

**KOSOVO/A CIVIL SOCIETY PROJECT**

**KOSOVO/A STANDING TECHNICAL  
WORKING GROUP: FOURTH MEETING  
REVIEW OF ACTIVITIES**

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## **I. INTRODUCTION**

The Standing Technical Working Group resumed its activities after the summer break with an extended meeting lasting two days (29/30 September 2001). The fourth meeting of the STWG sought to revisit some of the Group's activities over the previous half year and to discuss the future direction of the initiative in light of the upcoming Assembly Elections. Deviating from standard procedure, ECMI brought together senior members of UNMIK, the OSCE and the JIAS departments and members of the Group to partake in a critical evaluation of the implementation agencies' performance thus far. Each of the sessions in the programme aimed to assess policy developments in an issue area the Group had previously identified as in need of further attention (civil registration, health policy and judicial administration). The objective of each session was primarily to reconsider the Recommendations that the STWG had generated through its preparatory meetings, plenary sessions and training workshops, and which had subsequently been submitted to the relevant offices of the implementing authorities.

The proceedings took the form of an extended questions and answers session. A social element was also foreseen to allow the participants to socialize with other members of the Group and to involve members of the international implementation agencies in informal discussion outside the framework of the meeting. Provision was also made in the final session of the meeting for participants to review their own accomplishments over the first phase of the project. Moreover, a forum was offered for discussing how the Group's effectiveness could be enhanced in view of the imminent changes that were likely to occur in the political landscape of Kosovo/a. As with previous meetings of the STWG, the fourth meeting took place in the KTC room, UN Government Building, Pristina, and brought together over thirty participants fully reflective of all sections of Kosovo/a civil society.

## II. SUMMARY OF THE PROCEEDINGS

### A. Session 1: Civil Registration

After a preliminary sketch of the overall aims of the project and the objective of the weekend's deliberations, the fourth meeting of the STWG was formally declared open. The first session was chaired by Dr Gylnaze Syla, who had also chaired an earlier plenary meeting of the Group and convened the Steering Committees on Health. The first session sought to re-examine questions pertaining to civil registration in Kosovo/a and, specifically, to address issue areas that had been highlighted by the Group in its constitutive session in March (identity documentation; registration of births, deaths and marriages; and vehicle registration).

At the session, JIAS was represented by Peter Schumann, Co-Director, Department of Public Services, and UNMIK by Robert Muharemmi from the Department of Civil Administration. Further members from the relevant offices of the implementing agencies had been invited to the session but were unable to attend, owing to prior engagements. After welcoming the representatives present, the Chair turned to each of the issue areas outlined in the Recommendations and solicited feedback on each of the points raised therein. The first of these was the issue of identity documentation.

#### *Identity Documentation*

Mr Schumann gave a brief update on achievements since March and reported that extensive progress had been made particularly with regard to registering minorities. Particular successes could be seen in the registration of Serbs and in the number of identity cards that had thus far been distributed. Print capacity had also been increased to 10,000 identity cards a day and key registration centres for registering minorities were still open. It was admitted, however, that registration was an ongoing process. Exact figures of confirmed registrations were still to be obtained. With particular reference to travel documentation, it was further noted that substantial progress had been made. By distributing travel documents through post offices, a further 50,000 people had recently been able to obtain their documents and, after long-term problems concerning data processing and collection, as well as printing and production, systems

were now in place that worked. According to Mr Schumann, there was nevertheless a continuing need to ensure standards of quality and control, which required continued training. There was also the ongoing need to ensure adequate levels of security at minority registration centres.

In response, participants welcomed the efforts of the implementation agencies. A number of speakers, however, drew attention to the registration of diaspora and displaced populations, and the ongoing problems that were caused by the existence of parallel structures and the need to establish a unified system of registration throughout Kosovo/a. It was noted that this had so far resulted in confusion and opened up the possibility for resentment and even corruption. In addition, it was noted that the lack of clarity concerning the authority of travel documentation had led to a problem with their recognition. Difficulties with obtaining visas in order to travel abroad were also highlighted.

Both the JIAS and UNMIK representatives thanked the Group for its recognition of their efforts but pointed out that there seemed to be some confusion in the participants' minds between civil registration and voter registration. UNMIK, it was emphasized, had no authority to register Kosovars in foreign countries and as a consequence did not register non-regular residents. In this way, it was noted that travel documentation did not grant rights of citizenship. In addition, it was noted that the registration of non-residents would have led to a number of problems with regard to planning and civil administration, especially in areas such as health planning, education and the collection of taxes. On the issue of visas, it was acknowledged that inhabitants of Kosovo/a should be entitled to these, but their issuance was the prerogative of sovereign countries over which UNMIK had no authority. UNMIK was, however, willing to encourage such practices and to provide facilities. Although countries like Macedonia did now recognize UNMIK travel documents, the reason for the inability of Kosovars to travel to such places was more a result of internal problems in the third country. In the same way, the Federal Republic of Yugoslavia had the sovereign right to issue passports to its citizens. The political debate to address this issue was, however, still ongoing.

On the invitation of the Chair, the representatives then turned to addressing each of the individual points raised in the Recommendations. Both the agency representatives and the participants agreed that the process of registration should be undertaken by local staff. The UNMIK representative noted that this was increasingly the case and that around 500 Kosovar staff were now employed in municipal teams and approximately 350 in local data centres.

With regard to registration of the young and old, it was noted that there had been problems in this area but that the discrepancies were now being eliminated. Children born since 1999 were registered as a matter of course, and children over six years of age were registered, too. Those between these age groups remained to be registered. Surveys had also revealed that half of the identity documents distributed through post offices belonged to people over sixty years of age and as a consequence, home delivery services had been provided. The representative of JIAS agreed with a suggestion that some cases should be prioritized over others but pointed out that there was little room for speeding up the process of issuing documentation without reducing the credibility of the process. There were, however, still problems involved with the collection of reliable data and a lot of the information required to process documents was still sparse – 30 per cent of those registered, for instance, had now changed address.

Further points were raised about the issuance of documents in minority languages and about the difficulties encountered by those residents of Kosovo/a who were considered ‘temporarily’ abroad. There were also concerns raised about the unavailability of reliable statistics on minority registration and the ramifications this had for minority representation. In response, UNMIK acknowledged that the question of minority language documentation had been controversial for a long time. As a consequence, it had been decided that use of the Turkish alphabet would be permissible in areas where the Turkish community constituted a majority proportion of the local community, but would not be permissible in other areas. On the issue of minority registration, it was noted that civil registration in Kosovo/a had purposefully been undertaken so as to avoid distinguishing inhabitants on ethnic grounds. This had been done for sound political as well as administrative reasons, and was carried out according to European standards. It was further noted that the recognition of those

temporarily abroad would also run the risk of creating political and administrative problems, not least for the residents themselves, who might as a consequence face expulsion from their country of residence. As a consequence, there was a need for further careful negotiation rather than expedient remedies.

