

Challenges in Implementation of Anti-Corruption activities in Kosovo: Kosovo Anti-Corruption Agency

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Kosovo Anti-Corruption Agency (KACA)

- Kosovo Anti-corruption Agency is an independent body, accountable to the Assembly and its responsibilities are regulated based on the provisions of the Law on Suppression of Corruption.
- KAA started to function with the appointment of its Director on 17 July 2006.
- The funds for the functioning of the Agency are provided from Kosovo Consolidated Budget, based on the annual budget proposal of the Agency. The Agency decides on the ways how to utilize and spend the given the budget.
- The activity of the Agency is directed by the Director, during his/her 5 years terms of office (The Director is appointed by Kosovo Assembly).
- The Agency's Council is a body established to exercise direct supervision on the Agency's work and to oversee the assets of the officials working in the Agency. The Council is composed of 9 members.
- KAA reports to the Agency's Council and to the Kosovo Assembly on the work carried out respectively every 6 months and once per year.

DIRECTOR OF THE AGENCY

Public Relations
Officer

Executive
Assistant

Procurement
Manager

Archives Officer

**Department on Anti-
corruption Strategy
and Administrative
Investigations**
Head

**Department on
Prevention of
Corruption**
Head

**Department of
Administrative
Services**
Head

Administrative
Assistant

Administrative
Assistant

Administrative
Assistant

Division on Anti-corruption
Strategy, Public Education and
Trainings
Head + 4 officers

Division on Supervision of Assets
Head + 2 officers

Division of General Services
Head + 1 IT officer, 1 budget and
finance officer, 1 driver/courier

Division on Administrative
Investigations and Legal Issues
Head + 4 officers

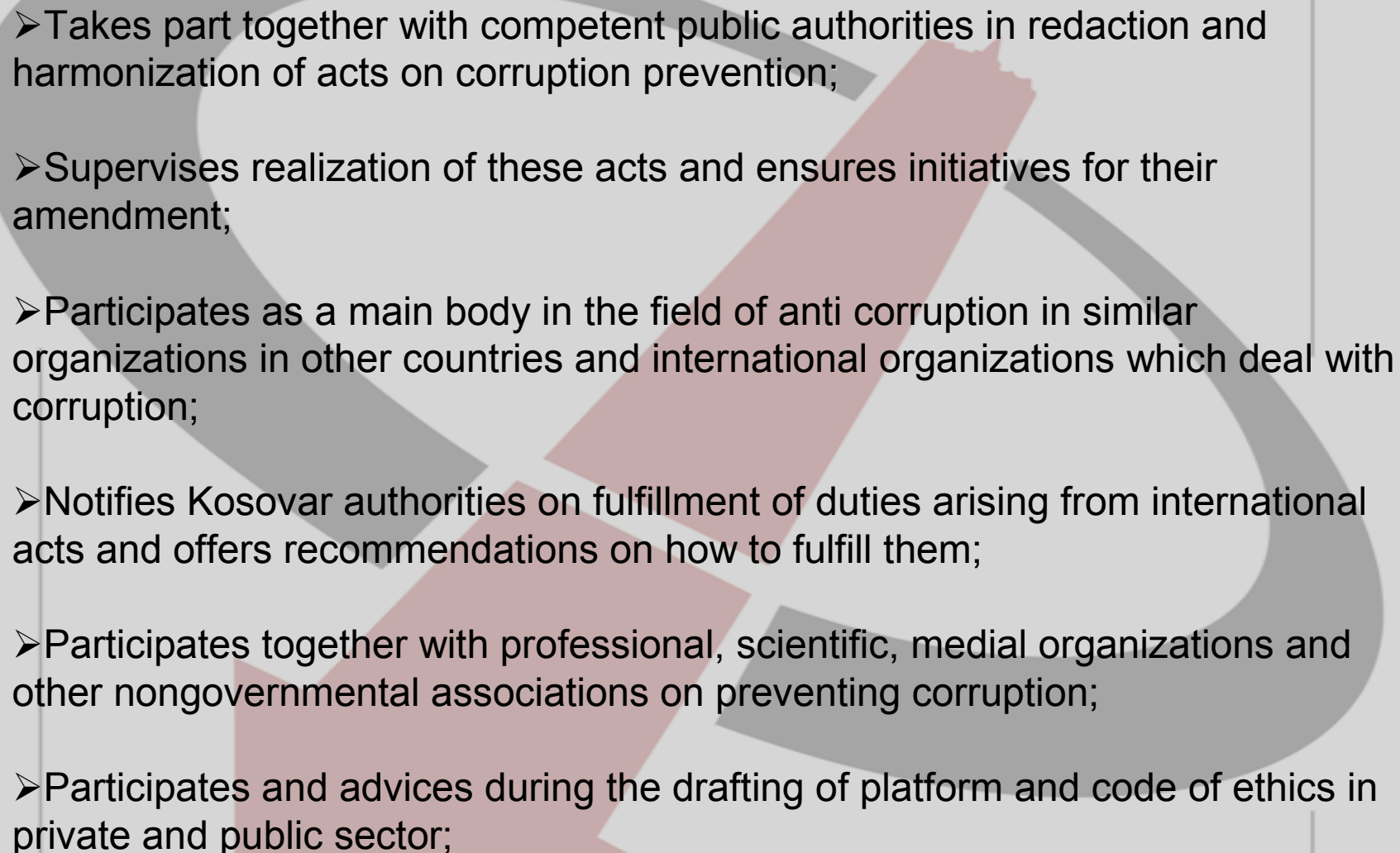
Division on Prevention of Conflict
of Interests and Gift Acceptance
Head + 3 officers

