



Seventy-seventh session
Agenda item 148

Evaluation of the contribution of the United Nations Interim Administration Mission in Kosovo to the rule of law

Report of the Office of Internal Oversight Services

Summary

In its evaluation of the United Nations Interim Administration Mission (UNMIK), the Office of Internal Oversight Services (OIOS) assessed the Mission's contributions to achieving selected rule of law outcomes in Kosovo from 2016 to 2022.

UNMIK acted as the interim administrator of justice in Kosovo from its establishment in 1999 with the adoption of Security Council resolution [1244 \(1999\)](#) until the unilateral declaration of independence by Kosovo in 2008. Responding to the changing circumstances on the ground, the Council recognized the European Union's enhanced operational role in the rule of law area under a United Nations umbrella. As a result, the rule of law profile and structure of UNMIK in this arena was reconfigured. Since the signing of the Brussels Agreement between Belgrade and Pristina in 2013, UNMIK has focused its support for the rule of law sector on the integration of the judiciary in Kosovo, in particular northern Kosovo, a key feature of the agreement.

During the evaluation period, UNMIK operated in a rule of law space replete with several significant international actors implementing strategic, multi-year initiatives. The Mission found its niche in meeting the rule of law needs of the non-majority communities, in particular in northern Kosovo, through coordination and information-sharing efforts among donors, civil society and local rule of law actors.

The Mission's specific support for judicial integration in northern Kosovo through direct and targeted assistance to the Basic Court of Mitrovica was effective in contributing to a reduction in case backlog and increased court user satisfaction. In addition, the Mission supported the expansion of free legal aid to vulnerable groups in Kosovo in partnership with a local civil society organization.



In view of its mandate and limited engagement with the Kosovo authorities, UNMIK was not in a position to devise or implement targeted, long-term activities to address the more overarching gaps in the level of competence and diversity of rule of law actors across the territory and in public trust in the judicial system.

The administration of justice in Kosovo, despite improvements over the years, continued to require strategic, sustainable and coordinated interventions. UNMIK activities, however, addressed short-term operational needs. Albeit effective in several instances, such activities did not appear to be efficient or sustainable.

OIOS makes four important recommendations to UNMIK: to address the overarching needs in a coordinated manner with other influential rule of law actors in Kosovo; to design and implement more strategic interventions, focused on the gaps identified in the sector throughout the territory; and to communicate these activities to the Kosovo authorities and all communities to improve the perceptions about the Mission and build mutual trust among all the actors; underpinning these recommendations is the call for an improved performance monitoring and reporting framework.

I. Introduction and objective

1. The overall objective of the Office of Internal Oversight Services (OIOS) evaluation was to determine, as systematically and objectively as possible, the relevance, effectiveness and efficiency of the contribution of the United Nations Interim Administration Mission in Kosovo (UNMIK) to the rule of law in Kosovo. The evaluation topic emerged from a programme-level risk assessment described in the evaluation inception paper produced at the outset of the evaluation.¹ The evaluation conforms with the norms and standards for evaluation in the United Nations System.²

2. Comments were sought from UNMIK (see annex).

II. Background

A. Mandate and rule of law role

3. UNMIK was established by Security Council resolution [1244 \(1999\)](#) in 1999 under chapter VII of the Charter of the United Nations for an open-ended duration with the overall objective “to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo” and advance regional stability in the Western Balkans. In its 2020–2021 budget performance report ([A/76/525](#)), the Mission planned to achieve three main accomplishments (or subcomponents) under its substantive component:³

(a) Progress towards reconciliation and integration of all communities in Kosovo

(b) Progress with respect to Pristina’s cooperation and dialogue with Belgrade and regional organizations

(c) Progress with regard to the rule of law, security and human rights.

4. Subcomponent (c) above was the focus of the present evaluation, in which the Mission’s contribution to rule of law in Kosovo was assessed.

5. From 1999 until the unilateral declaration of independence by Kosovar authorities in respect of Kosovo in 2008, UNMIK, acting as the interim administrator, established the rule of law institutional presence, administered justice and promulgated laws. In 2008, after the unilateral declaration of independence, the Security Council welcomed the Secretary-General’s intention to recalibrate the operational role of UNMIK to enable the European Union to enhance its work in the rule of law area.⁴ As a result, the European Union Rule of Law Mission in Kosovo assumed responsibilities to support the police, the judiciary and customs under the guidance of Council resolution [1244 \(1999\)](#). Ten years after its deployment in 2018, Kosovo authorities assumed executive functions in these areas from the European Union Rule of Law Mission.

¹ Inception paper, assignment No: IED-22-009.

² United Nations Evaluation Group, norms and standards for valuation, 2016.

³ The UNMIK results-based framework consists of two main components: substantive and support.

⁴ See report of the Secretary-General on UNMIK ([S/2008/354](#)). In the report, the Secretary-General stated that the European Union was ready to perform an enhanced operational role in the area of the rule of law under the framework of resolution [1244 \(1999\)](#) and the overall authority of the United Nations. The European Union Rule of Law Mission in Kosovo submits reports to the United Nations which appear as annexes to the periodic reports of the Secretary-General on UNMIK.

6. As a result of these changes, in 2008, the UNMIK Police and Department of Justice ceased operations and the UNMIK Rule of Law Liaison Office was established. UNMIK continued to exercise residual executive functions covering the official certification of civil documents, to facilitate interaction with non-recognizing countries, and liaison with the International Criminal Police Organization (INTERPOL) on behalf of Kosovo. These residual functions continued to be exercised.

7. In 2013, the First Agreement of Principles Governing the Normalization of Relations (Brussels Agreement), was signed by Belgrade and Pristina. Among other provisions, the Brussels Agreement set out the guidelines for the integration of the prevailing parallel rule of law institutions such as the police, the court and prosecution offices operating in Serb-majority municipalities into the Kosovo legal system, including the establishment of a multi-ethnic Basic Court in the Serb-majority region of Mitrovica located in the north of Kosovo.⁵ Four years after the Agreement came into effect, the implementation of the integration of the judiciary effectively began in 2017.

8. Following a 2015 civilian staffing review,⁶ the UNMIK rule of law programme was revised by the establishment of the Office of the Rule of Law. In addition to the residual executive functions, the Office performed the following core duties: (a) monitoring and reporting on rule of law developments; and (b) implementing programmatic activities to support increased access to justice and further the integration of the judiciary in support of the Brussels Agreement.

9. The UNMIK rule of law programme was designed in response to the demands of the relevant institutions and communities in Kosovo. UNMIK also incorporated the Secretary-General's vision for all United Nations entities to adopt a people-centred approach, which emphasized the broadening of people's access to justice, responding to the needs of communities, including marginalized and vulnerable individuals,⁷ which in the case of Kosovo included youth, women, people with disabilities and non-majority communities (inter alia, Serbs, Bosniaks, Turks, Roma, Ashkali, Egyptians, Goranci and Croats). UNMIK work on rule of law contributed to Sustainable Development Goal 16, the aim of which is to provide access to justice for all and build effective, accountable and inclusive institutions.

10. UNMIK implemented its rule of law activities amid a challenging environment which presented barriers outside of its control. The most critical challenge was the difference in opinions between the Governments based in Belgrade and Pristina, respectively, regarding the need for the Mission's continued presence as a peacekeeping operation. While Belgrade saw the enduring need for UNMIK presence in Kosovo, Pristina was of the view that the Mission had already fulfilled its mandate. For its part, since the 2008 unilateral declaration of independence, and as Security

⁵ "The judicial authorities will be integrated and operate within the Kosovo legal framework. The Appellate Court in Pristina will establish a panel composed of a majority of Kosovo Serb judges to deal with all Kosovo Serb majority municipalities. A division of this Appellate Court composed both by administrative staff and judges will sit permanently in northern Mitrovica (Mitrovica District Court). Each panel of the above division will be composed by a majority of Kosovo Serb judges. Appropriate judges will sit dependent on the nature of the case involved.", First Agreement of Principles Governing the Normalization of Relations between Belgrade and Pristina, Brussels, April 2013, available at: www.srbija.gov.rs/specijal/en/120394.

⁶ The civilian staffing review was part of a progressive series of staffing reviews of all peacekeeping operations conducted during the period 2013–2015. It was led by the then Department of Peacekeeping Operations and the Department of Field Support. It identified opportunities for synergies and increased efficiencies in the composition of civilian staffing capacity.

⁷ See Our Common Agenda (A/75/982).

