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Rule of Law Performance Index in Kosovo

ROLPIK

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8TH EDITION

DREJTËSIA SOT

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**Rule of Law Performance Index in Kosovo
8th edition**

April 2023

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INTRODUCTION

Citizen's perception represents the impression of the citizens of a country for institutions that have been established and that are obliged to implement legal norms, therefore this indicator is considered very important in evaluating the performance of state authorities.

The Rule of Law Performance Index Kosovo (RoLPIK) is a monitoring mechanism designed to evaluate the work of institutions with a special focus on the justice system in Kosovo. RoLPIK already serves as a platform with open data, accessible to the general public, where from 2013 to 2022, the performance of the institutions of the justice system in Kosovo is analysed and reflected, and where the data on perceptions and experiences of the citizens of Kosovo for the activities of these institutions throughout the years is provided.

RoLPIK – 8th edition contains data related to citizen perception concerning the law enforcement institutions, the performance reports of courts and prosecution offices and the budget allocated for the judicial and prosecutorial system during 2022. These data are based on three components, a) the measurement of citizen perception in relation to law enforcement institutions through a survey conducted with 1,065 respondents¹; b) the efficiency of the judiciary based on the official performance reports of the courts and prosecutions at the country level; and c) the budget allocation for the judicial and prosecutorial system in relation to the overall budget of the Republic of Kosovo.

In the previous seven editions of RoLPIK, the above data were analysed for the period from 2013 to 2021², while the eighth edition, in addition to the indicators from

the previous editions, deals also with the citizens' perception of some phenomena and legislative initiatives that have characterized the Kosovar society during 2022. Hence, in this edition, the data related to the citizens' perception of the Government of Kosovo initiative for the reform of the justice system, including the vetting of judges and prosecutors³, as well as the legal initiative for the confiscation of unjustified assets, have been analysed⁴. The novelty of this edition is also the indicator that contains the citizens' perception regarding how the respondents evaluate the level of security in the country after the beginning of the war in Ukraine⁵ and the frequent repetition of incidents in the four northern municipalities of Kosovo inhabited mainly by Serbian community citizens (North Mitrovica, Zubin Potok, Leposavic and Zvečan)⁶. Moreover, from the survey conducted in September 2022, this edition also deals with the respondents' impressions of how meritorious (preventive) they consider punishments for cases of domestic or gender-based violence.

Regarding the reforms in the judicial system, it should be noted the fact that the justice system in Kosovo has continuously been characterized by various initiatives which have mainly resulted in legislative changes, the establishment of new mechanisms or their extinction as well as the re-arrangement of powers within

1 The survey conducted by the UBO Consulting company during September 2022, where 1065 respondents, all over the age of 18, were interviewed at the country level.

2 The seven preliminary editions of RoLPIK are available at <https://www.rolpik.org/justicetoday/>

3 Radio Free Europe, "Kurti and Haxhiu submit to Konjufca the file for vetting in justice", September 2022, accessible at: <https://www.evropaelire.org/a/vettingu-kurti-haxhiu-konjufca-/32017790.html>

4 Bota Sot, "The Government adopts the Draft Law on the Verification and Confiscation of Unjustified Assets", December 2021, accessible at: <https://www.botasot.info/aktuale-lajme/1733468/qeveria-miraton-projektligjin-per-verifikimin-dhe-konfiskimin-e-pasurise-se-pajustifikueshme/>

5 ABC News, "War breaks out! Russia begins the invasion of Ukraine", February 2022, accessible at: <https://abcnews.al/plas-lufta-rusia-nis-pushtimin-e-ukraines/>

6 Nacionale, "Six attacks on the Police in the north - no suspects yet, investigations remain secret", April 2022, accessible at: <https://nacionale.com/dreit%C3%ABsi/gjashte-sulmet-ndaj-policise-ne-veri-ende-asnje-i-dyshuar-hetimet-mbesin-sekret-7664>

the different institutions. Such reforms have been described mainly as superficial changes that have not managed to address the problems in their essence, such as the serious deficiency that the justice system has in ensuring justice, independence and impartiality from political actors, the lack of concrete results in the fight against negative phenomena, with special emphasis on corruption and organized crime criminal offenses.

The appropriate handling of these judiciary challenges was not achieved even with the judicial reform of January 2013, where a new system of courts and prosecutions was established throughout the territory of the Republic of Kosovo. It is also worth noting the two parallel initiatives of the Ministry of Justice, which were carried out during 2018-2019, with the main purpose of restoring citizens' trust in justice. It is about the "Justice 2020"⁷ Agenda and the "Functional Review of the Rule of Law Sector (RFFLS)"⁸ however, due to the fall of the Government, they could not be completed within the planned period of time.

Meanwhile, the Government of Kosovo during 2021 adopted the Rule of Law Strategy 2021-2026⁹, which aims to strengthen the judiciary and the prosecution, criminal justice, access to justice and the fight against corruption. This strategy is a product of the RFFLS process, which was designed to provide thorough and detailed analysis of rule of law issues. As a result of this strategy and its action plan, a considerable number of amendments/supplements to the laws were drafted during 2022, with special emphasis on the Kosovo Prosecutorial Council (KPC),

the Special Prosecution of the Republic of Kosovo (SPRK), the State Prosecutor, the Criminal Code and the Criminal Procedure Code of the Republic of Kosovo, the Civil Code, etc.¹⁰ In addition, during the past year, the Venice Commission, although with some remarks, positively assessed the initiative for Vetting in justice, which includes judges and prosecutors with managerial positions within the judicial and prosecutorial system¹¹, and also the establishment of the State Bureau for the Verification and Confiscation of Unjustifiable Assets¹². Another novelty in the judicial system was the establishment and functioning of the Commercial Court, which will act as the first and second instance court in the resolution of business disputes.¹³

Regardless of the high number of reforms initiated and carried out in the justice sector, the eighth edition of RoLPIK points out that even in 2022, the low trend of citizens' assessment of the functioning of the justice system in our country continues.

7 Minister Tahiri: "Justice 2020" will end the transition in the justice system, Ministry of Justice, Government of the Republic of Kosovo, September 2018, accessible at: <https://md.rks-gov.net/page.aspx?id=1,15,1891>

8 Ministry of Justice, Government of the Republic of Kosovo, September 2018, available at: <https://md.rks-gov.net/page.aspx?id=1,15,1891>

9 Rule of Law Strategy 2021-2026, Ministry of Justice, Government of the Republic of Kosovo, August 2021, accessible at: <https://md.rks-gov.net/desk/inc/media/6DC1CBD5-ODF1-46AE-9D1A-78C96146C7D0.pdf>

10 The six-month report on the implementation of the strategy action plan for the rule of law, Government of the Republic of Kosovo, July 2022, available at: <https://kryeministri.rks-gov.net/wp-content/uploads/2022/08/Raporti-6-mujor-per-zbatimin-e-PV-te-Strategjise.pdf>

11 Opinion of the Venice Commission, June 2022, available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2022\)011-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2022)011-e)

12 Opinion of the Venice Commission, December 2022, available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2022\)052-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2022)052-e)

13 Kosovo Judicial Council, "Commercial Court accepts the first documents", August 2022, link: <https://www.gjyqesori-rks.org/2022/08/01/gjykata-komerciale-pranon-shkresat-e-para/>

The main findings within the Rule of Law Performance Index in Kosovo (RoLPIK) - eighth Edition, are the following:

