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# Visa Liberalization Process in Kosovo: An Assessment Matrix of Achievements and Challenges (Third Assessment Report)

## ABOUT GLPS

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# Visa Liberalization Process in Kosovo: An Assessment Matrix of Achievements and Challenges (Third Assessment Report)

## Introductory Note on the Methodology and Explanation of the Assessment Grid

Group for Legal and Political Studies, within the visa liberalization project framework, has monitored the ability of Kosovo's institutions to progress in meeting the visa liberalization roadmap benchmarks as well as continuously identified the main challenges deriving thereof. Thus, this third report is particularly focused in the assessment of the achievements of the Republic of Kosovo institutions in meeting the recommendations of the European Commission (EC) laid out in the first assessment report and the current situation regarding the achievements of the objectives stated in the roadmap, including the remaining challenges.

The Government of Kosovo prepared and delivered a report to the EC on the main achievements in September 2012. To evaluate Kosovo's progress in the visa dialogue, the EC conducted an assessment mission to Kosovo in October 2012.<sup>1</sup> In February 2013, the EC prepared a report for the European Parliament and the Council on the progress of Kosovo in fulfilling the requirements of the visa liberalization roadmap. The main focus in the European Commission assessment was the process of compliance of Kosovo laws with EU Acquis, but an important part of it is focused on the implementation of particular laws and strategies. On the basis of the findings deriving from the first assessment report, the European Commission prepared a list of recommendations directed to Kosovo institutions, the attainment of which makes Kosovo nearer to the visa liberalization objective.<sup>2</sup> In line with the Roadmap, European Commission assessed the progress of Kosovo in three main areas, with a focus on legislative alignment with the EU *acquis*, as following:

1. Kosovo's record in adopting or amending in line with the EU *acquis* the legislation set out in the roadmap;
2. Kosovo's record in implementing the legislation and all other measures set out in the roadmap;
3. The expected migratory and security impacts of the visa liberalization regime.<sup>3</sup>

That said, GLPS has applied a specific methodological approach designed to weigh both the dynamics of meeting the recommendations of the European Commission and benchmarks as well as highlighting the remaining challenges; to this end, GLPS has established two grids.

The first grid assesses the achievements/challenges in meeting the European Commission recommendations (approximately 70 recommendations) deriving from the first assessment report. The first grid consists of five sections: i) the EC recommendations for each roadmap block, ii) the main goal (aim behind the EC recommendations), iii) the indicators (the way how European Commission will/should evaluate/assess the achievements in meeting the recommendations), IV) the associated explanatory information on the achievements of Kosovo institutions in meeting the corresponding recommendations, and V) specific part of the matrix emphasizing the remaining challenges (see for more Table I, columns I, II, III, IV, and V).

The second grid shows our assessment for each Roadmap block and the challenges associated with the accomplishment of the remaining benchmarks (see for more Table II, columns II and III). Several sources of information are utilized to estimate the level of implementation of both the individual benchmarks and blocks. In particular, the following sources served as a good basis to estimate the progress made by Kosovo institutions to implement the benchmarks:

- a) Internal documents of Kosovo institutions (legal acts, strategies, annual reports and quarterly reports of Kosovo institutions and action plans, conclusions from SAPD and Task Force for European Integration/Thematic Roundtables, inputs to the Feasibility Study, etc.);
- b) Reports of international institutions and foreign embassies in Kosovo (particularly EC, European Parliament, UNDP and World Bank);
- c) Information collected from in-depth interviews with representatives of ministries and relevant stakeholders (in particular with officials from the Ministry of Internal Affairs, Ministry of European Integration, Ministry of Public Administration and other related administrative bodies).

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<sup>1</sup> Report from the Commission to the European Parliament and the Council on progress by Kosovo in fulfilling the requirements of the visa liberalization roadmap, February 2013.

<sup>2</sup> Ibid

<sup>3</sup> Ibid

The assessments covering visa liberalisation requirements will be tackled in the following order:

1. Requirements related to Readmission;
2. Requirements related to Reintegration;
3. Block 1: Document Security;
4. Block 2: Border and Migration Management;
5. Block 3: Public Order and Security; and,
6. Block 4: Fundamental Rights related to the Freedom of Movement.

**Table I**

**Assessment of the achievements of Kosovo institutions in meeting the corresponding recommendations deriving from the European Commission First Assessment Report**

(including the period from February to August 2013)

Recommendations related to Readmission				
EC's Recommendations	Main Goal	Indicators	Current State	Remaining Challenges
I. Readmit from all EU Member States (MS) Kosovo citizens, third-country nationals and stateless persons who no longer fulfil the conditions of entry and stay in those states;	- To implement all bilateral agreements, the Law on Readmission and to raise the credibility of institutions in regard to effective readmission process.	- How many Kosovo citizens, third country nationals and stateless persons have been repatriated/readmitted into/ through Kosovo? - What level is the institutional and administrative capacity of processing readmission requests?	- According to DCAM data, the total number of readmitted persons to Kosovo during the first half of 2013 was 1721. - There has been progress related to the procedures on readmission. An increase of responsibility is required in order to push forward these procedures.	- Increase in technical capacity for quick and effective management of readmission requests.
2. Implement the readmission law;	- To readmit Kosovo citizens, third country nationals and stateless persons in line with the law on Readmission; and apply the readmission law "without prejudice" to any readmission agreement Kosovo has concluded with third countries.	- How many requests on readmission were received? -Number of positive and negative responses on the readmission requests.	- According to DCAM data, during the first half of 2013, there have been received 66 requests from states which to there is no bilateral agreement, resulting with 55 positive and 9 negative responses.	- Ensure that submitted readmission applications are processed efficiently and within the timeframe specified in the readmission law and bilateral readmission agreements;
3. Continue negotiating readmission agreements with interested MS and the main transit countries and countries of origin of irregular migration to Kosovo;	- The request comes as a result of the inability of Kosovo to sign an agreement with the EU as a bloc.	- How many agreements were signed and negotiated?	- Kosovo concluded 20 agreements on readmission, including 14 with EU MS, two with Schengen Associated States and two with Western Balkan states. Readmission agreements with Italy and Lithuania are in the final stage of negotiation.	- Sign the negotiated readmission agreements and continue to negotiate readmission agreements with other third countries.
4. Reduce the number of pending readmission requests from all MS, in line with the provisions of the readmission law or bilateral readmission agreements;	- Increase the institutional capacity to address the high number of pending applications on readmission faster.	- What is the number of pending requests? -The efficiency and quality of the institution's capacity.	- According to DCAM data, there are 74 pending cases during the first quarter of 2013.	- Ensure that the readmission applications are processed efficiently and within the timeframe specified by the law and bilateral readmission agreements.
5. Improve data exchange with MS authorities concerning the special needs of returnees, including victims of human trafficking;	- The exchange of information with MS authorities remains problematic. With the absence of reliable personal identity documents the identification of returnees often poses a problem	- How many readmission reports were submitted to EU MS, the EC and EULEX?	- In order to inform EU MS regarding the statistics on readmission requests and readmitted persons, DCAM has organized meetings with migration	- Enhance data exchange with MS authorities on special needs of returnees.

		for Kosovo authorities, leading to the rejection of readmission applications.		attachés and diplomatic representatives in Kosovo,	
6. Corroborate domestic readmission statistics with those from EU MS;	- The readmission statistics supplied by Kosovo do not correspond to the figures furnished by MS.	- Are there any discrepancies between data on the readmission?	N/A	- Share in a timely manner with the competent authorities of MS detailed statistics on readmission.	

