



## EU – Kosovo Stabilisation Association Process Dialogue (SAPD)

### Sectoral Committee on Justice, Freedom and Security

Brussels, 27 – 29 January 2015

#### Conclusions

##### 1. Introduction

The sixth meeting of the Stabilization and Association Process Dialogue on Justice, Freedom and Security took place in Brussels on 27 - 29 January 2015.

The meeting was co-chaired by Catherine Wendt, Head of Unit for Kosovo D6, European Commission, DG NEAR and the Secretary General of the Ministry of European Integration Demush Shasha.

For a detailed list of participants please see annex 1.

The meeting discussed a large range of topics related to justice, home affairs, anti-corruption, fundamental rights and the protection of minorities. Below is a list of agreed different action points and recommendations, some with short term deadlines, some referring to a need for regular reporting. These will be followed up in the upcoming period towards preparations for the annual progress report.

##### Electoral reform

1. Ensure the comprehensive electoral reform is in place before the next elections - timeframe for general elections too short (Adopt the new Law on Elections);
2. Consider extending an invitation to the Venice Commission in order to reassess the current state of affairs in the area of electoral reform;
3. An independent Central Electoral Body needs to be in place in the future amendment to the electoral reform process (Feedback on the implementation of the Law on Financing of Political Parties);
4. Central Election Commission and Civil Registry Agency need to ensure a credible voters' list (continue cleaning of voters' list).

##### Strengthening capacities of the Assembly of Kosovo

1. The Assembly to urgently appoint all members of independent bodies with special focus on those related to priority areas/especially where quorum is required, such as Kosovo Judicial Council, Oversight Board of the Civil Service of Kosovo and Constitutional Court (ensure appointment on merit basis);
2. Assembly to adopt the Law on the Assembly and its Rules of Procedure as well as the Strategy for International and Inter-parliamentary Cooperation;
3. Assembly needs to continue strengthening administrative capacities in order to cope with the EU integration process.
4. The Assembly to finalize Information and Public Relations Strategy by the end of Q2.

5. The Assembly to provide e detailed report on cooperation with the CSOs by end of April 2015.

#### Protection of personal data

1. Adopt the amended Law on Data Protection;
2. Adopt the Personal Data Protection Strategy and Action Plan, and ensure implementation;
3. Encourage cooperation with all line institutions and ensure the involvement of the agency in the early drafting stages of legislative acts;
4. Adopt the manual a manual on the implementation of the Law on Data Protection for data protection officials;
5. Continue strengthening the National Agency for Personal Data Protection administrative capacities.

#### Cooperation of the CSOs with the Kosovo Institutions

1. Public consultation needs to be done comprehensively and in all governmental processes/work;
2. Establish a national civil society grant scheme (transparent criteria for grant appointments);
3. Provide e report on Government funds allocated for CSOs.
4. Ensure that CSOs will be involved in consultation once there is a consolidated/solid version of the Sector Planning Document (programming of EU assistance).
5. Adopt the Law on Philanthropy

#### I. Fundamental Rights

#### Human Rights Legislation and Policy

1. Ensure that the package of laws on human rights is shared for consultation with the relevant actors prior to its adoption by the Assembly
2. Adopt the package of laws on human rights
3. Approve the Strategy and AP on human rights after the adoption of the package of the laws

#### Antidiscrimination

1. The tracking mechanism of Kosovo Prosecutorial Council to be extended to cover cases of all kind of discrimination (not only ethnic ones) ;
2. Kosovo Prosecutorial Council to provide statistics on the cases of the tracking mechanism
3. In cooperation with EULEX, intensify the work of defining ethnically motivated crimes

#### Gender Equality

1. Complete the report on implementation of the AP on UN resolution 1325 woman, peace and security
2. Establish a uniform database system on cases of gender based violence
3. Draft an analysis on why the cases on domestic violence has decreased

#### Children Rights

1. Legal Office of the Office of the Prime minister to submit an overview of what will be covered with the new law on children rights that are not covered with the current legislation.

