



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 Stabilisation 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 of the Kosovo unit, European Commission, DG NEAR and the Secretary General of the Kosovo 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 continues to be a priority and will be 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 and provide recommendations in the area of electoral reform;
3. Due to a potential conflict of interest, it should be considered that an independent authority, and not the CEC, needs to be in charge of the implementation of the Law on Financing of Political Parties; this could be part of a future electoral reform process proposal;
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. While it needs to be ensured appointments are made on basis of merit, the Assembly to urgently appoint all members of independent bodies with special focus on those where a quorum is currently lacking, such as Kosovo Judicial Council, Oversight Board of the Civil Service of Kosovo and Constitutional Court;

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.

Protection of personal data

1. Amend the Law on Data Protection;
2. Implement the Personal Data Protection Strategy and approve its Action Plan in 2015;
3. Encourage cooperation with all institutions/bodies and ensure that they fully comply with the legislation when handling personal data and that sanction mechanisms are in place for non-compliance;
4. Create a manual on the implementation of the Law on Data Protection for data protection officials;
5. Continue strengthening the administrative capacity of the National Agency for the Protection of Personal Data.

Cooperation of the CSOs with the Kosovo institutions

1. Implement fully and systematically the public consultation process, including at government level.
2. Establish criteria on CSO funding to provide for transparency of the grant scheme;
3. Ensure that CSOs are involved in preparing the Sector Planning Documents (programming of EU assistance).

I. Fundamental Rights

Human Rights legislation and policy

1. Ensure that the Human Rights Law Package is subject to another round of consultation with relevant stakeholders prior to its approval by the government. Adopt Human Rights Law Package;
2. Approve the Strategy and Action Plan on human rights after the adoption of the Human Rights Law Package and ensure that it is in tune with the provisions of the Human Rights Law Package.

Anti-discrimination

1. The tracking mechanism of Kosovo Prosecutorial Council to be extended to cover cases of all kinds of discrimination (not only ethnically motivated cases);
2. Kosovo Prosecutorial Council to provide statistics on cases derived from the tracking mechanism
3. Intensify the work on defining ethnically motivated crimes and provide information on developments.

Women's Rights and gender equality

1. Note the gender non-balance at Ministers' level and that it does not correspond to existing laws.

2. Complete the report on implementation of the AP on UNSCR 1325 on Woman, Peace and Security;
3. Establish a uniform database system of regular data collection across all institutions on cases of gender based violence;
4. Provide an analysis on why the number of cases of domestic violence has decreased.

Children's 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's rights that are not covered in current legislation;
2. Develop a new Strategy and Action Plan to follow the one covering 2009-2013.

Rights of persons belonging to the LBGTI community

1. Provide statistics by the police and prosecution on LGBTI incidents;
2. When revising the criminal code, ensure that rights of the LGBTI community are fully taken into account;
3. Further discuss and analyse the issue of claims and granting of asylum in the EU of persons belonging to the LBGTI community

Rights of people with disabilities

1. Continue the implementation of the National Strategy and Action Plan on the Rights of People with Disabilities;
2. Ensure that the National Council for People with Disabilities becomes fully operational, plays a crucial role in implementing the S/AP, meets regularly and engages with the civil society;
3. Further clarify the circumstances of the deregistration of deaf people from the social assistance register;
4. Ensure proper implementation of legislation to promote the rights of people with disabilities, including allocating sufficient resources.

Enforcement of Fundamental Rights/Empowerment

Institutional set-up

1. Reform the human rights structures and simplify the institutional framework.

Ombudsperson Institution

1. The Assembly to appoint the ombudsperson and the deputies
2. Ensure adequate premises for OIK both in Pristina 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 the fair and transparent completion of the Independent Media Commission, and its proper functioning;
2. Ensure long-term financial sustainable of the RTK in order to maintain high professional standards and ensure independence;
3. Continue awareness raising on the issue of freedom of expression;

4. Submit statistics on cases of attacks against journalists.

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

1. Kosovo to ensure more visible commitment on getting information on potential grave sites
2. The Regulation on the central register to be adopted by June 2015.
3. Urgently define the duties and tasks of the Working Group on Dealing with the Past and Reconciliation.

