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Report from
Group for Legal
and Political Studies

Rule of Law Performance Index in Kosovo

ROLPIK

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6TH EDITION

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British Embassy
Pristina



Group for Legal
and Political
Studies

**Rule of Law Performance Index in Kosovo
6th edition**

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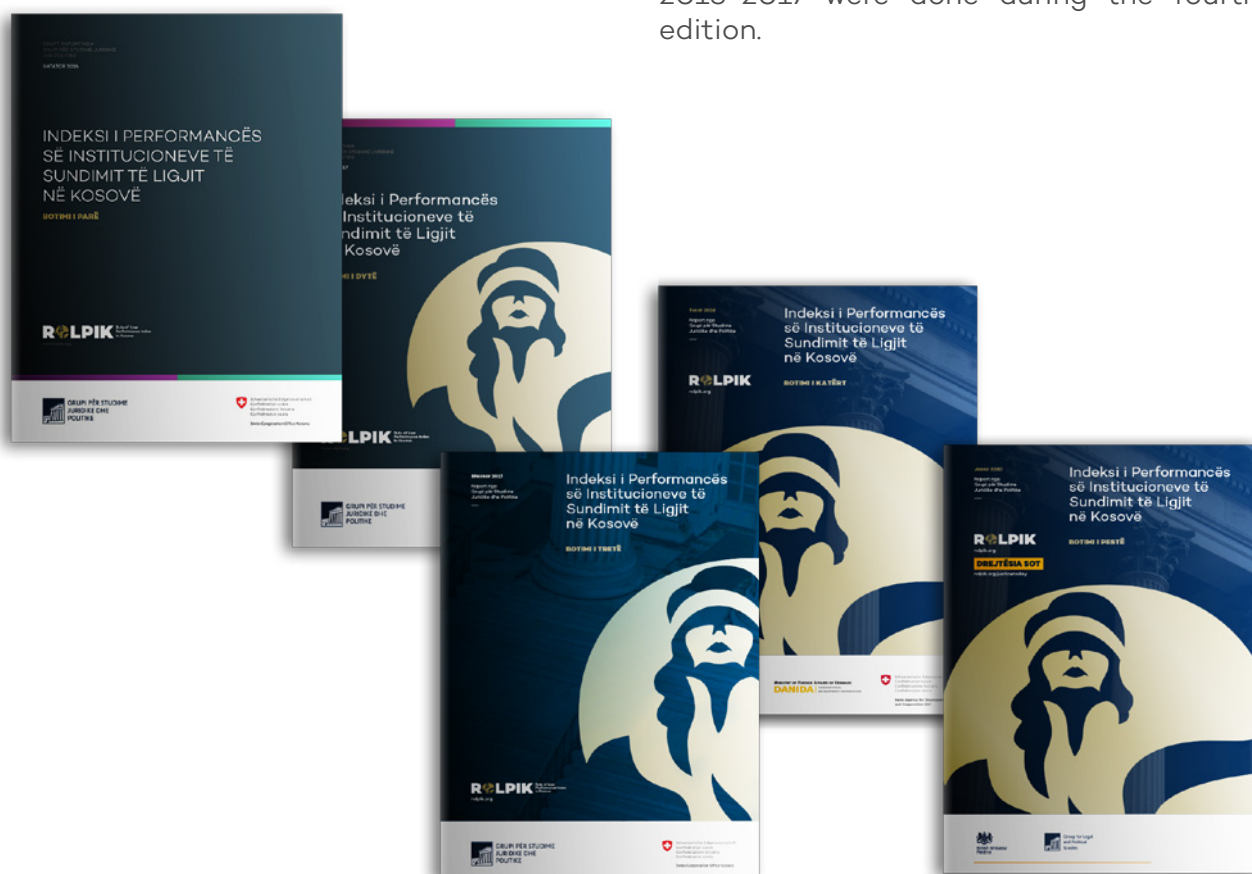
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INTRODUCTION

The performance index of rule of law institutions in Kosovo (RoLPIK) is a monitoring mechanism designed to assess the performance of institutions, with a particular focus on the justice system in Kosovo. RoLPIK serves as an open access platform, accessible to the general public, where each year the performance of the justice system institutions in Kosovo is analyzed and reflected over years. This index contains indicators that provide data about the perceptions and experiences of Kosovo citizens with the rule of law institutions, as well as structural data that provide the reasons that condition efficient and independent functioning of these institutions.

The first edition of the performance index analyzed citizens' perception about justice institutions, and focused mainly on measuring courts' efficiency. The second index conducted assessed the performance of the prosecutorial system 2013-2015, while continuously analyzing the data on citizen perception about responsible institutions for the rule of law conducted during June 2016. The third edition conducted during June 2017, continued with the measurements of public perception as well as the performance of the justice system in investigating, adjudicating and resolving cases during the years 2013-2016. Whereas, the analysis of citizen perception data after the fourth survey conducted in June 2018, and the measurement of the performance of the justice system in relation to investigating, adjudicating and resolving cases during 2013-2017 were done during the fourth edition.



The fifth edition aimed to analyze the data of the civil perception from the survey that had been conducted in September 2019, as well as to measure the performance of the justice system during 2018, by comparing these data with those from previous years.

Whereas, the sixth edition, aims to analyze the data of public perception from the survey conducted during September, 2020. Also, this publication aims to measure the performance of justice system institutions during 2019, comparing this data with previous years.

Public perception means the impression of the citizens of a country about certain institutions, in this specific case of the institutions that have been established to implement legal norms, therefore this indicator is considered very important in the assessment of the state authorities' performance. In this regard, it should be mentioned that the justice system in Kosovo has been constantly characterized by various initiatives and reforms that have largely resulted in legislative changes, creation of new mechanisms or their abolition, as well as the rearrangement of competences within several institutions. The latter have been characterized as changes that have failed to address the problems at their core, such as the serious shortcoming the justice system has in ensuring justice, independence, impartiality from political actors and the lack of professionalism prevalent in these institutions. Part of this cycle of reforms were the two initiatives of the Ministry of Justice, which took place during 2018 - 2019, with the main aim of restoring citizens' confidence in justice.

These are the "Justice 2020" agendas and the "Functional Review of the Justice Sector" which were parallel reforms launched by the Ministry of Justice, but due to the collapse of the Government, they have not been finalized yet. Moreover, the justice system overtook the January 2013 reform to form a new system of courts and prosecution offices throughout the Republic of Kosovo. The Law on Courts defines this system, consisting of the Supreme Court with its Special Chamber, as the highest judicial instance and with jurisdiction throughout the territory of the Republic of Kosovo; with the Court of Appeals as a second instance court, with jurisdiction throughout the territory; the Basic Courts, as courts of first instance distributed in seven regions, divided into further divisions and departments. The new prosecutorial system, the State Prosecutor's Office is organized by the Office of the Chief State Prosecutor as the highest instance with jurisdiction throughout territory of the Republic of Kosovo; the Appeals Prosecution as a second instance, also with a competence throughout the territory; Special Prosecution as a specialized prosecutorial body with jurisdiction throughout the territory of the Republic of Kosovo and Basic Prosecutions in the seven regions of Kosovo, divided into departments. Therefore, given the high number of reforms carried out in this sector, this report, through this index, enlightens the individual's experience with these institutions and assesses their performance through case resolution, aiming to use this data in the future for a complete functioning of the justice system, hoping that future reforms applied in this sector will begin once the findings of this type of study are taken into account and do not remain just as blanco reforms.