### Recommendations related to Reintegration

EC's Recommendations	Main Goal	Indicators	Current State	Remaining Challenges
1. Commit and disburse the reintegration fund;	- The reintegration fund during the last years was allocated but not fully disbursed.	- Is the fund on reintegration allocated and disbursed?	- The reintegration fund (€3,2m for 2012, from which only €2.8m was disbursed, and €3,5m for 2013) finances only emergency services for returnees.	- Fair disbursement of the reintegration fund based on the needs of the readmitted persons. This process should be monitored.
2. Supply transparent financial data on commitments and payments from this fund;	- Monitoring the disbursed reintegration fund.	- Are the commitments and payments from the fund compiled in a financial report?	- The competent bodies prepare reports on the fund's expenses on quarterly basis.	- Foster transparency by publishing the non-sensitive data on this issue.
3. Shift the focus of the reintegration programme from emergency to sustainable reintegration services;	- Up to now the reintegration fund financed mostly emergency services for returnees.	- To what extent have the returned individuals been integrated into the social and economic life (enrolled students, offered language courses, developed business plans)?	- N/A	- Enhance the capacity of municipalities in offering sustainable reintegration services.
4. Increase the number of beneficiaries from the reintegration programme;	- N/A	- How many people benefited from the reintegration programme?	- N/A	- Improve the assistance offered to the reintegrated individuals.
5. Enhance the role of regional coordinators and municipal reintegration committees in financial decision-making;	- Decentralization of the reintegration process by enhancing the role of municipal reintegration officers in coordination and management of the process. The Ministry of Internal Affairs should enhance the monitoring role regarding this process.	- Are the functions and duties of the regional coordinators for reintegration defined? - Have financial procedures and practices of the municipalities been audited by the General Auditor?	- The Regulation No. 10/2012 on structures, procedures and criteria on reintegration was revised and amended but not yet approved.	- Approve the new regulation. - The performance of the municipal reintegration committees should be monitored on regular bases.
6. Set up a case management system to track returnees' access to reintegration services;	- The assistance given to the returned individuals in Kosovo should be controlled through an information system which allows access and support by other public institutions. This would prevent the repatriated individuals of becoming potential migrants.	- Is the case management system developed?	- The case management system has been developed and the necessary training has been offered. - Regional coordinators have conducted verification visits to monitor the fulfilment of the criteria and procedures of the reintegration regulation.	- The case management system should be put into function and the returned persons' access at the offered services should be verified on regular bases.

### Block I: Document Security

EC's Recommendations	Main Goal	Indicators	Current State	Remaining Challenges
I. Amend the law on personal names to	- The law on personal names allows	- Is the new law on personal names	-A team consisting of experts from	- To ensure the strict

	permit name registrations in the Cyrillic alphabet; ensure the strict application of this law to eliminate fraudulent name changes; verify the identity of all applicants for name changes;	registration only in the Latin alphabet, thus excluding the Cyrillic alphabet in contravention of the constitution. Citizens may change their name once every five years. To do so, they must provide their birth certificate, marriage certificate, if applicable, and a certificate stating that they are not subject to any proceedings.	amended? - Is there any evaluation report on the implementation of the law on personal names?	the Ministry of Internal Affairs and EULEX conducted an analysis on the Law on Personal Names. After it was revealed that there is no need for the Law to be amended, it was recommended that the Cyrillic alphabet should be used during the printing of the personal name.	application of this law to eliminate fraudulent name changes.
2. Amend the secondary legislation on applications for travel documents to ensure that fingerprints are taken from all applicants above the age of twelve;	- To fulfil one of the main standards of the EU in order to prevent child trafficking.	- Has the Administrative Instruction on procedures for applying for passports been amended?	- AI no. 02/2013 was approved on February. It ensures that fingerprints are taken from all applicants above the age of twelve.	- N/A	
3. Ensure the production and issuance of biometric identity cards in full compliance with International Civil Aviation Organisation (ICAO) standards;	- To fulfil the requirements needed for the production and issuance of biometric identity cards.	- Are the technical and legal procedures on the production of the biometric IDs fulfilled? - When will the IDs be issued?	- The company that will produce the biometric IDs has been selected. The technical criteria have also been met in line with transparency procedures.	- The issuance of the biometric identity cards should start as soon as possible.	
4. Put into use the new civil status system; ensure the reliability of the single civil status central registry by improving data quality; updating, cross-referencing and matching all data entries; eliminating inconsistencies between databases; and strengthening audit procedures;	- A civil status system based on European best practices should contain data that are accurate, complete and up-to-date.	- Is the civil status system functional? - Are all discrepancies between databases eliminated?	- Based on the data of Civil Registration Agency from February 2013 Central Civil Registration is functional.	- The discrepancies between databases should be eliminated.	
5. Ensure the integrity of the civil registration process by investigating all corruption cases; implement the code of ethics; vet and train all staff at the civil registration agency, municipal civil status offices and municipal civil registration centres;	- Protection of information and data from potential manipulations of the Civil Status personnel.	- Is there any suspected case of corruption? - Are the training sessions completed?	- During October – November 2012, training was provided to all civil status officials. There is no suspected case reported.	- Evaluate the capacity of the staff and the technical condition of the Civil Status offices at the central and local level. Ensure that there is effective investigation of any corruptive reporting.	