- 62.5% of respondents consider that people with political influence are less likely to be punished by the law;
- When asked which of the institutions are most affected by political influence, 36.7% of respondents rank the Courts first, 33.4% of them see this influence in the State Prosecution Office, while 17.4% consider that the Kosovo Police is influenced the most by politics;
- 46.5% of respondents believe that officials/employees of justice institutions request/accept bribes. When asked which institutions are most prone to this phenomenon, the respondents consider that the Courts with 36.9% are in the first place, followed by the Prosecution Office with 31.3% and the Police with 21.1%;
- 53.2% of respondents estimate that the Kosovo Police is the most effective institution in the fight against corruption. In regards to this matter, the Prosecution Office with 6.3% and the Courts with 4.7% are considered as the least effective institutions in the fight against criminal offenses related to corruption;
- Despite the lack of trust in justice institutions, 74.7% of the respondents have emphasized that they are ready to report the corruption and the criminal offenses cases. When asked to which institution they would report corruption or other criminal offenses, about 91% of respondents chose the Kosovo Police, 1.6% the Court and 0.4% the Prosecution Office;
- Between the value 1="Not at all satisfied" and the value 5="Completely satisfied", the respondents emphasized that they are most satisfied with the work/performance of the Kosovo Police (3.85), then with the Courts (2.76) and the Prosecution Office (2.72);
- Only 7.2% of respondents fully agree that justice institutions equally treat the marginalized persons/groups, such as: women, minorities, persons with disabilities, persons with minimal income;
- When asked which of the Kosovo institutions are able to perform their tasks/responsibilities independently, the respondents consider that it is the Kosovo Police (46.5%), followed by the Courts (15.1%) and the Prosecution Office (14.3%);
- Regarding the court decision-making, 45% of the respondents consider that most judges make decisions under the influence or pressure exerted by private interests/corruption, while 26.8% of them consider that these decisions are made under the influence or pressure exerted by senior officials/people with political influence. However, only 26.9% of the respondents have estimated that the court decisions are made based on the available facts and the state's legal framework.
- 54.1% of the 1,065 respondents estimate that there has been no improvement in the justice system during the past years, while 31% of them answered that they have seen an improvement in the justice system. The latter have emphasized that the judiciary has mostly improved in terms of accountability and transparency;
- Only 6.5% of respondents fully agree that the Courts and Prosecution Offices have the necessary tools and resources to protect judges and prosecutors from threats, harassments, attacks, or intimidations;
- From the survey data it comes out that only 31.9% of the people who were interviewed have received/accepted services during the last 5 years from justice institutions (Police, Prosecution Office, Court);
- Between the value 1="Not at all good" and the value 5="Completely good", from the average of the responses

of the respondents, it appears that the initiatives undertaken by the Government of Kosovo (Ministry of Justice) to reform the justice system, including vetting and confiscation of unjustifiable assets, were evaluated with 3.6.

- The respondents do not fully evaluate the security situation in the country after the beginning of the war in Ukraine and the trends to destabilize the situation in the North of Kosovo. Thus, between the value 1="Not at all safe" and the value 5="Completely safe", from the average of the responses of the respondents, it appears that the level of security in the country is estimated by the value 3.42;
- When asked that from 1="Not at all meritorious" to 5="Completely meritorious", how fair and preventive do you consider the punishments for cases of domestic violence and gender-based violence, from the average of the responses of the respondents the result is 2.97.
- During 2022, the budget allocated for the Kosovo Judicial Council (KJC) was 32 million 200 thousand Euros, or about 1.2% of the total budget of the Republic of Kosovo, while the budget allocated for the Kosovo Prosecutorial Council was around 17 million 145 thousand Euros, or 0.6% of the total budget of our country for 2022.
- From August to December 2022, the Commercial Court had 10,045 cases while it resolved only 1,039 of them;
- During this reporting period, the courts (the Supreme Court, the Special Chamber, the Court of Appeal, the seven Basic Courts and the Commercial Court) had 381,786 ongoing cases, while they resolved 119,370 cases, or 31.2%. If we take the ratio between new cases and the resolved cases during 2022, it comes out that all the courts together showed an efficiency of 78.3%, meaning that they did not manage to resolve as

many cases as the number of the received cases during the calendar year;

- Regarding the case workload of judges, from the total number of cases in process during 2022, comparing to the number of judges serving in the respective courts, it comes out that a Special Chamber judge was assigned with 1,246 cases, the Basic Court judge with 1,091 cases, followed by the Commercial Court judge with 1,005 cases, the Appeal Court judge with 642 cases and the Supreme Court judge with 114 cases;
- During 2022, the State Prosecution (the Office of the Chief State Prosecutor, the Appellate Prosecutor's Office, the Special Prosecutor's Office of the Republic of Kosovo and the seven Basic Prosecution Offices) had 132,950 cases in process, while it resolved only 33.2% of cases or 44,247 cases. If we take the ratio between new cases and the resolved cases during 2022, it turns out that the State Prosecution has shown an efficiency of 86.8%, meaning that this institution has not managed to resolve as many cases as the number of the received cases during the calendar year;
- Regarding the case workload of prosecutors, from the total number of cases in process during 2022, comparing to the number of prosecutors serving in the prosecutorial system, it turns out that a prosecutor in the Appellate Prosecution Office was assigned with 1,115 cases, the Basic Prosecution Office prosecutor with 821 cases, followed by the OCSP prosecutor with 160 cases, and the SPRK prosecutor with 128 cases;
- If we take as a basis the efficiency shown by the State Prosecutor and the Courts during 2022, these institutions will need at least three years to resolve all the cases in process, provided that they do not receive new cases during this period.

METHODOLOGY

This report is based on the primary data such as citizen perception and the secondary data such as the official reports from the responsible and managing bodies of the justice system in Kosovo. Primary data includes the survey of the citizens of the Republic of Kosovo during September 2022, carried out in cooperation with UBO Consulting.

The survey sample is representative for the country, and the citizens of different genders, age groups, levels of education, employment and economic income participated in it. Hence, it is worth noting that 1,065 citizens were surveyed with 19 questions with multiple and rotating answer options, where 49.7% of the respondents were men while 50.3% were women, all of them over 18 years of age. As for the residence component of the 1,065 respondents, 42.6% of them are citizens who live in urban settlements while 57.4% live in rural settlements. Based on the primary data obtained from the survey, the perception indicators were drawn up, which assess the perception of the citizens of Kosovo on the performance of the rule of law institutions: the courts, the prosecution and the police.

The secondary data to assess the efficiency of the performance in the courts and the prosecution office are collected and analysed from the official reports of the Kosovo Judicial Council (KJC)¹⁴, the State Prosecution¹⁵ and the Law on Budget Appropriations for the budget of the Republic of Kosovo for 2022¹⁶.

More precisely, the data related to the number of received cases, inherited cases and resolved within a year in each court and prosecution office with the number of judges and prosecutors, as well as the budget allocated to the judicial and prosecutorial system during the period 2013–2022. Structural indicators reflect the capacities and resources of the prosecution offices and courts to carry out their tasks, thereby enabling the evaluation of the efficiency of their work. Since the new structure of the judiciary came into force in January 2013, the indicators are based on the data from 2013–2022. It must be emphasized that the assessment and analysis of the number of cases resolved or inherited within one year in each court and prosecution was carried out without assessing the difficulty of resolving them, or dividing them into different departments of the courts and prosecution. Mainly because the essential purpose in constructing the structural indicators is to evaluate the overall performance efficiency of the courts and prosecution offices as well as to evaluate the individual quantitative performance of prosecutors and judges.

14 Judicial Council of Kosovo, Annual Statistical report of courts 2022, accessible at: https://www.gjyqesori-rks.org/wp-content/uploads/reports/45114_RAPORTI%20STATISTIKOR%20I%20GJYKATAVE%20VJETOR%202022.pdf

15 Kosovo Prosecutorial Council, Annual Report of the work of the State Prosecutor for 2022, accessible at: <https://prokuroria-rks.org/assets/cms/uploads/files/RAPORTI%20VJETOR%20I%20PROKURORIT%20TE%20SHITETIT%202022.pdf>

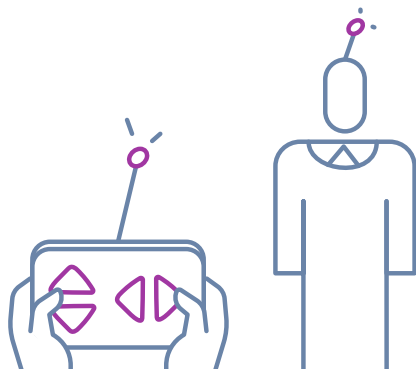
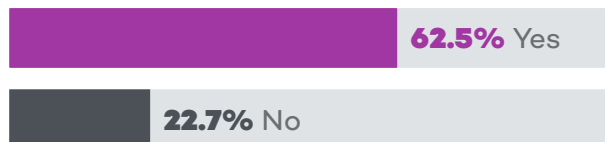
16 Official Gazette of the Republic of Kosovo, Law No. 08/L-066 on Budget Appropriations for the budget of the Republic of Kosovo for 2022, link: <https://mf.rks-gov.net/desk/inc/media/1F77FA35-E121-43D3-9683-791B0ADE3337.pdf>