#### LGBTI Rights

1. Written submission of statistics by the police and prosecution on LGBTI incidents
2. During the revision of the criminal code, ensure that the rights of the LGBTI community are protected, by focusing on sanctioning hate speech

### People with disabilities

1. Continue the implementation of the Strategy and AP for the rights of people with disabilities and to finalize the report on its implementation ( by February 2015)
2. National Council for People with Disabilities should become fully operational, meet regularly and engage with CSO
3. Further clarify the circumstances of the deregistration of deaf people from the social assistance register
4. Ensure sufficient resources for people with disabilities

### Enforcement of Fundamental Rights/Empowerment

#### Institutional Set-up

1. Simplify the institutional framework for human rights

#### Ombudsperson Institution

1. The Assembly to appoint the ombudsperson and the deputies
2. Ensure adequate premises for OIK both in Prishtina and its regional offices
3. Implementation and monitoring of the recommendations needs to be strengthened

### Freedom of expression, including RTK funding and independence and attacks on journalists

1. Ensure that the two public TVs will broadcast programs dedicated to Ashkali and Egyptian communities.
2. Ensure sustainable funding for RTK in order to maintain high professional standards
3. Continue awareness raising on the issue of freedom of expression
4. Submit the report regarding the measures undertaken during 2014, and statistics on cases of attacks against journalists

### Transitional justice and dealing with the past; including discussion on the fate of missing persons

1. More visible commitment on information on missing persons sites
2. Regulation on central register to be adopted
3. Define duties and tasks of the Working Group on Dealing with the Past and Reconciliation

## II. Protection of and Respect for the Minority of Communities

### Security of minorities

1. Provide statistics of ethnically motivated crimes (for the Klina municipality)
2. Provide statistics on ethnically motivated crimes

### Voluntary return

1. Provide statistics on employment rate of returnees
2. Provide statistics on estimated number of IDP-s
3. Provide statistics on the number of persons voluntary returnees from Serbia
4. Provide an analysis on the decreasing trend on the number of voluntary returns
5. Report on the latest development to the construction of the road on the newly build houses in Klina

### Minority communities leaving Kosovo

1. Provide the exact statistics on individuals leaving Kosovo with a special focus on minorities

2. Address the issue of minorities leaving Kosovo by providing information to those planning to leave, chances of success and reasons/opportunities offered in Kosovo in order for them to stay

The implementation of the Action Plan for the integration of the Roma, Ashkali and Egyptian communities including issues related to IDPs returning Kosovo

1. Intensify the implementation by allocating sufficient budget
2. Reconvene the inter institutional Steering Committee for RAE communities
3. Finalize the Report on the implementation of the current AP
4. Ensure the commitment of municipalities with regard to land allocation for minorities
5. Improve coordination between the central and the local level

Implementation of the Law on Official Language; reform of the Language Commissioner

1. Continue and improve the implementation of the Law on Official Languages;
2. Finalize the report on implementation of the Law on Official Languages;
3. Finalize the Strategy for the Improvement of the Implementation of the Law on the Use of Languages by the end of 2015;

Communities' access to education

1. Encourage further involvement of municipalities in MEST activities

PM's Office for Community Affairs; Activity update

1. Encourage the work on recognition of diplomas

President's Office – Community Consultative Council latest developments

1. Find a solution to re-engage members from the RAE communities in the Community Consultative Council's work;
2. Recommendations of the Council should be followed-up by the Kosovo institutions

III. Fight Against Corruption

1. The Assembly to adopt the amendments to the Law on Prevention of Conflict of Interest, ensuring alignment with the Criminal Code;
2. Improve reporting from the focal points to the Kosovo Anti-Corruption Agency regarding the Action Plan on Anti-Corruption;
3. Kosovo Judicial Council to provide an abstract of 3 cases where Courts have taken decisions on corruption offences;
4. Kosovo Prosecutorial Council to provide the Analytical Report on cases investigated and under investigation of Prosecution Offices by the end of February;
5. Kosovo Prosecutorial Council to provide a confirmation for the increased number of prosecutors in the Basic Prosecution Offices;
6. Kosovo Prosecutorial Council to provide data on corruption-related confiscated/sequestered assets for 2013 and 2014;
7. The Public Procurement Regulatory Commission to propose amendments to the Law on Public Procurement and to ensure the appropriate functioning of the Procurement Review Body;

IV. Judiciary

### Cooperation with EULEX

1. Importance of resuming meetings of the Rule of Law Coordination Board in order to ensure an effective process by March 2015;

### Activities of the Kosovo Judicial Council

1. Ensure the functionality of the Palace of Justice as soon as possible (namely movement of certain institutions in respective blocks such as: Block A - Basic Court by the end of April and Special Chamber of the Supreme Court and EULEX judges by the end of February, Block B - Supreme Court, Appeal Court and EULEX judges, Block C - Basic and Appeal Prosecution, Block D - Serious Crime Court and EULEX judges and Block E - Constitutional Court);
2. Ensure the functionality of Kosovo Judicial Council , namely the Assembly to appoint Kosovo Judicial Council members;
3. Continue with the efforts to finalize the recruitment process for all vacant position for new judges;
4. Provide data and the annual report on the backlog of cases;
5. Initial legal education training should be a mandatory requirement;