### *Births, Deaths and Marriages*

On the issue of the registration of births, deaths and marriages, the representative of UNMIK noted that there had been further problems to contend with on top of those encountered through the process of consolidating and verifying identification. These included property issues, especially in the period from 1989 to 99, and cadastral problems. Emphasis, however, had been placed on establishing the uniformity of documents according to a common standard of registration that conformed both to existing Kosovo/a law and EU standards. Circulation of those documents and their general recognition had been widely achieved. However, while the process of updating civil data had proved to be successful, that of obtaining old data had proved extremely difficult: despite increased pressure, the demands to retrieve registration books from Serbia were still ongoing. This was reiterated by the JIAS representative, who also noted the importance issues of property, ownership and registration played in establishing a functioning system of tax collection.

The first speaker, however, questioned the commitment of UNMIK to retrieve the missing registration books and pointed to the time that had elapsed since this issue had first been raised. It was suggested that if this option did not work, there was increased urgency in exploring alternative options and improving the infrastructure, especially at municipal level, to bring this about. UNMIK noted in response that laws had in fact been drafted to this end but were awaiting promulgation. As this was likely to be a long process, the actual circumstances had to be accepted in the meantime. The UNMIK representative agreed with the need for greater willingness to tackle this problem at municipal level and to harmonize the work of local offices, but this was a local decision rather than a central one. The JIAS representative concurred with this and noted that dealing with such issues had ramifications for local resources and finances. It was important to keep the discussion going in this area but there was also a need for patience as no solution was as yet forthcoming.

Again, the issue was raised of the use of Turkish in official documentation. It was noted that there had been some mistakes in the transcription of Turkish on documents and it was questioned why funding was allocated to other minority languages to a larger extent than Turkish.

Mr Schumann responded that UNMIK's position on documentation in Turkish had been clear. There was a need to bear in mind the number of priorities that had to be set and the limitations of funding such policies; other dimensions and problems also needed to be addressed and adequately funded. As a consequence, the general language issue needed to be addressed at the level of the Assembly. It was acknowledged that mistakes had been made at municipal level in the transcription of documents into Turkish, but while UNMIK had tried its hardest to be efficient, it could not guarantee 100 per cent success.

#### *Vehicle Registration*

On the issue of licensing and vehicle registration, there was general approval of UNMIK's efforts in this area, and attempts to ensure wider international recognition of the Kosovo/a number plates.

While this praise was warmly welcomed by the representatives, it was noted, however, that a number of issues still needed to be addressed. While a large number of countries now recognized the Kosovo/a number plate, attempts were still being made to extend this to the Schengen area. The key issues that UNMIK faced, however, were those of cracking down on criminality and tackling the related issue of insurance. More progress also needed to be made in the certification of driving schools and the regulation of driving licences. This was a long process which involved the need to ensure adequate safety controls and standards at every stage, from the training of driving instructors to the standardization of driving tests. UNMIK indicated, however, that progress had thus far been significant and that pending approval of the budget, a functioning system would be in place by January 2002.

The first session closed with a general expression of thanks on the side of the STWG participants and on the side of the implementation agencies' participants, and the expression of willingness to continue dialogue.

#### B. Session 2: Health

The afternoon session was chaired by Dr Izet Sadiku, member of the Steering Committee on Health, who welcomed the representatives of the implementing agencies, Hannu Vuorri, Co-Head of the JIAS Department of Health, and Dr Matthias Reinecke, from the European Agency for Reconstruction. Dr Sadiku then proceeded to present the Recommendations formulated by the Group in the earlier STWG meeting devoted to health issues, that took place in May. Dr Sadiku also made reference to a training workshop on health policy that had been organized in collaboration with the World Health Organization in August.

##### *An Integrated Health System*

Dr Vuorri began his response by underlining the importance and urgency of health issues in Kosovo/a. He noted that in principle, and in line with UNMIK policy, all health care facilities were part of a unified system whose responsibility did not cease according to the location or community it dealt with. He conceded, however, that discrepancies in application remained. On this issue, he raised the case of Mitrovica where UNMIK authority in hospital facilities was not recognized and where running costs and salaries were paid from the budget of the Health Department in Serbia. This state of affairs could also be witnessed in Serbian enclaves where the Serbian government ran parallel institutions through the provision of free health facilities to members of the Serbian community. Dr Vuorri, however, underlined the dilemma faced by the international agencies and drew attention to the opening of the so-called Mitrovica 'branch' of Pristina University. In this case, UNMIK recognized that it was unrealistic for Serbian students to undertake their studies at Pristina University for obvious security reasons. The opening of a medical department in Mitrovica was therefore acknowledged as the only way to cope with this problem.

Turning to the issue of private practices, Dr Vuorri informed the Group that a new regulation was being drafted as a consequence of a recent World Bank initiative. It was, however, acknowledged that results had so far proved unsatisfying and further improvements in this sector still needed to be made. It was noted that the Department of Health generally had nothing against the development of private hospitals, but was nevertheless reluctant to endorse the development of private practices within existing public institutions. Previous experiences had revealed that such practice usually led to abuses of the system.

On the related issue of health insurance, it was noted that a lack of funds had proved the main barrier to the overall implementation of the World Bank's initiative. This had been due to a crucial shortfall in income tax revenues. As a consequence, it was emphasized that even with the introduction of appropriate tax collection measures in January 2002, a further two years would be needed to guarantee the basic level of funding required by the health service. In this context, it was further noted that a provisional solution based on co-payments had been rejected as it had been judged ineffective. In its place, a grant system had been secured which represented 20 per cent of the government's overall budget. Dr Vuorri underlined that this represented a substantial commitment when compared to similarly funded health systems.

In response to the JIAS representative's comments on private practices, one participant proposed the establishment of a transparent timetable of duties regulating the allocation of practitioners' time between the sectors. Most participants, however, underlined the continued problems associated with the existence of parallel institutions. In this context, it was noted that respect for common rules applying to all communities would establish a basis for further cooperation and the reinforcement of trust. The issue of freedom of movement was also raised in this regard. It was stressed that responsibility for this issue lay with all communities: with the Albanian community through their inability to substantively ensure the safety of minorities, and with the minority communities themselves who continued to cultivate their fears. The representatives of the international agencies were then requested to present concrete steps that could be taken by the administration to help resolve this matter. Finally, the Group expressed their interest in being presented an overview of the budget plans for the coming year.

Dr Vuorri obliged the latter request, and after outlining the projected budget for the coming two years, he responded briefly to each of the issues raised. It was emphasized that both the issues of parallel institutions and especially freedom of movement were political questions and, as a consequence, it was beyond the remit of the department of health to implement any decisive policy in these fields. Finally, he acknowledged the suggestion that had been raised with regard to the regulation of private practice but reiterated the need for clear and transparent restrictions to be instituted through regulation.

