

A POLICY REPORT BY GROUP FOR LEGAL AND POLITICAL STUDIES

NO. 02 – MARCH 2017



# Assessment of the Implementation of the Anti-Corruption Strategy and Action Plan 2013-2017



---

## ABOUT GLPS

Group for Legal and Political Studies is an independent, non-partisan and non-profit public policy organization based in Prishtina, Kosovo. Our mission is to conduct credible policy research in the fields of politics, law and economics and to push forward policy solutions that address the failures and/or tackle the problems in the said policy fields.



This Policy Report is part of the project entitled “*Monitoring the Implementation of the Anti-Corruption Strategy and Action Plan 2013-2017*”, financed by the Embassy of the United States in Kosovo and implemented by Group for Legal and Political Studies.



Policy Report 02/2017

Assessment of the Implementation of the Anti-Corruption Strategy 2013-2017

Author: \* Delfinë Elshani, \*\* Erëza Pula

March 2017

© Group for Legal and Political Studies, March, 2017.

The opinions expressed in this document do not necessarily reflect those of Group for Legal and Political Studies donors, their staff, associates or Board(s). All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any mean without the permission. Contact the administrative office of the Group for Legal and Political Studies for such requests.

Group for Legal and Political Studies  
"Rexhep Luci" str. 16/1  
Prishtina 10 000, Kosovo  
Web-site: [www.legalpoliticalstudies.org](http://www.legalpoliticalstudies.org)  
E-mail: [office@legalpoliticalstudies.org](mailto:office@legalpoliticalstudies.org)  
Tel/fax.: +381 38 234 456

\*, \*\* Research Fellows, Group for Legal and Political Studies

This page intentionally left blank

# ASSESSMENT OF THE IMPLEMENTATION OF THE ANTI-CORRUPTION STRATEGY 2013-2017

## I. BACKGROUND

Corruption is a multidimensional phenomenon present in every society, even in the most developed ones. It is defined as the institutional inability to adequately manage the society within the framework of economic, social, judicial, and political norms. Corruption detracts economic and institutional development, hinders social services, and negatively impacts investments. It poses serious challenges even for well-functioning democracies and undermines the well-being of citizens by promoting undemocratic values. Deeply rooted corruption impairs transparency and accountability within institutions and society; hence, it is of crucial importance to enhance governance capacities in order to accelerate growth and combat corruption.<sup>1</sup>

Corruption stifles economic development and erodes confidence in the government and rule of law, thereby perpetuating poverty in developing countries such as Kosovo. Even though the fight against corruption has been always placed at the top of the agenda of ruling political parties in Kosovo, no concrete results have been achieved yet. According to the Perception Corruption Index 2016, Kosovo ranks in 95<sup>th</sup> place with a score of 36 (0-100 scale), indicating that the public sector in Kosovo is perceived to be highly corrupt. Moreover, the fact that Kosovo was placed 103<sup>rd</sup>, 110<sup>th</sup>, 111<sup>th</sup> and 105<sup>th</sup> on the Transparency International Corruption Perception Index in 2015, 2014, 2013, and 2012, respectively, suggests that corruption is deeply rooted in the economic, social and political spheres.<sup>2</sup> It should be noted that countries in the region such as Macedonia, Albania, Bosnia and Herzegovina, Serbia, and Montenegro, compared to Kosovo, have lower perception corruption indexes, ranking 90<sup>th</sup>, 83<sup>th</sup>, 83<sup>th</sup>, 72<sup>nd</sup>, , and 64<sup>st</sup>, respectively.<sup>3</sup> In addition, the 2016 EC Country Report for Kosovo highlights limited progress in the fight against corruption, lack of proper implementation of the legislative framework, and a high level of intimidation by rule of law institutions. According to the 2013 Global Corruption Barometer, the Judiciary, Political Parties, and the Parliament are perceived as the most corrupt institutions, with 80%, 75%, and 66% of respondents, respectively. Furthermore, almost half of the respondents claim that corruption in Kosovo has substantially increased over the past two years.<sup>4</sup> Therefore, it is of utmost importance to increase institutional efforts to fight this phenomenon.<sup>5</sup>

The anti-corruption legislative framework incorporates the amended Law on Financing of Political Parties, the amended Law on the Declaration, Origin and Control of the Property of Senior Public Officials, and the Law on the Declaration, Origin and Control of Gifts for all the Official Persons, amongst others. As of now, the abovementioned laws are comprehensive and in-line with the Acquis; however, they lack proper implementation. On the other hand, there are laws which still should be amended, such as the Law on Conflict of Interest, in order to improve the fight against corruption in Kosovo. Although an adequate anti-corruption legislative framework is in place, proper implementation by Kosovo's institutions still remains a crucial

---

<sup>1</sup> Disch, A., Vigeland, E., and Sundet, G. (2009) Anti-Corruption Approaches a Literature Review. Norwegian Agency for Development Cooperation (NORAD)

<sup>2</sup> Transparency International (2016) Perception Corruption Index; Transparency International (2015) Perception Corruption Index; Transparency International (2014) Perception Corruption Index; Transparency International (2013) Perception Corruption Index; Transparency International (2012) Perception Corruption Index

<sup>3</sup> Transparency International (2016) Perception Corruption Index

<sup>4</sup> Transparency International (2013) Global Corruption Barometer (GCB) Kosovo

<sup>5</sup> European Commission (2015). Kosovo\* 2015 Report. Brussels

challenge.<sup>6</sup>

In this context, the Anti-Corruption Agency, supported by public institutions and CSOs, has developed the Anti-Corruption Strategy and its Action Plan 2013-2017 which elaborate all the specific anti-corruption objectives, measures, actions, and responsible institutions, as well as the timeframe for achieving these objectives. More precisely, the Anti-Corruption Strategy and its Action Plan include measures which aim to combat the illegal financing of political parties and terrorism, the informal economy, money laundering, and, among others, other financial crimes.<sup>7</sup> The newest anti-corruption strategy, which succeeds previous anti-corruption strategies of 2012-2016, 2009-2011 and 2004-2007, aims to progressively reduce corruption, strengthen institutional integrity, promote good governance, and properly implement the measures set out in the Action Plan. Nevertheless, it should be noted that lack of adequate financing and 'measurable' indicators are negatively affecting the achievement of the intended anti-corruption results, hence the ability of institutions to respond effectively to corruption.<sup>8</sup>

The main institutions responsible for the fight against corruption in Kosovo include the Anti-Corruption Agency (ACA), the National Anti-Corruption Council, the National Anti-Corruption Coordinator, and the Directorate for Investigation of Economic Crimes and Corruption within the Kosovo Police. The main responsibilities of the ACA are to prevent corruption and conduct preliminary administrative investigations in accordance with highly recognized international standards on anti-corruption. Even though Kosovo institutions must collaborate to achieve their mutual goal of fighting corruption, there is lack of cooperation among institutions as well as unspecified responsibilities and overlapping mandates which, in turn, hinder their effective performance and collaboration.<sup>9</sup>

Given that sustainable development and combating corruption is of crucial importance for a well-functioning democracy, this study aims to monitor the implementation of Kosovo's Anti-Corruption Strategy and Action Plan 2013-2017. This study highlights the progress of the Kosovo institutions in the political and rule of law sectors and assesses their efforts towards adequately implementing measures/actions set out in the Strategy. This study also identifies the institutional failures, achievements, and challenges associated with the full implementation of the Strategy, and reflects on the preparedness of Kosovo institutions to combat corruption and promote anti-corruption actions.

The following sections of this study are organized as follows: Section 2 provides an overview of the drafting, assessment and challenges of the Anti-Corruption Strategy and (Revised) Action Plan. Section 3 details the methodology utilized for this study. The achievements, challenges and failures that materialized during the monitoring process are presented in a matrix in Section 4. Section 5 interprets the overall institutional achievements vis-a-vis the implementation of the Strategy, focusing specifically on the political and rule of law sectors. The last section offers a conclusion and policy recommendations that can further enhance Kosovo's capacity in the fight against corruption.

---

<sup>6</sup> European Commission (2015). Kosovo\* 2015 Report. Brussels

<sup>7</sup> Anti-Corruption Strategy and Action Plan 2012-2016 (2011). Anti-Corruption Agency. Republic of Kosovo

<sup>8</sup> Anti-Corruption Strategy and Action Plan 2013-2017 (2012). Anti-Corruption Agency. Republic of Kosovo

<sup>9</sup> European Commission (2015). Kosovo\* 2015 Report. Brussels



## II. THE ANTI-CORRUPTION STRATEGY: DRAFTING, ASSESSMENT AND CHALLENGES

Given the persisting high levels of corruption in Kosovo, it is of utmost importance to monitor the implementation of the Anti-Corruption Strategy and Action Plan 2013-2017 in order to provide an overview and assessment of the institutional progress in the fight against corruption. The Anti-Corruption Strategy and Action Plan 2013-2017, composed of two documents, was drafted by the Anti-Corruption Agency and other responsible institutions and adopted by the Assembly of the Republic of Kosovo in 2012. During the drafting process, the Agency collaborated closely with all institutions responsible for implementing the Strategy and Action Plan in order to review the proposed measures outlined in the Strategy and Action Plan, to address the comments and concerns of relevant institutions, and to gain the approval and commitment of institutions responsible for implementing the measures. The Strategy includes specific objectives, as well as horizontal and vertical priorities, whereas the Action Plan details the measures to be implemented by specific institutions and indicators of success. Both documents aim to combat the overall corruption in Kosovo and assess the readiness and willingness of institutions to combat corruption.