METHODOLOGY

This report is based on a primary data such as public perception and those secondary official reports from the responsible and managing bodies of the justice system in Kosovo. Primary data include citizens' survey of the Republic of Kosovo during September 2019, conducted in cooperation with UBO Consulting. The sample selected for this survey consists of 1056 respondents over the age of 18 years across the territory of Kosovo with Albanian (972), Serbian (43) and members of other communities (41). The sample was then weighted, to reflect the ethnic structure in Kosovo using population weights and to reflect the sample in urban and rural areas, from official data from the Kosovo Agency of Statistics (KAS). The third stratification is based on the number of surveys conducted in each settlement. The method used for this survey is based on random selection of families. The survey was conducted face-to-face with the family member who has the nearest first birthday and is over 18 years old. Before administering the field questionnaire, a test of the questionnaire to identify logical and substantive issues was done, as well as the training of interviewers. Based on the data obtained from the survey, perception indicators were compiled that assess the perception of Kosovo citizens about the performance of the rule of law institutions: courts, prosecution, police and EULEX. All survey questions are grouped into nine indicators to evaluate the performance of the rule of law institutions from different perspectives.

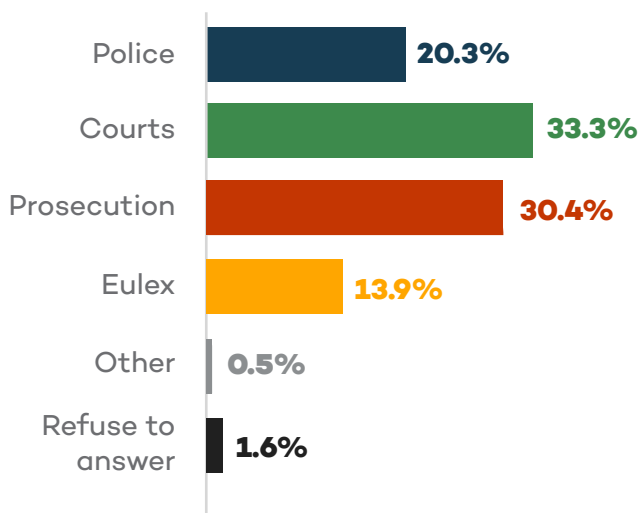
Secondary data to assess the efficiency of work in courts and prosecutions are collected and analyzed from official reports of the Kosovo Judicial Council (KJC), the Kosovo Prosecutorial Council (KPC), and the Kosovo Budget Law. More precisely, the data related to the number of cases received within one year in each court and prosecution were analyzed; the number of cases inherited from the previous year; the number of judges and prosecutors in proportion with the population of Kosovo, as well as the budget allocated to the judicial and prosecutorial system during 2013, 2014, 2015, 2016, 2017 and 2018 and 2019. Structural indicators reflect the capacities and resources of the prosecution offices and courts to carry out their duties, thereby enabling assessment of the efficiency of their work. Since the new structure of the judiciary has come into force in January 2013, the indicators are based on data from the last six years (2013, 2014, 2015, 2016, 2017, 2018 and 2019). 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 done without assessing the difficulty of resolving them, or dividing them into different court and prosecution departments. Mainly because the essential purpose in constructing structural indicators is to assess the overall performance efficiency of the courts, prosecution offices and the individual quantitative performance of prosecutors and judges.

CITIZEN PERCEPTION ON JUSTICE SYSTEM INSTITUTIONS

POLITICAL IMPACT

It is concerning that the majority of citizens of Kosovo hold the belief that persons with political influence are less likely to be punished by law. The survey results show that about 68, 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 law?” On the other hand, only 21.4% of respondents think that regardless of their political position or influence, these people are likely get punished by provisions of the law. Whereas, 10.1% of the respondents said that they do not know or have chosen not to answer at all regarding this issue. If we compare to last year data, the trend of citizens who believe that the justice system is influenced by the political position has increased by 3.3%.

33.3% of the respondents, who believed that persons with political influence are less likely to be punished by law, think that courts are the institutions that are most influenced by political influence. Regarding this phenomenon, the citizens place the Prosecution with 30.4% in the second, and the Kosovo Police with 20.3%. Whereas, according to the respondents, EULEX remains the institution that is least influenced by people with political influence, with only 13.9%. But, if we compare to last year’s data, the public perception on the influence of people with political positions in each of these institutions has increased.

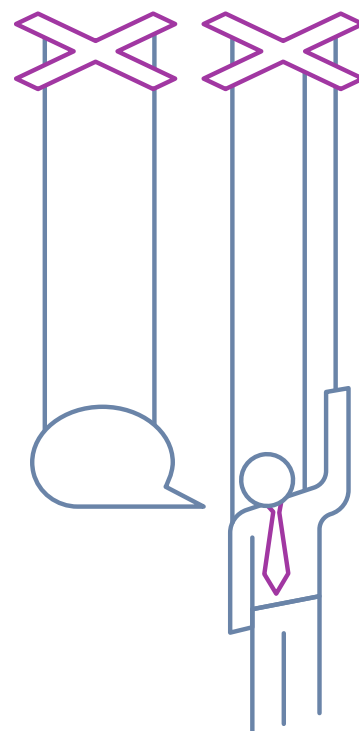


Do you think that people with political influence are less likely to be punished by law?



Which of the following institutions is mostly impacted by political influence?