II. Protection of and Respect for the Minority of Communities

Challenges at municipal level

1. Strengthen cooperation and coordination between central and municipal level.

Security of minorities

1. Provide statistics on ethnically motivated crimes at central and municipal level;
2. Intensify work on preventing incidents related to ethnically motivated crimes;
3. Submit information on developing a comparable definition of what constitutes an ethnically motivated crime.

Voluntary return

1. Clarify your information on statistics on employment rate of returnees;
2. Provide information on the state of play concerning setting up a database on IDPs;
3. Provide statistics on estimated number of IDPs who potentially wish to return to their place of origin, including 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;
6. Provide information on the budget dedicated for voluntary return in 2015 compared with 2014.

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;
3. Continue to tackle the socio-economic issues related to the future return of these individuals, including preparing for the reintegrating children into the education system.

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 of the S/AP, including by allocating sufficient budget;
2. Provide comparable information on budget spent in 2014 and budget allocated for 2015 for the implementation of the S/AP, including at municipal level.

3. Reconvene the inter Institutional Steering Committee for the Roma, Ashkali and Egyptian communities;
4. Finalise the report on the implementation of the current S/AP;
5. Develop new policy commitments for beyond 2015;
6. Ensure the commitment of municipalities with regard to land allocation for minority communities, including voluntary returns;
7. Improve coordination between the central and the local level.

Implementation of the Law on Official Language

1. Continue and improve the implementation of the Law on Official Languages;
2. Finalise the report on the implementation of the Law on Official Languages;
3. Finalise 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-supported activities.

PM's Office for Community Affairs; Activity update

1. Encourage the advancement of the work on recognition of diplomas

President's Office – Community Consultative Council: latest developments

1. Find a solution to re-engage members from the Roma and Ashkali communities in the Community Consultative Council's work;
2. Follow-up on recommendations of the Council to the Kosovo institutions (reasons for not following recommendations etc).

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 (in all the different institutions in charge of the implementation of action plan actions) to the Kosovo Anti-Corruption Agency regarding the implementation of the Action Plan on Anti-Corruption;
3. Kosovo Judicial Council to provide an abstract of 3 cases of court rulings on corruption offences;
4. Kosovo Prosecutorial Council to provide by the end of February the Analytical Report on corruption cases investigated and under investigation of Prosecution Offices;
5. Kosovo Prosecutorial Council to increase the number of prosecutors in the Basic Prosecution Offices, notably the office in Pristina;
6. Kosovo Prosecutorial Council to provide data on corruption-related confiscated/sequestered assets;
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. Actively resume the regular meetings of the Joint Rule of Law Coordination Board in order to ensure an improved effective process by March 2015;

Activities of the Kosovo Judicial Council

1. Ensure the functionality of the Palace of Justice as soon as possible. This includes the move of the relevant institutions (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), but also the other elements that need to be put in place to ensure full functionality of the Palace of Justice, including durable and long term solutions for the waste-water network, a proper connection with the main public road, provision of all utilities, furniture and equipment.
2. Ensure the functionality of Kosovo Judicial Council, namely the Assembly to appoint Kosovo Judicial Council members;
3. Continue with the efforts to finalise the recruitment process for all vacant position for new judges;
4. Provide backlog data, including the annual report on the backlog of cases;
5. Ensure that in future legislative amendments the Initial legal education training is included as a mandatory requirement;

Activities of the Kosovo Prosecutorial Council

1. Ensure the appointment of the Chief State Prosecutor by March 2015;
2. Ensure the appointment of the Head of the Special Prosecution Office by June 2015;
3. Ensure the adoption of the Kosovo Prosecutorial Council Development Plan;
4. Provide clear statistics on cases investigated and prosecuted by the Special Prosecution Office;
5. Provide information on electoral fraud prosecution and adjudication for 2010, 2011, 2012, 2013, 2014; (this is a joint KPC/KJC action)
6. Ensure that in future legislative amendments the Initial legal education training is included as 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 years 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, comparable statistics (2014,2015), and per country statistics;

Kosovo Correctional Services

1. Continue with efforts to address 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 programmers for future reintegration into society and professional rehabilitation;
4. Continue recruitment and increase capacities of the KCS to a sufficient level.