### Activities of the Kosovo Prosecutorial Council

1. Ensure the appointment of the Chief State Prosecutor by March;
2. Ensure the appointment of the Chief Special Prosecutor by June;
3. Ensure the adoption of the Kosovo Prosecutorial Council Development Plan;
4. Provide statistic on cases prosecuted and adjudicated by the Special Prosecution;
5. Provide information on electoral fraud prosecution for 2010, 2011, 2012, 2013, 2014;
6. Initial legal education training should be a mandatory requirement;

### Security and protection measures

1. Continue implementing measures for safeguarding judges and prosecutors from false reporting and media exposure;

### International Legal cooperation in Judicial and Criminal Matters

1. Ministry of Justice to provide a statistical report on international legal cooperation for the year 2012, 2013, 2014;
2. Ministry of Justice to provide annual training plan/report regarding international legal cooperation in criminal matters;
3. Continue with efforts to swiftly dealing with requests for international legal cooperation;
4. Ministry of Justice to provide statistics on outgoing vs. incoming requests, three years basis comparable statistics, and per country statistics;

### Kosovo Correctional Services

1. Continue with efforts to fight and closely monitor smuggling and corruption in the correctional facilities;
2. Continue with efforts to investigate all cases of corruption in the correctional services;
3. Continue with the efforts to improve reintegration and professional rehabilitation;
4. Ensure the improvement of conditions of inmates, as well as their preparation for social integration;

### Judicial reform / review, legislative plans

1. Ministry of Justice to ensure the harmonization and adoption of the 4-laws package;

2. Juvenile criminal review to be properly handled;
3. Ministry of Justice to ensure that Concept Documents are drafted for all legislation, especially for the Law on Justice Academy;
4. Kosovo Prosecutorial Council to provide the report on the implementation of the Law on Amnesty, specifying categories, structure and ethnicity of the persons that benefited from the law;
5. Ministry of Justice to provide a written report regarding changes on the amendment of the law on Notary and ensure its adoption;

#### Enforcing property rights

1. Adopt the law on Kosovo Property Comparison and Verification Agency
2. Ensure sustainable founding for the institutions covered by the law on Kosovo Property Comparison and Verification Agency
3. Ensure sufficient resources for the Special Chamber of the Supreme Court
4. Continue the efforts to ensure women's right on inheritance
5. Improve the coordination on enhancing the enforcement of property rights

#### V. Home Affairs

##### Readmission and reintegration, and other migration issues

1. Continue with efforts for sustainable reintegration of readmitted persons;

##### Civil registries and document security

1. Complete the digitalization of the civil status books returned from Serbia;
2. Carry out the process of verification of the civil status against civil registry;
3. Deliver training and professional certifications following the exam to the municipal officials;
4. Finalize procurement procedures for supplying Civil Registration Agency with new certificates.

##### Integrated border management

1. Finalize the demarcation of the border with Montenegro;
2. Finalize the procedures for border management system maintenance;
3. Continue systematic checks in all border checkpoints, in line with fundamental rights;
4. Continue sharing operational data for migratory groups with key partners including FRONTEX and neighboring countries.

##### International legal cooperation in police matters

1. Continue cooperation in police matters.

##### Confiscation of assets

1. Continue efforts on sequestration/confiscation of assets, and provide statistics on asset confiscation/sequestration;
2. Continue with trainings and raising awareness activities amongst prosecutors in terms of asset confiscation legal provision.

##### Witness protection

1. Witness Protection Directorate to prepare for the EULEX phase out.

##### Fight against cybercrime

1. Finalize and adopt the Strategy and Action Plan on Fight against Terrorism;
2. Provide a report on actions taken in terms of fighting terrorism and in terms of
3. de-radicalization;
4. Consult the EU office when re-drafting the Law on Interception of Electronic Telecommunications.

#### Fight against human trafficking

1. Adopt the Law on Compensation of Victims of Crimes;
2. Adopt the Strategy and Action Plan on fight against trafficking in human beings;
3. Proactive efforts in fight against human trafficking;

#### Fight against drugs

1. Focus more actively on drug prevention activities;
2. Finalize the school curriculum on the prevention of drugs;
3. Appoint a national focal point or set up the drug observatory;
4. Continue exchanging information related to drug trafficking with main stakeholders.

#### Fight against economic crimes:

1. Continue demonstrating results in fights against economic and financial crimes;
2. Adopt the Law on Money Laundering and Financing Terrorism;
3. Take into account NGO concerns (provision in the law obliging CSOs to request dispensation for all donation above EUR 1 000 from one single source and for all spending above EUR 5 000 from one single source) when amending the Law on Money Laundering and Financing Terrorism.