**BLOCK 2: Border and Migration Management**  
**(Border Management)**

	<b>EC's Recommendations</b>	<b>Main Goal</b>	<b>Indicators</b>	<b>Current State</b>	<b>Remaining Challenges</b>
	I. Draft a law on inter-agency cooperation that defines the roles and responsibilities of all public authorities involved in integrated border/boundary management;	- Define the roles and responsibilities of agencies which are part of the Integrated Border Management (IBM).	- Is the new law on inter-agency cooperation adopted?	- The law on inter-agency cooperation has been drafted/approved by the Government and adopted by the Assembly.	- N/A
	2. Amend the definitions and corresponding provisions of the law on border control and surveillance and secondary legislation in line with the Schengen Borders Code;	- Clear potential confusions in the terminology used in the law. Some definitions and provisions appear not to be in line with the Schengen Borders Code. Moreover, the articles governing inter-agency co-operation are too widely defined and do not	- Is the law on border control and surveillance (as to the potential terminology confusions) adopted?	- The law on border control and surveillance has been amended, approved by the Government and adopted by the Assembly.	- N/A

		regulate cooperation in detail.		
3. Ensure the operation of the border management system;	- Kosovo has encountered technical difficulties in the operation of its Border Management System in the North.	- Is there any evaluation of the Border Management System status in Kosovo?	- The technical infrastructure regarding the Border Management System at all border crossing points is functional. There are <i>ad hoc</i> positive evaluations speaking for a solid functionality of this system.	- N/A
4. Conclude agreements in law enforcement cooperation with all neighbouring countries, including operational cooperation and information sharing for the purpose of preventing and combating irregular migration and cross-border crime;	- Increase the cooperation with all neighbouring countries to prevent illegal migration and cross-border crime.	- How many agreements with the neighbouring countries were signed?	- Kosovo has concluded 26 bilateral agreements on IBM with all the neighbouring countries (including Serbia) and other countries, covering the whole range of IBM issues.	- Enhance law enforcement cooperation to prevent irregular migration and cross-border crime.
5. Amend the IBM strategy on the basis of the 2006 Council Conclusions, the Schengen Borders Code and the Schengen Catalogue to cover all key elements of IBM;	- The new Strategy should include accurate objectives and activities which cover all key elements of IBM (legal framework, organization and management, human resources and trainings, infrastructure, agency cooperation, monitoring and reporting, and the budget).	- Are the new Strategy and Action Plan on IBM 2013-2018 adopted (in accordance with the 2006 Council Conclusions, the Schengen Borders Code and the Schengen Catalogue)?	- The new IBM Strategy and Action Plan have been reviewed but not adopted by the Government.	- The new IBM Strategy and Action Plan should be in accordance with the Schengen Borders Code and the Schengen Catalogue, and it should be adopted as soon as possible.
6. In line with the IBM Agreed Conclusions of 2 December 2011 and in a coordinated manner establish the interim and permanent crossing points as scheduled; implement the provisions on law enforcement information exchange, mutual legal assistance and customs information exchange; exchange a liaison person with Serbia;	- N/A	- Are the new interim and permanent crossing points with Serbia established? - Has Kosovo exchanged a liaison person with Serbia?	- The IBM concept is being implemented at the six (6) BCPs with Serbia. - The liaison person with Serbia was appointed and exchanged.	- Continue to implement the Technical Protocol for the implementation of IBM Agreement as agreed on 2 December 2011.
7. In coordination with Montenegro, delineate the mutual border;	- Delineate the mutual border with Montenegro.	- Is the mutual border with Montenegro delineated?	- A working group has been appointed in order to finalise the process of demarcation of the border with Montenegro.	- Finalize the demarcation of the Kosovo-Montenegro border.
8. Explore modalities of cooperation with FRONTEX;	- N/A	- Establish cooperation with FRONTEX.	- The director of the Kosovo Border Police has written to FRONTEX, but more efforts are still on the way.	- Continue to explore modalities of cooperation with FRONTEX, and enhance Kosovo Police readiness to cooperate with the latter.

#### (Migration Management)

EC's Recommendations	Main Goal	Indicators	Current State	Remaining Challenges
I. Amend the list of entry conditions and transport carriers' obligations in the law on foreigners and the law on border control and surveillance in line with the	- The law on foreigners, the law on border control and surveillance and the secondary legislation should be redrafted so that their definitions and	- Are the law on foreigners and the law on border control and surveillance (which should define the list of entry conditions and transport carriers'	- The law for the foreigners and the law on state border control have been amended, approved by the Government and adopted by the	- N/A

	Schengen Borders Code;	core provisions comply with the Schengen Borders Code and EU legislation on legal migration and irregular migration.	obligations) amended and adopted?	Assembly.	
	2. Amend the law on foreigners, the law on border control and surveillance and the corresponding secondary legislation so that visa issuance at border/boundary crossing points is in line with the Visa Code;	- Kosovo's new visa regime will affect 87 countries. The citizens of these countries may obtain visas at Kosovo's consulates, while some may do so at Kosovo's border crossing points. Granting such wide consular powers to the border police is not in line with the Visa Code, which permits the issuance of visas at border-crossing points only under exceptional circumstances.	- Are the law on foreigners and the Law on state border control amended and adopted? - Has the secondary legislation been reviewed?	- The law on foreigners and the law on state border control have been amended in line with the Visa Code and adopted by the Assembly. - Kosovo's new visa regime has started on 1 July 2013.	- The visa regime should become fully functional.
	3. Harmonise the provisions of the law on foreigners and the law on granting a permit for work and employment on work permits and stay permits;	- There exist contradictions regarding the provisions of these two laws. The law on foreigners requires a work permit for issuing a temporary stay permit to foreigners, while the law on granting a permit for work and employment to foreign citizens requires a stay permit for the issuance of a work permit. Moreover, the law on foreigners does not regulate the stay of foreigners who have been victims of trafficking.	- Is the law on foreigners (which requires harmonizing provisions for work permits and stay permits) amended and adopted?	- The law on foreigners has been amended, approved by the Government and adopted by the Assembly.	- N/A
	4. Amend the law on foreigners so that is provisions meet the essential elements of the EU <i>acquis</i> on legal and irregular migration;	- The law should clearly define procedures for a fair and transparent return policy, including provisions on return decisions, removal, entry bans, absconding, voluntary departure and vulnerable persons.	- Is the law on foreigners (which should contain specific rules on the return of vulnerable persons, unaccompanied minors or victims of trafficking, and also be harmonized with the <i>acquis</i> , regarding irregular migration) amended and adopted?	- The law on foreigners has been amended, approved by the Government and adopted by the Assembly.	- N/A
	5. In line with the data protection law, amend the law on foreigners to regulate authorities' processing of, access to and sharing of data on migration and asylum;	- To define the rights of relevant authorities accessing the data regarding migration and asylum.	- Is the law on foreigners (which should regulate data processing in the field of migration and asylum, data access and data sharing among authorities) amended and adopted?	- The law on foreigners has been amended, approved by the Government and adopted by the Assembly.	- N/A
	6. Complete the new migration strategy involving all competent stakeholders, including by developing a migration profile for Kosovo;	- The new strategy should provide a comprehensive framework for migration management, including legal and irregular migration, in line with international best practices.	- Are the new Strategy and Action Plan on Migration adopted?	- The Strategy is being drafted.	- The Migration Strategy should be drafted and adopted.