The institution responsible for monitoring and controlling the overall implementation of the aforementioned Strategy is the Anti-Corruption Agency, which focuses on assessing the implementation of the measures included in the Anti-Corruption Action Plan. During the monitoring process, the Anti-Corruption Agency contacts central and local public institutions, private sector organizations, and civil society organizations which are responsible for submitting reports regarding the implementation of the measures specified in the Action Plan 2013-2017.<sup>10</sup> According to the Law No. 03/L-159 on Anti-Corruption Agency, designated institutions should report to the Anti-Corruption Agency every six months (or on ad-hoc basis as required by the Agency) with regards to the implementation of the measures specified in the Action Plan.<sup>11</sup> The Agency verifies the information provided by the contact points randomly or when it appears to be suspicious. It should be noted that the agency provides an assessment of implemented measures but, due to its lack of human resource capacities, does not assess their effect on reducing corruption.<sup>12</sup>

In the beginning of 2015, the Anti-Corruption Agency conducted an assessment which analyzed the measures and actions implemented by responsible institutions as foreseen by the Action Plan. Based on the implementation rate, the Agency suggested revising the Action Plan and improving the measures in order to achieve specific objectives highlighted in the Anti-Corruption Strategy. In order to finalize the new Action Plan, the Agency requested all relevant institutions to provide proposals for revisions. The revised Action Plan was approved in July 2015 and its implementation began in January 2016.<sup>13</sup> According to the Anti-Corruption Agency officials, the new Action Plan can be considered an improvement as they identify more specific measures for implementation and pave the way for greater cooperation between the contact points within relevant institutions.<sup>14</sup> However, during the early stages of implementation, various challenges have arisen and the Strategy and revised Action Plan has been criticized by various stakeholders.

---

<sup>10</sup> Anti-Corruption Agency (2013), Report in Implementation of the Anti-Corruption Action Plan, Period February- May 2013

<sup>11</sup> Law No. 03/L-159 on Anti-Corruption Agency, Article 17.3: Anti-Corruption Action Plan

<sup>12</sup> Interview with the officials from the Anti-Corruption Agency. 7 September 2016

<sup>13</sup> Anti-Corruption Agency (2016) Annual Report 2015. Prishtinë

<sup>14</sup> Interview with the officials from the Anti-Corruption Agency. 7 September 2016

Opposition parties and civil society organizations objected to the ratification of the current Strategy and claimed that their contributions during the drafting process were ignored despite the fact that they should have closely cooperated with the Agency in drafting a more comprehensive strategy.<sup>15</sup> On the other hand, the Agency states that relevant institutions were not able to find common ground for greater cooperation. As a result, only one non-governmental organization (kallxo.com) has reported to and cooperated with the Agency during the monitoring process. The private sector was reluctant to cooperate with the Agency and relevant institutions under the previous Strategies, and as a result the entire sector was excluded from the Anti-Corruption Strategy 2013-2017.<sup>16</sup>

During the monitoring process of the Strategy, the Agency has encountered various challenges vis-a-vis cooperation with relevant institutions. First, some of the institutional contact points changed occasionally, which hindered prompt and efficient reporting. According to the Agency officials, the information received from the contact points was sometimes delayed and not of satisfactory quality, even though these institutions are responsible for reporting the status of their progress on the Action Plan measures.<sup>17</sup> Some institutions entirely failed to report their progress vis-a-vis the implementation of the objectives specified in the Action Plan. Nevertheless, neither the law on Anti-Corruption Agency nor the Strategy itself provide binding mechanisms or means of holding relevant institutions accountable. In this way, the existing legislation fails to properly incentivize institutions to comply with the deadlines set forth in the Action Plan and to implement all the respective measures.

### III. METHODOLOGY

Bearing in mind the many indicators and sectors included in the Action Plan 2013-2017, this study conducted by GLPS specifically monitored, during July - September 2016, the implementation of the objectives and actions specified in the Action Plan which pertain to political and rule of law sectors. These sectors were monitored not only because of their crucial importance in the fight against corruption but also because of their high corruption scores in Transparency International's Global Corruption Barometer.

The process of monitoring the Political Sector focused on the transparency of asset declaration of public officials, the financing of political parties, and, among others, the supervision of conflicts of interest. The institutions monitored within the Political Sector included the Parliamentary Assembly, Office of the Prime Minister, Ministry of Finance, Central Election Commission, Civil Society Organizations, the Anti-Corruption Agency, Ministry of Justice, State Prosecutor, and, among others, Courts. With regard to the Rule of Law sector, the monitoring process focused on the efficiency, independence, and integrity of judiciary, police, and prosecution in fighting corruption within institutions and improving the mechanisms to combat such offenses. The institutions monitored within this sector included the Kosovo Police, State Prosecutor, Police Inspectorate, Tax Administration of Kosovo, Kosovo Customs, Ministry of Justice, Civil Society Organizations, the Kosovo Judicial Council, Kosovo Prosecutorial Council, Judicial Inspectorate, Parliamentary Assembly, Confiscation Agency, and the Anti-Corruption Agency.

During the monitoring process, each institution responsible for implementing measures in their sector was contacted in order to assess their progress. After receiving and analyzing all information provided by relevant institutions, GLPS compiled a matrix in order to portray which

---

<sup>15</sup> Arton Demhasaj, Çohu, Roundtable Discussion held on December 8, 2016 on the “Progress of the Implementation of Anti-Corruption Strategy”

<sup>16</sup> Interview with the officials from the Anti-Corruption Agency. 7 September 2016

<sup>17</sup> Interview with the officials from the Anti-Corruption Agency. 7 September 2016

measures and actions were achieved, not achieved, or partially achieved. When no information was provided by relevant institutions vis-a-vis certain actions, such actions were classified as 'no information provided' in order to present a transparent assessment.

#### IV. MATRIX: Assessment of the Action Plan

CHAPTER 1 - Political Sector					
Main Objective 1 <i>Improving transparency in financing political parties and financial reporting of election campaigns</i>					
	Measures	Deadline & Responsible Institutions	Indicators	Achievement	Remaining Challenges/ Status of the task
<b>Specific Objective</b> Completion of the legal infrastructure for financing political parties and introducing monitoring mechanisms	Adopt the law on political party financing in accordance with best practices and international standards.	2013  Assembly	1. Adoption of the Law	1. The Law has been adopted on 31.07.2013, as foreseen by the Action Plan.	<b>1. Achieved</b>
	Monitor the implementation of the law on financing political parties.	Ongoing (Annual Review)  Assembly	1.Shortcomings in implementation identified and efficiently remedied	1. The Assembly, i.e. Budget and Finance Committee, did not monitor the law on financing of political parties yet; hence no shortcomings were identified. It should be noted that monitoring the law on financing of political parties is not part of the 2016 work-plan.  2. Given that no monitoring	<b>1. Not Achieved</b> It is of utmost importance for the Assembly to monitor the implementation of the law on financing of political parties and identify shortcomings during the process.  <b>2. Not Achieved</b> After the Assembly adequately monitors the law on financing of political parties and

		2.Procedures against political parties launched for violation of the law	took place, there were no shortcomings identified; hence no procedures against violations of the law were initiated.	identifies the shortcomings, the responsible institutions should initiate procedures against violations of the law.
Implement recommendations adopted by the Assembly's Committee on Budget and Finance arising from the monitoring of the law on financing political parties	Ongoing (Annual Review)  Office of Prime Minister Ministry of Finance	1.Recommendations adopted  2.Recommendations implemented	1. The Budget and Finance Committee did not yet monitor the law on financing political parties; hence, no recommendations were adopted  2. Given that no monitoring took place, there are no recommendations to be implemented	<b>1. Not Achieved</b> The Budget and Finance Committee should immediately initiate the monitoring of procedures of the Law on financing of political parties  <b>2. Not Achieved</b> The Committee, based on the monitoring findings, should adopt recommendations for completing the legal infrastructure.
Prepare and submit financial reports by political parties to the Central Electoral Commission and the Auditor General.	Ongoing (Annual Review)  Central Election Commission	1.Reports submitted to CEC and OAG on time and in accordance with the law	1. Political parties submit their annual financial and election campaign reports to CEC, as specified by the Law. In 2015, all political parties submitted their reports by the deadline. In 2014 CEC imposed fines to 12 political parties and to 10 political parties in 2013 for late submission of the annual	<b>1. Achieved</b>

			financial report.	
Implementation of recommendations arising from the CEC reports on Political Parties.	Ongoing (Annual Review)  Central Election Commission	1. High level of implemented recommendations	1. There were no recommendations to be implemented, as the Assembly has failed to select the auditors responsible for auditing the annual financial reports of political parties for three consecutive years (2013, 2014 and 2015).	<b>1. Not Achieved</b> Responsible institutions should initiate the procedures for auditing the finances of political parties and should issue recommendations based on their findings.
Organize special trainings to enhance skills for financial auditing of political parties (with special emphasis on the financing of electoral campaigns)	Ongoing (Annual Review)  Central Election Commission, Office of Auditor General Political parties, Oversight Committee on Public Finance	1. Trainings organized  2. No. of officials trained  3. Improved quality of financial reports	1. CEC organizes trainings for financial officers of political parties based on Article 40.7 of the Law on General Elections. CEC does not provide trainings for its employees regarding the auditing of political parties.  2. CEC has organized trainings through which 23 financial officers were trained as of February 2016.  3. CEC has changed the reporting forms into	<b>1. Achieved</b> Clarification: CEC only provides trainings to financial officers of political parties as stipulated in the law. It does not audit the finances of political parties; hence, it is not obliged to provide trainings to its employees.  <b>2. Achieved</b>  <b>3. Achieved</b>