CITIZEN PERCEPTION ON JUSTICE SYSTEM INSTITUTIONS

POLITICAL INFLUENCE ON THE JUSTICE SYSTEM

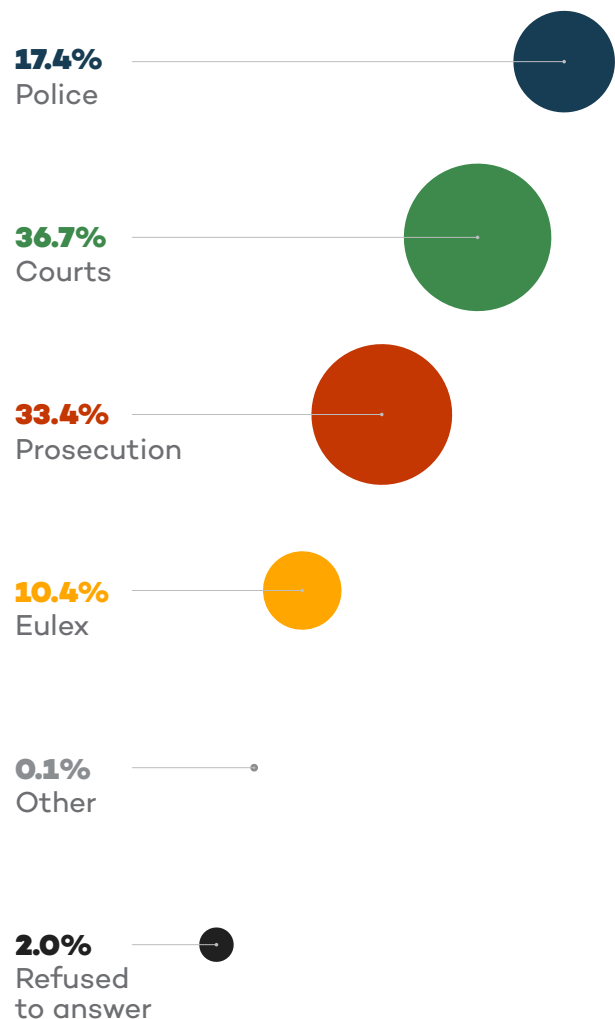
Even during 2022, the fact that the majority of respondents consider that people with political influence are less likely to be punished by the law in Kosovo is of concern. The survey results show that 62.5% of citizens answered in the affirmative to the question “Do you think that people with political influence are less likely to be punished by the law?”. Whereas, only 22.7% of them think that regardless of their political position or influence, they are likely to be punished based on provisions of the law. If we compare last year’s data, the trend of the citizens who believe that the justice system is influenced by their political position has increased by 2.5 percentage points.

Do you think that people with political influence are **less likely to be punished by the law?**



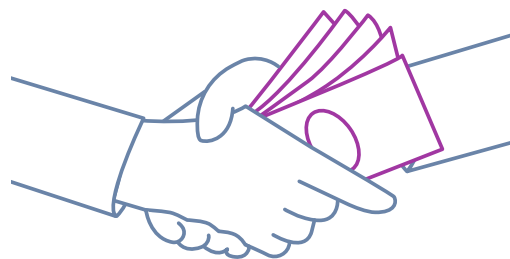
36.7% of the respondents who believe that people with political influence are less likely to be punished by the law, think that the courts are the institutions most influenced by political influence. Regarding this phenomenon, citizens rank the Prosecutor’s Office in second place with 33.4% and the Kosovo Police with 17.4%. Based on survey data, it turns out that in 2022, the percentage of citizens who believe that courts and prosecutions are mostly influenced by politics has increased, by 3.8 percentage, and 2.1 percentage respectively, while the perception of citizens who think that the Police is influenced by politics has decreased by 2.3 percentage points.

Which of the following institutions are most influenced by political influence?

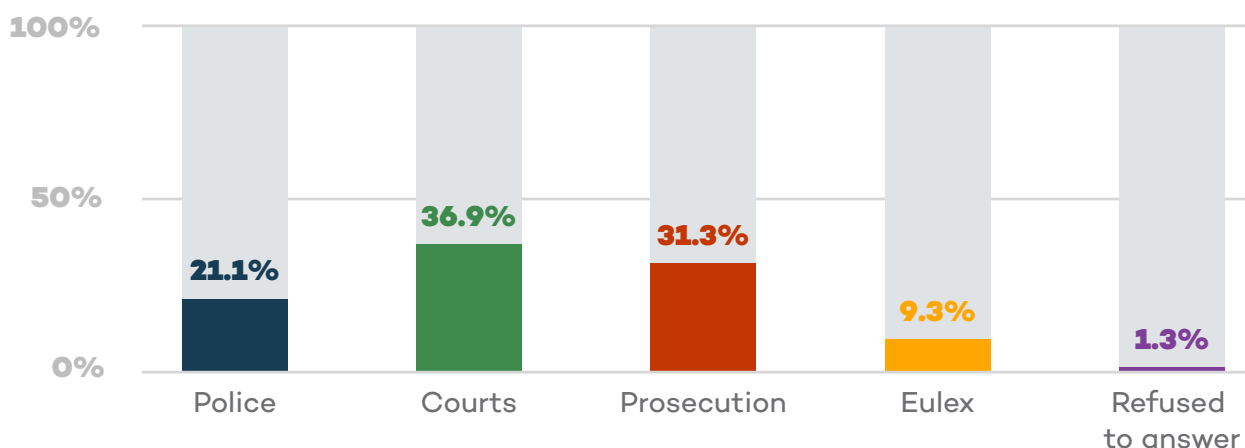


BRIBERY

The surveyed citizens believe that justice institutions continue to be affected by the bribery phenomenon. More precisely, the data show that 46.8% of respondents think that the justice institutions workers and officials accept or demand bribes. Compared to the previous year, the survey data shows that this year we have an increase of 7 percentage of respondents who think that bribery is present in justice institutions, namely that the officials of these institutions demand or accept bribes.

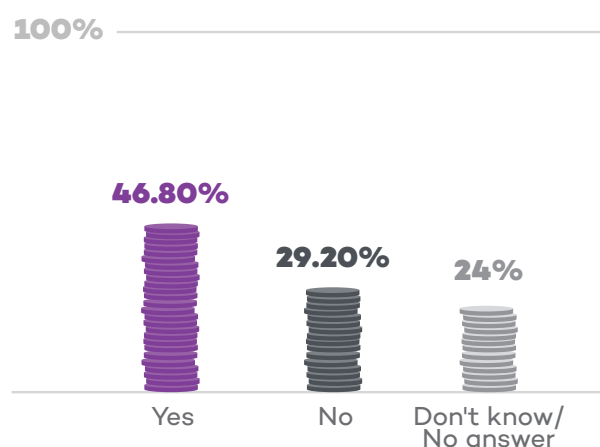


In your opinion, the officials/employees of which institution are currently more likely to demand for/accept bribes?



As in the previous year, the majority of the respondents believe that the institutions most affected by this phenomenon are the courts with 36.9% and the prosecution office with 31.3%. However, according to the respondents, the practice of demanding or accepting bribes is less present in the Kosovo Police (21.1%), although compared to 2021, this perception has increased by 0.4 percentage points. Concerning this issue, only 9.3% of respondents expressed their opinion that EULEX officials demand or accept bribes. Such a high percentage of citizens' perception of the presence of bribes in the key institutions that should implement and enforce the law, with special emphasis on the courts and the prosecutor's office, is a very negative sign and a serious obstacle in improving the image and increasing the trust and confidence of citizens in justice institutions.