Council resolution 1244 (1999) remained legally in force, the United Nations has maintained a “status-neutral” approach with respect to Kosovo.⁸ In addition, the Security Council has not updated the Mission mandate since 1999, despite an evolving political landscape.⁹ Internally, the Mission has adjusted its overall posture, communications and programming over time to match its status neutral stance by delivering programmatic activities via third parties, such as agencies, funds and programmes of the United Nations Kosovo Team or local civil society organizations, and liaising with subterritorial municipal actors.

B. Resources

11. The proposed budget for the Mission for 2021–2022 was \$39.7 million, with a total of 374 approved posts. The Mission operated from its headquarters in Pristina and from the Mitrovica Regional Office. It was also supported by the United Nations Office in Belgrade. The Office of the Rule of Law had a total of 24 approved posts for both Pristina and the Mitrovica Regional Office duty stations: 4 posts in its Front Office, 14 posts in its Justice and Corrections Section and 6 posts in the Office of the Senior Police Adviser.

12. For programmatic activities, from 2017 to 2022, UNMIK was allocated approximately \$9.1 million, of which \$3.9 million was assigned to rule of law and human rights activities. Of that amount, at least 30 per cent was used to fund activities implemented jointly with the United Nations Kosovo Team entities, and the remainder was used to fund such activities with local civil society organizations.¹⁰

III. Evaluation methodology

13. For the present evaluation, a mixed-method design was used, based on a theory of change whereby results obtained from both qualitative and quantitative methods and analytical techniques were triangulated using a variety of data sources (see table 1). UNMIK activities were assessed against the evaluation criteria of: (a) relevance and coherence; (b) effectiveness and inclusivity; and (c) sustainability.¹¹

Table 1
Methods and analytical tools

| <i>Data sources</i> | <i>Methods and analysis</i> |
|---------------------------|---|
| Official documents | Structured, qualitative review of more than 70 documents produced by UNMIK, the United Nations Kosovo Team and external actors, including donors, and official documents of Pristina and Belgrade |

⁸ In line with the United Nations Secretariat’s status-neutral approach, references to Kosovo are indicated in United Nations official documents and communications with a footnote: “References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).” More information on the debate at the Security Council can be found at <https://press.un.org/en/2008/sc9366.doc.htm>.

⁹ Divergent views have been expressed by Security Council members on the need for the Mission in Kosovo, most recently in October 2022. See <https://press.un.org/en/2022/sc15067.doc.htm>.

¹⁰ Information provided by UNMIK Office of the Chief of Staff.

¹¹ Following its outcome approach, OIOS conducted a detailed assessment of the contribution of UNMIK to the achievement of four individual intended outcomes as outlined in the theory of change.

| <i>Data sources</i> | <i>Methods and analysis</i> |
|--|---|
| Official and secondary statistics | Descriptive analysis of quantitative data produced by the Kosovo Judicial Council, the Kosovo Prosecutorial Council, the Kosovo Corrections Services and multilateral actors (the European Union, the European Union Rule of Law Mission in Kosovo, the Organization for Security and Cooperation in Europe (OSCE)) on administration of justice |
| Key informants and experts | Content analysis of semi-structured interviews with rule of law staff and managers of UNMIK (23), the United Nations Kosovo Team (12), donors (17) and United Nations Headquarters (6), as well as independent rule of law experts (4) in Kosovo |
| Key beneficiaries and public | <ul style="list-style-type: none"> • Content analysis of semi-structured interviews with rule of law actors (40) and civil society organizations (9) in Kosovo and Serbia • Descriptive trend analysis of public perception surveys produced by the United Nations Development Programme (UNDP), the Council of Europe, the European Commission for the Efficiency of Justice and local civil society organizations • In-person observations at the Lipjan Women’s Correctional Centre and the Basic Courts of Mitrovica, Pristina and Gjilan. |

14. **Limitations.** Although the Mission’s indicators of achievement were framed as high-level outcomes, the evidence presented in its performance documents was restricted to descriptions of short-term outputs. The Mission lacked a rule of law monitoring and reporting framework with accompanying data collection tools. Instead, it relied on data from other international organizations and partners (UNDP public pulse survey, OSCE case monitoring data and European Union reports) for its performance reporting.

IV. Evaluation results

A. Relevance and coherence

Despite a proliferation of influential international actors operating in the rule of law space and its limited engagement with Kosovo authorities, the United Nations Interim Administration Mission in Kosovo remained relevant in responding to the rule of law needs of the non-majority communities and coordinating rule of law activities in northern Kosovo

15. Besides UNMIK, several donors implemented multiple strategic initiatives aimed at building the capacity, functioning and accountability of rule of law institutions in Kosovo. The European Union was the largest donor, with projects valued at €5.5 million for the 2021–2022 period, followed by the United States of America, with an expenditure of approximately €4 million annually. Bilateral donors such as the United Kingdom of Great Britain and Northern Ireland, Norway and Switzerland also made substantial contributions, through multiple projects, ranging

from €1 million–2 million annually.¹² UNMIK and several of these donors, however, acknowledged that there was little coordination among rule of law actors.

16. Notwithstanding the above situation, UNMIK had found its niche through supporting the integration of the judiciary in the North in accordance with the Brussels Agreement, in particular in the Basic Court of Mitrovica. UNMIK was one of the largest international actors in the Mitrovica region, with a large staff footprint, and maintained good relationships with both the local authorities and the Serb community, which was in the majority in that region. All interlocutors interviewed opined that the integration of the Kosovo-Albanian and the Kosovo-Serb judiciary had been successful, with no complaints raised regarding collegiality, cohesion or working relationships since 2017.

17. The Mission's added value was the funding of discrete activities that resolved implementation bottlenecks in the integration process. UNMIK almost always channelled the funds and implemented the activities through United Nations Kosovo Team partners, in particular the United Nations Office of Project Services (UNOPS), UNDP and local civil society organizations. This tangible contribution was greatly appreciated by the local actors, who recognized that, without UNMIK support, the daily functioning of the integrated court in Mitrovica would have been adversely affected.

18. The recipients of UNMIK programmatic activities pointed out that, compared with other donors, the Mission was more responsive to their specific and operational needs. Given the annual cycle of its programmatic activities, coupled with its proximity to local actors, UNMIK was able to respond to emergent needs with a more acute situational awareness.

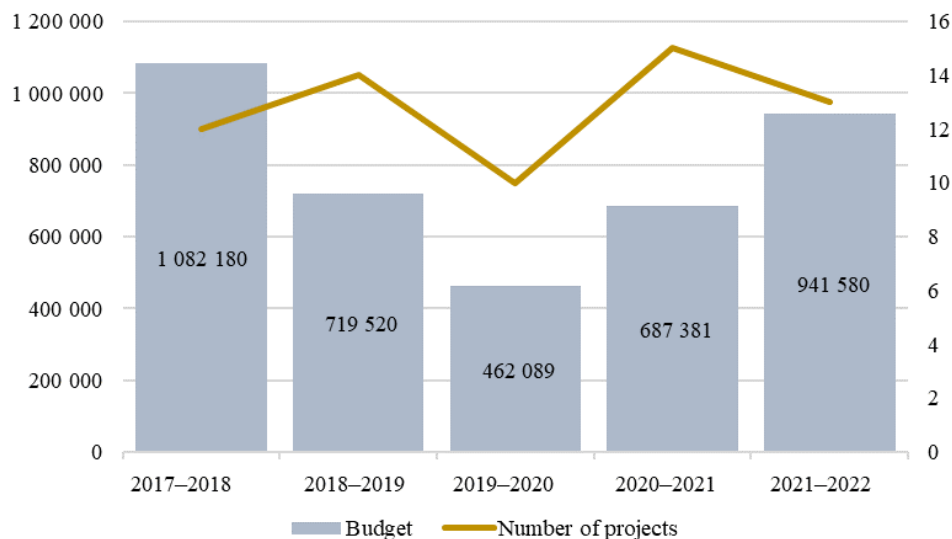
19. UNMIK conducted monthly coordination meetings with civil society representatives and international partners in the Mitrovica region. These meetings were perceived to be successful in information-sharing and activity coordination throughout the Mitrovica region. Recognizing the need for a similar Kosovo-wide mechanism, some stakeholders had suggested the expansion of UNMIK coordination to other regions, which would also serve to increase the visibility and footprint of the Mission.

