that the draft law passed the first reading, but could not proceed to its second reading due to the Assembly dissolution. In addition to this, the Government Commission on the

Missing Persons (GCMP) informed on its participation in the info-sessions with associations of families of the missing persons in Prishtina and Belgrade, as well as on the delivery of DNA-identified cases to the families concerned. It went on reporting on the preparations underway for the 'case of Suhareka', 'case of Kralan' and 'case of Livoq'. Also, GCMP reported on the continuation of the de-mining process in the area of Koshare/Košare.

Challenges:

- Reform the electoral system;
- Streamline the institutions dealing with human and minority rights at central and municipal levels (and rationalise the allocation of their resources);
- Enhance the capacities of municipal institutions that implement human rights policies;
- Establish an accurate track record on the implementation of strategies and action plans in the field of fundamental rights;
- Establish a proper and functional law review mechanism to protect human rights and ensure EU compliance in this regard;
- Developing an effective mechanism on human and minority rights reporting;
- Enhance the role of the Ombudsperson Institution in monitoring human rights enforcement;
- Increase cooperation between the Assembly and the Ombudsperson Institution: the OI should make a more frequent use of its right to address the Assembly; the Assembly should require more often the expertise of the Ombudsperson Institution in the lawmaking process;
- Effective follow-up on Ombudsperson's recommendations to institutions: the OPM should play a key role to urge the relevant institutions to address OI's recommendations.
- Freedom of expression needs to be fully enforced; political pressure on journalists must stop.
- Improve the environment for exercising property rights including at municipal level;

Follow-up actions:

1. Further enhance the legal framework:
 - 1.1. The Assembly of Kosovo to adopt the amended Law on RTK ensuring sustainable financing of the public broadcaster (August 2011);
 - 1.2. OPM to finalize and the Assembly of Kosovo to adopt the Law on Missing Persons reflecting EC's recommendations on non-discriminatory scopes (April 2011);
 - 1.3. MLSW to finalize and the Assembly of Kosovo to adopt the revised Law on Social Assistance Scheme taking account of UNICEF recommendations (August 2011);
 - 1.4. OPM to finalize and adopt the sub-laws stemming from the Law against Domestic Violence (June 2011);
 - 1.5. Kosovo to take all necessary actions to adapt its legislation and electoral code in line with EU-experts recommendations (September 2011);
 - 1.6. Adoption of the Law on the establishment of the register of immovable property rights (September 2011);
 - 1.7. Adoption of the Law on sale of apartments where tenure rights exist (September 2011);
 - 1.8. The Assembly of Kosovo to adopt the amended Law on Freedom of Assembly and Association in line with the recommendations from local civil society and the recommendations from international stakeholders (September 2011);
 - 1.9. OPM to finalize and the Assembly of Kosovo to adopt the amended Law on Religious Freedoms, also regulating, *inter alia*, the status of religious communities (TAIEX assistance to be considered) (End of 2011);
 - 1.10. OPM to finalize and the Assembly of Kosovo to adopt the Law on the initiation of legal acts, clarifying the involvement of civil society actors in this process (September 2011);
2. Further strengthen institutional capacities and ensure adequate implementation and enforcement:
 - 2.1. Kosovan authorities to initiate the streamlining of the fundamental rights institutions at both central and local levels including by participating in the dedicated meetings organised by ECLO;