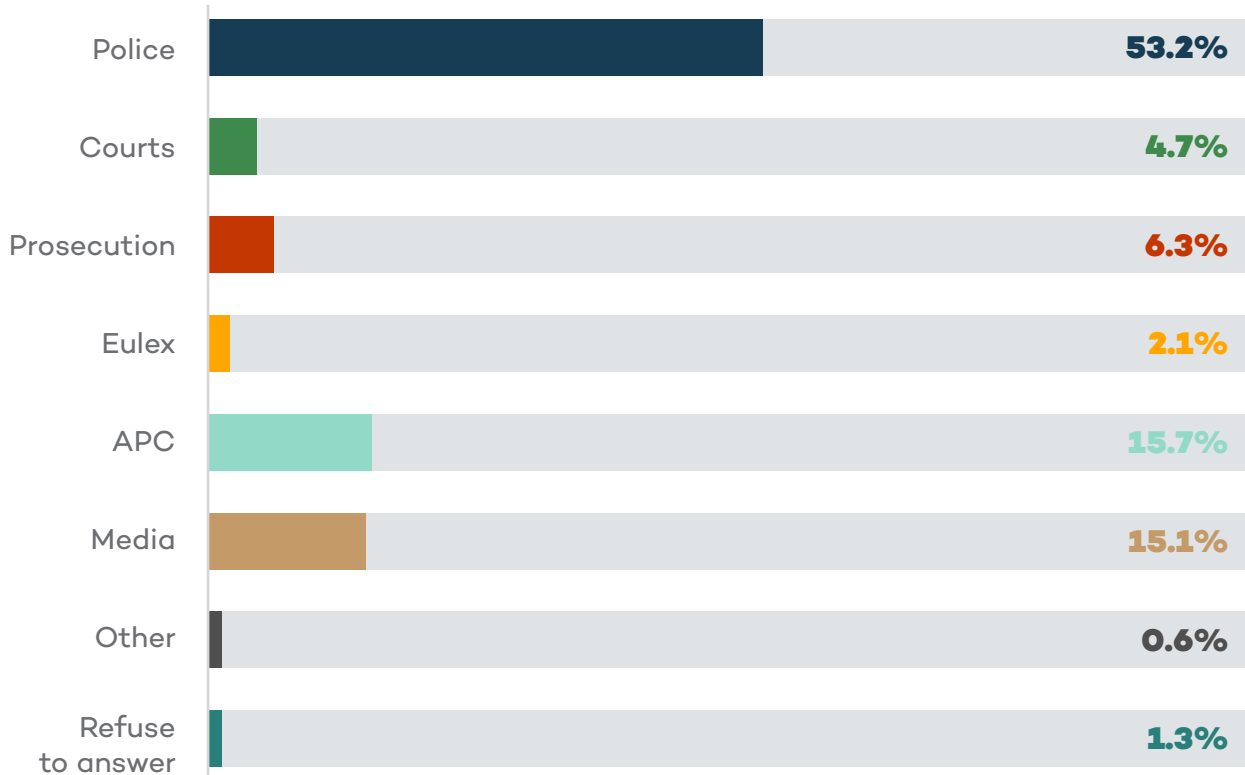
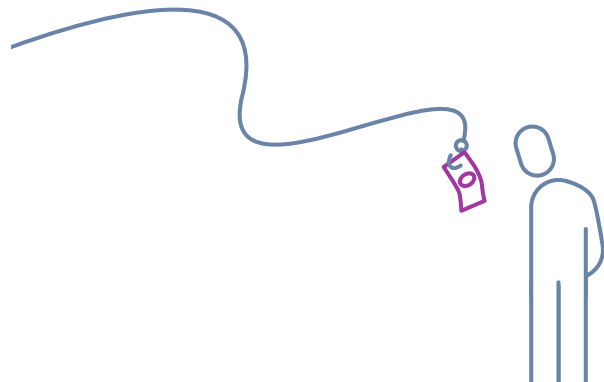
In your opinion, do officials/employees of justice institutions demand for/accept bribes?



EFFICIENCY IN FIGHTING CORRUPTION

Citizens of Kosovo, this year as well, rank the Kosovo Police as the most effective institution in the fight against corruption. Unlike last year when this percentage was 38.2%, this year around 53.2% of respondents believe that this institution has been successful and effective in fighting the phenomenon of corruption. Meanwhile, a negative sign is that the courts (4.7%) and the prosecution office (6.3%) this year have recorded a decrease in the percentage of those who consider that they are effective in terms of the fight against corruption. However, this year, we notice an increase in the positive evaluation of the respondents regarding the role of the media in terms of efficiency in combating this negative phenomenon.

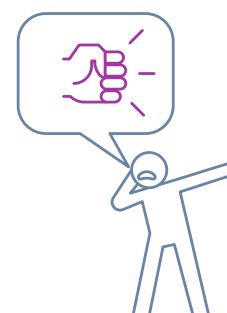
In your opinion, which of the following institutions is more effective in the fight against corruption?



WILLINGNESS TO REPORT CORRUPTION AND OTHER CRIMINAL ACTS

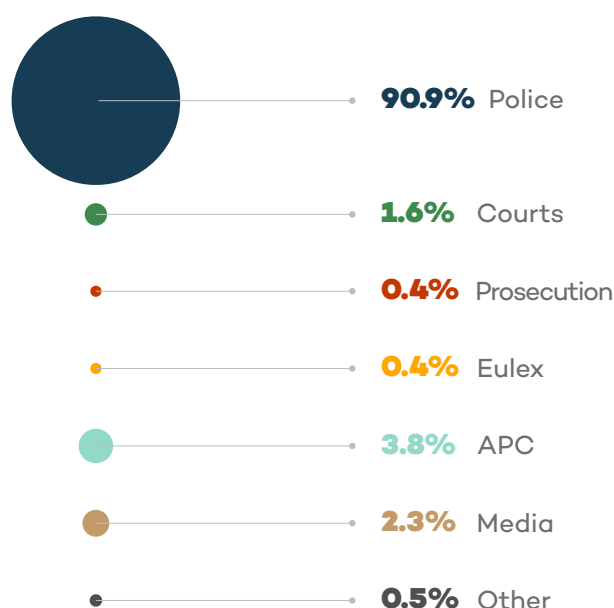
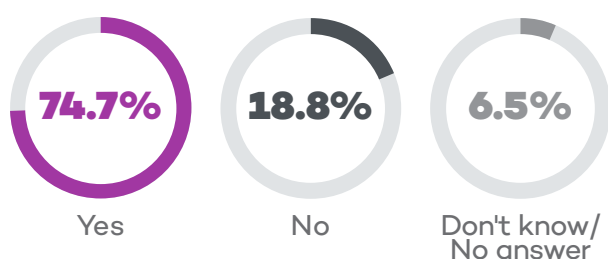
The willingness of Kosovo citizens to report corruption and criminal offenses exists to a large extent despite the fact that they are dissatisfied with the work of the institutions in combating these phenomena in our society. When asked if they would be willing to report a case of corruption or crime, 74.7% stated that they are willing to report it, while 18.3% stated the opposite. Compared to last year, the trend of willingness to report corruption to the relevant institutions is increasing, more specifically we observe an increase of 5 percentage points (from 23.3 in the previous year to 28.3%). The increase in the percentage of citizens to help institutions in fighting crime and corruption represents a trend of citizen activism to contribute to addressing and fighting negative phenomena, however it is of a concern the level of citizens' dissatisfaction with the degree of efficiency of these institutions handling such cases.

When asked to which institution they would report corruption, 90.9% of respondents answered that they would report to the Police. If we compare the percentage with the last year, it turns out that we have an increase of 12.3 percentage points of citizens who would report a case of crime or corruption to the Kosovo Police. However, from the survey data, it appears that this year we have a decrease in the percentage of citizens who would be willing to report criminal offenses to the courts, the prosecutor's office, EULEX, the Agency for the Prevention of Corruption (APC) and the media. This result of the surveys shows that the Police continues to be the most reliable address for citizens to report criminal offenses, However, it is of a concern the decrease in the percentage of citizens reporting these phenomena to the courts and the prosecution office remains.



To which institution would you report any case of corruption or crime?

If you are likely to notice any case of corruption or crime (theft, violence, etc.), would you be willing to report it?