20. Despite being relevant, UNMIK programmatic activities were often short term and logistical in nature, targeting immediate operational needs of the actors at the tactical level, such as providing forensic equipment and furnishing translation offices. Since 2017, UNMIK has funded 64 programmatic activities in the areas of rule of law and human rights, with a total budget of approximately \$4 million (see figure I). In 2021–2022 alone, the Mission allocated almost \$1 million to this portfolio, which was comparable to the amount allocated by bilateral donors to similar rule of law activities (see para. 15). Such an approach led many stakeholders to perceive UNMIK as having limited visibility in the rule of law space and to suggest that the Mission adopt a bolder posture and public communications approach in its contributions.

¹² For example, the European Union funded institutional capacity-building projects such as the European Union Kosovo Justice Sector Programme (EUKOJUST) and the Project against Economic Crime in Kosovo (PECK). The United States funded the Commercial Justice Activity programme. Norway funded the automation of judicial case management in all courts and prosecution offices. The United Kingdom provided support for performance management in the Kosovo Judicial Council and the Kosovo Prosecutorial Council.

Figure I
United Nations Interim Administration Mission in Kosovo rule of law and human rights programmatic activities 2017–2022

(United States dollars)



Source: UNMIK, Office of the Chief of Staff.

B. Effectiveness and inclusivity

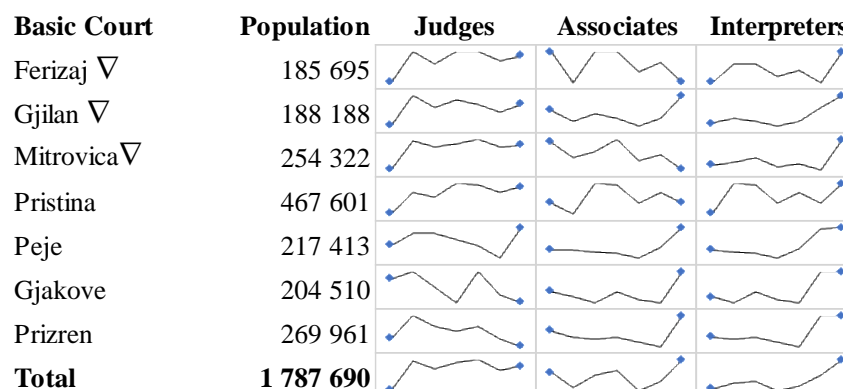
- UNMIK promptly responded to operational gaps during the process of judicial integration in northern Kosovo, which contributed to a reduction in case backlog in, and greater user satisfaction with, the Basic Court of Mitrovica. A more strategic approach, however, was needed to extend and sustain these gains in the long run**

21. UNMIK supported the operationalization and implementation of judicial integration in two of the basic courts in Kosovo, with varying degrees of involvement. As discussed earlier, the support was discrete and logistical in nature; however, it addressed the critical needs at that juncture.

22. At the Basic Court of Mitrovica, UNMIK financed the hiring of translators¹³ and three legal officers to directly assist the judges in resolving the high volume of pending cases. This support was important because insufficient human resources was one of the most frequently mentioned factors contributing to the length of proceedings, and therefore case backlog, in Kosovo. Despite an increase in the overall number of judicial and non-judicial staff across Kosovo basic courts, their relative ratios did not meet the local benchmarks (see figure II). In 2022, the ratio of judges per 100,000 Kosovo inhabitants remained at 17 (in comparison with the European Union benchmark of 21), while the ratios of legal associates and interpreters to judges was 1.4 and 0.1 respectively (as opposed to 3 and 1 according to Kosovo Judicial Council standards).

¹³ Six interpreters were funded in 2022. This appears to be a reduction from previous periods due to budgetary issues. OIOS was unable to obtain accurate estimates over the evaluation period.

Figure II
Change in the numbers of judicial and non-judicial staff across the basic courts

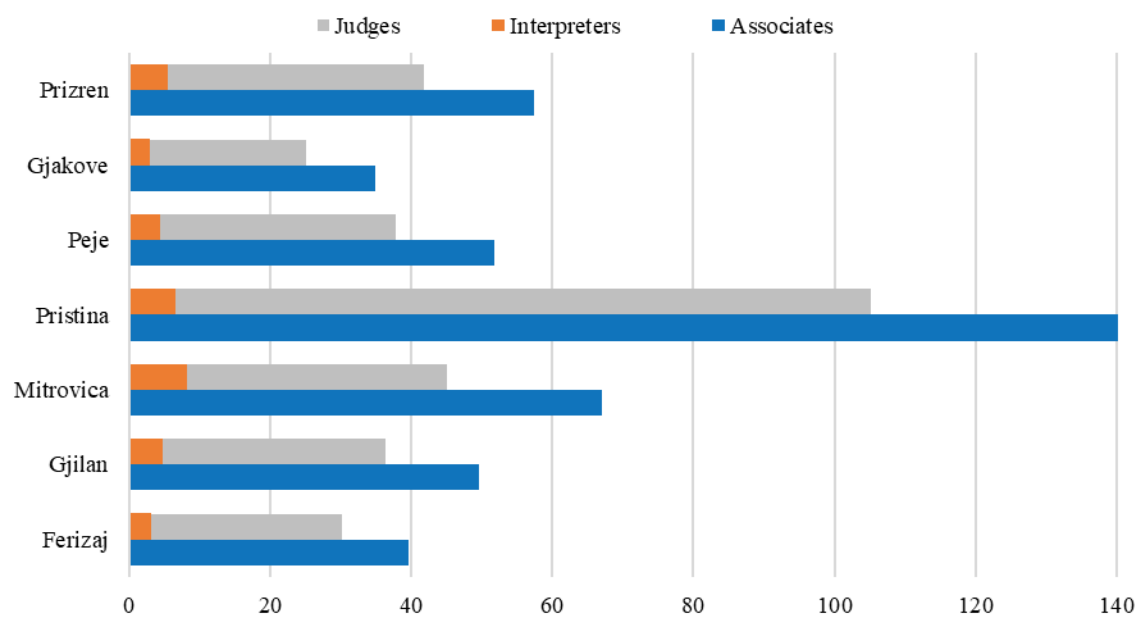


▽ Serving municipalities with Kosovo-Serb majority communities.

Sources: OSCE (2018) for population statistics; Kosovo Judicial Council (2022) for court statistics.

23. Mitrovica, however, recorded the highest growth among all basic courts in the number of judges (80 per cent), legal officers (90 per cent) and translators (200 per cent) from 2016 to 2022. The ratio of interpreters per judge was also the highest in Mitrovica (1 interpreter working with an average of 3 judges, as opposed to with 8 to 10 judges in other courts) as depicted in figure III. This was partially accomplished by UNMIK contributions, which were based on a common understanding that translation was the most critical need for the efficiency and survival of the integrated judiciary in the North.

Figure III
Comparison of the average numbers of judicial and non-judicial staff in the basic courts



Source: Kosovo Judicial Council (2022).

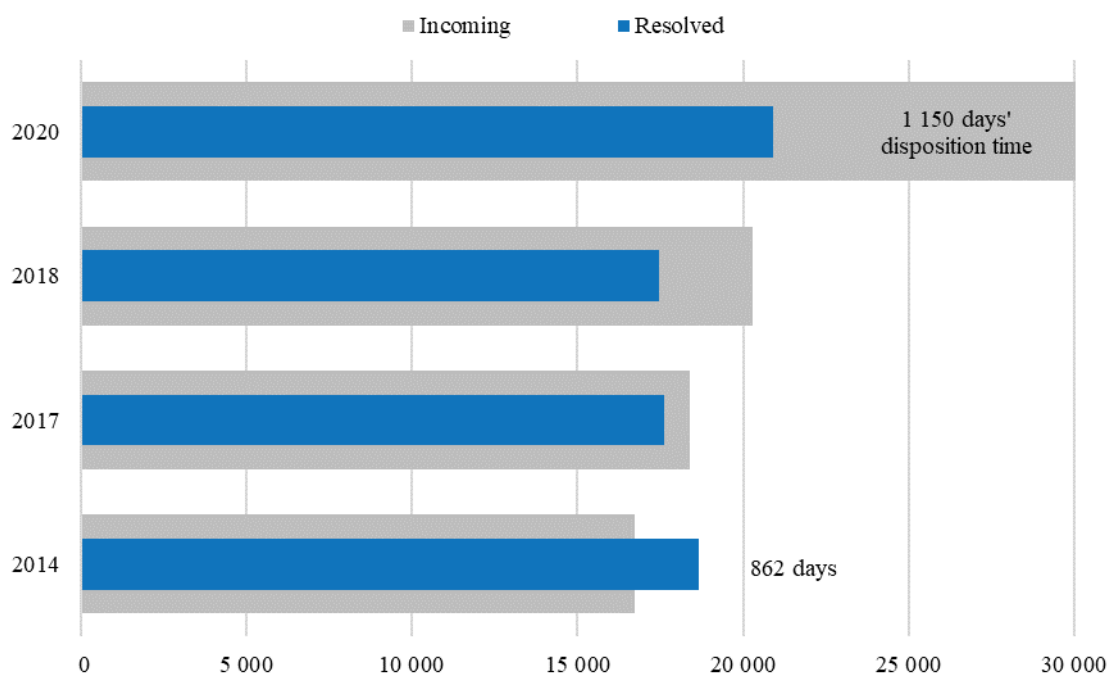
24. At the Basic Court of Pristina, UNMIK financed the hiring of 20 legal interns in collaboration with UNDP and the Kosovo Law Institute, a local civil society organization. The interns identified, digitally registered and drafted decisions for more than 30,000 minor offence cases that were beyond the statutory limit. Furthermore, UNMIK supported the Kosovo Law Institute legal clinics, at which 20 final year law students from Mitrovica and Pristina were trained on practical legal skills for potential employment in the rule of law sector.