				electronic forms and has approved the Form for Disclosure of Election Campaign Expenses and Form of the Publication of the Annual Financial Report.	
	Monitor financing of political parties and electoral campaigns by civil society, with a special focus on the work of the CEC.	Ongoing  Civil Society	1.No. of shortcomings identified  2.Reports published and recommendations addressed	1. No answer received from the CSOs.  2. No answer received from the CSOs.	<b>1. No information provided</b>  <b>2. No information provided</b>
<b>Main Objective 2</b> <i>Reducing the gap between the declared and authentic origin of assets of senior public officials</i>					
<b>Specific Objective</b> Building a control system to verify the origin of assets declared by senior public officials	Review and improve effective sanctions for false declaration or non declaration of assets by senior public officials	2013  Anti-Corruption Agency, Ministry of Justice, Assembly	1. Sanction policies analyzed and improved	1. The Ministry of Justice has drafted the Criminal Code and the Code of Criminal Procedure, for which implementation began in 2013. These codes state that the false declaration or non-declaration of senior public officials' assets is a special criminal offence. The MoJ has comprehensively assessed the criminal legislation and	<b>1. Achieved</b>

				has resultantly prepared a report with concrete recommendations. This said, the Minister has requested that rule of law institutions provide recommendations for amendments for the aforementioned codes.	
	Enforce sanctions	2013 Anti-Corruption Agency, Prosecutor, Courts	1.Sanctions enacted in cases of false reporting or non-reporting	<p>1. The actions sanctioned under the Article 437 of the Criminal Code of Kosovo (failure to report or false reporting of assets, revenue/income, gifts, other material gains or financial obligations) constitute the most frequent type of case forwarded to the prosecution office. There were a total 74 and 101 criminal charges filed for these actions in 2013 and 2014, respectively.</p> <p>No data is disclosed in the 2015 AKK report regarding the number of sanctions enacted in line with Article 437 of CCK. Prosecution: No information received</p>	<p><b>1. Partially Achieved</b></p> <p><b>2. Not Achieved</b></p>



		2.Improved accuracy of asset declarations by officials	<p>2. Out of 3840 asset declaration forms filed in 2013, 530 (13.8%) had technical mistakes.</p> <p>Out of 5103 asset declaration forms filed in 2014, 967 (18.9%) had technical mistakes.</p> <p>In 2015, out of 4143 asset declaration forms filed, 734 (17.7%) had technical mistakes.</p>	The percentage of technical mistakes in the asset declaration forms has increased from 2013.
Strengthening the KAA's administrative capacity and skills for effective implementation of the Law on Declaration and Origin of Property of senior public officials.	Ongoing (Annual Review)  Anti-Corruption Agency	1.No. of staff trained	<p>1. In 2013, 28 trainings were held (including the ones for the implementation of the law on declaration and origin of property) and 55 officials were trained.</p> <p>In 2014, 38 trainings were held (including the ones for the implementation of the law on declaration and origin of property) and 76 officials were trained.</p> <p>In 2015, 20 trainings were held (including the ones for</p>	<b>I. Achieved</b>

			2.No. of new officials employed	the implementation of the law on declaration and origin of property) and 79 officials were trained.  2. From 2013 onwards, the number of officials at the agency has remained constant at 40, meaning that they have not increased their institutional capacity.	<b>2.Not Achieved</b>
<b>Main Objective 3</b> <i>Enhancing parliamentary oversight of anti-corruption policies</i>					
<b>Specific Objective</b> Parliamentary control over governmental anti-corruption policies	Enacting decisions on permanent cooperation between the Assembly and Government regarding the implementation of anti-corruption policies.	2013  Assembly, Office of the Prime Minister	1.Decision passed          2.No. of meetings held	1. According to regulation No.16 / 2013 on the Organizational Structure of the Office of the Prime Minister, the cooperation with the Assembly is facilitated by the Coordination Secretariat of the Government through the Division for organizing meeting with the Government and coordination with the Assembly.       2. No information received by institutions	<b>1. Achieved</b>          <b>2. No information provided</b> Each meeting held should be registered and the minutes

			3. Structural shortcomings addressed	3. No information received by intuitions	made available to the general public. <b>3. No information provided</b>
Pass Regulation of the Assembly to determine the obligations for systematic review of legislative proposals by committees of the Assembly responsible for overseeing anti-corruption standards	2013-2014 Ongoing (Annual Review)  Assembly	1. Regulation Passed  2. Increased no. of laws containing anti-corruption provisions	1. The Regulation of the Assembly to determine the obligations for systematic review of legislative proposals by committees of the Assembly regarding the anti-corruption standards is in the drafting process.  2. No information received	<b>1. Partially Achieved</b> It is highly important for the Assembly to pass this Regulation.  <b>2. No information Provided</b>	
Strengthening internal capacity of the Parliament and Government to monitor the conflicts of interest of their members/employees	2014  Assembly, Office of the Prime Minister (Anti-Corruption Agency)	1. Cases of conflict of interest detected and forwarded to Anti-Corruption Agency for further processing	1. No information received from the relevant institutions  Retrieved from ACA reports: In 2013, 2014 and 2015, the ACA interpreted, managed, or solved a total of 238, 264, and 306 conflict of interest cases, respectively.	<b>1. Partially Achieved</b>	

<b>Main Objective 4</b>					
<b><i>Increasing transparency regarding appointment to executive positions in bodies under government competence</i></b>					
<b>Specific Objective</b> Promoting objective criteria for the appointment of persons in executive positions under government competence	Develop a list of relevant positions (in regulatory agencies, governing and supervisory boards public enterprises, advisors in cabinets, etc)	2013-2014  Office of the Prime Minister	1.No. of appointments to established positions	1. The total number of senior management positions appointed by the Government is 54. The total number of appointed secretary generals is 19. The total number of executive directors appointed is 35. In 2015, 4 secretary generals and 12 executive directors were appointed. In 2016, 3 secretary generals and 2 executive directors were appointed.	<b>I. Achieved</b>
	Enact clear and transparent rules for the appointment of officials to all public bodies working under the authority of government, which include criteria that emphasize	2013  Office of the Prime Minister, Government (Assembly)	1.Review of current procedures and new rules drafted and adopted	1. Appointment procedures by the Assembly are defined by the already existing legislation.  OPM: transparent and clear rules for the appointment of officials to all public bodies working under the authority of the government (law	<b>I. Achieved</b>

	<p>professionalism and penalize nepotism</p>		<p>2. Increased capacity of the Assembly to scrutinize and influence appointments to executive positions</p>	<p>no.03/L-049 on Civil Servants and secondary legislation)  Selection of OPM staff is conducted by the assessment committees in accordance with the Regulation on Classification of Jobs and the Regulation on Internal Organization and Systematization of Jobs.</p> <p>Regulation no.04/2015 on Civil Servant Code of Conduct of the Republic of Kosovo has been approved. On the other hand, the senior political staff is selected based on Regulation No. 06/2010 on the Procedures for Appointments to Senior Management Positions in the Civil Service of the Republic of Kosovo</p> <p>2. Capacity of the Assembly to scrutinize and influence appointments to executive positions will increase only if the legislative framework is</p>	<p><b>2. Not Achieved</b>  In order to increase the capacity of the Assembly to scrutinize and influence appointments to executive positions, the legislative framework should be amended.</p>
--	--	--	--	--	--

			amended.	
Improve skills of the existing commission related to overseeing high level political appointments, conducting vacancy procedures in accordance with new rules, and ensuring that appointment procedures are transparent	Ongoing (Annual Review)  Office of the Prime Minister, Anti-Corruption Agency	1.No. of commission officials trained  2.No. of hiring procedures conducted in accordance with new rules  3. Enhanced external monitoring and reporting of abuses	1/2/3. According to OPM, the high level political appointments take place without vacancy notifications or external recruitment procedures. All such Governmental decisions are public.	<b>1/2/3. No information provided</b>

CHAPTER IV – Rule of Law Institutions, Prosecution, Police, and the Judiciary

Main Objective 1

*Increased level of efficiency of law enforcement, prosecutors and judiciary in preventing, detecting and combating corruption*