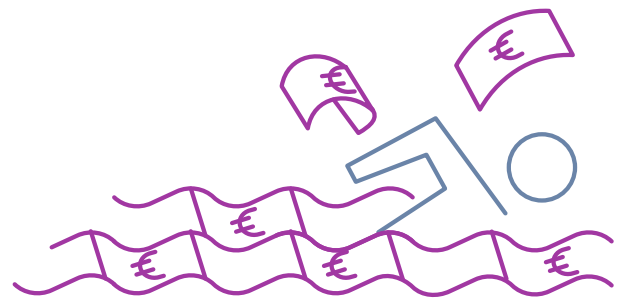
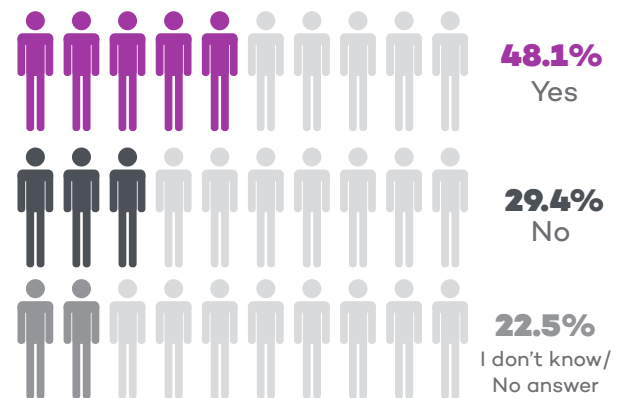
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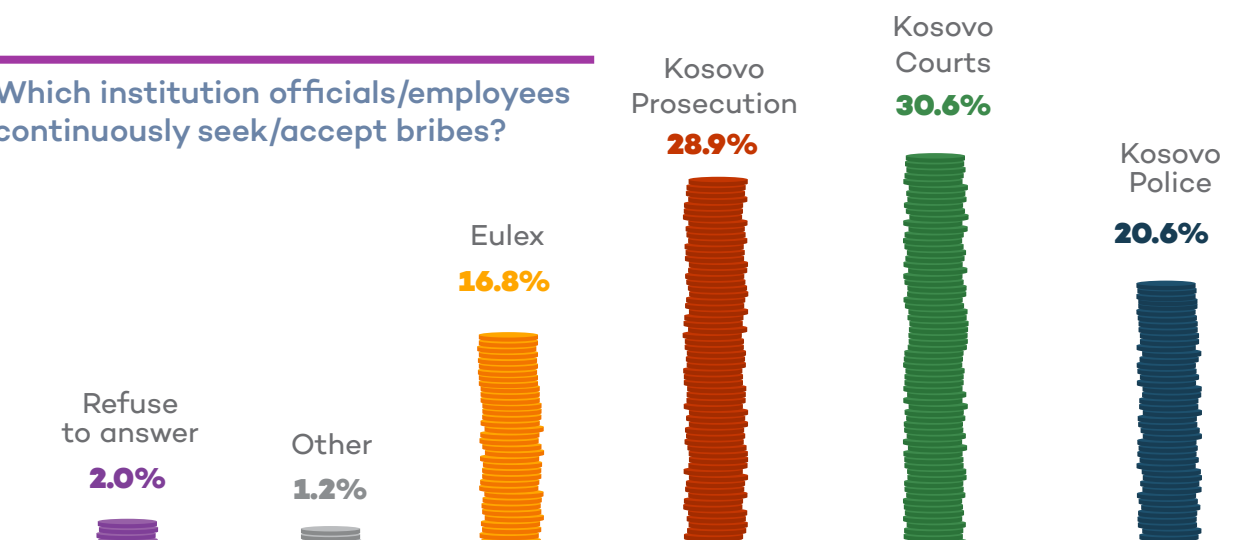
BRIBERY

The citizens of the Republic of Kosovo believe that justice institutions continue to be affected by the phenomenon of bribery. From the results of the 2020 polls, the data show that 48.1% of respondents think that employees and officials of rule of law institutions accept and require bribes. Compared to the previous year the percentage has decreased by 0.5%, but the negative perception remains in the majority of respondents. It is concerning that only 29.4% of respondents believe that law enforcement officials would not accept or require bribes. It is worth mentioning that citizens' trust in institutions has started to increase but this increase remains negligible compared to the general negative opinion. This year, as in the previous one, respondents believe that the institutions most affected by this phenomenon are the courts and the prosecution with about 59.5%, and compared to last year, this percentage has decreased by 4.7%. Whereas the practice of bribery according to citizens is less present in the Kosovo Police, with 20.6% and lower at EULEX with 16.8%. Compared to the previous year, there is an increase in the percentage of those who think that these two institutions require/accept bribes. The belief that there is bribery in key institutions that should implement and enforce the law is a serious obstacle to building a rule of law in Kosovo.

According to your opinion, do officials/employees of rule of law institutions seek/accept bribes?

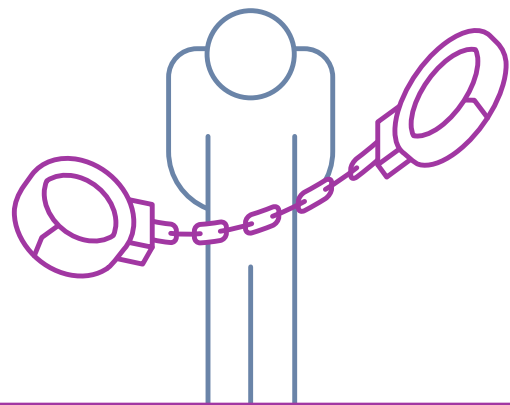


Which institution officials/employees continuously seek/accept bribes?

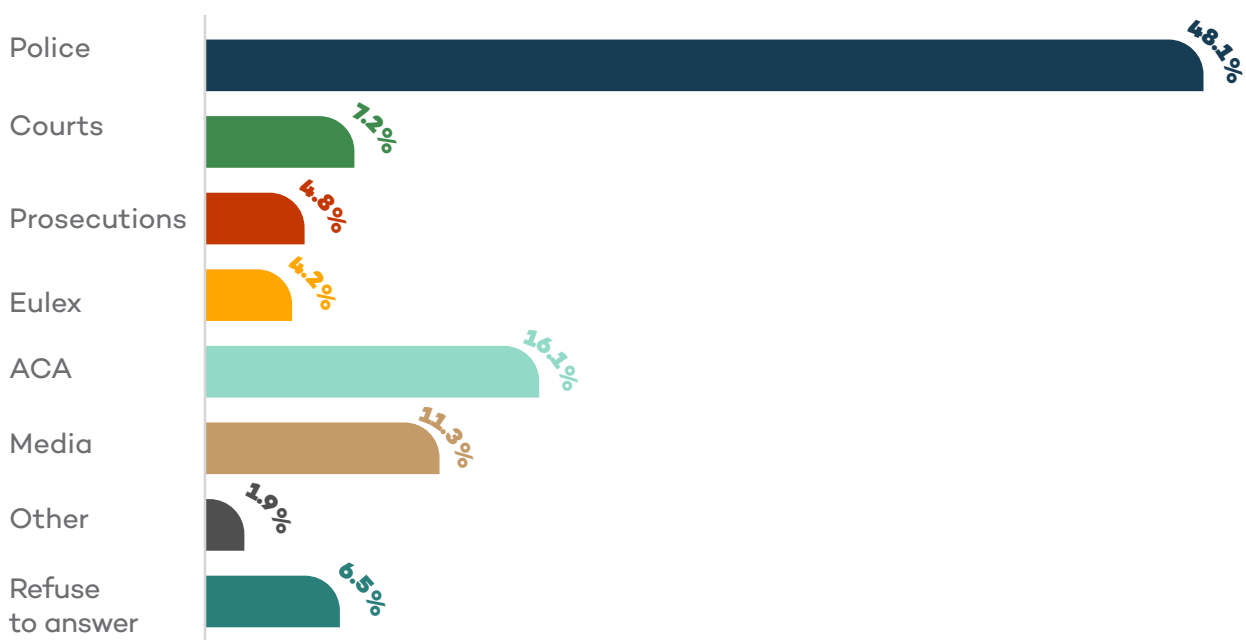


EFFICIENCY IN FIGHTING CORRUPTION

Citizens of Kosovo rank the Kosovo Police as the most effective institution in the fight against corruption, at 48.1%. There has been a change in the situation from the previous year where the credibility of the prosecution compared to the court has decreased. Whereas before, citizens held the belief that the courts were the least effective of all institutions in the fight against corruption, now in this position the citizens place the prosecution with the lowest percentage of 4.8%. In terms of effectiveness in the fight against corruption, respondents ranked the institutions as follow: Prosecution 4.8%, Courts 7.2%, EULEX 4.2%, Anti-Corruption Agency 16.1%, Media 11.3%, Kosovo Police 48.1%. So this year as in previous years, citizens do not trust the prosecution and courts in the fight against corruption, and not even EULEX, who once were considered the leaders of this phenomenon. However, the positive opinion of the citizens has doubled for the Kosovo Police, surpassing previous impressions of the positive role of the media and the Anti-Corruption Agency, in terms of efficiency in combating this negative phenomenon.