25. UNMIK support for human resources was appreciated by the court staff and managers interviewed, and believed to have contributed to a reduction in case backlog,¹⁴ which was one of the most critical issues facing the rule of law sector in Kosovo. The Kosovo Strategy on Rule of Law¹⁵ highlighted the urgent need to address the significant delay in the resolution of cases since it would compromise the right to a fair trial within a reasonable time, thereby violating the Constitution and international human rights conventions.

26. Figures IV and V illustrate this urgency. The clearance rate¹⁶ for civil and commercial cases in Kosovo basic courts deteriorated from 2014 to 2020 owing to an increasing number of new cases and long disposition times,¹⁷ and, by 2020, 37 per cent of civil and commercial cases were more than two years old. During the same period, the clearance rate for serious offences slightly improved owing to a decline in new cases, coupled with an improvement in disposition time. However, 43 per cent of these offences were more than two years old in 2020, indicating protracted time frames for adjudication.

Figure IV

Trend in civil and commercial cases in Kosovo basic courts



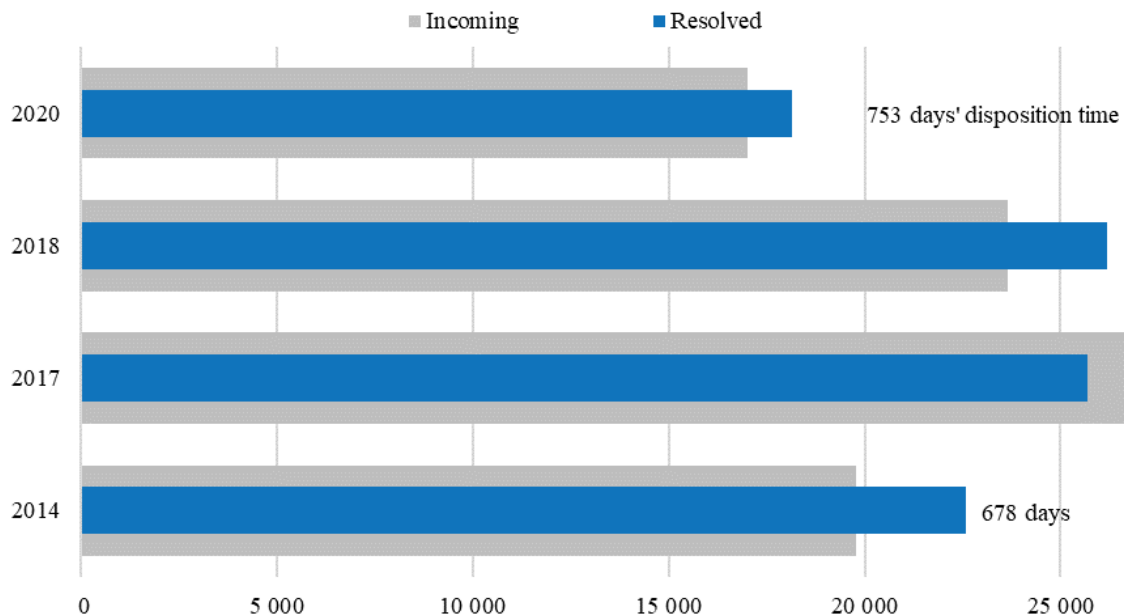
¹⁴ The number or percentage of pending cases not resolved within an established time frame.

¹⁵ Kosovo Strategy on Rule of Law 2021–2026, developed by the Ministry of Justice and envisioned as the road map for the justice sector.

¹⁶ The proportion of resolved cases vis-à-vis incoming cases. A clearance rate above 100 per cent indicates a court that is disposing of more incoming cases than it is receiving, and thereby reducing its case backlog.

¹⁷ The percentage of cases (appeals or original proceedings) disposed of within established time guidelines.

Figure V
Trend in serious offences in Kosovo basic courts



Source: European Commission for the Efficiency of Justice, “Comparative assessment of data on the functioning of the justice system in Kosovo (2014–2020)” (February 2022).

27. The case backlog was more acute in Mitrovica, which inherited a significant volume of cases from the erstwhile parallel Serbian courts operating in the region prior to the Brussels Agreement. A comparison of the Basic Court of Mitrovica, which received extensive UNMIK support, with the Basic Court of Gjilan, which, while being of comparable size, did not receive any UNMIK assistance, showed a difference in the change in backlog over time. As seen in figure VI, both courts had deteriorating clearance rates from 2016 to 2022. Mitrovica started out with a higher balance of pending cases than Gjilan which, by contrast, received a larger number of new cases. Over the years, even though both courts experienced a reduction in caseload, Mitrovica saw a comparatively greater reduction in the number of pending cases, as seen in figures VII and VIII.