### *Primary Health Care*

After inviting further comments from the Group, the Chair then turned to the Recommendations that had been raised with regard to primary health care provision in Kosovo/a. The first speaker addressed the vexed issue of the role and competences of nurses in Kosovo/a, and especially to the adequacy of their supervision and training. In response, the JIAS representative underlined the importance of primary health care, which he considered the corner stone of any health system. As a consequence, he noted the continued commitment of the Health Department to ongoing training programmes and concurred with the Group that these should accord to EU and international standards. He conceded, however, that the development of new training programmes had been problematic and therefore called on the assistance of the Group to promote attention to the needs in this area. It was noted, in particular, that the number of applications for training nurses far outstripped the number of posts available. Attention was also drawn to the distortions in the distribution of staff: there were, for example, too many specialists in certain areas with a corresponding lack in others, such as antenatal care. There was also a gap between the availability of practitioners in rural and urban areas. In this context, it was noted that the Department of Health was in the process of exploring alternative policies, such as obliging young practitioners to work a minimum of two years in an area where there was a shortage in staff.

A guest speaker raised the issue of decentralization and expressed his disagreement with this principle when applied to Kosovo/a. It was suggested that the geographic and demographic make-up of the province did not justify the development of various

centres of specialization across the province in advanced areas of medicine such as cardio-surgery. A related comment drew attention to a similar imbalance in health provision where it was suggested that preventative measures were insufficiently followed.

Responding to the issue of decentralization, one member of the Group offered to look into the application and implementation of EU health standards to Kosovo/a, especially with regard to the doctor/patient ratio and report back to the Group. A discussion then developed on this topic. It was emphasized that an essential distinction needed to be made between decentralization of structures and decentralization of health management capabilities. With this in mind, the question then centred on how a manageable system covering the needs of the community could be achieved. Attention was here drawn to the importance of equitable demographic and geographic distribution of health care facilities as well as the importance of reliable demographic statistics to assist in planning. In a concluding comment, Dr Vuorri greeted these comments and reiterated the principle that had earlier been highlighted regarding management decentralization while noting the importance of maintaining a centralization of services.

#### *Equal Access to Health Care*

The topic of guaranteeing equal and equitable access to health care was then approached. Dr Matthias Reinecke of the European Agency on Reconstruction took the opportunity to introduce to the participants a new initiative of EAR focusing on the reintegration of the Serbian community. Dr Reinecke noted that this project had been developed as part of the donor states' requirements that the achievement of a functioning health care system should be based on the principle of equality for all communities. It was further noted that the programme would focus on strengthening capacity and training as well as the provision of equipment. Dr Reinecke, however, emphasized that a large part of the question regarding access to health in Kosovo/a remained political and that the participants could therefore play a profitable role in realizing these aims.

There was, however, some confusion about terminology that had been employed and in response one speaker requested further clarification of the terms Dr Reinecke had used before continuing the discussion. It was noted that the term 'equal access' could be used to refer to physical access to facilities as well as to refer to gaining adequate and reliable access to information. Along similar lines, it was suggested that issues of non-discrimination would have to be further elaborated. One speaker also questioned the political implications of the issue. It was suggested that there was room for improvement in other areas of society as well as between sectors so that other implementation bodies could play a meaningful role, for example in the promotion of education as a means for publicising information. A further speaker questioned the feasibility of integration policies towards the Serbian community when there seemed to be a gap between the will to integrate and the policy of maintaining enclaves.

In response, Dr Vuorri acknowledged this final point. He noted that the Department of Health was concerned at cases where certain governmental agencies were promoting a kind of vicious circle through the implementation of sectional humanitarian policies while ignoring the unified system that the Department of Health was endeavouring to establish. By way of example, he drew attention to the case of Kamenica where initiative of a parallel agency had led to the establishment of special facilities for the Serb community and thus encouraged them not to attend the local general hospital. In agreement with a previous speaker, he stressed that such examples demonstrated that the question of equal access to health care was not merely political but was also a consequence of a lack of coordination between implementing bodies. In conclusion, Dr Vuorri took the opportunity to air the Department's project policy regarding the licensing of health personnel. It was proposed that the process of licensing practitioners would in future be subject to a preliminary pre-licensing trial period. As a consequence, qualified practitioners would then have to undergo training every five years to keep them up to date with recent development and practice. This process of quality control would then be dependent on regular assessment of their performance.

A number of concluding comments were then made with regard to the issue of demographic data collection and availability that had earlier been raised. It was reiterated that adequate and reliable data was essential for the efficient and equitable planning of health policies. The participants and representatives of the

implementation agencies agreed that there was a need for the creation of a data collection centre and it was confirmed by the representative of EAR that such a system to provide health care information across all regions of Kosovo/a was in the process of being established. However, it was highlighted that such a system itself crucially lacked channels of reliable information, and at present it was being set up to collect data rather than provide them. In a concluding comment, Dr Reinecke drew attention to the importance of using this information gathered sensitively in order to draw up and implement effective and equitable policies.

#### *Provision of Secondary and Tertiary Health Care*

Turning from issues of primary health care to secondary and tertiary health care, the Chair first of all invited the representatives of the international implementation agencies to provide a brief outline of recent policy developments in these areas. Dr Vuorri obliged by giving a brief presentation of past developments ending with an overview of future lines of action that would need to be considered by the incoming Health Department. It was emphasized that much responsibility lay on the civil servants who would be in charge of administering policy as they would need to do so in a consistent and accountable manner. Another crucial issue identified by Dr Vuorri was the question of funding. It was noted that the present budget rested on two components: the operational budget issued from taxes, and the so-called 'capital investment' budget which could not be properly anticipated as it relied on the continued goodwill of donors. In this context, it was highlighted that the main problem of capital investment was that it was linked to donor priorities, which tended to attach to specific projects determined without consulting the formal implementation agency. Finally, Dr Vuorri emphasized the improvements that needed to be made to existing infrastructure and the positive impact this has on the secondary and tertiary health care was highlighted.

In an additional comment, the JIAS representative regretted the inefficiency of the residual 'old management system', which consisted in the expectation that hospital management would be granted a budget as a matter of course. It was noted that the Health Department had recently attempted to generate a greater sense of responsibility amongst hospital management by handing over ownership and responsibility. Thus

the management would henceforth need to evaluate their needs, draft a budget and then propose this budget to the Department for approval. Dr Vuorri suggested that more initiative needed to be promoted within hospitals at the various departmental levels. It was indicated that management training for hospital management teams would be stepped up from October 2001 in order to support this policy. Finally, in response to a proposal that practitioners could gain experience through twinning programmes, Dr Vuorri expressed his scepticism on the efficacy of such an approach. It was noted that only a limited number of cases had proven to function properly thus far. Instead, Dr Vuorri proposed that greater cooperative practice between the different agencies present in Kosovo/a would prove more beneficial and pointed to successful examples between US KFOR and local hospitals.