Judicial reform / review, legislative plans

1. Ministry of Justice to ensure the harmonisation if the '4 laws' and adoption of this legislative package;
2. Juvenile criminal review to be properly handled;
3. Ministry of Justice to ensure that in accordance with regulations Concept Documents are drafted for all legislation and legislative amendments including for the Law on the 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 funding for the institutions covered by the law on KPA and the law on Kosovo Property Comparison and Verification Agency
3. Ensure sufficient resources, in order to increase the number of judges, professional associates and court translators for the Special Chamber of the Supreme Court Continue the efforts to ensure women's right on inheritance
4. 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 digitalisation 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. Finalise procurement procedures for supplying Civil Registration Agency with new certificates.

Integrated border management

1. Finalise the demarcation of the border with Montenegro by June 2015;
2. Ensure the maintenance of the border management system (BMS); finalise the relevant procedures as soon as possible.
3. Continue systematic and stringent checks at all border checkpoints (entry/exit, also with Serbia), in line with fundamental rights;
4. Continue sharing operational data for migratory groups with key partners including FRONTEX neighbouring countries, and interested third countries, including Hungary and Germany.

International legal cooperation in police matters

1. Continue international 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 end of EULEX mandate.

Fight against cybercrime / terrorism

1. Finalise and adopt the Strategy and Action Plan on Preventing Extremism and Radicalization;
2. Provide a report on actions taken in terms of fighting terrorism and in terms of
3. de-radicalisation;
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; focus more actively on prevention and awareness
4. Finalise the licensing of the NGO shelters

Fight against drugs

1. Focus more actively/targeted on drug prevention activities;
2. Finalise the school curriculum on the prevention of drugs;
3. Appoint a national focal point and 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
Mehmet Simnica	

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
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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
Lulzim Beqiri	Head of DEIPC
Emrush Thaqi	General Director of Kosovo Correctional Services

Ministry of Foreign Affairs

Diamant Kastrati	Department for Consular Affairs
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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
Behar Xhema	Deputy Director, FIU

Ministry of Education, Science and Technology

Enesa Kadic	Head of Division for Education of Communities
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Ministry of Local Government Administration

Avni Sahiti	Head of Legal Department
Rozafa Ukimeraj	Head of Department for European Integration

<i>Anti-Corruption Agency</i> Blerim Kelmendi	Director of the Department for Combating Corruption
<i>Central Election Commission</i> Valdete Daka Miradije Mavriqi	Head of Central Election Commission Head of Office for Registration of Political Parties
<i>Data Protection Agency</i> Mr. Bekim Demiri	Deputy Chief State Supervisor
Kosovo Cadastral Agency Mr. Murat Meha	Chief Executive of Kosovo Cadastral Agency
<i>Kosovo Property Agency</i> Florije Kika	Head of Kosovo Property Agency
<i>Public Procurement Regulatory Commission</i> Ekrem Salihu Vedat Potërqoi	Board Member of Procurement Review Body Public Procurement Regulatory Commission

2. European Commission

Catherine Wendt	DG Neighbourhood and Enlargement Negotiations
Cindy van den Boogert	DG Neighbourhood and Enlargement Negotiations
Helén Larsson	DG Neighbourhood and Enlargement Negotiations
Thomas Gnocchi	EUO/EUSR
Yvonne Gogoll	EUO
Felix Rathje	EUO
Jouni Lehtimäki	EUSR
Stefano Gnocchi	EUSR
Visar Bivolaku	EUSR
Marton Benedek	DG Migration and Home Affairs
Frédérique Rychener	DG Employment, Social Affairs and Inclusion
Annalisa Cotone	DG Employment, Social Affairs and Inclusion
Gianina Popescu	DG Justice and Consumers
Dafni Gogou	DG Justice and Consumers
Thomas Ljungquist	DG Justice and Consumers
Nikolaos-Ioannis Iliopoulos	DG Justice and Consumers