### (Asylum)

	<b>EC's Recommendations</b>	<b>Main Goal</b>	<b>Indicators</b>	<b>Current State</b>	<b>Remaining Challenges</b>
	I. Amend the law on asylum so that its provisions comply with essential elements	- Various definitions, including those relating to asylum-seekers, vulnerable	- Is the new amended law on asylum in accordance with the EU <i>acquis</i> and the	- The law on asylum has been amended, approved by the	- N/A

	of the EU <i>acquis</i> on asylum and the Geneva Convention;	persons, foreign citizens and stateless persons, are not fully in line with the EU <i>acquis</i> and the Geneva Convention. Moreover the law does not describe the principles of the asylum procedure. All these clashes with the standards need be improved.	Geneva Convention?	Government and adopted by the Assembly.	
	2. Investigate allegations of corruption in the management of asylum facilities and rental accommodation for returnees;	- The department of citizenship, asylum and migration in the Ministry of Internal Affairs (MIA) faced a number of allegations of corruption in managing asylum facilities and rental accommodation for returnees. There should be investigation of all those cases.	- Have financial procedures and practices been audited by the Internal Auditor of MIA?	- N/A	- Investigate all case of corruption in the management of asylum facilities.
	3. Explore modalities of cooperation with EASO;	- N/A	- Has the cooperation with EASO started?	- MIA sent a request for cooperation to EASO. No follow up reported to date.	- Explore avenues of cooperation with EASO, and increase insistence for such cooperation.

### BLOCK 3: Public Order and Security

#### (Preventing and combating organised crime, corruption and terrorism)

	EC's Recommendations	Main Goal	Indicators	Current State	Remaining Challenges
	1. Implement the reform of the criminal justice system in a manner that improves the independence, effectiveness, accountability and impartiality of the judiciary, including by devoting sufficient resources to operating the new court system;	- The core condition to enhance efficiency, independence, accountability and impartiality of the judicial system is to correctly implement the law on courts, the law on prosecution, the criminal code and the code of criminal procedure.	- Has the number of persecutors, judges and supporting staff increased?	- The number of judges until the end of 2012 was 349. Due to retiring/death, the number of judges until August 2013 has decreased to 339 or by 2.9%. The number of prosecutors still remains the same as in 2012, amounting to 124.	- Continue to implement the reform of the criminal justice system.
	2. Prevent political interference in the investigation, prosecution and adjudication of crimes; ensure the transparent recruitment, vetting and appointment of judges and prosecutors; enforce disciplinary action in all corruption cases in the judiciary;	- N/A	- Are the recruitment of judges, prosecutors and supporting staff transparent?	N/A	- Impose disciplinary actions in all corruption cases in the judiciary, and install a performance auditing system for all judges and prosecutors.
	3. Reduce the backlog of pending court cases;	- N/A	- Percentage of reduction in pending cases.	The three year backlog of pending cases needs to be reduced by 40% per each calendar year.	- Reduce the backlog of pending court cases.
	4. Clarify the provisions of the criminal code concerning corruption offences; align its provisions on the expulsion of foreigners with the law on foreigners; incorporate in the provisions on criminal records information exchange;	- N/A	- Is there any legislative opinion regarding the clarity of the provisions of the criminal code?	- N/A	- Clarify the provisions of the criminal code, either through the revision of the law or through a unified opinion of the Supreme Court.
	5. Clarify several provisions of the code of criminal procedure, including its	- N/A	- Is there any legislative opinion regarding the clarity of the provisions	- N/A	- Clarify the provisions of the code of criminal

transitional provisions and those on pre-trial witness testimony so as not to curtail the admissibility of evidence;		of the code of criminal procedure?		procedure, either through the revision of the law or through a unified opinion of the Supreme Court.
6. Consider conducting a general review of the functioning of the restructured criminal justice system in the second half of 2013, including an assessment of the implementation of the law on courts, the law on prosecution, the criminal code and the code of criminal procedure;	- Assessing the impact the criminal justice system reform, to build indicating results and better shape the reform in the future.	- Is there any assessment report (between law enforcement institutions)?	- A general review of the functioning of the restructured criminal justice system will be conducted during the second half of 2013.	- Conduct the general review of the functioning of the restructured criminal justice system, and build upon its results.
7. Establish a track record of investigations, prosecutions and final court rulings in cases concerning organised crime and corruption, including drug trafficking, trafficking in human beings, arms trafficking and money-laundering;	- The implementation of activities against organized crime and corruption need be improved through the establishment of a joint track record mechanism.	- Are the statistical reports within the law enforcement institutions unified?	- Steps have been taken in order to establish a track record of investigations among all institutions.	- Finalise the establishment of the track record of investigations, and use it as a tool to measure the performance of the system.
8. Maintain the exclusive and subsidiary competences of the Special Prosecution;	- To maintain the exclusive and subsidiary competences of the Special Prosecution.	- Have the exclusive and subsidiary competences of the Special Prosecution been retained?	- The exclusive and subsidiary competences of the Special Prosecution have been preserved.	- N/A
9. Consider future amendments to the legislation on the prevention of money laundering and terrorist financing on specialised training and statistical indicators;	- Increase the institutional efficiency in prevention of money laundering.	- Has there been drafted secondary legislation related to training and statistical indicators?	- N/A	- N/A
10. Adopt the draft law establishing extended powers for the confiscation of assets;	- N/A	- Is the law on extended powers for confiscation of assets acquired by criminal offence adopted?	- The law on extended powers for confiscation of assets acquired by criminal offence has been adopted.	- N/A
11. Draft a law on trafficking in human beings;	- Increase the fight against the current state wherein Kosovo remains a place of origin and transit for victims of trafficking.	- Is the law on trafficking in human beings adopted?	- A new draft-law on trafficking in human beings has been drafted, approved by the Government and adopted by the Assembly.	- N/A
12. Implement the law on public procurement;	- Fighting public procurement abuses, as they continue to be one of the main corruption concerns in Kosovo.	- What is the number of law-violation cases?	- N/A	- Investigate all public procurement violation cases, adding that there are no clear reported data on this sector.
13. Amend the law on political party financing in a manner that strictly regulates donation rules and clarifies the reporting obligations of political parties;	- Ban or strictly regulate the donations from legal entities which provide public services.	- Is the law on financing political party amended and adopted?	- The law on financing political party has been amended, approved by the Government and adopted by the Assembly.	- N/A
14. Adopt the secondary legislation necessary for implementing the law on the police and the law on the police inspectorate;	- Secondary legislation is necessary for the full implementation of the law on police and police inspectorate.	- Is the secondary legislation drafted and adopted?	- The secondary legislation implementing the law on Police and Police Inspectorate has been completed.	- Secondary legislation for the implementation of the law on Police and Police Inspectorate should be implemented.
15. Ensure that future legislation on	- Ensure that the law on interception	- Is the law on interception of	- The law on interception of	- The draft-law on