These comments generated much debate. Some participants indicated that the Health Department still had an important role to play in the management of hospitals' budgets and was perhaps shirking some of its responsibilities. In response, the JIAS representative reiterated that the department had made it a deliberate policy to limit its involvement in implementation in order to support initiative within hospitals and increase the accountability of hospital management. The only responsibility the Health Department would in future acknowledge was in monitoring the use of the budget according to the needs present. In the end of the discussion, the participants and the Co-Head of the Health Department both expressed their satisfaction at having the opportunity to debate and clarify each other's understanding on these matters.

### *Drugs*

The final session turned to the issue of drug abuse in Kosovo/a. The discussion started with a number of questions being posed about the Department of Health's achievements and policies in a wide range of drug-related issues, covering the improvement and regulation of pharmacies, the management and restriction of drug usage as well as the development of specialized centres devoted to assisting drug rehabilitation.

It was noted that the cultural specificity of Kosovo/a had led to the relative neglect of drug-related problems. Attention was, however, drawn to a recent WHO survey that

had outlined the extent of the problem. It was emphasized that although the survey noted the important role that familial links and households played in supporting victims of drug abuse, this should not prevent the future government from taking decisive steps to deal with the issue. Dr Vuorri instead pointed to the necessity for psychiatric help in such cases and noted the Department's efforts to promote this service through the organization of specialized training in psychiatric aid. It was further noted that the Department of Health had promoted the adoption of certain regulations, in accordance with international standards, on drug imports in order to regulate the flow of imported medicines. It was also noted that UNMIK had been active in regulating other related fields such as the sanitary and deontological standards of pharmacies and their obligation to provide medication only on prescription. In addition, it was highlighted that the Health Department had renewed its efforts to address the drug-related issues of AIDS and hepatitis. In this context, it was emphasized that civil society had an important role to play here through promoting health education amongst the population in all of these issues.

The role of NGOs in dealing with these issues was then raised by one speaker, who drew attention to the fact that drug abuse as well as disability issues were a taboo subject in Kosovar society, which hampered prevention and support of victims. As the NGO sector had proven to be beneficial and its cooperation with UNMIK had proven productive, it was suggested that there should be greater cooperation, especially with regard to promoting campaigns on health education. Another speaker took up the issue of tabooization of disabilities. It was noted that disability should be considered an integral part of society but was often regarded as a problem on the same level as drug abuse. In this context, it was suggested that awareness-raising campaigns would be beneficial, as would greater attention to the issues of social welfare.

In conclusion, the implementation agency representatives thanked the participants for their constructive discussion and encouraged those representatives of civil society present to continue their efforts in promoting initiatives within the health sector. It was further proposed that such discussions should be encouraged and stressed that they would constitute a welcome addition to the policy forming process.

### C. Session 3: Judicial Administration

The second day of the review session was devoted to addressing issues of judicial administration and human rights. This session was chaired by Mr Husni Bayrami, a member of the Steering Committee on judicial affairs, who previously chaired the STWG meeting in June. After a brief introduction of the implementation agency representatives, the Chair requested Mr Alexander Borg-Olivier, Director of the Office of Legal Advisor to the SRSG, to provide an overview of developments since the previous meeting with particular reference to the Recommendations drawn up by the Group.

In response to this request, Mr Borg-Olivier sketched various draft regulation projects on which the department had been working over the previous six months and commented on the timetable for implementation. After this brief introduction, he turned to the first group of Recommendations, which addressed the general issue of establishing a unified judicial system.

#### *Unity of the Judiciary*

Before commencing, Mr Borg-Olivier commended the Group on its work and observed that the Legal Office was in total agreement with all of the Recommendations that the STWG had drafted over the year. On the issue of establishing a unified judicial system, it was reiterated that this had always been the long-term aim of the Department and had therefore guided policy from the outset. He acknowledged, however, that further work needed to be undertaken to achieve this aim but that the present system was still young and open to compromise. Mr Zait Xhemajli, Judge at the Supreme Court of Kosovo/a, supported this observation, adding that the primary need was to first unify the law throughout the territory of Kosovo/a, with particular emphasis on attaining agreement with international standards of human rights.

In response, one speaker acknowledged the advances of the implementation agencies but noted the continued lack of trust amongst the Serbian community. This, he suggested, was essentially due to lack of confidence in security as well as the

deficiency in the provision of security arrangements. On the question of achieving unity in the judicial system, it was proposed that a transitional policy of underpinning mechanisms supporting coexistence and integration should be pursued, especially with regard to enhancing the participation of the Serbian minority in public life at all levels.

This point was reiterated by the OSCE representative who particularly highlighted the need for greater representation of minorities in courts. It was suggested that such representatives would have to be appointed by the SRSG's office but that local institutions could play an important role in identifying suitable candidates. This was endorsed by Mr Borg-Olivier, who underlined that representation of all communities within the judicial structures was an important step to achieving justice for all, and Mr Xhemajli, who pointed to the courts as an important institution for serving a unified community as well as promoting one.

In this context, a further speaker observed that the integration of Kosovar Serbs was a welcome advance but should not extend to Serbia as a whole in the process. It was further emphasized that to achieve a unified judiciary there was a need first to achieve unity within Kosovo/a.

### *Independence of the Judiciary*

The debate then turned to the question of judicial independence. This generated a lively debate that revolved around the extent and nature of executive intervention and its likely continuation. It was generally agreed that the ideal of total independence of the two branches could not yet be attained in Kosovo/a given the present climate and that occasional intervention by the international presence might still be necessary.

It was proposed that a regulation should be developed to be applied to SRSG decisions where the SRSG's interference could only occur within well-defined and codified parameters. Mr Borg-Olivier assured the Group that a well-defined procedure was in fact in place on such issues and that decisions to interfere were very carefully scrutinized. After consultation, the Group however decided to adopt an amendment to the Recommendations under consensus to make provision for such a codification.

### *Increasing Transparency*

The Group then turned its attention to the question of transparency and accountability in the judicial system. The first speaker directed his question to Mr Xhemajli and questioned the existence of mechanisms for renewing or replacing judges given the evolution of practice and legislation. Mr Xhemajli acknowledged that this recommendation was a key element to achieve a proper, efficient and sustainable judiciary system. He pointed to the existence and availability of the Official Gazette in disseminating new legislation to all lawyers and judges, and noted that it was translated into all the official languages of Kosovo/a. He went further to propose that this Gazette should also be made accessible to the population itself. It was, however, acknowledged that promulgation of regulations was not adequately publicized due to the long delay in translation. This, it was stressed, was more a question of logistics than lack of goodwill; there was a paucity of skilled translators and difficulties in reaching courts in the more outlying areas.