According to your opinion, which institution is most effective in the fight against corruption?



REPORTING CORRUPTION

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 institutions in combating these phenomena in society. When participants were asked if they would be willing to report a corruption or crime case, 76.6% said they would, while only 16.7% said they would not. From the past years, the trend of willingness for reporting corruption to relevant institutions is positive. While, in the past 21.8% of citizens stated that they would not feel ready to report, now the mass of citizens who would be willing to take such an action is 16.7%. The number of citizens that were unsure whether they would report a case of corruption or crime has started to decrease, from 9.2% last year to 6.8% this year. The decrease in the number of undecided citizens as a percentage seems to have been done by shifting those who would report these negative phenomena.

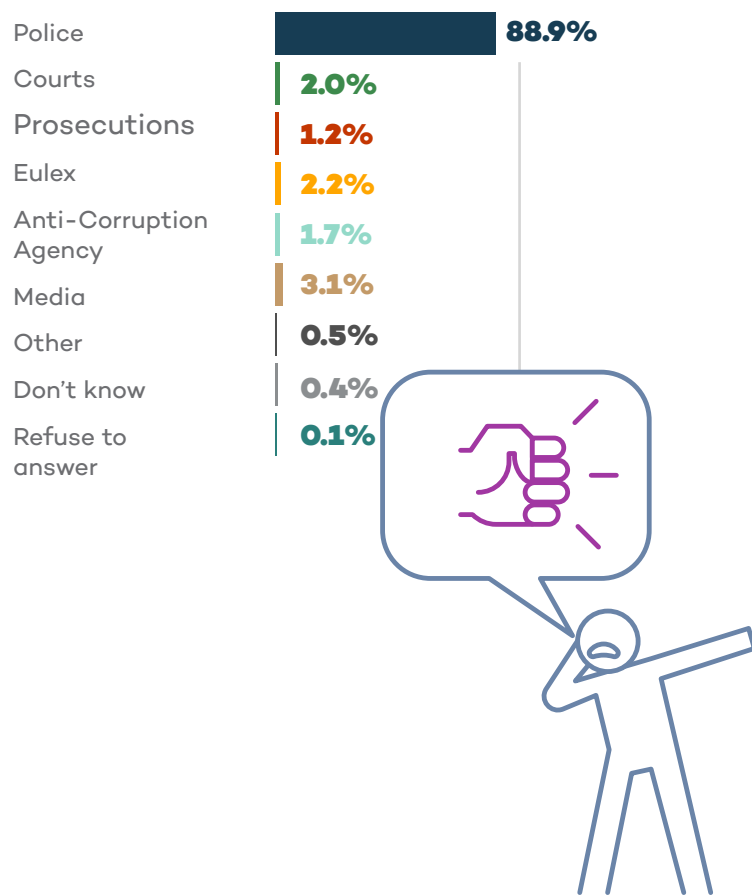
The number of those who would not be willing to report has decreased by 5.1%, compared to the increase of 7.4% of those who responded that they would report to help institutions in the fight against corruption. This tendency of increasing civil activism to contribute to addressing negative phenomena is indicative of personal past civil experiences with rule of law institutions in Kosovo. The increased readiness is a clear message that shows that citizens are more satisfied with the way cases are handled and resolved by the judiciary in the past. Asked in which institution they would report corruption, 88.9% of the interviewed citizens answered that they would report to the police. The percentage of respondents who would report corruption to the prosecution and the courts remains low compared to those who would select the police. About 2% of respondents would report to the courts, while 1.2% would report to the prosecutor's office. Unlike last year, the percentage of citizens who would report a case of corruption or crime in the courts has increased by 1.2%.

Number of people who would report injustices or violations to the prosecutor's office has decreased by 0.2%. This survey result shows that the police continue to be the most reliable address of citizens to report criminal offenses.

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

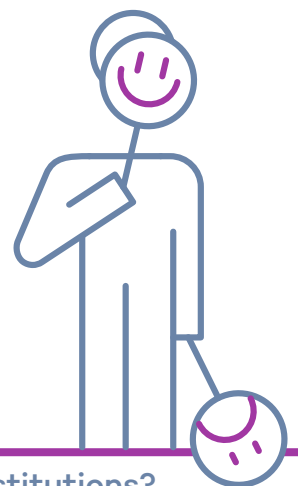


Which institutions would you report to?

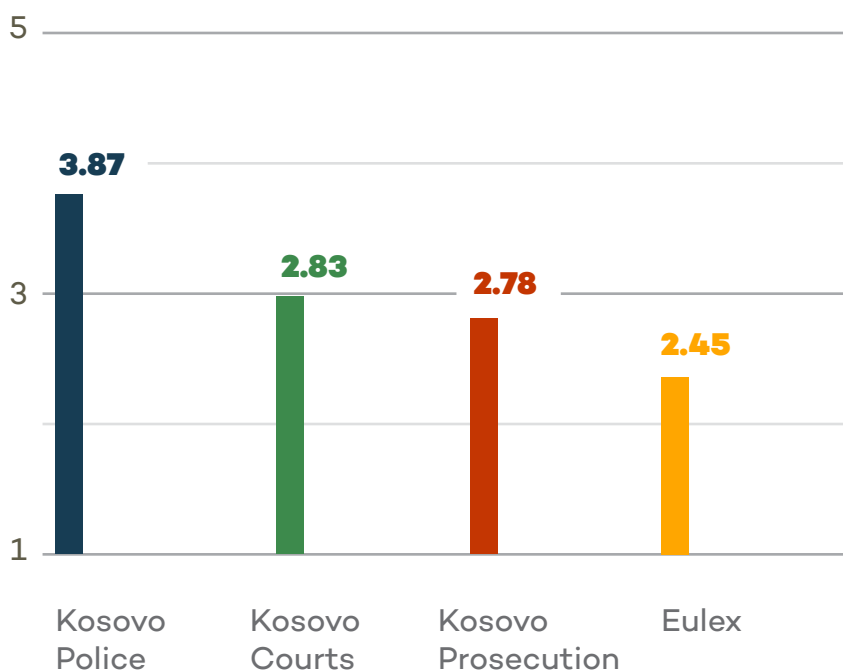


SATISFACTION

Satisfaction indicator shows how justice institutions act in accordance with citizens' expectations and responsibilities. Data for 2019, similar to those from previous years, show that citizens are more satisfied with the Kosovo Police, while less satisfied with EULEX. The question posed to the interviewers was: "how satisfied are you with the work or performance of these institutions". Whereas the answer could be derived from the value 1 corresponding to not at all satisfied up to the value of 5 totally satisfied. According to the citizens' responses, the ranking of the institutions by average is as follows: Kosovo Police 3.87, Kosovo Courts 2.83, Kosovo Prosecutor's Office 2.78 and finally EULEX 2.45. However, a small decrease has been observed in the satisfaction of the citizens in the judiciary for 0.16, while compared to last year, the satisfaction of the citizens has increased in the work of the Kosovo Police.