	Measures	Deadline & Responsible Institutions	Indicators	Achievement	Remaining Challenges/Status of the task
<p><b>Specific Objective</b> Improved administrative, technical and material capacities for combating corruption</p>	Mechanisms protecting citizens who report corruption cases	Ongoing (Annual Review)  Police, (Prosecutor, Police inspectorate)	1. Increased no. of reported corruption cases by citizens	1. Kosovo Police has a specific unit for the protection of witnesses. Citizens have reported 154, 153, 166 and 87 cases in 2013, 2014, 2015 and 2016 (until June), respectively. Some cases have been reported directly to the Special Anti-Corruption Department.  AKK reports state that in 2013, 2014, and 2015, the number of corruption cases reported by citizens was 247, 248, and 298, respectively. This indicates a slight increase of corruption cases reported by citizens.	<b>1.Achieved</b>
	Technological development and	2013	1.Purchased equipment needed to conduct	1. Equipment used to conduct special	<b>1. Achieved</b>

police supplied with necessary technical and technological equipment needed for cases of special investigation	Police, (Ministry of Finance)	special investigations	investigations were purchased through own budget revenues and donations.	
Organize training for police officers who shall use the special investigative tools and other technological equipment	Ongoing (Annual Review)  Police (Prosecutor)	1.No. of police officers trained to use special investigative tools, equipment, and techniques  2.No. of cases of corruption detected by use of special investigative tools, equipment, and techniques	1. Several police officers from the Directorate for Investigation of Economic Crimes and Corruption were trained to use the investigative tools and other investigative techniques. The contact point did not provide the exact number of officials trained.  2. A number of corruption cases were detected as a result of trainings regarding the usage special investigative means. No exact number of cases was provided by the contact point.	<b>1. No exact information provided</b> The police should provide the exact number of police officers trained.  <b>2. No exact information provided</b> The police should provide the exact number of police officers trained.
The facilitation of the usage of intelligence information for the purpose of	Ongoing (Annual Review)  Police (Office of Auditor)	1. Intelligence information shared between agencies/institutions	1. Police: Directorate for Investigation of Economic Crimes and Corruption has investigated cases with the usage of intelligence	<b>1. Achieved</b>



<p>preventing and combating corruption, in accordance with inter-agency coordination model</p>	<p>General , Prosecutor, Tax Administration of Kosovo, Customs)</p>	<p>2.No. of cases initiated based on exchanged intelligence information</p>	<p>information for the purpose of preventing and combating corruption. Police has received 14, 71, 91, and 64 pieces of intelligence information in 2013, 2014, 2015 and 2016 (until June), respectively.</p> <p>Customs: 2013 - 37 inspections 2014 - 32 inspections Note: Inspections stem from preliminary analysis, requirements from the management, and information received from various informants.</p> <p>2. Based on the above-mentioned intelligence information received, the Police (DIECC) have initiated a number of cases.</p> <p>Cases Initiated by Customs: 2013 - 31 2014 - 27 2015 - 29 2016 (until June) – 13</p>	<p><b>2.Partially Achieved</b> The police should provide the exact number of cases initiated.</p>
--	---	---	--	---

<p>Organization of the campaign to raise awareness of the law on protection of informants amongst employees in the public and private sectors</p>	<p>Ongoing (Annual Review)</p> <p>Ministry of Justice, Civil Society</p>	<p>1.No. of campaign activities held</p> <p>2.No. of entities reached by campaign</p> <p>3. Surveys conducted to measure awareness</p>	<p>1. MJ: No campaign activities were organized yet</p> <p>Civil society: No answer received from the CSOs.</p> <p>2. MJ: No entities were reached due to lack of campaign outreach</p> <p>Civil society: No answer received from the CSOs.</p> <p>3. No surveys were conducted to measure the awareness. However, a project conducted by the Ministry of Justice and Council of Europe intends to analyze the law on protection of informants, to organize awareness campaigns, and to inform the public about the provisions of this Law.</p> <p>Civil society: No answer received from the CSOs.</p>	<p><b>1/2/3. Not Achieved</b></p> <p>The Ministry should conduct awareness surveys and organize campaign activities to raise awareness of the law on protection of informants amongst employees in the public and private sectors</p> <p>The responsible CSO organizations should report their achievements to the anti-corruption agency.</p>
<p>Development of information and</p>	<p>Ongoing (Annual Review)</p>	<p>1.The establishment of a case management</p>	<p>1. The CMIS project is currently in the development</p>	<p><b>1. Partially Achieved</b></p> <p>KJC should finalize the</p>

communication technology (ICT) and use of case management information system (CMIS)	Kosovo Judicial Council	system  2.Reduced abuses of case management	phase with a prototype system. According to the working plan, the criminal field system will be fully developed by the end of the year, whereas CMIS is expected to be completed by June 2018.  2. Given that the CMIS project is still in its development phase, it is too early to assess its impact.	development of the Case Management Information System in line with the foreseen deadline.  <b>2. Not Achieved</b> The CMIS project is still in the early stages of development.
Establish anti-corruption divisions in new organizational scheme for prosecutors and courts (as of 2013)	2013  Kosovo Judicial Council, Kosovo Prosecutorial Council	1.No. of established departments           2.No. of personnel	1. KPC: Established units within the Basic Prosecution in Prishtina: Unit in the fight against corruption within the Serious Crimes Department; Unit within the General Crimes Department KJC: KJC cases are handled by the Serious Crimes Department which operates in each basic court. The basic courts have assigned 2 panels of judges who exclusively handle corruption cases.	<b>1. Achieved</b> KPC and KJC should make sure that the anti-corruption units (divisions) are fully functional and perform their responsibilities accordingly.

			recruited and specialized	<p>2. KPC: Unit in the fight against corruption has six (6) prosecutors; Unit within the General Crimes Department has four (4) prosecutors. Since 2013, KPC has recruited 34 new prosecutors; KPC is currently is in the process of recruiting 22 prosecutors in the Basic Prosecution Department, while 9 are expected to get decreed by the President</p> <p>KJC: The total number of judges in the Serious Crime Department, including the Juvenile Crimes Department, is 74.</p>	<b>2. Achieved</b>
	Recruitment of professional advisers and expert police, prosecutors and judges, who are specialized in the anti-corruption field	Ongoing (Annual Review)  Police, Kosovo Judicial Council, Kosovo Prosecutorial Council	1.No. of recruited advisers/experts	<p>1. Police: 5 DIECC officials were certified as experts on economic, financial and corruption crimes. On this note, officials from the Special Anti-Corruption Department were also trained.</p> <p>KPC: No answer received</p>	<b>1.Partially Achieved</b> KPC and KJC should recruit professional advisers and expert prosecutors and judges, who are specialized in the anti-corruption field.

				KJC: with the exception of the professional collaborators who assist judges, KJC did not recruit advisers or experts in the field of anti-corruption.	
	Adoption and implementation of internal regulations in order to increase efficiency of the work of the Judicial Council and courts, with particular emphasis on the management of anti-corruption cases	2013-2014  Kosovo Judicial Council	1.No. of adopted regulations  2.Improved handling of corruption cases	1. Number of regulations adopted over the years: 2013 - 1 regulation, 2014 - 4 regulations, 2015 - 17 regulations, 2016 (January - June) – 3 regulations.  2. In September 2015, KJC approved the action plan on solving corruption cases, which requires these cases to be treated with absolute priority.	<b>1. Achieved</b> KJC should ensure full implementation of the adopted regulations in order to increase efficiency of the work of the Judicial Council and courts.  <b>2. Achieved</b> but after the proposed timeline. KJC should concentrate more on solving high profile corruption cases.
	Undertaken initiative by police and prosecutors to start criminal prosecution for corruption on the basis of information or reports provided by the media and civil society	Ongoing (Annual Review)  Police, Prosecution	1. Amount of information reported by media and civil society to police and prosecution	1. DIECC has initiated investigations based on information received from media and civil society. DIECC received 5, 9, 4 and 16 pieces of information from the media or civil society in 2013, 2014, 2015 and 2016 (until June), respectively.	<b>1. Partially Achieved</b>

			<p>2.Amount of additional information requested from media and civil society by police and prosecution</p> <p>3. No. of prosecuted cases based on information provided by media and civil society</p>	<p>Prosecution: No information received</p> <p>2. Police: In some cases, the media and civil society were asked to provide additional information</p> <p>Prosecution: No information received</p> <p>3. DIECC has managed some cases in response to information received from the media and civil society. However, no information was provided on the number of cases built on information provided by the media or civil society.</p> <p>Prosecution: No information received</p>	<p><b>2. No exact information provided</b> The police should provide the exact number cases in which additional information was requested.</p> <p>Prosecution should make available such information</p> <p><b>3. No exact information provided</b> Police should disclose data regarding the prosecuted cases which relied on information provided by media or civil society.</p> <p>Prosecution should make available such information.</p>
<p><b>Main Objective 2</b> <i>Freedom from political interference and enhancement of professionalism, independence, and integrity of law enforcement, prosecutorial and judicial institutions</i></p>					

<p><b>Specific Objective I</b> Achieving optimal organizational and functional independence and increasing accountability and impartiality</p>	<p>The selection of police officers, prosecutors and judges should be conducted in accordance with the highest standards of independence and professionalism.</p>	<p>Ongoing (Annual Review)</p> <p>Police Boards, Kosovo Judicial Council, Kosovo Prosecutorial Council</p>	<p>1.No. of recruitments in accordance with the highest standards</p>	<p>1. Police Board: The recruitment process, selection of police officers, vacancies, as well as test results of the candidates are always published in the media and are accessible online. However, the number of recruitments for years 2013-2016 was not provided.</p> <p>Since 2013, KPC has recruited 34 new prosecutors and is currently in the process of recruiting 22 prosecutors in the Basic Prosecution Unit; 9 are expected to get decreed by the President.</p> <p>KJC: Number of judges recruited over the years: 2013 &amp; 2014 - 0; 2015 - 41 judges. KJC is in the process of recruiting 61 judges, who are expected to be decreed this year. Meanwhile, 48 judges from minority communities</p>	<p><b>1. Partially Achieved</b> The Police should provide exact data on the number of recruitments.</p> <p>KPC and KJC should recruit professional experts/advisers as police, prosecutors and judges, specialized in the anti-corruption field.</p>
			<p>2.Reduced no. of</p>	<p><b>2. Partially Achieved</b></p>	

			complaints for external interference in recruitment and selection processes	are to be decreed this year.  2. Police Board: The selection and recruitment of police officers are transparent processes monitored by national and international stakeholders.  No Information provided by the KJC and KPC	KPC and KJC should be fully independent and eliminate external interference during the selection process of prosecutors.
	Impose immediate sanctions for violation of election procedures	Ongoing (Annual Review)  Police Boards, Kosovo Judicial Council, Kosovo Prosecutorial Council	1.No. of imposed sanctions	1. Police Boards: The selection and recruitment processes for hiring police officers are transparent and monitored by national and international stakeholders. No data was provided on possible or imposed sanctions.  KPC: The election procedure has been in accordance with the relevant acts and regulations.  KJC: A special committee established by KJC is responsible for the selection of judges. Members of the	<b>1. Achieved</b>