The representative of the Judicial Department indicated that when the Gazette was published, the Department attempted to have it distributed to as wide an audience as possible through using post offices as distribution centres. It was acknowledged that this service had, however, been defeated by the high costs involved and that this had regrettably created a barrier for disseminating information to a larger audience. The Department was well aware of the problem of distribution and had therefore attempted to spread information through using different means. It was suggested that the development of debate amongst civil society could be of great relevance in overcoming this impediment. This point was reiterated by the OSCE representative, who, with reference to the Recommendations, drew attention to an OSCE initiative in association with the Kosovar Bar Association to initiate a project providing free counselling service to the population. It was indicated that this project aimed to establish 20 counselling offices to be run by lawyers in association with specialist NGOs.

### *Improving Cooperation*

The Chair then guided the discussion to issues of cooperation with judicial administration. On opening the floor for comments, one speaker addressed the issue of witness protection, referring to the continued problems facing witnesses from minority groups and the ‘wall of silence’ that was often met. The speaker expressed his concern at this state of affairs and indicated the potential for the miscarriage of justice.

In response, UNMIK noted that laws regarding the issue of witness protection were now in place but that concerns remained about their implementation. The UNMIK representative revealed that internal reports had indicated an improvement in the situation of endangered witnesses delivering but that the Department was still aware of continued difficulties, particularly within enclaves, and was therefore working towards the resolution of these issues.

With reference to the Recommendation, another speaker expressed his concern about the need for further clarification of one of the propositions concerning the delivery of summons. It was pointed out that to avoid abuse of the law, this should only proceed when based on the applicable law of Kosovo/a. In discussion with the implementing agencies and members of the Group, it was agreed by consensus that the relevant Recommendation be supplemented by the phrase “delivering summons according to applicable law”.

### *Compliance with International Human Rights Standards*

The floor was then opened to issues pertaining to human rights standards in the applicable law of Kosovo/a. By way of an introduction to this topic, the OSCE representative reminded the Group that human rights awareness was not an issue that could be discussed and implemented in one day. In this context, it was highlighted that the OSCE along with other groups such as the Council of Europe were making an ongoing effort to organize campaigns and training workshops to promote human rights to NGOs and the civil society at large.

In the context of transparency and compliance, it was proposed that the official languages of Kosovo/a be used in courts, not only through the provision of interpretation, but in the proceedings themselves. Regarding the practical implementation of human rights in Kosovo/a, it was submitted that despite the constitutional right to the protection of human rights granted to all citizens of Kosovo/a, UNMIK could prove to be a prime offender through its interference in judicial matters. A further question to the international representatives addressed the issue of the rights of the disabled and it was proposed that the applicable law in Kosovo/a be amended to incorporate such provisions. It was further noted that existing provisions with regard to the deaf and mute were as yet not in line with those of international standards. It was proposed that awareness be raised amongst members of civil society in these issues, and that a campaign of affirmative action be taken in promoting these standards.

The members of UNMIK underlined their commitment to providing laws and especially human rights provisions that served the people of Kosovo/a. In this context, it was acknowledged that further steps needed to be put in place to better inform the people of their rights. It was agreed that a media campaign would be beneficial. Similarly, it was acknowledged that public debate needed to be initiated on impending laws and legal provisions. On the question of disability rights, Mr Borg-Olivier affirmed that the Department had initiated efforts to include disabled persons in the process of drafting appropriate legislation, even if the results so far have not been totally conclusive. He further agreed that there remained room for improvement in this area through education, awareness-raising and media campaigns.

Questions were then raised regarding the status of property rights and regulations in Kosovo/a. It was suggested that greater attention be paid to the urgency of this matter and that adequate guidelines would need to be drafted to help clarify this matter. In this context, another speaker drew attention to the human rights dimensions of this issue, particularly with regard to the rights of minority communities.

UNMIK agreed with this suggestion and the need for clearer guidance on the implementation of property rights. Mr Borg-Olivier indicated that such a regulation was in fact being drafted and would be promulgated at a later stage. Given the

backlog of regulations that were being processed, he was unwilling to provide an indication of when this would be effected.

The issue of executive interference was again raised by a number of speakers, who drew attention to the human rights implications of this power. It was also noted that the recent use of these powers was having a detrimental effect on public opinion towards UNMIK. Stressing that he was speaking in a personal capacity, one speaker condemned the use of executive power intervention in the case of extra-judicial detention and regulations regarding the maximum length of prison sentences.

In response, Mr Borg-Olivier re-emphasized the exceptional nature of the SRSB's recent interventions, which he noted had relied on sensitive information, which in the case such of the attack on the *Nic express* could not be divulged for reasons of ensuring the safety of the witnesses involved. On this issue, Mr Borg-Olivier drew the participants' attention to Regulation 2001/18, which had recently come into force. Turning to the issue of draft custody regulations, it was indicated that a number of provisions were presently being under consideration, especially with regard to ensuring the right of access to defence counsel. In this respect, Mr Xhemajli added that long-term sentences in cases of severe crimes constituted a humane and democratic solution to the issue of just punishment and were preferable to alternatives like introduction of the death penalty.

To round off the morning's session, the guest speakers thanked the participants and the facilitators for providing the opportunity to enter into discussion with members of civil society and seek their views on judicial affairs. The representative of the OSCE thanked the participants for the professionalism of their recommendations and indicated that further dialogue would be mutually beneficial. In conclusion, the facilitators expressed their appreciation to all participants and indicated that the process of constructive dialogue that had been in evidence over the preceding two days was an ongoing process. All participants were therefore invited to consolidate such channels of consultation for the future.

### **III. EVALUATION OF ACTIVITIES AND FUTURE DIRECTION OF THE STWG**

At the end of the final round-up session on Sunday, the facilitators called on the participants to provide feedback on the activities of the Standing Technical Working Group thus far and invited further debate on how the initiative could be advanced in light of the forthcoming Assembly elections.

All participants welcomed the general initiative and the commitment that had been shown by the facilitators over the initial period of the project. Many participants expressed their satisfaction with the issues discussed and the opportunity to engage high-level representatives in constructive dialogue. While the first half year of the project was widely regarded as a success, the participants were also keen to build on their achievements and strengthen their effectiveness, especially in terms of translating their policy recommendations into tangible results.

There was, however, a widespread feeling that the participants would require greater access to information and expertise in order to achieve this and to continue such dialogue at an adequately high level of debate. In this regard, it was suggested that the role and procedures of the Standing Technical Working Group be adapted to accommodate a greater level of expertise. It was further proposed that the existing Steering Committees be strengthened in order to enhance their effectiveness, particularly with regard to tracking developments and pursuing the implementation of recommendations with the respective authorities. In addition, the Group felt that a greater level of accountability needed to be introduced into the process through the clarification of defined rules of procedure between the Steering Committees and the Standing Technical Working Group.