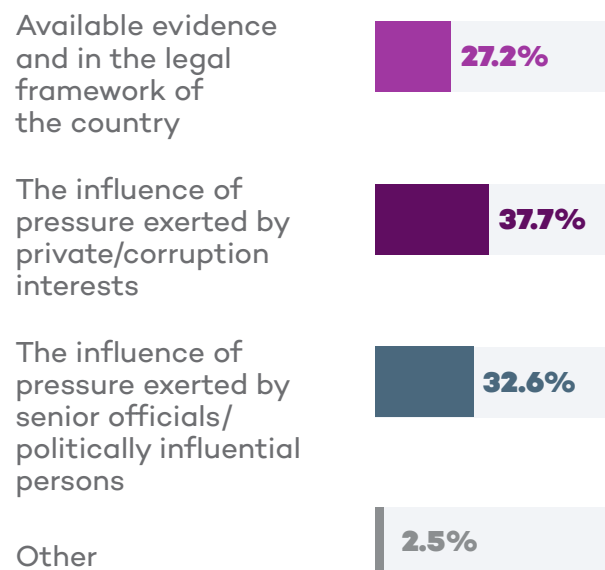
How satisfied are you with the work/performance of these institutions?



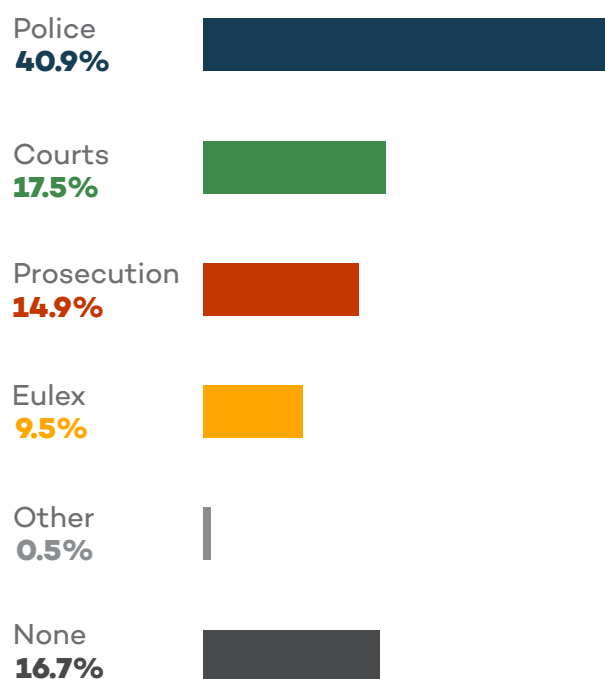
INDEPENDENCE IN DECISION-MAKING

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 the legality, 40.9% of the citizens still rank the police as an institution that can perform its duties and responsibilities independently. While only 17.5% of the respondents think that the courts can be independent in exercising their duty while for the prosecution, the percentage is only 14.9%. Whereas, the percentage of citizens who believe that police can do impartial work has increased by 3.2%. Such increases are also noticed for other institutions as well, excluding EULEX. The perception from 2019 is now higher for the courts and the prosecution. It is noteworthy that despite responding that they are satisfied with the work of the EULEX mission, the percentage of those who think that this mission can work independently has dropped drastically. Citizens' perception shows that the principle of independence in decision making seems to be less applicable by the rule of law institutions. The increase in the confidence in the independence of institutions from 2019 to 2020 indicates that citizens believe the independence in judicial and prosecutorial bodies is possible. While citizens hold the belief that the court is the least independent institution in the performance of legal duties, in comparison to the Kosovo Police, about 32.6% think that judges base their decision-making under the influence of the pressure exerted by senior officials or politically influential persons. The number of citizens who share this opinion from last year has decreased by 4.8%. Less than 30% believe in decisions based on the legal framework, while 37.7% believe that judges are influenced by pressure, corruption and private interest. About 70.3% of Kosovo citizens think that the judiciary is influenced by private interests in decision-making, this indicator reflects their negative experiences with this institution.

In your opinion, when making a decision, most of Kosovo judges base their decision on:

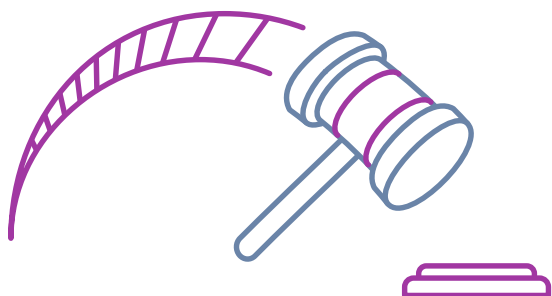


In your opinion, which of the following Kosovo institutions are able to carry out their duties independently?

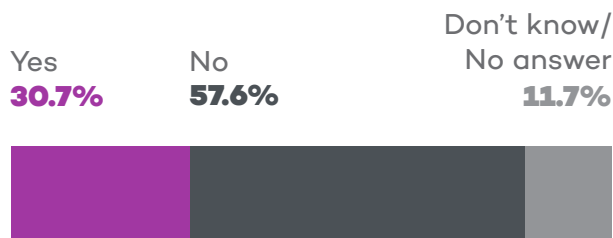


IMPROVING THE JUDICIARY

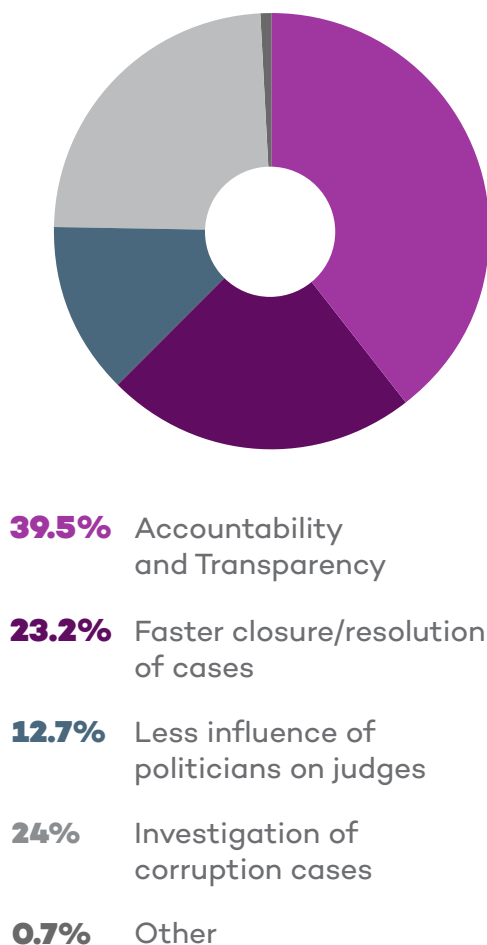
Despite the 'Justice 2020' agenda and the Functional Review process, both initiated by the Ministry of Justice, with the main aim to ensure the well-being and restoring citizens' confidence in justice, more than half of the citizens deny having noticed any improvement in the justice system. Despite the functionality of the Special Department provided for by the Law on Courts since 2018, there seems to have been little change in citizens' opinions on the improvement of the judiciary. Only 30.7% believe that they have noticed positive effects, while 11.7% have given no response. Among those 30.7% who believe that the judicial system has improved, 12.7% think that politicians have less influence over judges, 24% believe that investigations of corruption cases have improved, 23.2% believe that cases are resolved faster and 39.5% think that the courts are now more transparent and accountable. The dimension of the justice system that seems to have improved is based on the fact that, according to the opinion of citizens, the percentage of those who think that politicians have influence over judges has decreased, as well as the percentage of those who think that the justice system has improved in terms of accountability and transparency has increased. While, in terms of time efficiency on closure and resolution of cases, the percentage of citizens who believe that there have been improvements in this regard from last year has declined from 23.4% to 23.2% for this year.