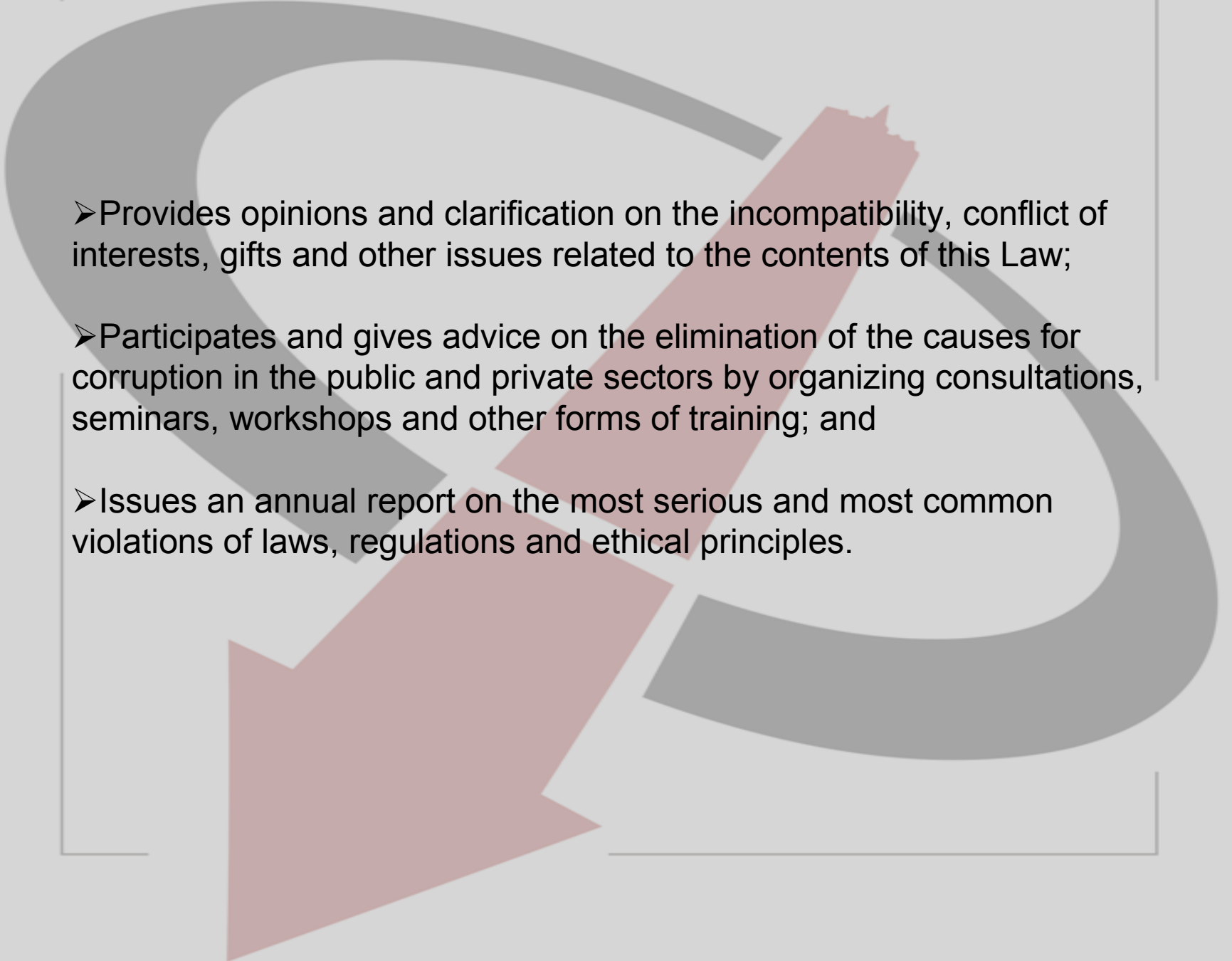
Division of Human Resources
and Translation
Head + 2 translators (Albanian –
English; Serbian - English)