interception distinguishes clearly between judicial interception and interception for intelligence services, in line with European best practices, while the provisions on data retention for law enforcement purposes comply with the EU <i>acquis</i> on data retention;	is not misused and complies with human rights standards.	telecommunication adopted?	telecommunication has been drafted, but failed to meet the basic standards in this field.	interception of telecommunication should conform to the EU <i>acquis</i> and be adopted by the Assembly.
16. Adopt the secondary legislation necessary for implementing the law on witness protection; implement the international agreement for witness relocation;	- The implementation of the law on witness protection requires secondary legislation on issues such as a change of identity, budgetary provisions, safe house requirements and questionnaires for victims.	- Draft/adopt secondary legislation in the field of witness protection. - Allocated budget for witness protection.	- The AI on Change of Identity of Protected Persons, the AI on Management of the Witness Protection Fund and Rules of Procedure of the Witness Protection Committee have been adopted.	- Continue to implement the international agreements for witness relocation.
17. Clarify the roles and responsibilities of all anti-corruption bodies in Kosovo; consider whether additional resources are necessary for the anti-corruption agency to discharge its duties;	- The overlapping roles and responsibilities of the anti-corruption bodies should be clarified.	- Is there any evaluation report on the roles and responsibilities of all anti-corruption bodies in Kosovo?	- N/A	- Estimate if the anti-corruption agency needs additional resources in order to fight corruption, and provide a feasibility study to find the current institutional gaps that are hindering the fight against corruption.
18. Implement all strategies and action plans in the field of public order and security, including the new strategies and action plan against organised crime and corruption;	- Fully implement all strategies and action plans in the field of public order and security in order to prevent and combat organised crime and corruption.	- Is there any assessment report on the implementation of the strategies?	- N/A	- Continue to implement all strategies and action plans in the field of public order and security, and draft an independent report that identifies the status of performance of the responsible institutions in this field.

#### (Law enforcement co-operation)

EC's Recommendations	Main Goal	Indicators	Current State	Remaining Challenges
I. Conclude law enforcement cooperation agreements with interested neighbouring countries and EU MS, potentially covering the exchange of strategic and operational data, including criminal records, in line with data protection rules;	- To increase law enforcement cooperation with neighbouring countries and EU MS.	- How many agreements have been initiated and signed?	- Kosovo has signed agreements for police cooperation with Austria, Sweden, Croatia, Albania, and Macedonia. The agreements with Turkey, Switzerland, Estonia and Italy are at the last stage of negotiation.	- Implement the existing agreements and, where appropriate, conclude new agreements.
2. Step up operational law enforcement cooperation with interested neighbouring countries and EU MS;	- Enforce the strategic and operational law enforcement cooperation with neighbouring countries and EU MS.	- Institutionalize the exchange of intelligence information and joint police investigations with neighbouring countries and EU MS.	- The Department for International Legal Cooperation, during the first half of 2013, has received and processed a total of <b>3770</b> requests and responses regarding the open and new cases.	

				organize crime through regional cooperation.
3. Consider concluding a technical arrangement with EULEX on the exchange of criminal information and intelligence;	- Improve the exchange of information with EULEX to prevent crime.	- Has the technical agreement with EULEX been signed?	- The agreement regarding intelligence information exchange with EULEX has been concluded.	- N/A
4. Explore modalities of cooperation with EUROPOL, INTERPOL and regional law enforcement cooperation organisations;	- To increase the opportunity of cooperation with European and international organisations.	- Number of joint operational meetings. - Number of parallel investigation.	- N/A	- Initiate direct contact with EUROPOL and INTERPOL, and show readiness to fight organized crime through regional perspectives.

<b>(Judicial co-operation in criminal matters)</b>					
<b>EC's Recommendations</b>	<b>Main Goal</b>	<b>Indicators</b>	<b>Current State</b>	<b>Remaining Challenges</b>	
1. Amend the law on international legal cooperation in line with the relevant EU <i>acquis</i> and Council of Europe conventions; consider ratifying all the relevant Council of Europe conventions in the area of mutual legal assistance in criminal matters;	- N/A	- Is the law on international legal cooperation amended?	- The law on international legal cooperation has been amended, approved by the Government and adopted by the Assembly.	- N/A	
2. Conclude agreements on mutual legal assistance in criminal matters with interested neighbouring states and EU MS;	- To enhance the cooperation with neighbouring countries and EU MS.	- How many new agreements have been signed?	- The agreement with Germany is at the last stage of negotiation, whereas the agreements with Croatia, Montenegro and Slovenia are in the process of negotiation.	- Implement the existing agreements and, where appropriate, conclude new agreements.	
3. Explore modalities of cooperation with EUROJUST;	- Exchange of information to prevent organized crime.	- Is the cooperation request to EUROJUST submitted?	- The Ministry of Justice has submitted a formal request for cooperation with EUROJUST.	- Explore other modalities of cooperation with EUROJUST.	

<b>(Data protection)</b>					
<b>EC's Recommendations</b>	<b>Main Goal</b>	<b>Indicators</b>	<b>Current State</b>	<b>Remaining Challenges</b>	
1. Clarify the scope of restrictions applying to data subjects' right of access to and their right to supplement, correct or delete personal data;	- Monitor the implementation of the restrictions regarding the personal data accesses.	- What is the scope of these restrictions?	- N/A	- Improve the legal framework regarding the restrictions on data access, by offering institutional monitoring to such restrictions.	
2. Implement the data protection law and its secondary legislation;	- Full implementation of the data protection legislation.	- Is there any assessment report regarding the implementation of the law on data protection?	- N/A	- The law on data protection and its secondary legislation should be fully implemented.	
3. Implement the provisions of the data	- The formal aspects of independence	- Has the independence of the chief	- There is no sufficient evidence	- The chief supervisor of	

	protection law guaranteeing the independence of the chief supervisor of the data protection agency;	of the chief supervisor of the agency are legally guaranteed: these provisions must be implemented in practice.	supervisor of the data protection agency been guaranteed?	that shows that the Agency acts on independent action.	the data protection agency should be independent, and there should be given evidence that the agency does not act on partisan control.
	4. Ensure that the data protection agency is consulted on all future draft legislation concerning the processing of personal data;	- Guaranteeing the data protection agency mandate and its independence.	- Has the data protection agency been consulted regarding the draft legislation on data protection?	- The data protection agency has been consulted prior to the adoption of legislative and administrative measures relating to the processing of personal data; more specifically, in thirteen draft laws and regulations; but was not consulted prior to the adoption of the law on police or the new criminal code of procedure.	- The data protection agency should be consulted on continues basis, and be given credible importance to its concerns.