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



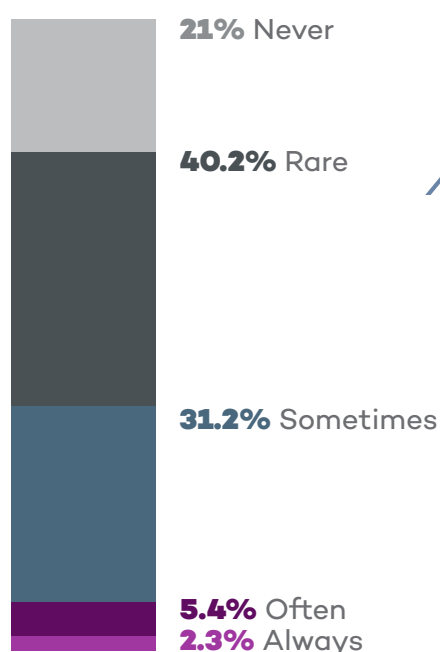
Which of these areas of the justice system has improved the most?



WORK CONDITIONS

Regarding the disciplinary measures or even dismissal of judges or prosecutors for violating the rules or procedures 21% of citizens believe that this never happens. While, 71.4% hold the belief that these measures are rarely or sometimes taken, 7.7% say that such measures are often or always applied. It is worth noting that based on these data; it is worrying that a very low percentage of citizens think that judges or prosecutors, who violate the rules or procedures, often or always take disciplinary measures up to dismissal. Compared to last year, perceptions regarding the punishment with disciplinary measures of judges and prosecutors as violators of rules or procedures has changed in a negative aspect. Last year, only 14.2% of citizens had this opinion, this year this percentage is 21%. Apart from the fact that most citizens perceive the judiciary and the prosecution as untouchable by sanctions if they break the rules, only 5.9% of citizens fully agree that judges and prosecutors have the tools or resources needed to protect themselves from threats, harassment, attacks or intimidation..

In your opinion, is it likely that disciplinary action will be taken or complete dismissal of judges/prosecutors who violate the rules of procedures?



Please let us know how much you do agree with the following statement:

“Courts/prosecution offices have the means and resources necessary to protect judges/prosecutors from threats, harassments, assaults or intimidations”

To what extent do you agree from 1 to 5?

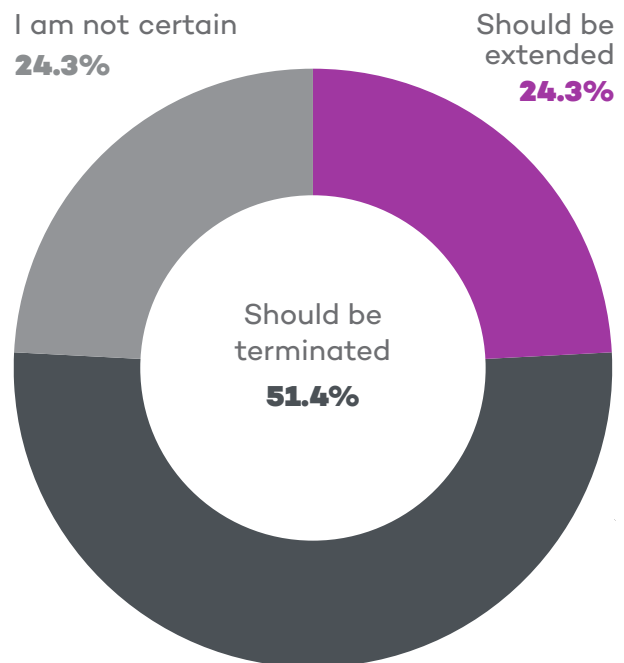
1 - Strongly disagree; 2 - Disagree;
3 - Somewhat agree;
4 - Agree; 5 - Strongly agree



EULEX MANDATE

This year 3.3% more citizens were convinced that the mandate of EULEX should not be extended, while total 51.4% of the respondents hold this belief. Though 24.3% were unsure how to proceed with the international mission in Kosovo, hence leaving only 24.3% of respondents thinking that the mandate should be extended. There has been a shift in the perception of citizens over the past years, with most of them now falling into the group of those who think that the EULEX mandate should not be extended, increasing the number of citizens who were unsure how to proceed with EULEX over the past years. This is an indicator that shows that many citizens are sceptical about the necessity of this institution in Kosovo.

What is your opinion regarding the EULEX mandate?



PERFORMANCE ASSESMENT OF JUSTICE SYSTEM

PERFORMANCE ASSESSMENT OF JUSTICE SYSTEM

This sixth edition of the Index focused on extracting data on the justice system following the application of legislative and structural reform of the justice system. Such an assessment has been made since 2013 in a manual manner. The first edition of RoLPIK focused on assessing the efficiency of the work of the judicial system in resolving cases, through the analysis of data for each court during the years 2013-2015. The second edition concentrated on the efficiency of the work of the prosecutorial system in Kosovo, as an impartial, independent body for the prosecution of criminal offenses and violations of legal norms. Subsequently, the third edition focused on the analysis of the work of courts and prosecutors during 2016, as the fourth edition reflected the performance of these two institutions during 2017. Then, the fifth edition assessed the performance of the justice system for 2018, compared it to work over the previous years. Similar to the fifth edition, in order to make a correct assessment of the efficiency, the organizational structures under which the Kosovo prosecutorial and judicial systems operate were followed. The assessment of the performance of the prosecutorial system is conducted for: Office of the Chief Prosecutor; Appeals Prosecution; Special Prosecution and Basic Prosecutions. Therefore, the data from the judicial system have also been analyzed based on the performance of the Supreme Court, the Special Chamber, the Court of Appeals and the Basic Courts.

The efficiency of the work of the criminal prosecution system and the protection of legality have been assessed by the official data provided by the Prosecutorial Council, Chief Prosecutor's Office, Kosovo Judicial Council, Kosovo Budget Law, etc. From these official data, structural indicators have been created that aim to evaluate the mechanisms of the justice system from different perspectives. Structural indicators show aspects of the performance of the prosecutorial and judicial system: from the assessment of the requests for legality protection, the number of cases resolved, the efficiency of performance, the workload of prosecutors and judges, the degree of overloading and the time that with a consistent work would the system manage to resolve current cases, up to the analyzes of the budget allocation to assess the prioritization of the justice system in Kosovo. The analysis of the performance of the prosecution and courts depends on many external and internal factors. Thus, it should be considered that this assessment cannot identify all relevant indicators that determine the volume of work of prosecutors and judges. In the following chapters, this report aims to reflect on the primary factors that quantitatively determine the performance of the prosecutorial and judicial system, comparing it with the effectiveness of these bodies throughout 2013 - 2019. Through this assessment, the report aims to elaborate on two sides of the coin, from the perspective of the citizen to the work being carried out in the judiciary, in order that in the future these deficiencies and obstacles to be used accordingly to eliminate them, with a more adequate planning for perfecting the rule of law system in Kosovo.