		2.No. of officials removed from positions	<p>Committee are elected from the pool of experienced judges and the entire process is transparent.</p> <p>2. Police Boards: The selection and recruitment processes for hiring police officers are transparent and monitored by national and international stakeholders.</p> <p>KPC: N/A</p> <p>KJC: As of now, there have been no complaints regarding the Committee proposals for the recruitment of judges, and no disciplinary procedures were conducted.</p>	<b>2. Achieved</b>
Implementation of the system for the objective allocation of court cases	2013  Kosovo Judicial Council	1.Functional system for the objective allocation of cases	1. The Regulation on Internal Organization of courts regulates the procedure for the allocation of cases. All cases received within a given month are divided into groups, with consideration for the number of available judges and case type. The	<b>1. Achieved</b>

		2.Reduced number of complaints relating to unjust external influence in court cases	<p>type and number of cases in each group is recorded, and judges are randomly selected to manage a specific group of cases.</p> <p>2. KJC does not have a record of the current or previous number of complaints relating to unjust external influence in court cases.</p>	<b>2. Achieved</b>
Adoption and implementation of the system for performance evaluation and promotion	2013- Police, Kosovo Judicial Council, Kosovo Prosecutorial Council	1.Functional system of performance evaluation	<p>1. Police: The promotion of police officers is based on the Law on Police, Administrative Instruction 08/2012 for the Promotion of Police Officers, Standard Operating Procedure 6.02, and Principle 3.39 of the Commission for the Promotion Process. Performance evaluation of the Police is based on AI 07/2012 and PSO 6.01. There are 4 types of performance evaluations: -annual evaluation for all police officers, -evaluation during the probation period of officers newly promoted from</p>	<b>1. Achieved</b>

			<p>Sergeant to Major,  -evaluation of new police officers and intern police officers  -evaluation for the probation period (up to 12 months) of civil servants.</p> <p>KPC: The system for performance evaluation and promotion within the KPC is functional. The KPC assesses the performance of prosecutors under their 1st mandate twice within three years and the performance of those with permanent mandates every three years.</p> <p>KJC has adopted the regulation on the judge performance assessment. However, due to the amendment of the law on courts and KJC, the KJC is in the final process of drafting a new regulation which will be in line with these laws. The new regulation is expected to be approved soon by the</p>	
--	--	--	---	--

		<p>2.No. of officials removed from position due to poor performance</p>	<p>Council.</p> <p>2. Police: no. of officials removed from position due to poor performance: 2013 - 3; 2014 - 12; 2015 - 1, and 2016 - 0. The police have also used other disciplinary measures including demotions and wage reductions (20%) for a period of 2 months.</p> <p>KPC: Given that the amended Regulation No. 1460/2015 on the Performance assessments of the prosecutors only entered into force in 2016, no removal from position has taken place yet under the auspices of this regulation. It should be noted that the previous regulation (No. 1186/2013) did not contain a 'removal from position' provision.</p> <p>KJC: One judge has been removed from position (in 2015) due to poor</p>	<p><b>2. Achieved</b></p>
--	--	---	---	---------------------------

				performance.	
<p><b>Specific Objective II</b> Enhancement of public trust in institutions</p>	<p>Establishment of a system of records keeping on reported corruption cases; actions undertaken by competent institutions; publication and presentation of credible data</p>	<p>2013</p> <p>Police, Special Prosecutor, Kosovo Judicial Council</p>	<p>1. Establishment of the record keeping system</p> <p>2. Regularly publish and present credible data on a semi-annual basis</p>	<p>1. From 2013 courts and police, in cooperation with the State Prosecutor, started the harmonization of corruption cases. Statistics are published by State Prosecutor's Office</p> <p>KJC: The system of record keeping on reported corruption cases has been established by the IT officials of KPC and KJC. This system was specifically established to keep records on high profile corruption cases, and KPC is responsible for reporting on these cases.</p> <p>SP has an electronic database which includes all cases of corruption, and a specific database for targeted cases.</p> <p>2. Police: Data on corruption cases are included in the Police reports.</p>	<p><b>1. Achieved</b></p> <p><b>2. Partially Achieved</b> KJC should publish data and information about high profile corruption cases, in order to enhance transparency and the</p>

				KJC: Data and information from corruption cases are presented to the Council on a semi-annual basis. However, the data have not been published on the KJC's website.	public trust in institutions.
<b>Main Objective 3</b> <i>Further suppressing corruption within law enforcement, prosecution, courts, and correctional services (prisons)</i>					
<b>Specific Objective I</b> Enhancement of internal control and disciplinary procedures	Organization of trainings for the police force focused on the management and investigation of corruption cases	Ongoing (Annual Review)  Police Inspectorate	1. No. of trainings organized  2.No. of police inspectors trained	1. KPI regularly organizes trainings related to fighting corruption and the misuse of official positions. No exact data was provided on the number of trainings organized.  2. Police Inspectors are trained in investigating organized crime and financial crimes, combating corruption, etc. No exact data was provided on the number of police inspectors trained.	<b>1. No exact Information provided</b>  <b>2. No exact Information provided</b>
	Conduct effective internal controls within the police force, aiming to reduce corruption,	Ongoing (Annual Review)	1.No. of cases based on "ex officio" reports	1. KPI in 2013 has investigated 51 criminal offences related to corruption; 83 cases in 2014 and 62 cases in 2015.	<b>1. Achieved</b>

<p>and publish and report on the internal control results semi-annually</p>	<p>Internal Control</p>	<p>2.No. of corruption cases reported by citizens against police officials</p>	<p>2. No information received</p>	<p><b>2. No exact Information provided</b> There should be data available on the number of corruption cases reported by citizens against police officials</p>
		<p>3.No. of disciplinary proceedings initiated based on the findings of internal control</p>	<p>3. No information received</p>	<p><b>3. No exact Information provided</b> There should be data available on the number of disciplinary proceedings initiated based on the findings of internal control</p>
		<p>4. No. and type of disciplinary sanctions</p>	<p>4. No information received</p>	<p><b>4. No exact Information provided</b> There should be data available on the number and type of disciplinary sanctions</p>
		<p>5. No. of proceedings initiated against police officials based on the internal control reports</p>	<p>5. In 2013, KPI has received and managed 1,050 complaints; 1,304 in 2014 and 1,237 in 2015.</p>	<p><b>5. Achieved</b></p>

<p>Establish channels of cooperation for the exchange of information between Prosecutors and the Office of Disciplinary Prosecution</p>	<p>2013-2014 Ongoing (Annual Review)  Kosovo Prosecutorial Council</p>	<p>1.Easy exchange of data between Disciplinary Prosecutor and Prosecutors</p>	<p>1. No information was provided by the KPC</p>	<p><b>1. No exact Information provided</b> There should be information made available on the data exchanged between the Disciplinary Prosecutor and Prosecutors</p>
<p>Implementation of findings of judicial inspectorate in disciplinary cases; impose adequate sanctions</p>	<p>Ongoing (Annual Review)  Kosovo Judicial Council, Judicial Inspectorate</p>	<p>1.No. of disciplinary proceedings</p>	<p>1. KJC: In 2013, the Disciplinary Committee received 19 reports from the Office of the Disciplinary Prosecutor and organized 11 hearing sessions. In 2014, the Disciplinary Committee received 15 reports and 2 suspension recommendations and held 10 haring sessions (9 regular and 1 extraordinary) during which 14 final reports and 2 suspension recommendations were reviewed. In 2015, the DC received a total of 15 final reports and 2 suspension recommendations. It held 12</p>	<p><b>1. Achieved</b></p>



			<p>hearing sessions and one extraordinary session during which 16 final reports and 2 suspension recommendations were reviewed.</p> <p>In 2016, as of November, the DC received 8 final reports from the Office of Disciplinary Prosecutor.</p>	
		<p>2.No. of implemented findings of judicial inspectorate</p> <p>3.No. of sanctions imposed</p>	<p>2/3.</p> <p><u>2013 - 23 decisions:</u></p> <p>11 decisions - dismissed all charges;</p> <p>11 decisions - disciplinary measures;</p> <p>1 decision - revocation of a previous ruling (A judge returned to his position)</p> <p><u>2014 - 16 decisions:</u></p> <p>3 decisions - dismissed all charges;</p> <p>1 decision - ruling postponed;</p> <p>12 decisions - disciplinary measures</p>	<p><b>2/3. Achieved</b></p>