The Group further welcomed the provision of more targeted training modules as a means to support their activities and to enhance their deliberations during the meetings. However, while it was considered necessary to continue training in the specific issue areas identified by the STWG, not least to broaden the knowledge base of the participants, it was also recommended that the training workshops aim to

facilitate the transfer of skills required by the participants to assist them in dealing more effectively with concrete problems.

With regard to determining a longer-term strategy for the project, it was agreed that an effective follow-on process needed to be set up early but would only become truly effective and operational once the Assembly had been fully established. In this context, it was proposed that more effective channels of communication be established between the Group and the respective offices of the administrative authorities, and that this process be established as a bilateral relationship. In terms of immediate steps forward, it was felt that the forthcoming plenary meetings on economic reconstruction and development could be used as a launching pad for enhancing the role of the Steering Committee through the formation of an 'Expert Committee on Economics'. Finally, there was a request that ECMI explore steps towards implementing the recommendations outlined above.

In a similar vein, it was proposed that further Expert Committees be established to parallel the activities of the newly created ministries and that the STWG plenary sessions make provision for monitoring their performance through establishing a broader forum for consultation, and for addressing issues of broader relevance. It was felt that some level of feedback would be beneficial in order for the Group to gain an understanding of how effective their deliberations had been and how much work still needed to be done.

In general, however, it was questioned what incentive the emerging authorities would have for engaging in such a process, and what incentive there would be for the participants to devote their time and commitment to such a long-term initiative. It was also thought by some participants that more would be needed to be done to ensure sufficient representation, as well as fair and inclusive representation of minorities in such an ambitious project. More provision for the dissemination of the Group's activities was also requested, either through regular press releases or at least through the provision of wider press coverage of the Group's plenary sessions.

In this context, it was questioned what incentive the facilitators had for pursuing the initiative and what interests the organization had with regard to the protection of

minority interests, especially given its name. By way of clarification, the facilitators noted for the record that the term ‘minority’ was regarded by the facilitators in terms of broader minority-majority relations, and that the Centre did not engage in advocacy on behalf of any sectional interests.

Once again, the question of Turkish translation was addressed. It was acknowledged that this posed a continuing problem. It was, however, emphasized that the facilitators had made efforts to secure the presence of a Turkish translator and called upon the help of the Turkish delegation to achieve this. It was noted that this issue was ongoing and that a renewed attempt to ensure the provision of Turkish translation would be undertaken.

Before closing the proceedings, the facilitators thanked the participants for their constructive engagement in the weekend’s events and for their continued commitment to the work of the Group. It was also noted that the constructive comments provided by the participants would facilitate the refinement of the long-term goals of the project for the organizers, and that the participants’ continued engagement and input was essential to the success of the initiative.

#### IV. APPENDICES

##### A. Programme of the Fourth Meeting: Review of Activities

*Day One: 29 September 2001*

TIME	ACTIVITY
10.00-10.30	<b>Introductory Remarks</b> <ul style="list-style-type: none"><li>○ Objectives of the Project</li><li>○ Aims of the Session</li></ul>
	Coffee Break
11.00-13.00	<b>First Session:</b> Issues of Civil Registration and Documentation
13.00-15.00	Official Lunch with Representatives of Implementation Agencies
15.00-17.00	<b>Second Session:</b> Kosovo Health Sector Reform and Reconstruction
17.00	Buffet with Drinks

*Day Two: 30 September 2001*

10.00-12.00	<b>Third Session:</b> Administration of the Judiciary and Human Rights in the Judiciary
	Coffee Break
12.30-13.30	<b>Closing Remarks</b> <ul style="list-style-type: none"><li>○ Review of Recommendations</li><li>○ Discussion of Future Activities</li></ul>
13.30-15.00	<b>Closing Lunch</b>

## B. List of Participants

### Implementation Agency Representatives

#### a. Civil Registration and Documentation

Name	Affiliation	Status
Peter Schumann	JIAS Co-Head, Department of Public Services	Attended
Robert Muharemmi	UNMK Department of Civil Administration	Attended
Jim Campbell	Project Manager, Institute for Health Sector Development, DFID	Attended

#### b. Reconstruction of a Health System and Access to Health Care

Name	Affiliation	Status
Hannu Vuori	JIAS Co-Head, Department of Health and Welfare	Attended
Dr Matthias Reinecke	Former WHO officer, actually at EAR	Attended
Pleurat Sejdiu	JIAS, Department of Health and Welfare	Invited

#### c. Judicial Administration

Name	Affiliation	Status
Alexander Borg-Olivier	Director of the Office of the Legal Adviser to the SRSG, UNMIK	Attended
John Cubbon	Office of the legal adviser to the SRSG, UNMIK	Attended
Maurice de Tevenard	Senior Legal Officer, UNMIK	Attended
Myriam Roccattello	Department of Judicial Affairs, UNMIK	Attended
Carsten Webber	Department of the Rule of Law, OSCE	Attended
Zait Xhemajli	Judge at the Supreme Court of Kosovo/a	Attended

## The Standing Technical Working Group

### Political parties

Name	Affiliation	Ethnicity
Hysni Bajrami	PDK	Albanian
Mevludin Krasniqi	PDK	Albanian
Izet Sadiku	LDK	Albanian
Iilir Salihu	LDK	Albanian
Besnik Osmani	LDK	Albanian
Gafur Podvorica	PLK	Albanian
Mehmed Ceman	BSDAK	Bosniak
Ruzdija Krijestorac	SDA	Bosniak
Avdullah Qafani	Alb.-Egyptian Council	Egyptian
Dragan Velic	SNC	Serbian
Boban Nikic	NGO (Gracanica)	Serbian
Valon Murati	AAK	Albanian
Adem Limani	AAK	Albanian
Sebahate Grajqevci	AAK	Albanian
Iilir Salihu	LDK	Albanian
Besnik Osmani	LDK	Albanian
Fikrete Zajmi Kadriu	PRK	Albanian
Serafetin Omer	TDB	Turkish
Nebahat Dogan	KTHP	Turkish
Gjylnaze Syla	AAK	Albanian

### NGO representatives

Fahredin Tahiri	ZAMAN	Bosniak
Mujo Dacic	NGO	Bosniak
Halit Ferizi	Handikos	Albanian
Suzana Arni	KCSF	Albanian
Gani Toska	Roma Association	Roma
Gjylieta Mushkolaj	Kosovar Inst. for NGO Law	Albanian
Ibrahim Makolli	KMDLNJ	Albanian
Luan Jaha	Human Rights Center	Albanian
Elife Krasniqi	Partners	Albanian
Fatmire Lutolli	Jehona	Albanian
Nexhmedin Sejdiu	TMK	Albanian
Bersant Disha	KIDS	Albanian
Fisnik halimi	KACI	Albanian
Bayram Rogova	SHEFKAT	Turkish
Myrvete Pantina	Independent	Albanian

**Facilitators**

Graham Holliday	Research Associate and Balkan Projects Coordinator, ECMI, Flensburg
Roberto Montella	Regional Representative, ECMI, Pristina
Donika Krasniqi	Office Manager, ECMI, Pristina
Camille Monteux	Visiting Research Associate, ECMI, Flensburg

## C. Recommendations

### 1. Recommendations of the Standing Technical Working Group on Civil Registration and Documentation

#### *On the Rights associated with Registration and Identity*

- The implementation of a comprehensive and expeditious strategy of registration and identity documentation is an essential prerequisite for the safeguarding of fundamental rights of liberty, mobility and safety for all communities of Kosovo/a.