## Annex 1

### List of participants

#### 1. Government of Kosovo

##### Ministry of European Integration

Fisnik Rexhepi	Adviser to the Minister for European Integration
Demush Shasha	Secretary General
Valon Gashi	Director of Department of Political Criteria
Gresa Selimaj-Bytyqi	Department of Political Criteria
Malisa Venhari	Department of Political Criteria
Dodona Gashi	Department of Political Criteria
Mrika Pepa	Department of Political Criteria
Lorik Jakupi	Department of Political Criteria
Armend Kelmendi	Department of Political Criteria
Altina Besimi	Department of Political Criteria
Ylleza Berisha	Department of Political Criteria

##### Kosovo Embassy in Brussels

Mimoza Ahmetaj	Ambassador of Kosovo in Brussels
Labinot Hoxha	First Secretary
Valeza Oruçi	

##### Kosovo Assembly

Ismet Krasniqi	General Secretary of the Assembly of Kosovo
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##### Office of the Prime Minister

Habit Hajredini	Director, Office of Good Governance
Besim Kajtazi	Head of Legal Department
Prenk Gjetaj	Head of Governmental Commission on Missing Persons
Slavisa Mladenovic	Language Commissioner
Edi Gusia	Head of Division for Reporting and Monitoring. AGE

##### Office of the President

Nafiye Gas	Consultative Council for Communities
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##### Kosovo Judicial Council

Albert Avdiu,	Head of Kosovo Judicial Council Secretariat
Sahit Sylejmani	Head of Supreme Court's Appeal Panel

##### Kosovo Prosecutorial Council

Ehat Miftari	Kosovo Prosecutorial Council
Shqipdon Fazliu	Prosecutor, National Coordinator for Economic Crime

##### Kosovo Police



Riza Shillova	Head of Department for organised crime investigations
Shaban Guda	Head of Border Department
Veton Elshani	Head of KP Directorate for International Cooperation, ILECU
Emin Beqiri	Directorate for Financial Crime and Corruption
Fatos Makolli	Head of Anti-Terrorism Directorate
Arben Paqarizi	Head of Directorate against Trafficking in Human Beings
Bahri Shala	Head of Directorate against Narcotics
Skender Rrahmani	Head of KP Witness Protection Directorate
Clirim Hajdini	Department for Community Police

Ombudsperson	
Arberita Kryeziu	Ombudsperson Institution

Ministry of Internal Affairs	
Blerim Camaj	CEO, Civil Registration Agency
Fahrije Ternava	Head of Reintegration Department
Artan Dreshaj	Head of IT Department
Valon Krasniqi	Director for Citizenship, Asylum and Migration
Artan Duraku	Head of DEIPC

Ministry of Justice	
Eset Rama	Acting General Secretary
Lindita Ademi	Head of Mediation Commission
Arber Gegaj	Head of Department for International Legal Cooperation
Arsim Gerxhaliu	Head of Department of Forensic Medicine
Rrahim Rama	CEO of AMSCA
Ylber Topalli	Head of Inspectorate for Kosovo Correctional Service
Dafina Buçaj	Legal Advisor of Minister of Justice
Emrush Thaqi	General Director of Kosovo Correctional Services

Ministry of Foreign Affairs	
Diamant Kastrati	Department for Consular Affairs

Ministry of Finance	
Samir Krasniqi	National Centre for Border Management Coordinator
Bleta Jahjaga Shaqiri	Adviser to the Director General, Kosovo Customs
Zana Batusha	Kosovo Customs
Bekim Mehmetaj	Head of IBM sector, Kosovo Customs
Behar Xhema	Deputy Director, FIU

Ministry of Education, Science and Technology	
Enesa Kadic	Head of Division for Communities

Ministry of Local Government Administration	
Avni Sahiti	Head of Legal Department
Rozafa Ukimeraj	Head of Department for European Integration

Anti-Corruption Agency  
Blerim Kelmendi                      Director of the Department for Combating Corruption

Central Election Commission  
Valdete Daka                      Head of Central Election Commission  
Miradije Mavriqi                      Head of Office for Registration of Political Parties

Data Protection Agency  
Mr. Bekim Demiri                      Chief State Supervisor

Kosovo Cadastral Agency  
Mr. Murat Meha                      Chief Executive of Kosovo Cadastral Agency

Kosovo Property Agency  
Florije Kika                      Head of Kosovo Property Agency

Public Procurement Regulatory Commission  
Ekrem Salihu                      Board Member of Procurement Review Body  
Vedat Potërqoi                      Public Procurement Regulatory Commission

2. European Commission  
Catherine Wendt                      DG Enlargement  
Cindy van den Boogert                      DG Enlargement  
Helen Larson                      DG Just  
Yvonne Gogoll                      EUOK