Figure VI
Clearance rates in the Basic Courts of Mitrovica and Gjilan

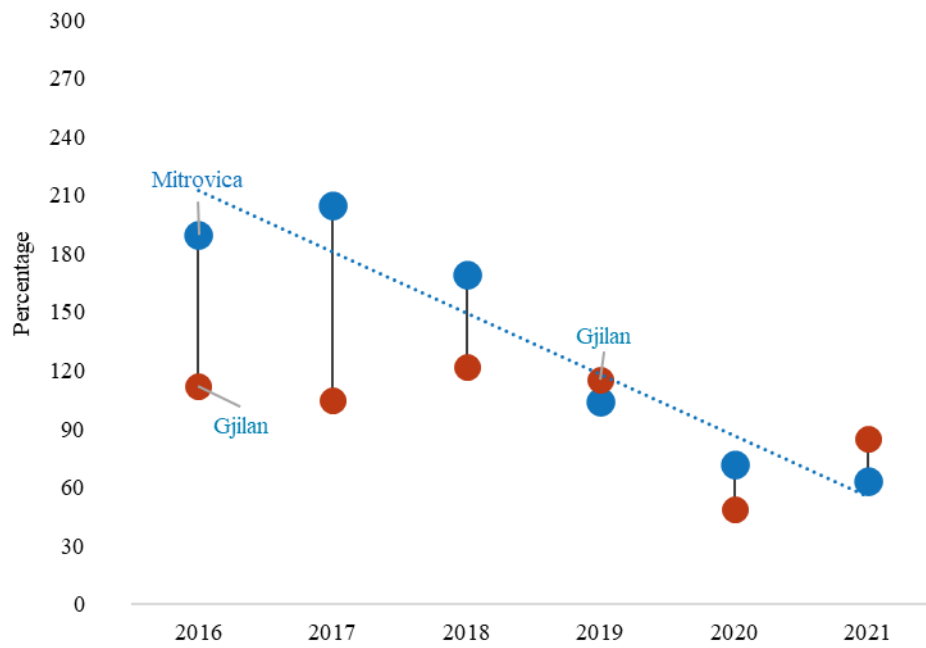


Figure VII
Change in pending cases in Mitrovica

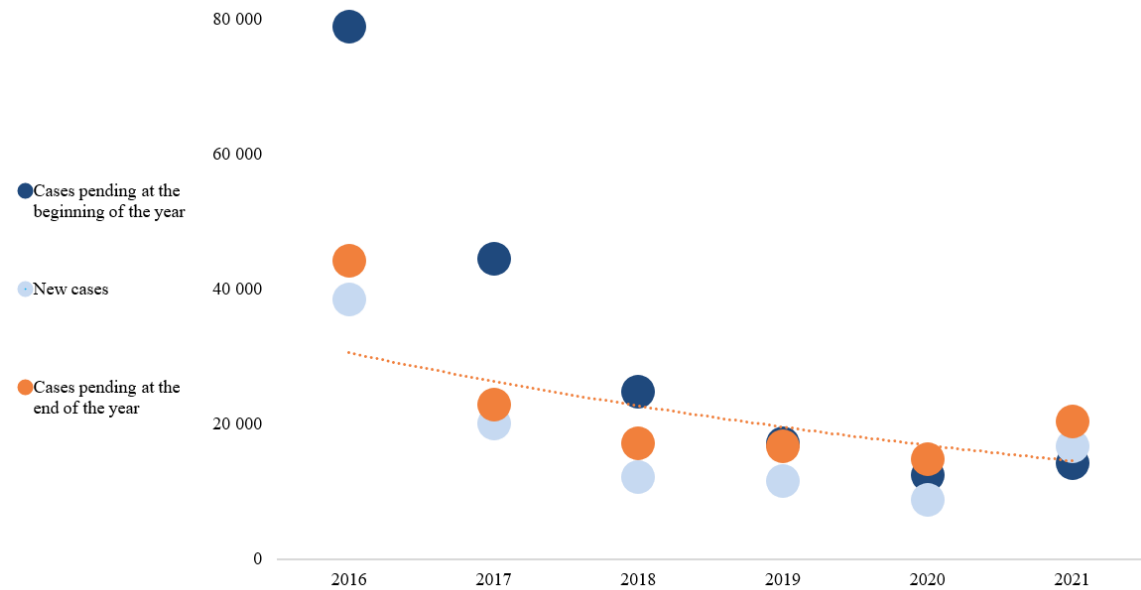
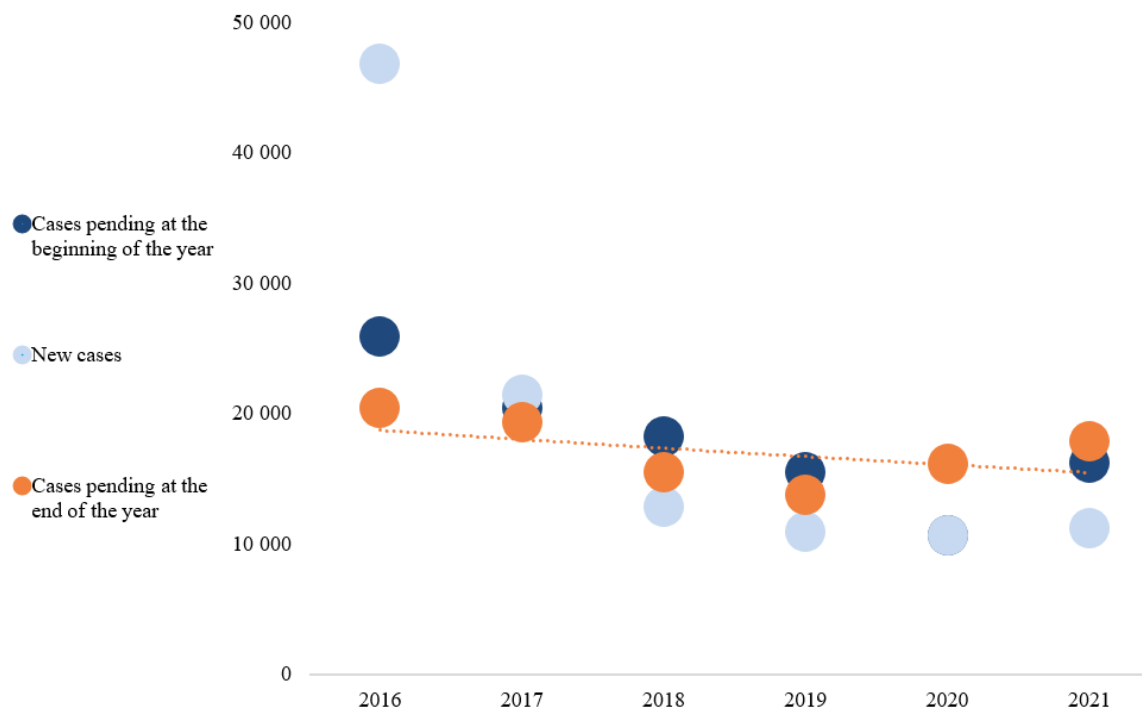


Figure VIII
Change in pending cases in Gjilan



Source: Kosovo Judicial Council (2022).

28. This observed change, however, could not be attributed to UNMIK support alone. First, other international donors such as OSCE and the United States Agency for International Development (USAID) had been providing support (capacity-building workshops, refurbishment, equipment, etc.) to the court in Mitrovica, which may also have contributed to its efficiency. Second, the Case Management Information System, financed by Norway, was installed at all courts (albeit not simultaneously) to help alleviate the improper allocation of human resources in relation to workload in the courts by automatically assigning cases to judges. Despite its incomplete utilization across courts, the System may have contributed towards improved transparency and efficiency of the judiciary, owing to the systematic recording and publishing of disposition timelines.

29. In addition to the support for human resources, UNMIK provided support for refurbishment and renovation of buildings and courtrooms (e.g., a new courtroom for juvenile cases in South Mitrovica and the translation centre in Pristina). The recipients appreciated this support and associated it with improved professionalism, dignity and integration, in particular in Mitrovica. Their sentiment was reflected in the 2018 European Commission for the Efficiency of Justice court user survey results,¹⁸ wherein the users of the Basic Court of Mitrovica expressed higher levels of satisfaction on average across all parameters vis-à-vis the users surveyed in Pristina and Peje (see the heat map in figure IX).

¹⁸ European Commission for the Efficiency of Justice, analysis of the results of the court users' and lawyers' satisfaction surveys in the Basic Courts of Pristina, Mitrovica and Peje as a tool for court management, September 2022.

Figure IX
Comparison of court user satisfaction in Pristina, Peje and Mitrovica (number of respondents: 1,728)

| Questions | (Very) Satisfied Moderate (Very) Unsatisfied | | |
|---|--|------|-----------|
| | Pristina | Peje | Mitrovica |
| Access to the court building (e.g., furnishings in the courtroom) | | | |
| Summons and court hearings (e.g., timing) | | | |
| Courtesy and professionalism (e.g., impartiality of judges) | | | |
| Court decisions (e.g., clarity) | | | |
| Speed in resolving cases | | | |

Source: European Commission for the Efficiency of Justice.

30. Nevertheless, the interviewees, as well as official documents reviewed, pointed to a few critical issues regarding the sustainability of UNMIK contributions to the integrated judiciary. First was the unresolved issue of the non-certification of diplomas from the legal or translation graduates from faculties in North Mitrovica and Belgrade. Second, the shrinking size of the Serbian-speaking population, together with a lack of applications from Kosovo-Serbs for vacant Court positions, was believed to jeopardize the level of representation and integration of Kosovo-Serbs within the judiciary in the future. The short-term operational support provided by UNMIK (financing interpreters) was not sufficient to tackle these longer-term, critical gaps, which require a more strategic approach by all stakeholders to target all courts and communities across Kosovo.

2. Albeit limited, UNMIK contributed to improving access to justice by facilitating the provision of legal aid to vulnerable groups. However, the Mission could have better leveraged its institutional knowledge and capacity to expand and sustain this type of support across Kosovo

31. From 2017 to 2022, the Mission supported the creation of the Kosovo Law Institute Legal Aid Centre and provided funding (a) to a local civil society organization to hire two legal associates for the Kosovo Free Legal Aid Agency North Mitrovica branch (see para. 35), and (b) to UNDP to develop legal aid and mediation projects. This support met an acknowledged need in the territory according to the Kosovo Strategy on Rule of Law, that the level of legal aid provision remained inadequate given the limited budget and capacity of the Agency,¹⁹ as well as the low use of the alternative dispute resolution services offered by mediators and arbitrators. The Agency branch in Mitrovica had only one member of staff and no permanent

¹⁹ The Kosovo Free Legal Aid Agency is the official entity that regulates the provision of free legal aid.

office tasked to handle the approximately 90 cases that were received annually from the four municipalities that it served.