- 2.2. OPM to establish or clarify the mechanism to ensure the compliance of all legislation and policies in the making with the applicable fundamental human rights in Kosovo (September 2011);
- 2.3. OPM, ministries and municipalities to address OI's recommendations adequately and in timely manner, with the OPM playing the coordinating role (August 2011);
- 2.4. OPM to clarify the "complaints cycle" from the filing of complaints against public authorities at central and municipal levels to the possible actions by the relevant institutions as a consequence of the complaint;
- 2.5. The Assembly to urgently appoint the five Deputy Ombudspersons (June 2011);
- 2.6. The Assembly and other relevant institutions (including OPM and municipalities) to enhance cooperation with the OI (see challenges above);
- 2.7. MPA and MLGA to secure adequate working premises for the OI's HQ (April 2011) and field offices (end 2011);
- 2.8. Central-level authorities responsible for human rights enforcement to adapt their capacities to effectively monitor and evaluate the implementation of human rights policies and to accurately report to international human rights mechanisms (August 2011);
- 2.9. OPM to fine-tune the Human Rights action plan's indicators (June 2011);
- 2.10. OPM to make the Inter-ministerial Committee on Children's Rights fully operational (June 2011);
- 2.11. MLSW to develop and adopt a system of minimum standard of social services to be provided to children (December 2011);
- 2.12. OPM to finalize and the Assembly of Kosovo to adopt the Programme Against Domestic Violence including an affordable budget (September 2011);
- 2.13. MLSW to allocate funds to run the shelters for victims of domestic violence, including children (August 2011);
- 2.14. Municipal courts to process cases of electoral fraud as a matter of priority (ASAP);
- 2.15. The Government of Kosovo to appoint a Property Rights Coordinator mandated to coordinate activities and reforms in this sector (April 2011);
- 2.16. The Government of Kosovo to ensure adequate and sustainable funding for KPA (June 2011);
- 2.17. KJC and KPA to improve coordination, including by interconnecting KPA databases with the SMIL (September 2011);
- 2.18. MoJ to make Court Liaison Offices operational (September 2011);
- 2.19. OPM to ensure that the Government Commission on Missing Persons meets regularly and efficiently (ASAP);
- 2.20. Kosovo to allocate an adequate budget to carry out excavations (September 2011);
- 2.21. OPM to recruit a member of the non-majority communities in the Secretariat of the Government Commission on Missing Persons (June 2011);
- 2.22. Kosovo to be represented at a higher level in the GCMP;
- 2.23. Kosovo and EULEX to keep cooperating on the missing persons issue;

Reports

1. Kosovo to provide information on potential burial sites of missing persons (September 2011);
2. OPM to provide a report on some specific human rights cases reflecting the use of international human rights instruments applicable in Kosovo (April 2011);
3. OPM to provide the draft-Law on Mechanisms of Cooperation, Reporting and Promotion of Human Rights (April 2011);
4. OPM to provide the standard reporting matrix stemming from the Human Rights Strategy and Action Plan (April 2011);
5. OPM to provide the second annual report on the implementation of the Human Rights Strategy and AP (April 2011);
6. KJC to provide a statistical report on the number of cases (including the number of convictions, both penal and civil) brought to the courts concerning freedom of expression (April 2011);

7. MLSW to provide a short report on the overall institutional and policy framework on the fight against child labour (April 2011);
8. MLSW to provide the report on the implementation of the Action Plan for Prevention and Elimination of the Worst Forms of Child Labour 2011–2013 (August 2011);
9. Ombudsperson Institution to provide a report and statistics on budget and human resources, received complaints, number of cases opened based on complaints;
10. Ombudsperson Institution to provide its 2010 Annual report (April 2011);
11. MLGA to provide a report on municipal Human Rights Units (June 2011);
12. GCMP to inform the EC on the outcome of its next meeting (April 2011).

6. Protection of and Respect for the Minority Communities

With regards to the ***challenges at the municipal level***, MLGA reported on the adoption of the Law on Management of Municipal Land, which envisages land parcels to be allocated on land-lease to property-less returnees for a period of 40 years. It further reported on its focus on developing the capacities of the municipal mechanisms for the protection of minority communities, by providing information on six training modules delivered to MHRUs as well as training on inter-institutional cooperation with the view to sustainable return and stabilization of communities. In relation to the challenges regarding civil registration in the framework of the sustainable return, ARC reported that the draft-Law on Civil Status envisages equal opportunities for civil status registration. It further reported that the systems for online application have been installed in the newly created municipalities of Graçanicë/Gračanica, Mamushë/Mamuša/Mamuşa and also in the Northern Mitrovica, and relevant staff trained on its usage.

As regards the ***overall process of sustainable return***, Ministry of Communities and Returns reported on the completion of the housing project managed together with the Municipality of Istog/Istok, whereby 53 houses have been built for the returning families. Also another 78 houses were built throughout Kosovo, in a joint project with UNHCR. Furthermore, the IPA project “*Return and Reintegration I*” has completed, whereby 181 residence facilities have been built in the municipalities of Fushë Kosova/Kosovo Polje, Istog/Istok, Peja/Peć and Gjilan/Gnjilane. Moreover, a residential facility of 40 apartments has been completed in Llapllasellë/Laplje Selo, while another facility of 40 apartments was also completed for the returnees in Graçanicë/Gračanica.