CITIZENS' SATISFACTION WITH THE PERFORMANCE OF THE JUSTICE SYSTEM

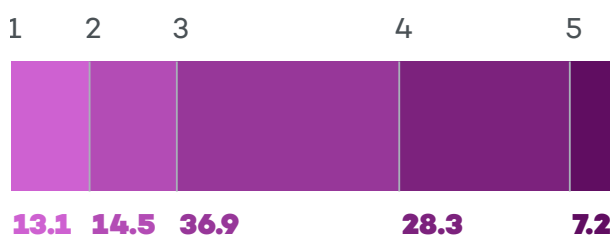
Satisfaction indicator shows how justice institutions act in accordance with citizens' expectations and their responsibilities. More precisely, the respondents were asked: "How satisfied are you with the work or performance of these institutions" with the possibility of answering from value 1, corresponding to not at all satisfied, to value 5, completely satisfied. Similar to previous years, the survey results for 2022 show that citizens are more satisfied with the Kosovo Police, while very few are satisfied with EULEX.



As for the respondents' perception regarding the equal treatment by justice institutions towards marginalized persons/groups, we found out that only 28.3% and 7.2% of the total respondents agree or completely agree that the institutions treat all the persons/groups mentioned above equally. While, as it can be seen from the values given in the table, 42.6% of respondents agree to some extent (value 3) that justice institutions treat marginalized persons/groups equally, while other respondents estimate that these institutions do not treat equally women, minorities, persons with disabilities, persons with minimal income.

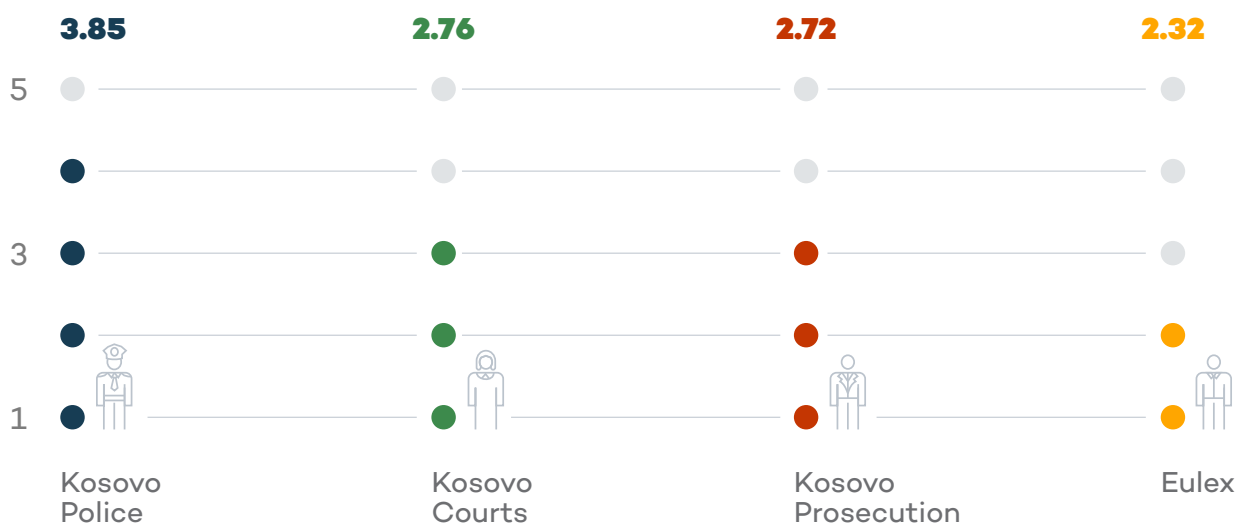
Please tell us how much you agree with the following statement:

"Justice institutions treat marginalized persons/groups equally such as: women, minorities, persons with disabilities, persons with minimal income"



How satisfied are you with the work/performance of these institutions?

1=Not at all satisfied and
5=Completely satisfied

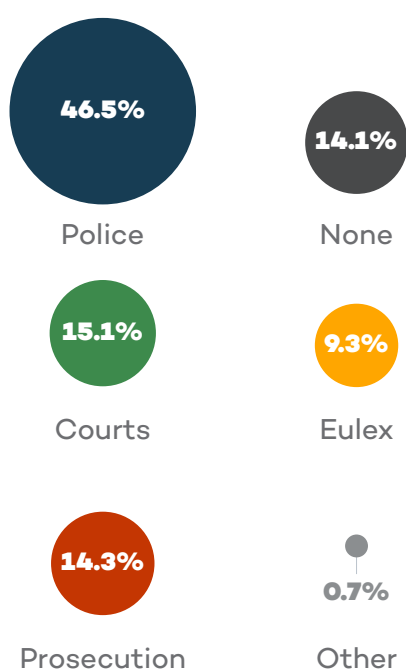


INDEPENDENCE IN DECISION-MAKING

Independence and impartiality are principles and conditions of a state in order to have a functioning system of law. Regarding the independence of the institutions that protect legality, this year 46.5% of citizens still rank the police as an institution that can perform its duties and responsibilities independently. Whereas, only 15.1% and 14.3% of the respondents respectively think that the Courts and the Prosecution Office can be independent in exercising of their duties. This year, the percentage of citizens who believe that the police can carry out work independently and impartially has increased by 5.3 percentage points, whereas the decrease of the percentage point in the courts with 3.6, the Prosecutor's Office with 1.6 and EULEX with 2.9 percentage points remains worrying.

The perception of citizens for 2022 shows that judges are less independent and impartial in decision-making cases, which also reflects the low trust of citizens towards the justice system in the country. Hence, 71.7% of respondents consider that judges take their decisions under the influence of the pressure exerted by private interests/corruption (45%) and under the influence of the pressure exerted by senior officials/persons with political influence (26.8%). Whereas, only 26.9% of respondents consider that judges' decisions are made based on available facts and in accordance with the current legal framework.

In your opinion, in practice, which of Kosovo's **institutions** are currently able to perform their tasks/responsibilities **independently**?



In your opinion, when making a decision, most **judges** in Kosovo rely more on:

In the available facts and in the legal framework of the country
26.9%



Under the influence of the pressure exerted by private interests/corruption
45%



Under the influence of the pressure exerted by high officials/people with political influence
26.8%



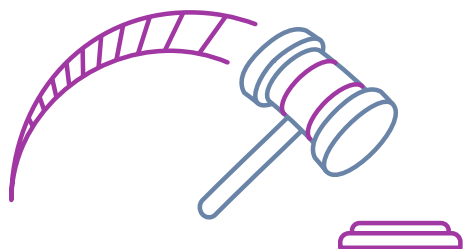
Other
1.4%



IMPROVING THE JUDICIARY

Regardless of the “Justice 2020” Agenda, the Functional Review Process, the Rule of Law Strategy and other legal initiatives initiated by the Ministry of Justice during 2022, with the main purpose of ensuring smooth functioning and restoring citizens’ trust in justice, still more than half of citizens deny having noticed an improvement in the justice system. However, if we compare the percentage of citizens who share this opinion this year with the previous year, it turns out that we have an increase of 2.6 percentage points. Meanwhile, the number of citizens who think that there has been an improvement in the justice system during the last years has decreased by 5.8 percentage points. Thus, this percentage in 2021 was 37.3%, while in 2022 it is only 31.5%. While, 14.4% of respondents chose not to answer or they consider that they do not know if there have been improvements in the justice system or not.

In your opinion, has the justice system improved in recent years?



Yes
31.5%

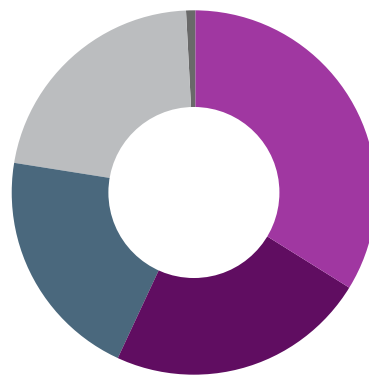
No
54.1%

Don't know/
No answer
14.4%



And from the percentage of respondents who affirmed that the judicial system has improved, most of them (34.1%) think that the justice system is now more transparent and accountable. This citizen perception most likely is related to the KJC decisions on the opening of the judiciary towards the public, the online broadcasting of the Council meetings, the Assembly of Court Presidents and Supervising Judges, the publishing of decisions of the presidents of the courts on the disciplinary complaints against judges, the more frequent media conferences, both from the prosecutorial and judicial systems, to provide clarifications and information to the general public on issues of common interest, etc.