32. UNMIK support for the establishment of the Kosovo Law Institute Legal Aid Centre was considered by many stakeholders as one of its signature programmatic activities. The Centre provided free legal aid for criminal, civil and administrative cases and ran a mobile office for the elderly, people with disabilities and those without the means to travel. For cases that required legal representation in the courts, the Centre had an agreement with the Kosovo Bar Association, which to date had provided 100 pro-bono lawyers. This support was important as insufficient legal representation particularly affected women, pensioners, asylum-seekers, convicted persons and survivors of sexual violence. In 2018, OSCE observed that, in a total of 1,154 trials that it had monitored in Kosovo, 50 per cent of parties did not have legal representation, and 32 per cent had only one party represented, thereby affecting the quality of justice.²⁰ Since 2019, the Centre, with UNMIK support, had assisted 2,398 persons (comprising 38 per cent women, and approximately 26 per cent from the minority communities of Roma, Ashkali and Egyptians and 3 per cent Kosovo-Serbs).²¹

33. Some UNMIK strategic communication initiatives also contributed to raising awareness and educating the public about access to justice in Kosovo. The Mission provided funding for the documentary *Not your property*,²² which highlighted the problems that women faced while exercising their rights to property. UNMIK also funded the television show *Tempus*,²³ which featured current legal issues in Kosovo. The show was produced by the Kosovo Law Institute and was the most watched and viewed television show on prime time on Tuesdays according to Institute internal records.

34. Another area of support was through one of the residual executive functions of UNMIK. For example, UNMIK continued to facilitate the certification of civil, education- and work-related documentation for use in countries that did not recognize the independence of Kosovo. This service enabled residents to access public services and exercise their rights, such as working or studying outside Kosovo and requesting pensions. From 2008 to 2022, approximately 39,000 documents were authenticated and certified.²⁴ For the period 2008–2018, documents related to pensions constituted approximately 70 per cent of all documents for certification.

35. During the evaluation period, the budget for legal aid in Kosovo declined from 2018, and remained at a low level, i.e., 4 per cent of the total of the judicial system budget,²⁵ as compared with the Council of Europe members, which, on average, allocated 11 per cent annually.²⁶ During this period, UNMIK invested approximately €422,000 in programmatic activities related to legal aid, which was equivalent to the annual budget of the Kosovo Free Legal Aid Agency.²⁷ Notwithstanding this substantial contribution, the support was limited to financing select implementing partners, as discussed above, and could have been expanded to tackle structural deficiencies in legal aid provision in Kosovo, as well as to better communicate the magnitude and significance of its support for facilitating access to justice.

²⁰ Organization for Security and Cooperation in Europe (OSCE), Justice monitor (2018).

²¹ Data provided by Kosovo Law Institute.

²² Documentary promotion video available at www.youtube.com/watch?v=i21OL11Grn8&t=29s.

²³ Available at www.youtube.com/watch?v=jY2OKIQWgSk&list=PLdZvL5MTAKShncEzUrSJCUIY29-wIHhbBS.

²⁴ UNMIK Office of the Rule of Law data.

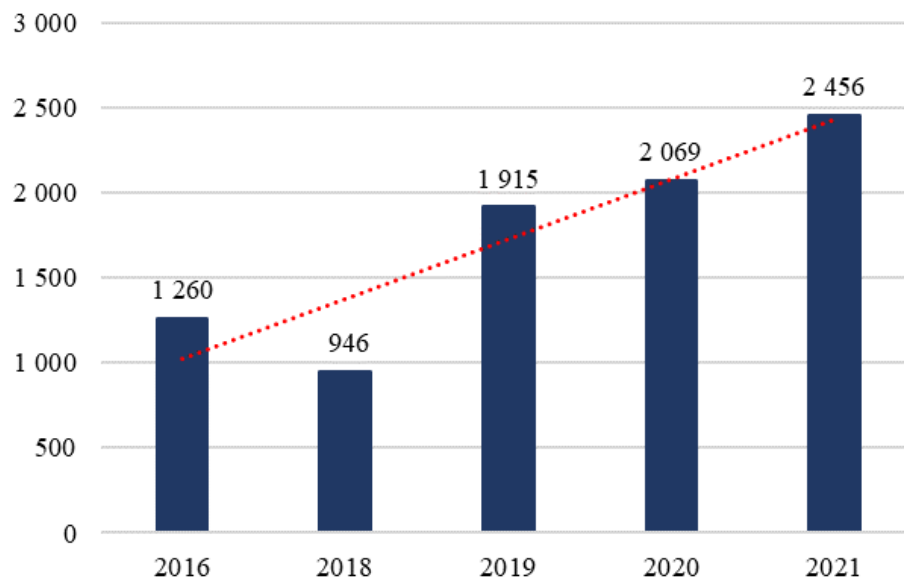
²⁵ European Commission for the Efficiency of Justice, 2022.

²⁶ Council of Europe, European Commission for the Efficiency of Justice, European Judicial Systems Evaluation Report (Strasbourg, 2020).

²⁷ The Kosovo Free Legal Aid Agency 2020 budget was €422,698, but owing to the coronavirus disease (COVID-19) crisis it was reduced to €307,393.

36. Access to justice for survivors of gender-based violence, for example, was one area mentioned by the stakeholders as needing more attention and strategic activities from rule of law actors, including UNMIK. Even though the authorities admitted to underreporting, the available data suggested that reported gender-based violence had escalated in Kosovo by 48 per cent from 2016 to 2022 (see figure X). To address this issue, the Ministry of Justice launched the Strategy on Protection Against Domestic Violence and Violence Against Women in 2022. The rule of law experts consulted agreed that Kosovo had one of the most advanced legal frameworks for combating gender-based violence in Europe, but its operationalization and implementation remained arduous. This presented an untapped opportunity for UNMIK to expand its work in the future on access to justice to support the legal rights of gender-based violence survivors, given the Mission's comparative advantage in accessing vulnerable groups and non-majority communities, as well as local authorities at the municipal levels, which, under the Strategy, were responsible for establishing local services for assistance to survivors, programmes for perpetrators and training for local actors.

Figure X
Domestic violence cases reported to the Kosovo Police



Source: Kosovo Ombudsperson annual reports 2016–2021. Data not available for 2017.

3. UNMIK made limited contributions towards improving the level of competency and diversity of rule of law actors

37. Among the four groups of rule of law actors (police, prosecution, judiciary and corrections)²⁸ in Kosovo, UNMIK had the least amount of engagement with the Kosovo Police, followed by prosecution, and therefore, had a limited contribution to improving their competency and diversity. The Mission had a more purposeful engagement with the judiciary, as discussed earlier, and with the corrections services, with effects commensurate to the type of support provided.

38. Although UNMIK had provided relevant support in building a cadre of multi-ethnic, competent rule of law actors in Kosovo from 1999 to 2008, which laid

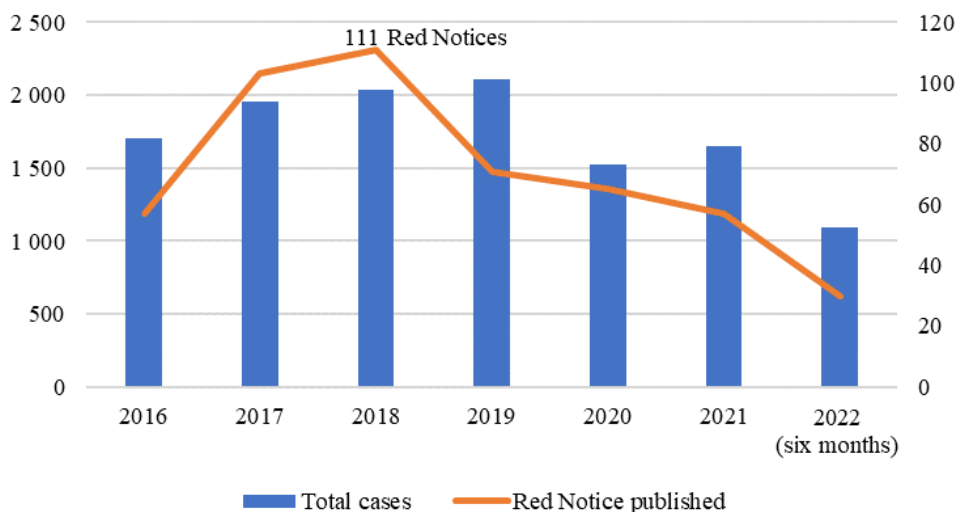
²⁸ Probation services were outside of the scope of the present evaluation.

the foundations for the existing institutions, two main contextual factors hindered the role and influence of UNMIK in this area during the evaluation period. First, some Kosovo authorities were reportedly reluctant to receive direct support from the Mission in strategic matters such as human resources development (e.g., vetting of judges, investigation capacity for complex organized crime or war crimes). Second, other international actors had a comparative advantage in these functions, given the size and scope of their activities, and their acceptance by the authorities.