#### BLOCK 4: Fundamental Rights related to the Freedom of Movement

	EC's Recommendations	Main Goal	Indicators	Current State	Remaining Challenges
	1. Amend the anti-discrimination law to strengthen its sanction mechanism; enforce the anti-discrimination framework for women, members of the LGBT community and people with disabilities;	- Enforce the legal framework on anti-discrimination and gender equality.	- Does the law determine a sanction mechanism? - Have Kosovo institutions implemented/organized Anti-discrimination awareness campaigns?	- N/A	- Adopt the new anti-discrimination law and organize awareness campaigns for anti-discrimination.
	2. Amend the law on foreigners to enhance the socio-economic integration of refugees; amend the law on citizenship to ease refugees' acquisition of citizenship;	- Improve socio-economic integration of refugees in Kosovo.	- Is the law on foreigners amended? - Is the law on citizenship amended?	- The laws on citizenship and on foreigners have been amended, approved by the government and adopted by the Assembly.	- N/A
	3. Draft a new strategy and action plan on human and fundamental rights;	- To strengthen the structures established at the central and local level and to protect the fundamental human rights.	- Have the Strategy and the Action Plan on human and fundamental rights been drafted?	- The Strategy and Action Plan on human and fundamental rights are in the drafting process.	- Draft and adopt the Strategy and Action Plan on human and fundamental rights
	4. Implement and enforce the strategy and action plan on the integration of the Roma, Ashkali and Egyptian (RAE) minorities;	- The strategy on integration of the RAE communities is not implemented completely due to the weak capacity of municipalities.	- Is there any assessment report on the implementation of the strategy on the integration of the RAE minorities?	- N/A	- Ensure the full implementation of the strategy and action plan.
	5. Implement in coordination with Serbia the agreement on the freedom of movement;	- Ensure free movement of all citizens within the territory, in particular in north Kosovo.	- Is there any assessment report on the implementation of the agreement on the freedom of movement?	- The implementation of the agreement is being monitored by EULEX authorities.	- Ensure free movement of all citizens within the Kosovo's territory.
	6. Investigate and prosecute all ethnically motivated crimes;	- N/A	-Number of ethnically motivated crime investigated.	- Kosovo Police has taken all necessary measures to prevent and combat potential ethnically motivated crimes. From January to April 2013, KP has investigated eight cases with potential interethnic motives.	- Continue the investigation and prevention of ethnically motivated crimes.
	7. Ensure the functioning of municipal	- Establish and start with the	- Is the Strategy and Action Plan for	- In some municipalities, the	- Municipal community

	community safety councils throughout Kosovo.	functioning of municipal community safety councils.	community safety being implemented?	community safety councils were established. Many others have not.	safety councils should be established and made functional throughout Kosovo.
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**Table II**  
**(General assessment of the accomplishment of the visa liberalization Roadmap benchmarks)**  
**(June 2012-August 2013)**

<b>Requirements related to Readmission</b>		
<b>Benchmarks</b>	<b>Assessment of the EC<sup>4</sup></b>	<b>Remaining Challenges</b>
<b>Readmission</b>	<ul style="list-style-type: none"> <li>- Kosovo has made good progress towards the fulfilment of the requirements related to readmission. The legal framework that regulates readmission consists of a law on readmission and secondary legislation. Moreover, Kosovo has concluded readmissions agreement with 17 countries.</li> <li>- However, commission list several recommendations (table I. column I).</li> </ul>	<p>Kosovo Institutions should:</p> <ol style="list-style-type: none"> <li>1. Continue negotiating readmission agreements with EU Member States (MS), main transit countries, and countries of origin of irregular migration to Kosovo;</li> <li>2. Increase technical capacity to effectively manage and monitor the readmission process. Improve the cooperation on readmission among Kosovo institutions, as well as effectively respond to the readmission requests from all MS. Report on the regular basis to the MS, the EC and EULEX.</li> </ol>
<b>Requirements related to Reintegration</b>		
<b>Benchmarks</b>	<b>Assessment of the EC</b>	<b>Remaining Challenges</b>
<b>Reintegration</b>	<ul style="list-style-type: none"> <li>- Kosovo has improved its integration policy. It has revised the strategy and the action plan for integration and has supported the process by a reintegration fund, which finances emergency services for returnees. Moreover, a regulation clarifies the roles and responsibilities of national and municipal authorities involved in the reintegration process.</li> <li>- However, commission list several recommendations.</li> </ul>	<p>Kosovo Institutions should:</p> <ol style="list-style-type: none"> <li>1. Increase capacities of DCAM and the Ministry of Interior to conduct periodic and independent assessments of the capacities and performance of municipalities in the reintegration of repatriated persons, and enhance the capacities of municipalities to utilize the reintegration fund;</li> <li>2. Shift the focus of the reintegration programme from emergency to sustainable reintegration services;</li> <li>3. Set up a case management system to track returnees' access to reintegration services and exchange detailed information and statistics on readmission with MS, EC and EULEX.</li> </ol>
<b>BLOCK I: Document Security</b>		
<b>Benchmarks</b>	<b>Assessment of the EC</b>	<b>Remaining Challenges</b>
<b>Personal travel documents, ID cards and breeder documents</b>	<ul style="list-style-type: none"> <li>- Kosovo has adopted the law on travel documents, the law on identity cards and secondary legislation lay down the rules and procedures for obtaining travel documents and ID cards in line with International Civil Aviation Organisation (ICAO) standards. The law on civil status, supported by secondary legislation, regulates civil registration and the issuance of breeder documents. From October 2011, Kosovo start issuing biometric travel documents.</li> <li>- However, commission list several recommendations.</li> </ul>	<p>Kosovo Institutions should:</p> <ol style="list-style-type: none"> <li>1. Start issuing biometric identity cards in accordance with the law on biometric ID-s;</li> <li>2. Improve the technical infrastructure (provide databases) in order to ensure protection of sensitive personal data and efficient exchange of such information with law enforcement agencies;</li> <li>3. Continue to inform MS on the number of issued passports/ID cards and explore formal modalities to regularly inform Interpol/LASP offices on lost and stolen passports;</li> <li>4. Continue anticorruption training programs for officials involved in the civil registration, application and distribution process.</li> </ol>
<b>BLOCK 2: Border and Migration Management</b>		
<b>Benchmarks</b>	<b>Assessment of the EC</b>	<b>Remaining Challenges</b>
<b>a. Border/Boundary Management</b>	<ul style="list-style-type: none"> <li>- The law on border control and surveillance covers most of the provisions laid down in the Schengen Borders Code. However, some definitions and some of its provisions are not in line with this code.</li> <li>- All Kosovo authorities involved in border/boundary management have recently developed their risk analysis systems, with the border/boundary management centre starting to</li> </ul>	<p>In cooperation with EULEX and KFOR, Kosovo Institutions should:</p> <ol style="list-style-type: none"> <li>1. Adopt and implement the revised IBM Strategy and Action Plan, in accordance with the experts opinion;</li> <li>2. Delineate the border with Montenegro.</li> <li>3. Advance human and technical capacity of border agencies to operate in compliance with European standards on IBM (in particular the Food and Veterinary Agency);</li> <li>4. Ensure an operational/effective application of the border</li> </ol>

<sup>4</sup> Report from the Commission to the European Parliament and the Council on progress by Kosovo in fulfilling the requirements of the visa liberalisation roadmap, February 2013.