PERFORMANCE OF PROSECUTIONS

Number of new cases/resolved cases

The new cases the prosecution receives within a year indicate the capacity of work for each prosecution. Whereas the potential of cases to be resolved within one year is fulfilled only for the certain number of cases resolved. Data such as the “number of cases” indicate the workload of the respective prosecution offices, as well as the society expectation towards this institution. On the other hand, the “resolved cases” indicator indicates the capacity of this body to meet the requirements for the protection of legality. The data presented in the table show the average of new and resolved cases, divided for each prosecution body, which show the number of cases for that body in relation to the number of prosecutors engaged within a year. From the data collected, it appears that the Office of the Chief Prosecutor during 2019 had a higher number of new cases per year for 1 prosecutor compared to last year. The average of cases resolved this year was lower than the average of received cases. This may be an indication that the growth in number (for two) of prosecutors engaged from 2017 has not resulted in a growth in the performance margin by this body, in 2019, in relation to the average number of cases received. The Special Prosecution Office this year had a higher average of cases received than the average of resolved cases. Also this year, the Appeals Prosecutor’s Office failed to follow the trend of completing all cases received within the year, due to the reduction number of prosecutors by two from 2017. Basic Prosecutions have managed to record a higher average of resolved cases than the average of received cases within 2019.

Table 1. Average of new received cases versus resolved cases

Chief Prosecutor’s Office			Special Prosecution		
Year	Average of new cases	Average of resolved cases	Year	Average of new cases	Average of resolved cases
2019	150	149	2019	48	28
2018	138	141	2018	14	15
2017	201	198	2017	15	14
2016	228	231	2016	12	23
2015	396	403	2015	9	11
2014	153	146	2014	12	6
2013	212	215	2013	11	10

Appellate Prosecution			Basic Prosecutions		
Year	Average of new cases	Average of resolved cases	Year	Average of new cases	Average of resolved cases
2019	1350	1334	2019	275	420
2018	1148	1148	2018	323	411
2017	724	724	2017	375	475
2016	880	880	2016	229	257
2015	645	645	2015	250	234
2014	549	549	2014	255	182
2013	584	584	2013	320	255

Efficiency of prosecution in resolving cases

The evaluation of the efficiency of the prosecution's performance reflects the willingness of the prosecutorial system to respond to the requests for protection of the legality within one year. The efficiency of this year is also calculated by comparing the ratio of received cases by the prosecution institutions, compared to the number of resolved cases. The table shows efficiency percentages, where the value of 100% indicates that the prosecution was fully efficient in resolving all received cases during that year. When this percentage is less than 100% it indicates that that body has failed to complete all the received cases. Whereas, when the percentage is higher than 100%, it shows that the prosecution has resolved even more cases than it has received, reducing the number of inherited cases from previous years. The Office of the Chief Prosecutor in 2019 has recorded a lower efficiency than in 2018, but this year it has managed to resolve the same

number of cases as the number of cases received, thus showing 100% efficiency. The Special Prosecution of the Republic of Kosovo in 2019 has shown a lower tendency in resolving the cases, only 59% of the general number of cases received. The Basic Prosecution Offices for 2019 have achieved the highest degree of efficiency in the last six years, in resolving cases, thus completing the number of new cases and handling cases inherited from the past. Whereas, the Appellate Prosecution, in 2019, the same as in the previous year, has not managed to resolve the total number of cases in relation to those received. This situation is also a result of the fact that there is a small number of prosecutors engaged in this prosecution. Based on this indicator, we note that the Special Prosecution of the Republic of Kosovo, compared to other prosecutions, this year has marked a decrease in the percentage of efficiency.

Table 2. Efficiency of Prosecutors

Year	Chief Prosecutor's Office	Special Prosecution	Appellate Prosecution	Basic Prosecutions
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

Workload of prosecutors

The average number of cases a prosecutor is expected to resolve within one year is identified through determination of the extent of prosecutors' workload. The calculation of this indicator is done through the sum of pending cases at the beginning of the year and new received cases, in relation to the number of prosecutors engaged during the same year. These cases are not examined in terms of quality of difficulty, but only in terms of the number of cases a prosecutor receives within a year. The Basic Prosecution Offices lead the chain of the prosecutorial system in the ratio between the number of cases received and resolved cases in 2019.

However, this trend does not apply to the Office of the Chief Prosecutor, Special and Appeal Prosecution, which had a greater number of cases received compared to those resolved. Consequently, this translates into a greater burden for prosecutors engaged in the prosecutorial system, in addition to prosecutors of first instance. According to the prosecutions' manner of organization, the largest caseload for 2019 was seen in the Appeals Prosecution, followed by the Basic Prosecutions and the Office of the Chief Prosecutor. Whereas, the Special Prosecution has had a lower average of the number of cases pending to be resolved by prosecutors during 2019.

Table 3. Workload of Prosecutors

Viti	Chief Prosecutor's Office	Special Prosecution	Appellate Prosecution	Basic Prosecutions
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 prosecution's caseload

Data from this indicator predict how long it would take to complete all the collected cases within a year in a sector, if the amount of work by the prosecution would be constant. Based on the performance of the prosecution from previous years, through the degree of overloading we can roughly estimate the efficiency that prosecutors would need in the future to resolve all cases. The data in this table show the number of new and inherited cases in relation to the number of cases resolved. Apparently, the Office of the Chief Prosecutor and the Prosecutor's Office of Appeals would need just over a year of operational efficiency to complete all cases without accepting any new cases. On the other hand, the Special Prosecution Office would need more than 5 years to complete only the currently existing cases, while the Basic Prosecution Office would need more than 2 years in total.

Table 4. Caseload

Viti	Chief Prosecutor's Office	Special Prosecution	Appellate Prosecution	Basic Prosecutions
2019	102	559	868	219
2018	101	766	101	255
2017	104	395	100	157
2016	101	314	100	197
2015	102	462	100	231
2014	106	826	100	255
2013	101	479	100	199

Budget

Through budget we can estimate for each year how much priority was given to justice system in previous year. Data on the budget allocated over the years for the Kosovo Prosecutorial Council show a steady increase since 2013, in proportion with the increase of the state budget of Kosovo. In 2019, it exceeded the amount of EUR €11 million allocated to the KPC during 2018, amounting to €14 million. As a percentage, the allocation of Kosovo budget to the prosecutorial system does not reach even 1% of the state budget, despite the progressive increase in the amount allocated to the prosecution bodies.

As in the past, revenue growth, planning and drafting of increased budget lines for the KPC haven't been done as a result of any policy prioritizing the justice system, or based on any needs assessment, but as a result of an increase of Kosovo's annual budget. 68% of the planned budget for the prosecution in 2018 has been distributed for salaries and per diems, 17% for goods and services, 1.4% for utilities and 12.6% for capital expenditures. This distribution shows that the priorities of the prosecuting management authorities are salaries and per diems, leaving little room for planning and funds allocation for capacity buildings, profiling of prosecutors and staff support.