			<p><u>2015 – 15 decisions:</u>  1 decision – dismissed all charges;  1 decision – ruling postponed;  1 decision – revocation of a previous ruling (A judge returned to his position);  12 decisions - disciplinary measures</p> <p><u>2016 (1<sup>st</sup> half) – 11 decisions:</u>  3 decision – dismissed all charges;  4 decisions - disciplinary measures;  4 decisions - disciplinary proceedings are terminated due to statutory claim of committed misconduct</p>	
Provide support to judges (text commentaries, advice) when implementing the Code of Conduct	Ongoing (Annual Review)  Kosovo Judicial Council	1.No. of available support mechanisms  2. No. of requests for	1. Judges responsible for ruling on serious crimes are equipped with the Criminal Code’s Commentary and other guidelines for all categories of offences.  2. Judges usually consult	1. <b>Achieved</b>  2. <b>Achieved</b>

			advice from judges when implementing ethical rules (revocation of judges from cases, etc.)	each other while performing their duties	
	Enactment of ethical guidelines and rules for Kosovo Judicial Council	2013  Kosovo Judicial Council	1. Adopted rules and Code of Ethics	1. Code of Ethics and rules against misconduct have been adopted and entered into force in September 2016. Members of KJC who commit misconduct are subject to the regulation (01/2014) for disciplinary procedures. Personnel of the administration and secretariat of the KJC who commit misconduct are subject to regulations applicable to the civil service.	<b>1. Not achieved</b>
<b>Specific Objective II</b> Addressing corruption in correctional services (prisons)	Fill vacant positions within the prison system	2013-2014  Ministry of Justice	1. Reduced number of vacant positions	1. In 2016, 21 vacant positions were filled. No information provided for previous years.	<b>1. Partially Achieved</b> There should be information available for years 2013-2015 in order to assess whether the number of vacant positions was reduced.
	Define criteria for professional	2013-2014	1. Defined criteria	1. The criteria for professional advancement	<b>1. Achieved</b>

advancement within the prison system	Ministry of Justice	2.No. of professional promotions	within the system are defined by the Regulation no. 2755 on promotions.  2. The Kosovo Correctional Service is in the process of professionally advancing 22 senior supervisors and 38 supervisors.	<b>2. Partially achieved</b> Given that the deadline was in 2013-2014, MJ should complete the process of making promotions as soon as possible.
Increase capacities and implement the findings of the prison inspectorate	2013-2014  Ministry of Justice	1.Increased no. of inspectors  2. Implementation of the inspectorate's findings	1. The number of inspectors in the Correctional Services has increased by 2. Currently there is a chief-inspector and 6 inspectors.  2. In 2016, there was no further implementations of recommendations resulting from the inspectorate's findings	<b>1. Achieved</b>  <b>2. Not achieved</b>
Adoption and implementation of the anti-corruption program for the prison system	2013 Ongoing (Annual Review)  Ministry of Justice	1.Adoption of the anti-corruption program  2.No. of implemented	1. Through twinning project for the Kosovo Correctional Service, an anti-corruption training module has been drafted. So far, 20 officials were trained.  2. No information received	<b>1. Achieved</b>  <b>2.No information provided</b>

		anti-corruption measures		
Establishment of the intelligence sector within the security department	2013-2014 Ministry of Justice	1.Enhanced security of prisons	1. The intelligence sector within the KCS security department is in the initial stage of establishment.	<b>1. Not Achieved</b> Given that the deadline to establish the intelligence sector of the security department was during 2013-2014, this process should be finalized and functional as soon as possible.
The Commission closely monitors the distribution of goods in Prisons, with special emphasis on the risk associated with the entrance of illegal substances	2013-2014 Ministry of Justice	1.No. of monitoring activities conducted  2.No. of cases of illegal distribution detected  3.No. of disciplinary proceedings launched  4.Increased awareness by the Commission of	1. The Commission conducted 9 activities to monitor the distribution of goods in prisons during the first 6 months of 2016.  2. There have been 199 detected cases of illegal distribution (visitors attempted to smuggle goods inside and to the prisoners)  3. There have been 30 disciplinary proceedings for violations of duty.  4. Increase commission's awareness regarding the	<b>1. Partially Achieved</b> No information provided for previous years  <b>2. Partially Achieved</b> No information provided for previous years  <b>3. Partially Achieved</b> No information provided for previous years  <b>4. Achieved</b>

			issues relating to the distribution of goods in prisons	distribution of goods	
<b>Main Objective 4</b> <i>Improvement and implementation of mechanisms for combating corruption in accordance with the highest standards of criminal law</i>					
<b>Specific Objective</b> Introduction of a functional system for confiscating assets deriving from criminal acts	Adoption of the draft-law on extended powers for confiscation of assets acquired by criminal offence	2013  Ministry of Justice, Assembly	1. Adoption of the Law	The Law was adopted on 11.02.2013, as foreseen by the Action Plan	<b>1. Achieved</b>
	Functionalize the mechanisms for confiscating and managing assets acquired through crime	Ongoing  Prosecutor, Confiscation Agency	1.No. of cases in which assets are frozen or temporarily sequestered  2.No. of cases in which judicial verdicts called for the confiscation of	1. 2013 - 27 decisions resulted in the f sequestration of assets. 2014 - 56 decisions resulted in the sequestration of assets. 2015 - 57 decisions called for the sequestration of assets. 2016 - 55 decisions called for the sequestration of assets.  Prosecutor: No information provided	<b>1. Achieved</b> No information provided by the State Prosecutor  <b>2. Achieved</b> No information provided by the State Prosecutor

		assets	<p>2. 2013 - 8 decisions called for the confiscation of assets. 2014 - 15 decisions called for the confiscation of assets. 2015 - 39 decisions called for the confiscation of assets. 2016 - 14 decisions called for the confiscation of assets.</p> <p>Prosecutor: No information provided</p> <p><b>3. Achieved</b> No information provided by the State Prosecutor</p>
		3.Value of frozen and confiscated assets	<p>3. Frozen assets: 2013 - 1,000,000€ 2014 - 2,310,000€ 2015 - 1,120,990€ Since 2016, the agency is no longer responsible for administering the frozen assets, according to the law.</p>
		4.Analysis on the effectiveness of the utilization of confiscated	<p>Confiscated and sequestrated assets 2013 - 563,131€ 2014 - 21,300,444€ 2015 - 2,719,114€ 2016 - 524,515€</p> <p><b>4. Not Achieved</b> The Agency should conduct analysis on the effectiveness of the utilization of confiscated</p> <p>4. In accordance with the</p>

		assets and adopted recommendations for improvement	Penal Code art. 487 par.3, the Agency has allowed Kosovo institutions to utilize confiscated assets.	assets and should adopt recommendations for improvement.
Preparation and implementation of the educational programs for bodies dealing with freezing, confiscating, and managing illegally acquired assets	2013 Ongoing (Annual Review)  Prosecutor, Police, Confiscation Agency, Anti-Corruption Agency	1. Adoption of educational programs	1. Police and Confiscation Agency: An EU project with the support of the Agency has organized trainings for the Agency's staff in order to increase their capacity for and enhance knowledge about how to seize and manage confiscated assets. More precisely, Kosovo Police, together with the Prosecution, KJC, Confiscation Agency, and in cooperation with international organizations, has organized trainings for investigators, prosecutors, judges and other officials on the identification, freezing, seizure and confiscation, and management of assets allegedly deriving from criminal activities.	<b>1. Partially Achieved</b> No information provided by the State Prosecutor



		<p>2.No. of trainings conducted</p>	<p>Prosecution: No information provided</p> <p>2. Police: Number of trainings conducted: 2013 -17, 2014 – 11, 2015 –15 and 2016 - 4.</p> <p>The Confiscation Agency has provided 38 trainings in 2015 and 21 in 2016 (January-June)</p> <p>Anti-Corruption Agency: In 2013 3 out of 28 trainings focused on the confiscation of assets. In 2014, 1 out of 38 trainings focused on asset tracking. In 2015, 1 out of 20 trainings focused on asset management.</p>	<p><b>2. Partially Achieved</b> No information provided by the State Prosecutor</p>
		<p>3.No. of trained officials</p>	<p>Prosecution: No information provided</p> <p>3. Police: Number of trained officials/participants: 2013-24, 2014 – 13, 2015 – 14</p>	<p><b>3. Partially Achieved</b> No information provided by the State Prosecutor or Confiscation Agency</p>

				and 2016-  Anti-Corruption Agency: 2013 - 3 officials trained; 2014 - 2 officials trained; 2015 - 1 official trained  Prosecution and Confiscation Agency: No information provided.	
--	--	--	--	--	--

Revised Action Plan CHAPTER 1- Political Sector					
Main Objective 1 <i>Improving transparency with regards to the financing of political parties and financial reporting of election campaigns</i>					
	Measures	Deadline & Responsible Institutions	Indicators	Achievement	Remaining Challenges/ Status of the task
<b>Specific Objective</b> Completion of the legal infrastructure regulating the financing of political parties and introduction	Publication of the financial reports of political parties on the official CEC website.	2016-2017  Central Election Commission  Civil Society	1. Number of reports published on the official CEC website	1. The latest financial reports published on the official CEC website are those from 2011 (53 reports) and 2012 (54 reports). The financial reports of political parties were not audited for the years 2013-2015.	<b>1. Not Achieved</b> In order to publish the report for years 2013-2016, relevant institutions should initiate the procedures for auditing the financial reports of political parties.