39. UNMIK engagement with the Kosovo Police was largely confined to the International Legal Cooperation Unit on issuing INTERPOL international wanted notices or Red Notices (figure XI). The United Nations system representatives interviewed considered UNMIK as an influential interface between INTERPOL, its member States and the Kosovo authorities. However, donors and rule of law experts saw this executive function as the primary reason for the authorities' lack of engagement with the Mission, which was perceived as undermining the self-declared independence of Kosovo. As the issuance of these Red Notices took considerable staff time, in addition to the lack of engagement from the authorities, UNMIK delivered limited and mostly logistical support to the police, often in cooperation with UNOPS (e.g., upgrading of International Legal Cooperation Unit offices in Pristina, installation of video surveillance cameras in the North). It was reported anecdotally that UNMIK equipment support to the Kosovo forensic laboratories had led to a 30 per cent increase in the number of cross-examinations and forensic analyses conducted.

Figure XI

United Nations Interim Administration Mission in Kosovo INTERPOL caseload



Source: UNMIK.

40. UNMIK engagement with the corrections facilities was more extensive and strategic, whereby the Mission provided one of its only normative activities in drafting by-laws and standard operating procedures related to the treatment and rights of prisoners and the implementation of the penal system. The Mission also rolled out programmatic activities targeting the rehabilitation of inmates in select detention centres through the provision of equipment in collaboration with UNOPS and other actors (oven for breadmaking or supplies for cleaning and gardening at cultural heritage sites by inmates). This support was appreciated by the receiving entities, especially in Mitrovica. However,

these activities were ad hoc in nature and not based on an institutional needs assessment and framework of action, thereby raising concerns about their sustainability.

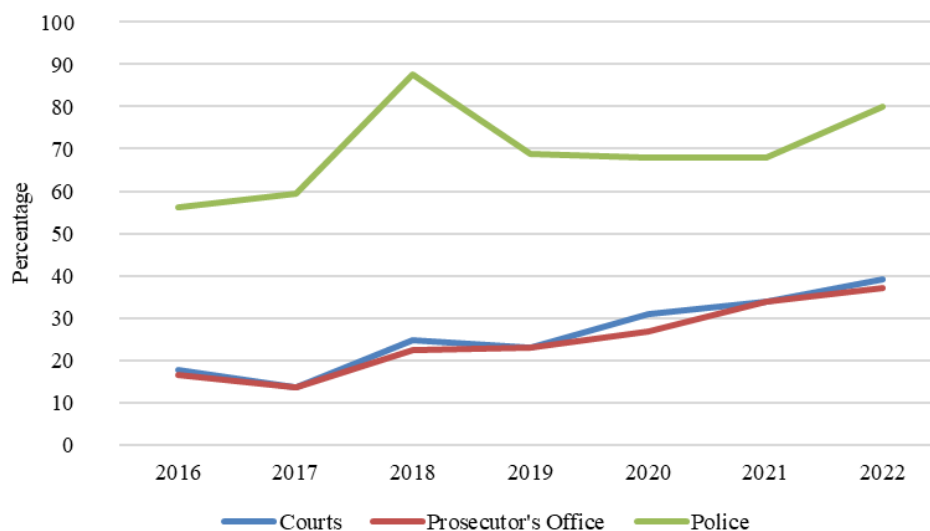
4. UNMIK contribution to public trust was indirect through support to the integrated judiciary which improved satisfaction of court users in Mitrovica

41. One of the indicators of achievement²⁹ that UNMIK has used in its budget performance reports since 2015 is the level of public satisfaction with the judiciary, using the annual UNDP public pulse survey results. However, it was difficult to establish a credible association between UNMIK activities and the achievement of this indicator. This was due to the limited scope of UNMIK support to and engagement with all rule of law actors across Kosovo, and the fact that public trust was driven and influenced by several variables, many of which were outside the Mission's control and could be observed only in the long term.

42. Nevertheless, public trust remained a significant barometer for the effectiveness of the rule of law system. The level of public satisfaction in Kosovo with the judiciary was lower compared with that for other rule of law actors. According to the UNDP public pulse survey, no more than an average of 30 per cent of the respondents reported satisfaction with the performance of the courts and the prosecutor's office, despite an upward trend since 2019 (see figure XII). During the same period, the courts were the subject of 30 per cent of all the cases investigated by the Ombudsperson of Kosovo (see figure XIII). Such complaints most frequently related to the right to a fair and impartial trial, and the right to legal remedies. By contrast, more than 70 per cent of the survey respondents expressed satisfaction with the Kosovo Police, who were the subject of a mere 5 per cent of the cases investigated by the Ombudsperson.

Figure XII

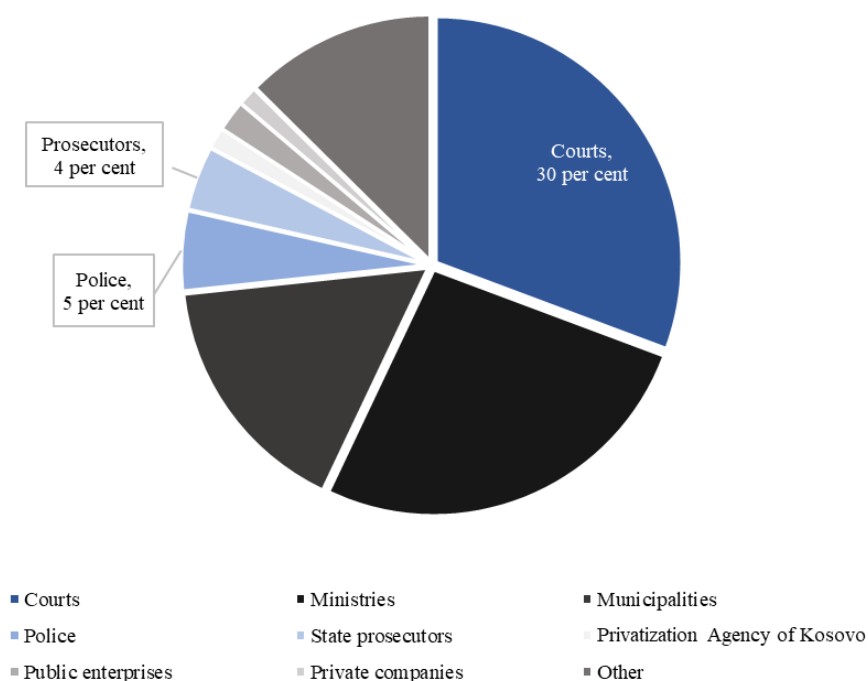
Level of satisfaction with the rule of law institutions in Kosovo



Source: UNDP pulse survey.

²⁹ Indicators of achievement show a measurement of progress towards expected accomplishments during a given budget period.

Figure XIII
**Relevant authorities in cases investigated by the Kosovo Ombudsperson
 (2016–2021)**



Source: Kosovo Ombudsperson annual reports.

43. Against this backdrop, the fact that the Mitrovica court achieved the highest satisfaction level among all court users in Kosovo in 2018³⁰ potentially suggests that the Mission's targeted support to this court (as discussed earlier) had a positive effect. Similarly, the Mitrovica Court staff interviewed noted that the furnished courtrooms contributed towards creating an aura of professionalism and enabled the holding of sessions in a more dignified setting, which improved the trust of the parties in the court proceedings.

Sustainability

5. UNMIK rule of law activities remained topical yet mainly logistical. Given the limited political space in which UNMIK operated, the Mission could not play a leading role in directly addressing the strategic capacity gaps in the Kosovo rule of law sector identified by the local and international actors

44. UNMIK inadequately mainstreamed sustainability into its rule of law programmes. Logistical contributions (e.g., equipment, refurbishment), often targeting a specific group of beneficiaries at the tactical level (e.g., interpreters, judges), were necessary but insufficient in addressing the larger, more persistent gaps (e.g., issues of accountability, independence and specialized capacities), impacting all communities in Kosovo. Mission staff acknowledged the disproportionate amount of time spent on residual executive functions and in the review and approval of proposed programmatic activities, as well as the challenges of a highly political context that prevented them from engaging in more strategic matters with Kosovo authorities.