Table 5. Budget for the Prosecutorial system

	Budget of KPC	Republic of Kosovo Budget	Allocation in %
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

PERFORMANCE OF COURTS

Number of new cases/ resolved cases

The number of new cases each court receives in Kosovo's judicial system within a year accordingly determines the work that awaits these institutions in implementing and protecting the law. The number of new cases together with the number of inherited cases are indicators of the workload of judges during a calendar year. While, the number of resolved cases is a factor that indicates their capacity to resolve cases that are entrusted to these institutions. The table shows the average load of new cases for each court, in proportion to the number of judges employed in that court. The same applies to the average of resolved cases within a year. 2019 data shows that the Supreme Court has had a greater caseload than in previous year. In this court the number of resolved cases is lower than those pending, despite the fact that, there were four new judges engaged in this court in 2018.

In the Special Chamber of the Supreme Court, the average number of cases is higher than last year, while the average of resolved cases is even higher than the cases that court received. The number of cases in the Court of Appeals was lower compared to 2018 and 2017, and while the average of completed cases is higher than the number of new cases. The Court of Appeals was found in the same situation in 2013. It is the Basic Courts which, by the average of resolved cases in 2019, have managed to significantly reduce the number of cases they have inherited in 2018, as the number of resolved cases is higher than newly received cases in the first instance of the justice system. It can be seen from the table that only the Supreme Court has inherited cases from 2019 to 2020. Nevertheless, it is important to point out that this chart does not assess the gravity of the cases nor the way of solving them, but only the quantitative aspect of the performance of the courts within one calendar year.

Table 6. Average number of new cases versus resolved cases

Supreme Court			Special Chamber		
Year	Average of new cases	Average of resolved cases	Year	Average of new cases	Average of resolved cases
2019	82	78	2019	123	166
2018	72	80	2018	114	106
2017	89	88	2017	177	198
2016	82	73	2016	146	190
2015	74	78	2015	378	173
2014	68	66	2014	950	263
2013	56	113	2013	356	191

Court of Appeals			Basic Courts		
Year	Average of new cases	Average of resolved cases	Year	Average of new cases	Average of resolved cases
2019	307	332	2019	282	360
2018	342	333	2018	361	582
2017	367	330	2017	794	1153
2016	362	313	2016	1621	1785
2015	320	286	2015	1398	1376
2014	362	331	2014	1422	1548
2013	334	344	2013	1843	1474

The efficiency of courts in solving cases

The efficiency of the courts' performance in resolving cases is calculated by evaluating the ratio of cases received by each court at the beginning of the year, compared to the number of cases completed within that year. This form of measuring the efficiency of the judiciary does not assess the difficulty of completed cases as content but only the number of completed cases as a quantity. From the data for 2019 it seems the basic courts were more efficient in the completion of cases where they have recorded the highest percentage

of efficiency compared to previous years. Whereas the Special Chamber has shown lower efficiency compared to other levels of the judiciary, as well as the efficiency shown in the two last years. Special Chamber and Basic Courts this year had a higher percentage than the percentage of efficiency shown throughout 2018. The efficiency indicator of courts in resolving new cases shows that from the number of cases that Special Chamber, Court of Appeals and Basic Courts and the Basic Courts have received during the year, they have left no case to be inherited for 2020, whereas this does not apply to the Supreme Court

Table 7. Efficiency of courts

Year	Supremre Court	Special Chamber	Court of Appeals	Basic Courts
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

Workload of judges

The judge workload indicator determines the average load of a judge within a year by summing the total number of cases that are expected to be judged in proportion to the number of the judges employed. This indicator does not only take into account the number of new cases that the court receives during the reporting year, but also examines the caseload inherited from previous years, so as such, in relation to the efficiency indicator gives a more realistic picture of the work condition under which judges adjudicate cases. However, this indicator also does not consider the gravity of the cases that judges face during the trial process. Judges of the Court of Appeals and the Basic Courts have had a lower workload in 2019 compared to the previous year, while judges of the Supreme Court, the Special Chamber have had a higher workload compared to last year. The decreased workload of judges coming from the Court of Appeals and Basic Courts is due to increased number of involved in these institutions of the judicial system. But despite this indicator, it can be noticed that judges from the Special Chamber continue to be more loaded with the number of cases expected to solve, compared to other institutions. Based on this fact, the number of judges in the institutions should also be increased in the future. This indicator definitely shows the great need of increasing the number of judges in the Special Chamber, to reduce the workload and at the same time increase efficiency.

Table 8. Workload of Judges

Year	Supreme Court	Special Chamber	Court of Appeals	Basic Courts
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 Caseload of Courts

The rate of the overload of the courts, based on the yearly performance calculates the time all new cases received could be completed in any instance of the judiciary without receiving any new cases. This indicator also assumes that the efficiency of the courts would be uniform over the years. The rate for 2019 indicates that the Special Chamber would need more than 12 years to complete all of the cases already assigned to them, without receiving new ones. According to this indicator, Basic Courts could complete all active cases for two (2) years and a half, on the condition of not receiving new ones. On the other hand, if the Court of Appeals and the Supreme Court did not receive any new cases, they would need more than a year to finish all the active cases.

Table 9. Caseload

Year	Supreme Court	Special Chamber	Court of Appeals	Basic Courts
2019	114	1245	166	250
2018	108	1660	195	228
2017	120	926	205	192
2016	120	975	206	179
2015	107	1085	188	207
2014	113	841	176	199
2013	107	430	132	213

Budget

Budget allocation always shows the priority that a governing system gives to a particular sector in developing and strengthening it. In this case the budget allocation over the years to the justice system, even to the budget planned for the Kosovo Judicial Council, shows that the state organization does not invest more than 1.2% of its budget in the justice system in Kosovo. In 2019, there was an increase in the allocation of the state budget to the KJC, but this growth is petite in proportion to the state budget of Kosovo. The increase in the percentage allocation to the judiciary is not due to its prioritization but due to the progressive increases of the state budget of Kosovo. In comparison to the previous year budget allocation, €23 million, this year the KJC was allocated €29 million. Such a growth in proportionality is small compared to

2013, 2014 and 2015, but as such it should be analyzed in more detail how it could be used to enhance the performance of the justice system in Kosovo in the future. The budget allocation projected for the judicial system reveals that most of it is allocated for salaries and per diems sector. This phenomenon has been present since 2013, but 77% of the budget allocated to justice goes to salaries, and leaving 16% that goes for goods and services. This indicator of overall budget allocation indicates that there is a lack of planning and focus of the justice management authorities on enhancing the performance and capacity of the judiciary in Kosovo. Therefore, from total 1% of the state budget allocated to the justice system, only a small portion is used for activities to increase efficiency, performance, and human capacity in the courts.

Table 10. Kosovo Judicial Council Budget

	Judicial Council Budget	Republic of Kosovo Budget	Allocation in %
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

About RoLPIK

The main goal of RoLPIK is to promote better participation of civil society and citizens in demanding responsibility for the performance of the justice system through continuous monitoring, consultation and evaluation.

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