If yes, which of these dimensions of the justice system has improved the most?



34.1%

Accountability and transparency

23%

Faster closure/resolution of cases

20.4%

Less influence of politicians on judges

21.8%

Investigation of corruption cases

0.7%

Other

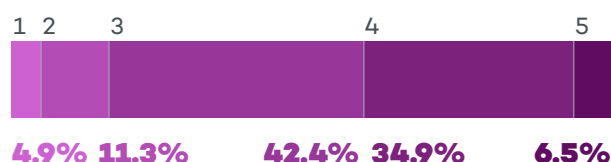
WORKING CONDITIONS

Regarding the disciplinary measures or even the dismissal of judges or prosecutors for violating the rules or procedures, the percentage of respondents who believe that this happens often or always has increased this year (6.4% in 2022 while 5.9% in 2021). The increase in this percentage may have been influenced by the KPC and KJC decisions during 2022 for the demotion of judges Driton Muharremi, Naime Krasniqi-Jashanica and Florije Zatriqi, the prosecutor Shemsie Asllani and the Gjakova Chief Prosecutor, Ramiz Buzhala. Despite this, it turns out that even during 2022, the majority of respondents share the opinion that such measures are rarely (41.5%) or sometimes (41.1%) taken against judges and prosecutors.

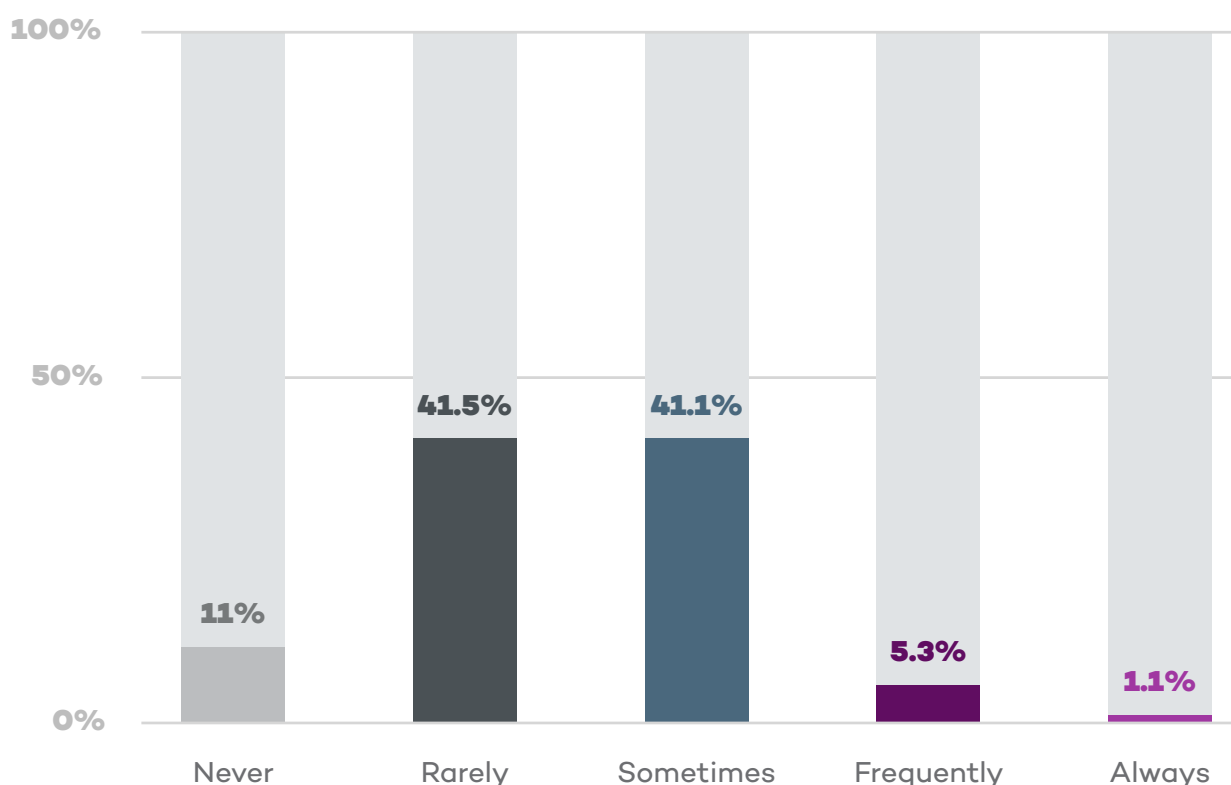
Additionally, the respondents were also asked if they consider that the courts and prosecution offices have the necessary tools and resources to protect judges and prosecutors from threats, harassment, attacks or intimidation. The survey shows that only 6.5% of the respondents fully agree that these institutions have the necessary tools and resources to protect judges/prosecutors from threats, harassment, attacks, or intimidation.

Please tell us how much **you agree** with the following statement:

“Courts/prosecution have the necessary tools and resources to protect judges/prosecutors from threats, harassment, attacks, or intimidation”



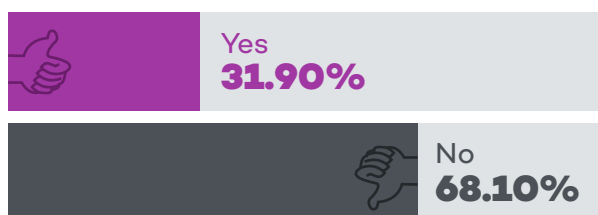
In your opinion, are **disciplinary measures** up to dismissal likely to be taken against judges/prosecutors who violate rules or procedures?



SERVICES FROM JUSTICE INSTITUTIONS

Through this index, it is intended to find out how many citizens of our country have accepted or received services from the Police, the Court and the Prosecutor's Office within a given period of time. To the question "Have you received/accepted services during the last 5 years from justice institutions?", it can be seen that 31% of respondents (or 3.1 percentage points more than last year) affirmed that they received services from these institutions during the aforementioned period.

Have you received/accepted services during the last 5 years from justice institutions (Police, Prosecution, Court)?



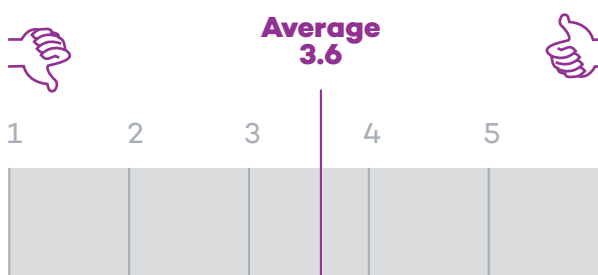
VETTING AND CONFISCATION OF UNJUSTIFIABLE ASSETS IN CIVIL PROCEEDINGS

During 2022, within the rule of law sector the main topics have been the initiatives for Vetting in the justice system and for the establishment of a special institution which would deal especially with the verification and confiscation of unjustifiable assets, without the need to have a court conviction.

Therefore, unlike the previous editions, in the eighth edition of RoLPIK, the indicator of citizen perception in relation to the reform initiatives in justice is also included; if these initiatives are seen as appropriate for solving problems and increasing trust in justice institutions or if citizens are still sceptical that such initiatives will not bring any concrete results. More specifically, in the question posed as to how you rate the initiatives undertaken by the government of Kosovo (Ministry of Justice) to reform the justice system, including vetting and confiscation of unjustifiable assets, the respondents had the opportunity to answer between values 1 and 5, where a value of 1 means that these initiatives are not

good at all while a value of 5 means that such initiatives are completely good. From these evaluation coefficients, the average of the answers given is 3.6, which means that these initiatives are seen positively by the citizens, thus expecting an increase in efficiency, independence, impartiality and professionalism in the justice system through the initiatives undertaken during 2022 by the Government of Kosovo, namely the Ministry of Justice.