In relation to ***the implementation of the Strategy on Integration of Roma, Ashkali and Egyptian Communities***, specifically on the ***informal settlements***, the Office of Communities Affairs reported on the developments regarding the planned closure of lead contaminated camps in Osterode and Cesmin Lug as well as on efforts to improve the housing conditions for the RAE communities through the implementation of the project in the Ali Ibra area (Gjakova/Đakovica), including the ad hoc identification of families in most need for housing. In addition, as regards ***the improvement of access to the health system*** for the mentioned communities, Ministry of Health reported on the signing of the lead treatment protocol as well as on efforts to make operational the Unit for Heavy Metals in the Mitrovica municipal health centre. It further reported on the measures undertaken with the view to improving the capacity of the mentioned unit regarding the diagnostics of lead intoxication. MoH went on to inform on its efforts at donor coordination with regards to health related assistance targeting RAE communities. MESP reported on the appointment of additional staff to deal with the implementation of the law on spatial planning.

With regards to ***communities’ access to education***, Ministry of Education, Science and Technology reported on the approval of the Romani language curriculum as well as the organization of an informative workshop on the above with members of the Roma community. The Ministry further informed on the finalization of a handbook containing operational guidelines on the implementation of the curriculum. Two textbooks in Romani for the second grade and another one for the third and fourth grades have been finalized, while literacy courses were organized for female members of the RAE communities in the municipalities of Podujeva/Podujevo, Obiliq/Obilić and Fushe Kosove/Kosovo Polje. MEST reported the increased number of Roma students in public universities.

In relation to the *implementation of the Law on Use of Languages*, the Commission on the Use of Languages (CoL) reported that after 24 visits paid to municipalities; it found that Prizren and Malisheva/Mališevo have not approved the relevant regulation on the use of languages. Furthermore, the CoL reported that only Partesh/Parteš municipality has approved the regulation on the use of languages from the newly created municipalities. When it comes to the awareness raising with regards to the implementation of the Law on Use of Languages and the functioning of the CoL, it was reported that roundtables with relevant stakeholders were organized in Prishtina/Priština, Mitrovica, Gjilan/Gnjilane, Prizren and Peja/Peć. The conclusions of these roundtables were then reflected into the Commission's Work Plan. Also, a number of leaflets on the functioning of the CoL have been published and distributed to the municipalities, while the CoL has had to respond to one complaint during the reporting period.

Challenges:

- Redundant and overlapping institutions dealing with non-majority communities;
- The implementation of the strategies supporting the integration of non-majority communities in all societal sectors (housing, economy, education, health);
- Lack of a fully functional institutional mechanism at all levels to ensure effective implementation, monitoring and evaluation of respective strategies aimed at sustainable returns and integration of non-majority communities;
- Resources affected to the effective implementation of the Strategy and Action Plan for Integration of Roma, Ashkali and Egyptian Communities;
- Effectively address the informal settlements;
- Effectively address the recommendations of the Ombudsperson Institution and the Communities Consultative Council.

Follow-up actions:

1. Enhance the legal framework:
 - 1.1. MEST to develop and adopt the curricula in Serbian language (June 2011);
 - 1.2. Municipalities of Prizren and Malisheva/Mališevo, as well as the newly-established Municipalities to finalize their Regulations on the Use of Languages (August 2011);
2. Further strengthen institutional capacities and ensure adequate implementation and enforcement:
 - 2.1. Kosovo to streamline its structures dealing with community rights at both central and local levels (see above under Fundamental Rights);
 - 2.2. Municipalities to enhance the budget of the Community and Returns Offices allowing them to implement the applicable legal and policy framework (August 2011);
 - 2.3. Municipal Human Rights Units to cooperate with the OI's Regional and Field Offices to address the latter's recommendations (ASAP);
 - 2.4. All institutions to follow-up on CCC recommendations (August 2011);
 - 2.5. Kosovo to allocate a proper budget to implement the Strategy for Integration of Roma, Ashkali and Egyptian Communities (June 2011);
 - 2.6. MIA to fine-tune its civil registration mechanism for the Roma, Ashkali and Egyptians taking into account of the recommendations made in the EU-funded report by the Civil Rights Programme Kosovo on this issue (September 2011);
 - 2.7. MESP to finalize and adopt the Informal Settlements Strategy and Action Plan (June 2011);
 - 2.8. OPM and MCR to utilize the best practices identified over the Cesmin Lug and Osterode cases in other instances involving issues of informal settlements (Continuous);
 - 2.9. MoH to provide data on the lack of funds dedicated to purchase medicines (April 2011);
 - 2.10. MoH to carry out an immunization campaign targeting children belonging to Roma, Ashkali and Egyptian communities in Fushë Kosovë/Kosovo Polje and Obiliq/Obilić (August 2011);
 - 2.11. MEST to distribute textbooks for primary education in Romani language (August 2011);
 - 2.12. Kosovo to enhance the capacities of the Commission on the Use of Languages (September 2011);

2.13. OI and CoL to cooperate so as to process complaints related to the use of languages submitted to OI (Continuous).

Reports

1. MCR to provide a report on the situation of Kosovo citizens residing in Konik camp (in Montenegro) as well as the actions done or planned to address this issue (April 2011);
2. OPM to provide a report on the amounts allocated by each relevant institution for the implementation of the Strategy and AP for the Integration of RAE Communities (April 2011);
3. MESP to provide their recent report and the draft strategy on the informal settlements, explaining the situation over them, as well as the plans to address this issue (April 2011);
4. MLGA to report on activities of the Municipal Assembly Community Committees (June 2011);
5. MoH to provide its assessment report (also containing recommendations) on access to public healthcare services of members of Roma, Ashkali and Egyptian communities (May 2011);
6. OPM to provide the 2011 Working Plan of the Commission on the Use of Languages (March 2011);
7. KIPA to provide a report on the courses on official languages provided to civil servants (April 2011);
8. OPM to provide the complaint form on the use of languages (April 2011).
9. OPM to provide its recent study on the use of official languages (May 2011).

Annex 1: List of Participants:

No.	Name	Institution	Position
Co-chairpersons			
1	Mr Arnaud APPRIOU	C3, ELARG, EC	Political Desk Officer
2	Mr Lukas HOLUB	C3, ELARG, EC	Rule of Law Desk Officer
3	Mr Edon CANA	MEI	General Secretary
4	Mr Arben KALAJA	MEI	Director of Governance Department
5	Mr Habit HAJREDINI	Office of Good Governance, OPM	Director
6	Ms Leonora SELMANI	Agency of Gender Equality, OPM	Acting CEO
7	Mr Xhevat AZEMI	Kosovo Property Agency	Deputy Director
8	Mr Kushtrim GARA	Office of Missing Persons, OPM	Legal Officer
9	Mrs Enesa KADIĆ	Ministry of Education, Science and Technology	Head, Division of Communities
10	Mr Fehmi STUBLLA	Commission of Languages, OPM	Head
11	Mr Srdjan SENTIC	Office of Prime Minister	Head of OCA
12	Mr Besim KAMBERAJ	Ministry of Local Government Administration	Director, Department of Reform and European Integration
13	Mr Sylejman SOPA	Ministry of Justice	Acting Permanent Secretary
14	Mr Enver PEĆI	Kosovo Judicial Council	Head
15	Mr Ismet KABASHI	Prosecution Office	Chief Prosecutor
16	Mr Sokol ZOGAJ	Kosovo Correctional Service, MoJ	Commissioner
17	Mr Naim HURUGLICA	Kosovo Customs	General Director
18	Mr Hasan PRETENI	Kosovo Anti-Corruption Agency	Director
19	Mr Dejan SPASOJEVIC	Ministry of Communities and Returns	Director of Returns Department
20	Mr Shaban GUDA	Kosovo Police	
21	Mr Safet HOXHA	Public Procurement Regulatory Commission	Director
22	Ms Atifete JAHJAGA	Kosovo Police	Deputy Director General
23	Mr Blerim CAMAJ	Ministry of Internal Affairs	ACR
24	Mr Kadri ARIFI	Kosovo Police	Director, CIP
25	Mr. Agron NEZAJ	Kosovo Police	
26	Mr. Islam CAKA	Ministry of Internal Affairs	Head of DBAM
27	Mr. Ehat MIFTARI	Ministry of Justice	Head of DIJC
28	Mr. Ismet KRASNIQI	Assembly of Kosovo	General Secretary