#### *On Establishing a Uniform Process of Civil Registration throughout Kosovo/a*

- UNMIK needs to set a firm and clear programme for the expeditious and comprehensive registration of all citizens of Kosovo/a.
- This programme must extend to the diaspora population as well as those who have been internally displaced.
- To preclude the exclusion of certain demographic groups, efforts to register those under 16 years of age should be intensified.
- A discernible time plan to achieve this strategy should be adopted and implemented.

#### *On the Registration of Births, Marriages, Deaths and other Issues of Registration*

- The establishment of a uniform registration process, adhering to common Kosovo/a-wide standards, should embrace the registration of births, marriages and deaths.
- These standards should conform to internationally recognised standards of registration so as to facilitate the recognition and acceptance of documents abroad.

- Adequate attention should also be paid to issues of registration pertaining to periods of work, residence and property ownership.
- Urgent steps need to be taken to expedite the return of registration books removed to Serbia. Should this prove impossible, efforts should be focused on the recreation of these records through the utilisation of modern data processing systems.

*On the Provision of Adequate facilities for Registration*

- To support this process, concrete measures need to be put in place. These include:
  - Improving the competence and professionalism of personnel involved in the registration process;
  - Increasing the involvement of experienced, local staff;
  - Ensuring an adequate number of registration centres to manage the registration process effectively.
  - The reopening of local registration offices should be investigated.
- Provision should also be made for the possibility of individuals to register in their mother tongue and for the documents to be issued in these languages.

*On the Recognition of Identity and Travel Documents*

- Opportunities of merging registration and distribution centres should be explored.
- Voluntary work of the local population should be enlisted to facilitate the distribution process.
- A high-profile media campaign should be instigated as a means of raising public awareness and maintaining the engagement of the population.
- Equal consideration should be given to the expeditious processing and distribution of travel documents, especially with regard to the possibility of the need for transport in cases of urgent medical attention.
- UNMIK should take an active role in encouraging other states, especially Macedonia and Albania, to facilitate the provisioning of visas.

### *On Issues of Licensing and Vehicle Registration*

- With regard to the issuing of vehicle registration plates, UNMIK's efforts must be commended.
- Consideration should nevertheless be given to effecting the uniform application of licence plates and their wider international recognition.
- The establishment of driving schools authorised to grant licences according to approved examination should be supported as a means of curbing traffic offences.

## 2. Recommendations of the Standing Technical Working Group Health Sector Reform and Reconstructions

### *On the Functioning of the Kosovo/a Health system as an Overall System of Health*

- To facilitate the expeditious and effective reconstruction of the health system in Kosovo/a and to establish a fully functioning system based on equity and non-discrimination, the central goal of policy-makers should be a policy of integration.
- For integration to be realised, a long-term overarching policy framework of reconstruction and reform should be developed, which is fully informed by the needs and concerns of all communities of Kosovo/a.
- The efficacy, equity and sustainability of this policy framework depends on the uniform regulation of all levels of health service provision in Kosovo/a.
- The common goal of rebuilding an integrated health system should be based on the principles of equity and non-discrimination and should recognise the existence of common values and common needs across ethnic divides.
- Recognising the limit on public funds to support a comprehensive public health system, provision should be made for private health care services.
- Where such private provision exists, it should be regulated according to transparent, binding and uniform regulations which comply to an acceptable minimum standard and extend to the regulation of public employees in private practice. This should be done by the granting and revocation of licences.

- To ensure the continued provision of adequate and comprehensive health care services in Kosovo/a, including the provision of acceptable levels of payment for medical personnel, a sustainable method of funding must be found. This needs to include provision for social insurance and benefits.
- For the short-term, options for providing alternative payment schemes, such as co-payment and user fees should be explored; in the long term, concrete measures need to be taken to establish and implement a comprehensive and equitable health insurance scheme.
- Effective reform in the health care sector and the development of effective strategies to changes this will remain limited without the existence of reliable demographic statistics and information.

#### *On the Provision of Primary Health Care*

- To bring about the rational and efficient utilisation of primary health care resources, a detailed plan should be adopted to assist in identifying existing areas of overlap, duplication and geographical distribution as well as the rational allocation of manpower to facilities.
- To support this process, the role and competences of qualified nurses should be re-evaluated. Their duties should in future be extended to cover:
  - The provision of maternity services: ante- and postnatal care;
  - Their increased deployment of to peripheral regions;
  - The adoption of an educative role in matters of hygiene and reproductive health.
  - Effective consultation and cooperation of doctors should be sought to facilitate possible areas for the better allocation of resources and personnel.
- Equal consideration should be given to the training requirements of nurses, not only as a means of improving services by addressing gaps in skills and knowledge but also as a means of creating incentives to remain within the health sector.
- To prevent the potential for imbalances in service provision, measures should also be taken to encourage medical personnel to remain employed in more peripheral structures.

- As a further measure to preclude the inequitable provision of health services and improve resource allocation, efforts should be focused on further decentralising the health care system.

*On Equal Access to Health Care*

- To guarantee the development of an integrated and equitable health service in Kosovo/a as well as to develop trust in the system amongst all communities of Kosovo/a, the principles of equity and non-discrimination must be strictly adhered to throughout all levels of health services, encompassing consumers, providers and employees.
- Particular attention should be paid to especially vulnerable groups, such as the poor and the disabled, and the level of awareness of their attendant medical problems should be raised.
- Urgent steps should therefore be taken to eliminate the provision and consumption of separate services as well as to ensure the equal distribution of resources between urban and rural areas.
- To guarantee access to health care provisions for endangered groups, efforts must be redoubled to ensure the safe passage of patients to and from medical facilities.
- The provision of reliable access to safe transport and channels of communication, particularly in the case of emergencies, is crucial.
- Concrete measures must be put in place to ensure that safe corridors be created to ensure the unhindered transport of vulnerable patients.
- The provision of emergency treatment in cases of evacuation must also be clarified and clear guidelines should be adopted to govern the entitlement to medical evacuation facilities.

*On the Provision of Secondary and Tertiary Health Care*

- In view of the pressing need to improve access to secondary and tertiary health care, particularly in remote areas, urgent steps should be taken to address the shortage of facilities and specialist personnel outside Pristina.