³⁰ European Commission for the Efficiency of Justice (2022).

45. Concerns about sustainability were critical given the dynamic context within which Kosovo rule of law institutions operated. On the one hand, by 2022, the overall rule of law score (0.56) for Kosovo had surpassed the global average (0.55), and the territory was ranked fifty-seventh out of 140 countries and second in its region,³¹ according to the World Justice Project.³² On the other hand, the European Union consistently rated the system as developing, owing to its inefficiency, susceptibility to undue influences and reluctance to resolve high-profile, sensitive cases.³³

46. Donors attributed these gaps to implementation failure emanating from insufficient budget, an ageing rule of law workforce and the lack of specialized actors to adjudicate complex crimes in line with perceived high international standards. In addition, the interviewees highlighted the lack of progress in the political dialogue between Belgrade and Pristina, the shrinking population size,³⁴ youth unemployment and brain drain (especially from the non-majority communities), as critical contextual factors that called into question the rule of law system's ability to accommodate shocks and respond to rapidly changing circumstances.³⁵ Kosovo-Serbs, in a 2021 survey,³⁶ considered political instability (53 per cent) and youth migration (51 per cent) to be the biggest problems in Kosovo.

47. Against this backdrop, the stakeholders interviewed saw a bigger role for UNMIK to play, given its legacy contributions towards establishing the foundations of the rule of law system since 1999, as well as its institutional knowledge and network and the comparable size of its financial and human resources to that of the significant rule of law donors. These stakeholders shared a common understanding that Security Council resolution 1244 (1999) was likely to be open-ended in the foreseeable future, which presented an opportunity for the Mission to review its footprint across the territory and, in coordination with other rule of law partners, engage in strategic interventions in a more holistic manner.

V. Recommendations

48. The Inspection and Evaluation Division of OIOS makes four important recommendations to UNMIK (see table 2).

Table 2

Recommendations of the Office of Internal Oversight

| <i>Recommendation</i> | <i>Indicator of achievement</i> |
|--|---|
| <p>1. Reinforce its performance monitoring framework using outcome level data to track and inform its rule of law programming and implementation.</p> | <ul style="list-style-type: none"> • Development of a rule of law mapping and performance monitoring and evaluation framework covering rule of law priorities; and increased use of Comprehensive Planning and Performance Assessment System indicators and data |

³¹ Upper middle-income countries in eastern Europe and central Asia.

³² Available at <https://worldjusticeproject.org/rule-of-law-index/country/Kosovo>.

³³ European Commission (2021).

³⁴ The Kosovo Agency for Statistics estimated that the Kosovo population would fall to 1.66 million by 2050, representing a decline of 11.22 per cent since 1989. A similar trend was observed throughout the Balkans region.

³⁵ In November 2022, Kosovo-Serbs resigned en masse from State institutions, including from rule of law posts, in a dispute over licence plates for cars.

³⁶ NGO Aktiv, Attitudes of the Serbian Communities in Kosovo. Available at <https://ngoaktiv.org/wp-content/uploads/2022/12/FINAL-SRB-TREND.pdf> (in Serbian).

| <i>Recommendation</i> | <i>Indicator of achievement</i> |
|---|--|
| <p>2. Coordinate with all relevant rule of law institutions and actors, including the Kosovo administration, the United Nations Kosovo Team and bilateral and multilateral entities, as well as civil society and women’s networks, to develop a comprehensive understanding of the needs of all communities and identify joint areas of strategic work, with a view to building trust between the actors.</p> | <ul style="list-style-type: none"> • Greater advocacy and engagement with the Kosovo administration and international rule of law actors at a strategic level • Expanded coordination mechanism with civil society organizations and networks of non-majority communities across Kosovo • Utilization of the United Nations Headquarters strategic capacity and resources, including those of the Office of Rule of Law and Security Institutions |
| <p>3. Design and include strategic interventions that are managed and implemented by UNMIK, complementary and in coordination with those of the significant donors, to transfer institutional knowledge and promote sustainability, primarily in the following areas:</p> <p>3.1. Design and implement support activities for rule of law institutions in Kosovo, notably courts and prosecution, to improve their efficiency by targeting long-term strategic gaps.</p> <p>3.2. Provide support to the authorities to strengthen the provision of free legal aid across Kosovo, in particular to vulnerable communities.</p> <p>3.3. Provide guidance to the municipal authorities in the institutionalization and expansion of legal services to prevent and combat gender-based violence.</p> | <ul style="list-style-type: none"> • Mission plan for addressing the critical, long-term rule of law gaps in Kosovo • Mobilization and redistribution of staff and budgetary resources dedicated to strategic rule of law interventions and those targeting vulnerable populations • Increase in strategic programmatic and non-programmatic activities reported in the Mission budget and performance documents |
| <p>4. Utilize more visible and targeted strategic messaging and outreach to engage with the local authorities and all communities in both official and other languages to facilitate building trust in and acceptance of the Mission’s rule of law work.</p> | <ul style="list-style-type: none"> • Increase in public information campaigns and publications on the Mission’s rule of law activities, achievements, and best practices |

Annex***Comments received from the Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo on the draft report**

I am pleased to transmit herewith for your consideration the management response to the draft report, together with an action plan for implementation of the recommendations, as per your memorandum reference OIOS-2023-00106 of 20 January 2023.

The United Nations Interim Administration Mission in Kosovo (UNMIK) would like to extend its gratitude to the Office of Internal Oversight Services (OIOS) for the opportunity to comment on the final draft report on the outcome evaluation of the Mission's contribution to the rule of law. UNMIK acknowledges the importance of this evaluation and appreciates the thorough, consultative evaluation process.

The rule of law remained a priority for UNMIK, and for the stability, governance and development of Kosovo. The Mission, operating in a challenging environment, continued to sequence its efforts to support short-, medium- and longer-term priorities through advocacy, monitoring and reporting, the performance of residual executive functions and programmatic activities, within Kosovo's jurisdiction.

In order to support stability and the consolidation of the rule of law through its programmatic activities, jointly working with civil society organizations and the United Nations Kosovo Team, notably UNDP, the Mission supported (i) the integration of the judiciary in northern Kosovo, (ii) increasing access to justice by all, (iii) provision of free legal aid to vulnerable groups, (iv) strengthening responsiveness of institutions, (v) improvement of case management and reduction of backlog through deployment of language and legal assistants, (vi) upgrading of archive systems and (vii) courtroom infrastructure and equipment during the COVID-19 pandemic, (viii) combating gender-based violence, and (ix) improving juvenile justice and corrections services.

Due to political and security developments in northern Kosovo during the last quarter of 2022, which culminated in the withdrawal of Kosovo Serbs from rule of law institutions, a massive effort will be required to preserve and regain important past achievements, to enable institutional cohesion and effective service delivery towards the consolidation of the rule of law and democratic good governance, and the pursuit of normalization of relations.

Linked with the OIOS recommendations, the Mission is already enhancing collaboration and coordination with local authorities and civil society in Kosovo, and is further strengthening its efforts with the United Nations Kosovo Team and other partners in areas of strategic joint work, complementing efforts and leveraging the comparative advantage of each stakeholder. This will facilitate the transfer of institutional knowledge and promote sustainability in the areas identified in the draft report, and will help build trust among rule of law actors and between communities and vis-à-vis public institutions. UNMIK is also reinforcing its performance monitoring framework using outcome level data to track and inform its rule of law efforts. Further, the Mission is utilizing more visible and targeted strategic messaging and outreach to engage with local authorities and communities in their languages, to build trust and support for UNMIK's rule of law work.

* In the present annex, the Office of Internal Oversight Services sets out the full text of comments received from the United Nations Interim Administration Mission in Kosovo. The practice has been instituted in line with General Assembly resolution [64/263](#), following the recommendation of the Independent Audit Advisory Committee.

Having reviewed the assessment, we are pleased to inform you that we accept the four recommendations set forth in the draft report and have started to take action accordingly. We are confident that the evaluation and its recommendations will strengthen the Mission's contribution to rule of law, peace, security and human rights.

I would like to take this opportunity to thank you and your staff who participated in the evaluation for the outstanding professionalism and cooperation.