of monitoring mechanisms			2. Reports from Civil Society	2. No answer received from civil society organizations	<b>2. No information provided</b>
<b>Main Objective 2</b> <i>Reducing the gap between the declared and authentic origin of assets of senior public officials</i>					
<b>Specific Objective</b> Building a control system to verify the origin of assets declared by senior public officials	Review of the legal framework for verifying the authenticity of public officials' declarations regarding the origins of their assets	2016  Ministry of Justice, Anti-Corruption Agency, Assembly	1. Review of the legal framework	1. The Law on Declaration, Origin and Control of the Property of Senior Public Officials and Declaration, Origin and Control of Gifts for all Official Persons was amended and supplemented in 2014. Nevertheless, it lacks provisions which could provide mechanisms for verifying the origins of assets declared by public officials. The Committee for Legislation is currently monitoring the implementation of this law, after which, it will provide recommendations for further amendments to the responsible Ministry. No initiative to amend or supplement the law was taken during 2016.	<b>1. Not Achieved</b> The Committee on Legislation should proceed with issuing recommendations immediately after the monitoring process is complete. These should include a recommendation to amend the current legal framework to include a provision for verifying the authenticity of public officials' declarations regarding the origin of their assets.
	Enhancing the	Ongoing	1. Number of staff	In 2013, there were 28	<b>1. Achieved</b>

	capacity of ACA staff through specialized trainings	Anti-Corruption Agency	trained	trainings, and 55 officials were trained.  In 2014, there were 38 trainings, and 76 officials were trained.  In 2015, there were 20 trainings, and 79 officials were trained.	
<b>Main Objective 3</b> <i>Enhancing parliamentary oversight of anti-corruption policies</i>					
<b>Specific Objective</b> Parliamentary control over governmental anti-corruption policies	Review the Code of Ethics applicable to the members of parliament	2015-2017  Assembly	1.Review of the Code of Ethics	1. The code of ethics is regulated by the Assembly Regulations which are in the process of being amended.	<b>1. Partially Achieved</b> The Assembly should push forward with amending their regulations, which include the Code of Ethics.

Chapter IV – Rule of Law Institutions, Prosecution, Police, and the Judiciary					
Main Objective 1 <i>Increased level of efficiency of law enforcement, prosecutors and judiciary to prevent, detect and combat corruption</i>					
Specific Objective	Measures	Deadline & Responsible Institutions	Indicators	Achievement	Remaining Challenges/Status of the task
Improved					

administrative, technical and material capacities for combating corruption	Strengthening capacities and mechanisms that protect citizens who report cases of corruption	Ongoing  Police, Kosovo Police Inspectorate, Prosecution	1. Implemented measures for the protection of citizens and their property	1. There is a special phone line for citizens where they can report cases of corruption. Various channels through which citizens can submit their information include the following: online, hard copy, social media, and regional offices. KPI keeps the source of reported information confidential. KPI employees have attended specific trainings on how to handle informants and sensitive information, which improves their capacity and safeguards the anonymity of citizens who report cases of corruption.  Prosecution: No information received	<b>1. Partially Achieved</b> There should be additional specific measures that protect citizens who report cases of corruption.
	Initiation of a reward system for citizens who report cases of corruption	2016  Police, Kosovo Police Inspectorate, Prosecution	1. Number of corruption cases in which rewards were given and a final verdict was reached	1. No information provided by the KPI/Police or Prosecution	<b>1. Not Achieved</b> There should be data available on the number of corruption cases in which rewards were given and contributed to reaching a final verdict. However, if the reward mechanism

					does not exist, the relevant institutions should consider introducing such mechanisms.
	Statistics harmonization of mechanisms combating corruption	Ongoing Kosovo Judicial Council, Kosovo Prosecutorial Council, Tax Administration Agency, Police, Customs, Anti-Corruption Agency	1. Number of meetings held  2. Published reports	1. Monthly consultations with all relevant institutions  2. There are annual and semiannual reports (2013-2015) published by KPC.	<b>1. Achieved</b>  <b>2. Achieved</b>
<b>Main Objective 3</b> <i>Further suppressing corruption within law enforcement, prosecution, courts, and correctional services (prisons)</i>					
<b>Specific Objective II</b> Addressing corruption in correctional services (prisons)	Fighting corruption, nepotism, and discrimination in the prison system	2015-2016  Ministry of Justice	1. Number of investigations looking into the perpetration of illegal activities in correctional institutions  2. Repercussions for those found guilty of committing illegal activities in correctional institutions	1. 465 prisoners have been investigated for violation of internal rules or possession of contraband. 49 members of staff have been investigated for violation of internal rules.  2. Possible measures taken against prisoners for violations of internal rules include warnings, loss of privileges, and solitary	<b>1. Achieved</b>  <b>2. Achieved</b>

			3. Revised database system with information on prisoners and their past violations	<p>confinement. Possible measures taken against staff for violations of their duties are written warnings, reduction of income for a couple of months, transfer for 6 months to another correctional institution, and termination of employment.</p> <p>3. The database for prisoners (all records pertaining to the prisoners) is available and updated daily by executive officials in correctional institutions.</p>	<b>3. Achieved</b>
	Enhancing the capacities of correctional service staff	Ongoing  Ministry of Justice	<p>1.Number of specialized trainings in correctional institutions</p> <p>2.Number of disciplinary measures imposed</p>	<p>1. There were 84 trainings provided to staff in 2016 to staff is 84, including trainings on emergency driving, anti-corruption, witness protection (taught by Irish experts), legislation, systems of complaints and other trainings held by instructors of KCS.</p> <p>2. There have been 315 disciplinary measures</p>	<p><b>1. Achieved</b></p> <p><b>2. Achieved</b></p>

				imposed on prisoners. There have been 55 disciplinary measures imposed on staff.	
<b>Main Objective 4</b> <i>Improvement and implementation of mechanisms for combating corruption in accordance with the highest standards of criminal law</i>					
<b>Specific Objective</b> Introduction of a functional system for confiscating assets deriving from criminal acts	Drafting of the concept document covering issues of illicit wealth	2016  Ministry of Justice, Assembly	1.The Concept document approved by the Government	1. As of 2013, and in accordance with the latest amendment of the Criminal Code, the false declaration or non-declaration of assets by public officials is considered to be a criminal offence.	<b>1. Not Achieved</b> As foreseen by the Action Plan, the Government should draft the concept document covering issues of illicit wealth.



## V. INTERPRETATION OF THE RESULTS

Given the main objective of this study is to monitor and assess the implementation of the Anti-Corruption Strategy and its (Revised) Action Plan, this section considers the key shortcomings of the Strategy and Action Plan, identifies challenges encountered during the implementation and monitoring processes, and provides overall findings related to the implementation of relevant measures and actions by institutions in the Rule of Law and Political sectors.

### *Key shortcomings of the Strategy and Action Plan 2013-2017*

The drafting process of the Strategy and the Action Plan included all relevant institutions which provided inputs regarding the objectives, measures and actions. Despite their inputs, the measures, actions, and indicators outlined in the Action Plan are not measurable or well-specified. Some institutions have criticized the Strategy for not adequately allocating the measures/actions in line with their competency (or lack thereof, which has proven challenging in its own right), which has led to many ambiguities during the implementation process. The lack of clearly allocated responsibilities within and among institutions has prevented the fulfillment of certain measures and completion of certain actions. Even after the Action Plan was revised, the measures and indicators did not change sufficiently as to significantly improve the implementation process.

A crucial shortcoming of the Strategy is the lack of benchmarks prepared and used to assess the success of certain implemented measures and actions or indicators. For instance, the Action Plan requires institutions to build their capacities by either increasing the number of employees or providing trainings for their staff. However, the Action Plan does not specify concrete benchmarks for such indicators (number of employees/trainings) which could set institutions on a path towards successfully combating corruption.

With regards to performance assessments and sanctions for poor performance, the Action Plan does not specify the type and intensity of sanctions which should be used to successfully penalize and combat corruption. In addition, the Action Plan does not specify the adequate number of investigations needed to successfully uncover and fight corruption.

Another key shortcoming of the Strategy and Action Plan is that it does not explicitly specify the need to assess the actual situation and the possible implications vis-a-vis corruption when adopting certain laws and further regulations. As a consequence, Kosovo is characterized by a trend where many laws are being amended, supplemented and/or changed completely without consideration for how they fit with or complement the Strategy and Action Plan.

The Strategy should not be considered only as 'ink on paper'. It should identify specific measurable indicators which actually prove to be successful in combating corruption. Overall, the Strategy and its Action Plan tackle various areas of corruption; however, they do not address them appropriately or in depth, which likely undermines their ability to meet the primary objective, i.e. to combat, reduce, and prevent corruption.

### *Challenges encountered during the monitoring process and the overall results*

It should be noted that, during the monitoring process, relevant institutions in the rule of law and political sectors did not all demonstrate the same degree of cooperation and willingness to provide information on their progress (or lack thereof) in fulfilling the measures and the indicators outlined in the Action Plan. While some institutions were very cooperative, the majority of institutions were not consistently willing to share all the required information. In the worst cases, institutions (notably, the State Prosecution and some CSOs) did not share information at all. Ultimately, due to disagreements with the ACA and other participating institutions during the

Strategy drafting process, Civil Society Organizations decided to withdraw from this process. These challenges are also reflected in the ACA’s assessment results, as elaborated above.