- Steps should also be taken to improve the provision of outpatient services so as to bring them into line with hospital standards.
- To ensure the adequate provision of qualified medical personnel across all levels of health care provision, a comprehensive programme of targeted and ongoing training should be implemented.
- Attention should also be paid to widening the skills base of existing medical personnel while seeking to fill the gaps in existing knowledge and specialist provision.
- An integrated policy of training should be adopted with built-in mechanisms to optimise the transfer of knowledge.
- This programme should also be extended to cover the training of health services personnel such as laboratory assistants and technicians.
- To address the urgent need for the effective allocation of resources and planning of personnel, there is also a clear need to adopt and implement a training programme to supply skilled personnel in health systems management.
- The nurturing of cooperative practices between ethnic groups should be pursued through the organization of cross-ethnic doctors associations and interest groups.
- In order to increase specialist knowledge of medical personnel within Kosovo/a ‘Twinning programmes’ should be explored with centres of expertise in neighbouring countries. This should also be extended to exploring the rational sharing of specialist facilities across borders.

*On the Supply and Abuse of Drugs*

- Clear and effective steps need to be taken to adopt and implement an essential drugs programme that also places emphasis on the issues of supply and prevention of illegal substances.
- The provision of community-based support for drug addicts through existing familial structures should be supported.
- To provide long-term support to drug addicts and facilitate their reintegration into society, consideration should be given to the construction of a drug rehabilitation centre.

- A wide-reaching media campaign should be initiated to increase public awareness of the knock-on effects of drugs and related diseases, such as AIDS and hepatitis.
- The regulation of pharmacies through the granting of licences should be introduced as a means of stemming the expansion of private practices and for setting strict guidelines for the legitimate prescription of essential drugs.

#### *On Health Education*

- The implementation of a comprehensive and overarching policy of health education is an essential element in the establishment of a fully functional and effective health system.
- Education on health matters should be incorporated into all levels of the school curriculum. Particular attention should be paid to raising the level of awareness of diseases and ill health amongst the most susceptible sectors of society.

### 3. Recommendations of the Standing Technical Working Group

#### Administration of the Judiciary and Human Rights in the Judiciary

#### *On the Unity of the Judiciary*

- The common goal must be to build a society in Kosovo/a that is based on the uniform acceptance of democratic standards and the rule of law.
- To ensure the stability of the legal system, the promotion of the rule of law and the realization of equal justice for all, the establishment of a unified system is crucial.

#### *On Professionalising the Judiciary*

- In order to sustain the conditions required to engender a professional and independent judiciary, a comprehensive and coordinated strategy of high-quality training for all levels of judicial personnel needs to be implemented. This should include:

- The provision of continuous, on-the-job training in an appropriate language for established judicial personnel as well as those just starting out;
  - The creation of a structured framework of education, with the involvement of professional bodies and NGOs, and with integrated mechanisms for the transfer of knowledge;
  - The extension of compulsory and comprehensive training in the applicable law of Kosovo/a to international judges and judicial personnel;
  - The adoption and implementation of a discernible time plan to achieve this strategy.
- To support the judicial system and the just application of law, the international agencies should also collaborate with the professional bodies of Kosovo/a and present a programme for the establishment of forensic and other court services. Efforts by judges to organise themselves into a lobby group should be supported and commended.
  - The selection of judges and admission of lawyers to the Bar should be performed exclusively according to criteria of competence and meritocracy. The process of qualification should be designed with the appropriate involvement of professional and university bodies in Kosovo/a.
  - International efforts should focus on increasing the status and salary of all members of the judicial services, and especially judges, as an anti-corruption measure. Provision for this and for maintaining an adequate level of judicial services should be foreseen in the Consolidated Budget for Kosovo/a.
  - More vigorous steps should also be taken to guarantee the safety of judges and judicial officials.

#### *On Ensuring Independence of the Judiciary*

- To safeguard the independence of the judicial process, and particularly in regard to fair trial and human rights standards, executive interventions ought to be avoided.

- Where such interventions take place, they should be executed according to international standards and only for an interim period; the reasons for doing so must be principled, consistent and transparent.
- The international agencies must live up to their own obligations and ensure as a priority an adequate mechanism of appeal for challenging executive decisions.

*On Increasing Transparency and the Adequate Provision of Information*

- To ensure the proper implementation, and increase popular understanding and acquiescence to laws, more effective steps should be taken to improve the transparency and availability of legal information.
- A public information campaign should be launched on television, radio, through the production of free leaflets as well as through local newspapers to keep the general public informed about the structure and function of the judicial system.
- There needs to be a clearer and more realistic acknowledgement of the inadequacies of existing translation facilities and the keeping of court records, including witness statements. Adequate resources and funding should be allocated to improving these services, possibly through the use of competitive tendering.
- The appointment of an official courts spokesperson should be investigated, providing he operate subject to recognised standards of privacy and security.
- The establishment of citizens' advice bureaux and helplines, in collaboration with NGOs, should be explored as a means of furnishing easy and equitable access to legal advice and services.
- There is also a clear need to set up a widely accessible electronic database of legal information holding information on applicable law, court decisions and orders as well as international standards and judgements relevant to the application of human rights.
- Urgent steps should be taken to establish such an electronic data processing system to forestall a backlog of cases.

### *On Improving Cooperation and the Provision of Services*

- The international implementation agencies should make more intense efforts to strengthen cooperation between the courts and the enforcement agencies.
- Areas of particular concern are the inadequate provisions for serving of summons, protection of witnesses and the execution of court orders.

### *On Compliance with International Human Rights Standards*

- Moves to bring all aspects of the administration of judicial services in line with universal human rights standards should be a central goal of policy-makers.
- Specialised training programmes in human rights should be made available for all judicial personnel, either through the Office of the Ombudsperson, NGOs or other channels.
- Fostering a culture of human rights through public awareness campaigns and through ensuring the compliance of court decisions with human rights principles would raise public confidence and establish trust in the legal system across communal divides – an essential element for ensuring equal access to justice.

### *On Guaranteeing Pre-trial, Fair Trial and Post-trial Human Rights*

- Without the comprehensive application of human rights provisions in all phases of criminal procedure – trial, pre-trial and post-trial – the establishment of a human rights culture in Kosovo/a would be illusory.
- Particular attention needs to be paid to the provision of adequate defence counsel, trial conduct and the provision of safe premises for endangered minorities
- Attention also needs to be focused on ensuring the provision of judicial review of decisions to detain within a discernible period of time.
- There is also a clear need for the translation of all documents and proceedings into a language the defendant can understand, this includes expediting the communication of grounds for arrest.

- Attention to the treatment of prisoners should be heightened in the public conscience. Public participation and NGOs should be supported monitoring the state of the prisons, through the establishment of an official visitors programme.
- Greater consideration should be paid to exploring alternative modes of sentencing for minor offences, and procedures for parole should be improved to make them more reliable and objective.