	<p>play a key role in risk management. The border/boundary management centre is the only cooperation body whose roles and responsibilities are adequately regulated by the law on border control and surveillance and secondary legislation.</p> <p>Law enforcement cooperation with neighbouring countries improved in 2012. In 2012, Kosovo and Serbia, with EU facilitation, made substantial progress in implementing the IBM Agreed Conclusions of 2 December 2011.</p> <ul style="list-style-type: none"> <li>- However, commission list several recommendations.</li> </ul>	<p>management system;</p> <ol style="list-style-type: none"> <li>5. Continue to implement the Technical Protocol for the implementation of the IBM with Serbia as agreed on 2 December 2011;</li> <li>6. Establish efficient mechanisms to prevent corruption, and increase the capacities of the IBM agencies to efficiently perform risk analysis and to detect cross-border crime;</li> <li>7. Regularly utilize data from IBM agencies in compliance with the provisions of the Law on Protection of Personal Data;</li> <li>8. Keep accurate data on border control measures and share such data with MS, EC and EULEX;</li> <li>9. Explore modalities of cooperation with FRONTEX.</li> </ol>
<b>b. Carriers' responsibility</b>	<p>- N/A</p>	<p>Kosovo Institutions should:</p> <ol style="list-style-type: none"> <li>1. Adopt and implement measures defining the liability of carriers, including financial penalties, to return third-country nationals who do not meet the conditions of entry to Kosovo.</li> </ol>
<b>c. Migration Management</b>	<ul style="list-style-type: none"> <li>- The law on foreigners regulates a number of issues related to the issuance of visas, legal migration and irregular migration. Given its wide scope, it only partly complies with the EU <i>acquis</i>. The criminal code contains provisions on the smuggling of migrants, with appropriate sanctions, defining this crime as an action to obtain financial or material benefits from a foreigner's illegal entry to Kosovo. It also provides sanctions for persons who intentionally assist a foreigner's illegal entry to Kosovo.</li> <li>- However, commission list several recommendations.</li> </ul>	<p>Kosovo Institutions should:</p> <ol style="list-style-type: none"> <li>1. Approve the new National Strategy on Migration;</li> <li>2. Regularly implement awareness campaigns on prevention of illegal migration;</li> <li>3. Fully implement the visa policy of Republic of Kosovo for foreign citizens entering into Kosovo;</li> <li>4. Create an accurate database with the number of foreign citizens staying in Kosovo (data on migration dynamics), and share such data with MS, EC and EULEX, as well as ensure access to such data for all authorities involved in migration management, in accordance with domestic data protection requirements;</li> <li>5. Create an appropriate procedure for an efficient deportation and expulsion of citizens from third countries that are found staying illegally in Kosovo;</li> <li>6. Explore avenues of cooperation with regional initiatives on migration, asylum and refugees.</li> </ol>
<b>d. Asylum</b>	<ul style="list-style-type: none"> <li>- The law on asylum regulates the qualification and status of applicants for international protection, material reception conditions and asylum procedures in Kosovo. It does not fully comply with the EU <i>acquis</i> and the 1951 Geneva Convention. The needs of vulnerable persons are not properly addressed. There are no clear provisions on the rights and obligations of refugees and persons under subsidiary or so-called 'temporary protection,' and several basic principles are not listed in the law,</li> <li>- The commission list several recommendations.</li> </ul>	<p>Kosovo Institutions should:</p> <ol style="list-style-type: none"> <li>1. Further align the legal framework on asylum to international and EU standards;</li> <li>2. Ensure the independence and sustainability, and increase the capacities of the concerned institutions to assess the needs of potential beneficiaries of the voluntary return process and asylum seekers, and adopt formal operational procedures for the deportation/expulsion of rejected asylum seekers;</li> <li>3. Keep accurate data on the number of asylum seekers and their status, as well as report them efficiently to MS, EC and EULEX authorities;</li> <li>4. Explore avenues of cooperation with EASO.</li> </ol>

### BLOCK 3: Public Order and Security

Benchmarks	Assessment of the EC	Remaining Challenges according GLPS
<b>a. Preventing and combating organised crime, corruption and terrorism</b>	<ul style="list-style-type: none"> <li>- Kosovo overhauled its criminal justice system in 2012, with a new law on courts, a new law on prosecution, a new criminal code and a new code of criminal procedure entering into force on 1 January 2013. The laws on the Judicial Council and the Prosecutorial Council entered into force in 2011. These six pieces of legislation complement the law on Special Prosecution, which sets out the exclusive and subsidiary competences of special prosecutors in charge of investigating and prosecuting, <i>inter alia</i>, organised crime, corruption and terrorism.</li> <li>A new criminal code was adopted in April 2012 and entered into force in January 2013. It contains provisions, <i>inter alia</i>, on the smuggling of migrants, trafficking in human beings, the</li> </ul>	<p>Kosovo Institutions should:</p> <ol style="list-style-type: none"> <li>1. Prevent political interference in the investigation, prosecution and adjudication of organized crime and corruption;</li> <li>2. Implement the reform of the criminal justice system in a manner that improves the independence, effectiveness, accountability and impartiality of the judiciary, and devote/allocate sufficient resources to make fully operational the new court system;</li> <li>3. Increase the capacities of Kosovo institutions to ensure the proper delegation of competences to fight financial crime from EULEX to local authorities;</li> <li>4. Increase the efficiency of relevant institutions and perform proactive investigations in the field of inexplicable wealth, as well as make the Agency on Confiscated and Sequestered Property Management functional;</li> </ol>