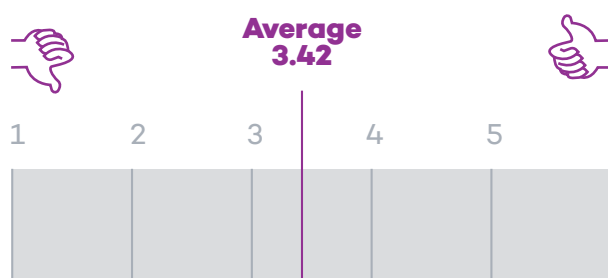
From 1 to 5, how do you rate the initiatives undertaken by the Government of Kosovo (Ministry of Justice) to reform the justice system, including vetting and confiscation of unjustified assets?



THE SECURITY LEVEL IN THE COUNTRY

The novelty in the eighth edition of RoLPIK is also the indicator that measures citizens' perception in relation to the level of security in Kosovo. As a result, the citizens who participated in the survey were asked to answer questions from 1 to 5, where the value 1 means that the citizens rate the level of security in the country as not at all safe, while the value 5 means that they rate the security situation in Kosovo as completely safe.

From 1 to 5, how do you rate the level of security in the country?



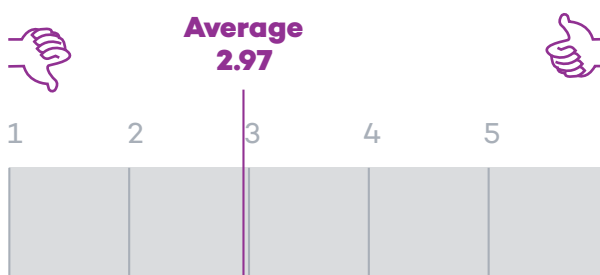
The purpose of posing this question comes especially after almost 1-year conflict in Ukraine and the trends to destabilize the situation in the North of Kosovo by Serbia. During 2022, there were several incidents such as the setting up of barricades by Serbian citizens living in the four northern municipalities of Kosovo, the attack on the office of the Municipal Electoral Commission in North Mitrovica, attacks on journalists, obstructing the work of the court, boycotting and the resignation of a large part of Serbian officials from the institutions of Kosovo, including those who were in the Government, the Assembly, the Police, the Court and the Prosecutor's Office.

The results of the survey showed that the citizens of Kosovo estimate that the security situation in the country is above average, evaluating the security situation at a value of 3.42. So, the developments in 2022 in terms of internal but also international security has also influenced the perception of citizens in relation to how they see the level of security in the country.

PUNISHMENTS IN CASES OF DOMESTIC AND GENDER-BASED VIOLENCE

Considering that last year there were many reactions and criticisms towards the justice system regarding handling of cases of domestic and gender-based violence, this edition of RoLPIK also includes an indicator that aims to highlight if the citizens consider to be preventive the punishments imposed by the courts against persons found guilty of these criminal offenses. From the survey carried out in September 2022, it turns out that between the values 1=not at all meritorious and 5=completely meritorious, the punishments imposed on those accused of domestic violence and/or gender-based violence are meritorious and preventive with the score of 2.97. Therefore, such an average implies that citizens share the opinion that we should have a more effective punitive policy and higher punishments for all those who commit violence within the family relationship or in cases where the victims are attacked on gender grounds, so that such cases to be prevented in the future.

From 1-5, how meritorious (preventive) do you consider the punishments for cases of domestic/gender-based violence?



PERFORMANCE ASSESSMENT OF JUSTICE SYSTEM

Performance Assessment of Justice System

In the eighth edition of RoLPIK, the assessment of the performance of the justice system was carried out based on the analysis of the official performance reports of the courts and prosecution offices for 2022, which includes data related to the number of resolved cases, work efficiency, workload of prosecutors and judges, the degree of overloading and the time within which with a consistent work the system they would manage to resolve current cases. The data from the judicial system have been analysed separately based on the work of the Supreme Court of Kosovo (SC), the Special Chamber of the Supreme Court of Kosovo (SCSCK), the Court of Appeal of Kosovo (CAK), the seven Basic Courts (BCs) and Commercial Court (CCK). On the other hand, the assessment of the performance of the prosecutorial system was carried out for: the Office of the Chief State Prosecutor (OCSP), the Appeals Prosecution (AP), the Special Prosecution of the Republic of Kosovo (SPRK) and the seven Basic Prosecutor's Offices (BPs).

Given the circumstances created after the spread of the COVID-19 pandemic during 2020 and 2021, which for a while have influenced the country's courts and prosecutors to handle only urgent cases and to work with reduced staff, it is important to consider that in these structural indicators, only the quantitative aspect of the performance of the prosecution offices and courts for a calendar year is assessed, and not the difficulty and the manner of resolving cases.

Likewise, a special focus has been given to analysing the degree of budget allocation to assess the prioritization of the justice system in Kosovo in relation to the general budget of the Republic of Kosovo during the year 2022.

PERFORMANCE OF THE PROSECUTION

Efficiency in resolving cases in relation to new and inherited cases

Based on the performance report of the prosecutions for 2022¹⁷, the State Prosecutor (OCSP, AP, SPRK and seven Basic Prosecution's Offices), consisting of 181 prosecutors, had 132 thousand 950 cases in process, of which 81 thousand 952 cases were inherited from previous years and 50,998 new cases were received during this time period. Whereas, from January 1 to December 31, 2022, prosecutors have solved 44 thousand 247 cases, or 33% of the total number of criminal reports they have had in process.

If we take as a basis the degree of efficiency shown in 2022, between the number of resolved cases and those that were in process, it turns out that the State Prosecutor will need about 3 years to complete all the cases that have an active status, provided that it does not accept new cases within this time period.

However, if we take as a basis the degree of efficiency between the number of new cases and those resolved, it turns out that the State Prosecutor has shown an efficiency of 87%. The data presented in the table show that during the year 2022, OCSP and AP have achieved 100% efficiency in resolving the number of cases in relation to the number of new cases they have received during this time period. Whereas, the seven Basic Prosecution's and PSRK in the past year resolved fewer cases than they accepted, thus causing these institutions in 2023 to transfer cases that did not receive an epilogue during the previous year.

Table 1. The percentage of efficiency of the State Prosecutor in resolving cases in relation to the number of cases received during the period 2013-2022

Year	OCSP	SPRK	AP	BP
2022	100	75	100	84
2021	100	70	102	99
2020	100	153	100	118
2019	100	59	116	153
2018	102	105	99	127
2017	98	93	100	112
2016	101	192	100	112
2015	102	125	100	94
2014	96	51	100	71
2013	101	94	100	80

¹⁷ Prosecution Council of Kosovo, Annual Work Report of the State Prosecutor for 2022, accessible at: <https://prokuroria-rks.org/assets/cms/uploads/files/RAPORTI%20VJETOR%20I%20PROKURORIT%20TE%20SHTETIT%202022.pdf>

The ratio between the number of cases in process and the number of prosecutors

As noted above, the State Prosecutor during 2022 had 181 prosecutors engaged, of which 9 are in the OCSP, 7 in the PA, 17 in the SPRK and 148 prosecutors within the seven Basic Prosecutions. Meanwhile, through the determination of the workload of prosecutors, the average number of cases that a prosecutor is expected to resolve within a working year is identified. The calculation of this indicator is done through the number of pending cases at the beginning of the year and new cases received, in relation to the number of prosecutors engaged during the same year. These cases were not treated in the qualitative aspect of difficulty, but only in the quantitative aspect of the average number of cases accepted by a prosecutor during the year.

Table 2. Average number of cases that prosecutors have handled during the period 2013-2022

Year	OCSP	SPRK	AP	BP
2022	160	128	1115	821
2021	154	129	1012	810
2020	136	128	1471	753
2019	151	146	1160	920
2018	142	116	1148	1047
2017	203	46	724	404
2016	234	72	880	506
2015	412	53	645	540
2014	155	50	549	463
2013	217	48	584	509

The budget for the prosecution system during 2022

Every year, through the budget, it can be estimated what is the priority to address the requests of the justice system for the proper functioning of the courts and prosecutions, and for the provision of the most professional services to citizens.