The overall results highlighted in this section stem from the monitoring process of the implementation of the Strategy and (revised) Action Plan on Anti-Corruption 2013-2017. This section looks specifically at the political and rule of law sectors. All the information provided in the Matrixes was requested, through emails/phone/face-to-face interviews, from the contact points of institutions in these sectors. The results suggest that out of 105 success indicators referenced in the Action Plan’s general and specific objectives, 47 (44.76%) were achieved by relevant institutions, 20 (19.04%) were partially achieved, and 20 (19.04%) have not yet been met. On the other hand, institutions did not provide any information relating to 18 (17.14%) indicators. Given that the Anti-Corruption Strategy is a crucial pillar in the fight against corruption, the above mentioned institutional progress towards fulfilling the measures and actions outlined in the Strategy and Action Plan is insufficient and unsatisfactory.

Results for each sector indicate that the rule of law sector has been more successful in achieving the objectives specified in the Action Plan compared to the political sector. More precisely, 49.31% and only 34.37% of the indicators were met by reporting institutions in the rule of law and political sectors, respectively (see table 1). Overall, the results suggest that the Strategy has not been addressing corruption as expected, given the lack of willingness and dedication of institutions to fulfill the actions and measures identified in the (revised) Action Plan.

Table 1: Results from the Monitoring Process					
Sector	Measures/ Indicators				Total
	Achieved	Not Achieved	Partially Achieved	No information provided	
Political	11 (34.37%)	10 (31.25%)	4 (12.5%)	7 (21.87%)	32
Rule of Law	36 (49.31%)	10 (13.69%)	16 (21.91%)	11 (15.06%)	73
<b>Total</b>	<b>47 (44.76%)</b>	<b>20 (19.04%)</b>	<b>20 (19.04%)</b>	<b>18 (17.14%)</b>	<b>105</b>

During the process of monitoring the aforementioned sectors, critical issues have come to light which are being neglected by Kosovo institutions, despite their crucial importance in the fight against corruption. First, the responsible institutions did not show enough commitment in monitoring the Law on Financing of Political Parties which consequently led to lack of recommendations provided by the respective Parliamentary Committee aiming to enhance the transparency of political parties.

Second, there has been lack of political will with regard to pushing forward the process of auditing the financial reports of political parties, resulting in four consecutive years (2013-2016) of unaudited party finances. In addition, there has been no pressure placed on political parties to disclose their financial reports on their official websites. As a consequence, political parties are

not accountable to the public at large, as they are able to withhold information and not disclose the origin of their donors without repercussions.<sup>18</sup>

Third, while the Law on Declaration, Origin and Control of the Property of Senior Public Officials and Declaration, Origin and Control of Gifts for all Official Persons was amended and supplemented in 2014, legal loopholes remain. These include the lack of proper mechanisms to verify the authenticity of reporting vis-a-vis the origin of wealth. This hinders the work of institutions responsible for verifying the origin of assets and wealth owned and declared by public officials. This system leaves space for high profile corruption and weakens efforts to combat corruption and organized crime.

Lastly, given that only a small portion of the actions and indicators were implemented by relevant institutions, a proper sanction/punishment system would encourage these institutions to fulfill their responsibilities as outlined in the Strategy and Action Plan and to demonstrate more commitment to achieving the overall objectives of the Strategy. Hence, in the absence of such a system which could hold relevant institutions accountable, many institutions tend to neglect their responsibilities and prevent the full implementation of the Strategy. In addition, given that the Anti-Corruption Strategy has been renewed a couple of times, institutions are not incentivized to fulfill all the indicators and implement measures within the specified deadline, as they expect the current Strategy to be renewed and to again include those actions which have not been fulfilled.

## VI. CONCLUSION AND RECOMMENDATIONS

Corruption remains deeply rooted in the social, economic, and political spheres in Kosovo. Given that sustainable development and the fight against corruption are of paramount importance for the well-functioning of a democratic state, Group for Legal and Political Studies has monitored the implementation of the Anti-Corruption Strategy and Action Plan 2013-2017. More precisely, the study highlights the progress, failures, achievements, and challenges related to the implementation of this Strategy, and reflects on the readiness of Kosovo institutions to fight corruption. More specifically, GLPS has monitored the rule of law and political sectors in order to highlight the lack of institutional commitment towards the overall implementation of the Strategy and Action Plan. All relevant institutions pertaining to these two sectors were approached by email, via phone, or face-to-face and asked to report on their progress in fulfilling the actions/measures outlined in the Action Plan. Unfortunately, not all institutions were cooperative and willing to share information on their progress in implementing the measures outlined in the Action Plan.

The results of this study suggest that institutions should enhance their commitment to combating corruption by properly implementing all the measures specified in the Action Plan and in accordance with the specified timeline. In particular, the rule of law and political sectors have only met roughly 44 percent of the indicators of success referenced in the Action Plan which are related to the adoption of laws and regulations, trainings held, certifications, and amongst others, hiring and firing of officials/employees. As shown in Table 1, institutions in the rule of law sector proved to be more successful in implementing anti-corruption measures than those in the political sector. However, with 49.31% and 34.37% implementation rates, respectively, the low levels of commitment and success seen in both sectors are highly unsatisfactory, particularly as the Strategy and Action Plan should be fully implemented by the end of 2017. This leaves a very short period of time for institutions to complete the majority of the actions/measures outlined in

---

<sup>18</sup> It should be noted that Levizja Vetëvendosje has regularly disclosed their financial reports (audited and unaudited reports) in its official website.

the Strategy and Action Plan, and it remains likely that these unimplemented actions/measures will have to be included in the renewed Strategy.

### *Recommendations*

This section presents a set of recommendations which can enhance the overall implementation of the current and coming Anti-Corruption Strategies and Action Plans by strengthening the institutional fight against corruption.

- In order to avoid inefficient and delayed reporting, all institutions should have long-term (or permanent) contact points responsible for reporting to the Anti-Corruption Agency on their progress.
- The Action Plan includes various measures/actions/indicators which are not measurable and well-specified, hindering the overall impact of the Strategy on combating corruption. Therefore, when drafting the new Strategy and Action Plan, it is of utmost importance to incorporate clear, measurable, and well specified measures/actions/indicators, as well as to properly allocate mandates and responsibilities to the competent institutions.
- When compiling the newest Strategy and Action Plan, the responsible stakeholders should be able to clearly specify and classify short-term and long-term measures/actions/indicators in order to ease their implementation process for the responsible institutions and in turn increase the implementation rate.
- The Strategy should include a proper sanction/punishment mechanism which could hold relevant institutions accountable and encourage them to fulfill the actions/indicators in line with the overall objectives of the Strategy.
- In order for the Anti-Corruption Agency to provide a qualitative assessment of the Strategy's success, including an impact assessment of its overall impact on preventing and combating corruption, the ACA mandate should be extended and its human and financial capacities should be strengthened.
- All relevant institutions should enhance their efforts to achieve the objectives of the Action Plan in accordance with the specified deadlines. Institutions should focus especially on meeting indicators and implementing actions relevant to the monitoring of financing of political parties, the publication of political parties' financial reports, and, amongst others, the legal provisions and mechanisms necessary to verify the authenticity of reporting on the origin of wealth of public officials. These areas have been continuously linked with high levels of corruption and, as a result, should be prioritized.
- This study has highlighted the lack of cooperation between the Agency, relevant institutions, and civil society organizations in drafting the Strategy and Action plan. This lack of cooperation prompted participating CSOs to withdraw from the process. Given the current situation, it is of paramount importance to strengthen the cooperation between all stakeholders in order to construct a more comprehensive Strategy, devise well-specified and measurable indicators, and, consequently, generate substantial results.
- Since the private sector was reluctant to cooperate with the Agency and relevant public institutions with regards to drafting and implementing previous Strategies, the entire sector was excluded from the Strategy and Action Plan on Anti-Corruption 2013-2017. It is highly important to incorporate the private sector into the new Strategy and Action plan, as well as during the drafting and reporting process. Given this is highly prone to

corruption, undertaking the above mentioned steps is crucial and would incentivize this sector to engage and contribute to the proper implementation of the Strategy.

- Before incorporating certain laws/regulations/working documents into the Action Plan, specific assessments should be conducted to evaluate the impact and possible implications that these documents might have on the political, social, and economic state of Kosovo and on efforts to combat corruption. This may alter the recent trend where unsuccessful or inconsistent legislation is frequently amended, supplemented and/or changed completely.

This page intentionally left blank

## POLICY REPORTS

Policy Reports are lengthy papers which provide a tool/forum for the thorough and systematic analysis of important policy issues, designed to offer well informed scientific and policy-based solutions for significant public policy problems. In general, Policy Reports aim to present value-oriented arguments, propose specific solutions in public policy – whereby influencing the policy debate on a particular issue – through the use of evidence as a means to push forward the comprehensive and consistent arguments of our organization. In particular, they identify key policy issues through reliable methodology which helps explore the implications on the design/structure of a policy. Policy Reports are very analytical in nature; hence, they not only offer facts or provide a description of events but also evaluate policies to develop questions for analysis, to provide arguments in response to certain policy implications and to offer policy choices/solutions in a more comprehensive perspective. Policy Reports serve as a tool for influencing decision-making and calling to action the concerned groups/stakeholders.