	<p>production and trafficking of drugs, organised crime, corruption and arms trafficking. A new code of criminal procedure was adopted on 22 December 2012 and entered into force on 1 January 2013.</p> <p>Kosovo has established a legislative and institutional framework to combat organised crime and corruption, but cooperation between the police, customs and prosecutors in investigating and prosecuting such crimes should further improve.</p> <p>The legal and institutional framework to combat the trafficking of drugs and precursors is in place. However, the resources to implement Kosovo's anti-drug policy are insufficient, and an intelligence-led approach is lacking.</p> <p>The legal and institutional framework against trafficking in human beings is under development. Kosovo remains a place of origin and transit for victims of trafficking.</p> <ul style="list-style-type: none"> <li>- However, commission list several recommendations.</li> </ul>	<ol style="list-style-type: none"> <li>5. Increase the capacities of judges, prosecutors, and Kosovo Police to conduct investigations, prosecute and adjudicate, in an impartial and effective manner, complex cases of organised crime, corruption, economic and financial crime and terrorism;</li> <li>6. Establish a track record of investigations, prosecutions and final court rulings in cases concerning organized crime and corruption, including drug trafficking, trafficking in human beings, arms trafficking and money-laundering;</li> <li>7. Improve collaboration, coordination and information exchange between the police, prosecution services and courts;</li> <li>8. Establish a functional system on witness protection;</li> <li>9. Reduce the backlog of pending court cases and ensure efficient implementation of court decrees/verdicts;</li> <li>10. Increase the efficiency of institutions to prevent corruption, detecting and preventing conflicts of interest of public officials, verification of their property, and ensure the transparency of political party financing;</li> <li>11. Ensure that the draft-law on interception makes a clear distinction between judicial interception and interception for intelligence services, in line with European best practices, while the provisions on data retention for law enforcement purposes have to comply with the EU <i>acquis</i> on data retention;</li> <li>12. Implement the following strategies and their respective action plans: a) National Strategy against Organized Crime 2012-2017, b) National Anti-Drug Strategy 2012-2017, c) National Anti-Terrorism Strategy 2012-2017.</li> <li>13. Prepare and share reports and detailed statistics on investigation, prosecution and judgment of cases of organized crime and corruption, and inform competent authorities of MS, EC and EULEX.</li> </ol>
<b>b. Law enforcement co-operation</b>	<ul style="list-style-type: none"> <li>- Kosovo has concluded police cooperation agreements with Austria, Sweden, Croatia, Albania and the former Yugoslav Republic of Macedonia; agreements on combating trafficking in human beings with France and the former Yugoslav Republic of Macedonia; a security cooperation with Germany; and an agreement to combat organised crime and irregular migration with Hungary.</li> <li>Kosovo established an international law enforcement cooperation unit (ILECU) in 2011. This unit, seeks to facilitate strategic and operational cooperation with the law enforcement authorities of neighbouring countries and EU MS</li> </ul>	<p>Kosovo Institutions should:</p> <ol style="list-style-type: none"> <li>1. Increase border police investigation capacities on the identification of cross border crime;</li> <li>2. Increase and ensure collaboration with MS in the field of joint operations and inform them on a regular bases, in particular by finding the proper institutional communication channels with EUROPOL or EMCDDA;</li> <li>3. Increase cooperation with regional initiatives on law enforcement cooperation.</li> </ol>
<b>c. Judicial co-operation in criminal matters</b>	<ul style="list-style-type: none"> <li>- Kosovo has concluded agreements on mutual legal assistance with Croatia, the former Yugoslav Republic of Macedonia and Turkey; agreements on extradition with the former Yugoslav Republic of Macedonia and Turkey; and agreements on the transfer of sentenced persons with Belgium, Switzerland, the former Yugoslav Republic of Macedonia and Turkey. Negotiations with Germany, Italy and Albania on mutual legal assistance, extradition and the transfer of sentenced persons have been completed. In addition to these bilateral agreements, the law on international legal cooperation provides a legal basis for mutual legal assistance with third countries.</li> </ul>	<p>Kosovo Institutions should:</p> <ol style="list-style-type: none"> <li>1. Ensure implementation of the current legislation for international juridical collaboration on criminal matters;</li> <li>2. Examine and recommend collaboration methods with EUROJUST;</li> <li>3. Keep accurate records on the number of judicial collaborations and share such information with relevant authorities of MS, EC and EULEX.</li> </ol>
<b>d. Data protection</b>	<ul style="list-style-type: none"> <li>- The right to the protection of personal data is safeguarded by the constitution, the law on access to official documents and the law on</li> </ul>	<p>Kosovo Institutions should:</p> <ol style="list-style-type: none"> <li>1. Implement the data protection law and the secondary legislation;</li> <li>2. Ensure the independence of relevant institutions on data</li> </ol>

	personal data protection. Further data protection rules are set out in the law on the classification of information and security clearance. A regulation on the data protection agency and secondary legislation on assessing the officials of the data protection authority seek to implement this legal framework.	protection.
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#### **BLOCK 4: Fundamental Rights related to the Freedom of Movement**

Benchmarks	Assessment of the EC	Remaining Challenges
<b>a. Freedom of movement</b>	- N/A	Kosovo Institutions in cooperation with EULEX and KFOR should: 1. Ensure free movement of all citizens within the territory of Kosovo, in particular in the North of Kosovo.
<b>b. Conditions and procedures for issuing identity documents</b>	- The legal framework supporting minorities' access to travel and identity documents, including civil registration, is satisfactory, but implementation remains limited.	Kosovo Institutions should: 1. Supply with identification documents RAE communities and approve facilitating measures to achieve such aim.
<b>c. Human rights and respect for and protection of minorities</b>	<ul style="list-style-type: none"> <li>- Kosovo has a solid legal framework for the protection of human and fundamental rights. There are a large number of institutions and authorities at different levels of government with responsibilities relating to the implementation of such rights.</li> <li>- Kosovo has a legal framework guaranteeing anti-discrimination, including a gender equality law, an anti-discrimination law, a law regarding the employment of persons with disabilities and an ombudsman law. However, there has been limited progress in the area of social inclusion, including anti-discrimination.</li> </ul>	Kosovo Institutions should: 1. Draft and adopt the strategy and action plan on human rights; 2. Complete the legal framework on human rights and the protection of communities; 3. Continue to ensure effective integration of persons from RAE communities.



## **POLICY NOTES**

Policy Notes provide short, concise, timely, informative, and policy oriented analysis on specific issues. Policy Notes are short papers which outline the rationale for choosing a particular policy alternative of action in a current policy/issue debate. They are commonly published in response to a specific event and advocate for the professional stand of the Group for Legal and Political Studies. Indeed, the Policy Note is an action and advocacy-oriented document, which provides arguments for the adoption/amendment of a particular policy choice. Policy Notes aim to influence the target audience on the significance/implications/solutions of the current problem, and therefore brings recommendations to policy-makers, civil society and media, and the general public.