Table 3. KPC budget over the period 2013 - 2022

	KPC Budget	Budget of the Republic of Kosovo	Allocation in %
2022	17,144,178€	2,735,749,600€	0.63
2021	14,441,528€	2,454,209,105€	0.59
2020	15,021,836€	2,356,860,915€	0.64
2019	14,170,065€	2,378,231,797€	0.59
2018	11,092,826€	2,080,480,837€	0.53
2017	9,483,682€	2,001,020,484€	0.47
2016	8,013,619€	1,678,709,487€	0.48
2015	7,158,086€	1,682,486,849€	0.43
2014	6,872,000€	1,589,324,952€	0.43
2013	5,775,534€	1,591,118,599€	0.36

The data on the budget broken down over the years for the Kosovo Prosecutorial Council (KPC) show a continuous increase from 2013 to 2022, compared to the increase in the state budget. In 2022, the highest budget amount was allocated for the KPC since 2013, which reached the value of 17 million 144 thousand 178 euros, but in percentage terms, the distribution of Kosovo's budget for the prosecution system has never reached 1% of the general state budget.¹⁸

As in the past, the increase in revenues, planning and drafting of increased budget lines for the KPC did not come as a result of any policy for prioritizing the justice system, or based on any assessment of needs, but came as a result of increasing the annual state budget. The foreseen budget for the KPC during 2022 was distributed 65.2% for salaries and wages, 13.9% for goods and services, 1.2% for utilities, and about 20% for capital expenditures. This distribution shows that most of the budget allocated to the prosecutorial system is dedicated to salaries and wages, leaving very little space for planning and allocation of financial resources for capacity building or profiling of prosecutors and support staff.

¹⁸ Official Gazette of the Republic of Kosovo, Law No. 08/L-066 on budget appropriations for the budget of the Republic of Kosovo for 2022, link: <https://mf.rks-gov.net/desk/inc/media/1F77FA35-E121-43D3-9683-791B0ADE3337.pdf>

PERFORMANCE OF COURTS

Efficiency in resolving cases in relation to new and inherited cases

Based on the performance report of the courts for 2022¹⁹, it results that the judiciary (the Supreme Court, the Special Chamber of the Supreme Court, the Court of Appeal, the seven Basic Courts and the Commercial Court) had 381 thousand 786 cases in process, of which 229 thousand 404 cases were inherited, while 152 thousand 382 court cases were accepted as new cases. Whereas, from January 1 to December 31, 2022, judges have resolved 97,456 cases, or 31.3% of the total cases that were active during this time period.

If we take as a basis the degree of efficiency shown in 2022, between the number of resolved cases and those that were at work, it turns out that the courts would need more than 3 years to complete all the cases that have an active status, provided that they do not accept new cases within this time period. However, if we take as a basis the degree of efficiency between the number of new cases and those resolved, it turns out that the State Prosecutor has shown an efficiency of 78%.

Table 4. The percentage of the efficiency of the courts in resolving cases in relation to the number of cases received during the period 2013-2022

Year	Supreme Court	Special Chamber	Court of Appeals	Basic Courts	Commercial Court
2022	114	165	91	76	50
2021	99	203	79	66	
2020	84	264	106	60	
2019	95	135	108	177	
2018	110	92	97	161	
2017	98	112	90	145	
2016	89	130	186	110	
2015	105	46	89	98	
2014	98	28	92	109	
2013	201	54	103	80	

The data presented in the table show that during the year 2022, the Special Chamber of the Supreme Court and the Supreme Court of Kosovo have achieved the highest percentage of efficiency in solving the number of cases in relation to the number of new cases they have received during that time period. Next is the Court of Appeal with 91% efficiency and the seven basic courts together with 76%. Whereas, regarding the work of the Commercial Court, which commenced to operate as of August 2022, the data show that this court until December 31 showed only 50% efficiency, i.e., out of 2 thousand 73 cases received, it resolved only 1 thousand and 39.

Since the Court of Appeal, the seven basic courts and the Commercial Court did not manage to resolve as many cases as they accepted within 2022, it means that these institutions will again face a challenge as regards the inherited cases because even in 2023 the cases that did not receive an epilogue during the previous years will be transferred to them.

¹⁹ Kosovo Judicial Council, Statistical Report of the annual courts 2022, accessible at: https://www.gjyqesori-rks.org/wp-content/uploads/reports/45114_RAPORTI%20STATISTIKOR%20I%20GJYKATAVE%20VJETOR%202022.pdf

Ratio between the number of cases at work and the number of judges

This component intends to reflect the caseload of judges during the reporting period. The calculation of this indicator is done through the number of pending cases at the beginning of the year and new cases received, in relation to the number of judges engaged during the said year. These cases have not been treated in the qualitative aspect of difficulty, but only in the quantitative aspect of the average number of cases accepted by a judge within a year. Thus, the data of the performance report of the courts for 2022, shows that 404 judges were engaged in the judicial system where 385 were in charge of resolving cases (16 in the Supreme Court, 14 in the Special Chamber, 53 in the Court of Appeal, 292 in the Basic Courts and 10 in the Commercial Court).

Table 5. Average number of cases that prosecutors had in process during the period 2013 – 2022

Year	Supreme Court	Special Chamber	Court of Appeals	Basic Courts	Commercial Court
2022	114	1246	642	1091	1005
2021	132	1267	649	896	
2020	99	1477	497	595	
2019	89	2070	552	899	
2018	86	1519	649	1330	
2017	106	1837	680	2224	
2016	88	1850	644	3187	
2015	83	1816	539	2848	
2014	75	2211	583	3080	
2013	121	821	558	3133	

The data in the table, shows that the judges of the Special Chamber of the Supreme Court had the largest number of cases in process in relation to the number of judges engaged in this institution. So, during the year 2022, a judge who serves in this judicial instance was charged with an average of 1246 cases, followed by the judge of the Basic Court with 1091 cases, the judge of the Commercial Court with 1005 cases, the judge of the Appeal with 642 cases, and finally the judge of the Supreme Court with 114 court cases.

Budget for the judicial system during 2022

Law no. 08/L-066 on budget appropriations for the budget of the Republic of Kosovo for year 2022, had foreseen a budget of 32 million and 184 thousand euros for the Kosovo Judicial Council (KJC), which compared to the entire budget of the country constituted about 1.18%.²⁰ If we compare it to the total amount allocated to the judicial system in the country, we notice that during the past year, the KJC had the highest budget since 2013. However, if we compare the percentage of the budget distribution to the total of the state budget over the years, it results that in 2022, the KJC had allocated less budget only in 2017 and 2018. Every year, through the budget, it can be estimated what is the priority to address the requests of the justice system for the proper functioning of the courts and prosecutions, and for the provision of the most professional services to citizens.

Table 6. KJC budget over the period 2013 - 2022

	KJC Budget	Budget of the Republic of Kosovo	Allocation in %
2022	32,183,896€	2,735,749,600€	1.18
2021	29,194,592€	2,454,209,105€	1.19
2020	29,821,540€	2,356,860,915€	1.27
2019	29,404,466€	2,378,231,797€	1.24
2018	23,495,024€	2,080,480,837€	1.13
2017	21,793,948€	2,001,020,484€	1.09
2016	20,465,770€	1,678,709,487€	1.22
2015	21,288,771€	1,682,486,849€	1.27
2014	20,833,483€	1,589,324,952€	1.31
2013	19,910,467€	1,591,118,599€	1.25

The data on the budget broken down over the years for the KJC show that in the last three years, we have a trend of decreasing the percentage between the entire budget of the Republic of Kosovo and the funds destined for the needs and requirements of the judicial system in the country. Otherwise, as in the previous years, in 2022, most of them are distributed in salaries and wages (78%), goods and services (12.4%), capital expenditures (7%), and utilities (1.2%). This distribution shows that most of the budget allocated to the judicial system is dedicated to salaries and wages, leaving very little space for planning and allocation of financial resources for capacity building, profiling of judges and support staff, as well as for creating conditions with work benefits for court staff.

²⁰ Official Gazette of the Republic of Kosovo, Law no. 08/L-066 on budget appropriations for the budget of the Republic of Kosovo for year 2022, link: <https://mf.rks-gov.net/desk/inc/media/1F77FA35-E121-43D3-9683-791B0ADE3337.pdf>

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