29	Mr. Jashar KASTRATI	Ombudsperson Institution	Executive Director
30	Mr. Bajram KOSUMI	Ministry of Public Administration	Head of DLR
31	Mr. Jeton ORUCI	Office of the Prime Minister	Legal Officer
32	Mr. Shpend MAXHUNI	Kosovo Police	Operations Section
33	Mr. Lulzim CELA	Ministry of Health	
Discussants			
34	Mrs Fatmire SAHITI	Ministry of Culture, Youth and Sports	Coordinator, Human Rights Unit
35	Ms Zana KOTORRI	Ministry of Communities and Returns	Acting Permanent Secretary
36	Mr Muhamet GJOCAJ	Ministry of Labour and Social Welfare	Director, Department of Social Welfare
37	Ms Shqipe HAJREDINI	Office of Community Affairs, OPM	Policy Officer
38	Mr Shkodran MANAJ	Ministry of Internal Affairs	Legal Officer
39	Mr Drin HARQIA	Ministry of Local Governance Administration	EI Officer
40	Mr Shaip HAVOLLI	Kosovo Police	Head of the Sector for Investigation of Economic Crimes
41	Mr Clirim HAJDINI	Kosovo Police	Head of Planning and Development Unit
42	Mr Shemsi IGRISHTA	Kosovo Police	Head of the Sector for Investigation of Corruption
43	Mr Lirie BERISHA	Ministry of Environment and Spatial Planning	Head of Residence Department
44	Mr Besnik BERISHA	Ministry of Internal Affairs	
45	Mr Faton MORINA	Ombudsperson Institution	
46	Mr Artan DRESHAJ	Ministry of Internal Affairs	
47	Mr Shkumbin KASTRATI	Ministry of Internal Affairs	
48	Mr Valon KRASNIQI	Ministry of Internal Affairs	
49	Mr Dukagjin SEFAJ	Ministry of Internal Affairs	
50	Ms Sabrie RASHANI	Asylum Centre	
51	Mr Bedri BAHTIRI	Ministry of Justice	Head of Legal Department
52	Ms Arta KELMENDI	Ministry of Justice	
53	Mr Nebih HALILI	Ministry of Justice	KCS
54	Mr. Valdet HOXHA	PIK	
55	Mr. Bekim PIRA	PIK	
56	Mr Albert ZECA	Ministry of Communities and Returns	Head of Sector, Department of Returns
57	Mr Sefedin KUQI	Kosovo Police	Head, Division of Borders
58	Mr Per IBOLD	EC JUST DG	
59	Ms Adrienn KIRALY	EC Home Affairs DG	

60	Mr Patrick SCHMELZER	ECLO	Policy Officer
61	Ms Yvonne GOGOLL	ECLO	Team Leader Rule of Law
62	Ms Dragana STOLIĆ	ECLO	Assistant Policy officer
63	Mr Enrico VISENTIN	ECLO	Task Manager Rule of Law
64	Mr Samir SELIMI	ECLO	Task Manager Social Team
Others			
65	Mr Artan ÇOLLAKU	MEI	Senior Officer for Coordination of Development and European Affairs
66	Mr Valon GASHI	MEI	Senior Officer for Coordination of Development and European Affairs
67	Ms Trendelina DURAKU	MEI	Senior Officer for Coordination of Development and European Affairs
68	Ms Gresa SELIMAJ	MEI	Senior Officer for Coordination of Development and European Affairs
69	Mr Lulzim BEQIRI	Ministry of Justice	Head, European Integration Office
70	Mr Hysen BEQA	Ministry of Justice	Senior Programming Officer, EIO
71	Mrs Teuta RAMIQI	Ministry of Internal Affairs	Head, European Integration Office
72	Mr Irfan LIPOVICA	Ministry of Internal Affairs	EI Officer