Legal Basis of KACA

Based on Article 23 of the Law on Suppression of Corruption, the Agency is in charge of the following responsibilities:

- Passes any information relating to possible corruption offenses to the OPPK for further action and shall conduct administrative investigations of alleged cases of corruption where no criminal proceedings will be initiated;
- Co-operates with all domestic and international law enforcement authorities during investigation proceedings conducted by those authorities;
- Prepares anti corruption strategy for the Government and approval by the Assembly and has the responsibility for making amendments and its implementation;
- Supervises and analyzes statistics which are in connection with corruption condition in Kosovo;

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- Takes part together with competent public authorities in redaction and harmonization of acts on corruption prevention;
 - Supervises realization of these acts and ensures initiatives for their amendment;
 - Participates as a main body in the field of anti corruption in similar organizations in other countries and international organizations which deal with corruption;
 - Notifies Kosovar authorities on fulfillment of duties arising from international acts and offers recommendations on how to fulfill them;
 - Participates together with professional, scientific, medial organizations and other nongovernmental associations on preventing corruption;
 - Participates and advises during the drafting of platform and code of ethics in private and public sector;

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- Provides opinions and clarification on the incompatibility, conflict of interests, gifts and other issues related to the contents of this Law;
 - Participates and gives advice on the elimination of the causes for corruption in the public and private sectors by organizing consultations, seminars, workshops and other forms of training; and
 - Issues an annual report on the most serious and most common violations of laws, regulations and ethical principles.

Current Legislative Initiatives

Current legislative initiatives include:

- the Draft Law on Preventing Conflict of Interest in Exercising Public Function and
- the Draft Law on Declaration of the Property of Senior Officials of Public Sector
- The Draft Law on Preventing Conflict of Interest in Exercising Public Function provides the rules, responsibilities and competences for identifying, treating and solving the cases of conflict of public and private interest of the officials while exercising public function.
- The Draft Law on Declaration of the Property of Senior Officials of Public Sector defines the obligations of senior public officials to declare all the necessary facts to allow the public monitoring of their property, the monetary income or other material benefits earned while being employed in the public services, financial obligations of the public officials, their family relations and persons related with them.

Recruitment

- ✓ *On 12 February 2007 the Agency became fully operational.*
- ✓ *There are currently 15 officers operational out of 35 in total foreseen in the organigram.*
- ✓ *The Internal Rules of Functioning of the Agency are presently operational.*

The Agency's activities are focused in three main pillars:

- **Legislative drafting and Law enforcement**
- Implementation of the law (by passing information on corruption cases to the Public Prosecution Office);
- Amendment of the Law on Suppression of Corruption; and
- Undertaking initiatives on drafting new laws.


Prevention

- Prevention of conflict of interests' cases;
- Monitoring of the declaration of assets of official persons and definitions related to gift acceptance.
- Anti-Favouritism measures in public procurement system (2 cases with an abolishment of the tenders (amount of Euro 850.000) results have been abolished because of favouritism)

Public awareness and education

- Meetings, trainings with high officials, local government officials, students, etc;
- National awareness campaigns on the work of the Agency.

Department on Anti-Corruption Strategy and Administrative Investigations



Department composed by division on Anti-Corruption Strategy, Public Education and Trainings, and Division on Administrative Investigations and Legal Issues; The functions of the Department include to conduct administrative investigations for suspected cases of corruption and to send this information to the Prosecutors Office for further criminal proceeding; to cooperate with the Prosecutors Office and other relevant institutions in the field of fight against corruption and corruption prevention, to provide legal services within the Agency and represent the Agency in the judicial bodies and in relations with other institutions, to prepare proposals on amendments and changes of Kosovo legislation from the viewpoint of fight against corruption, etc.

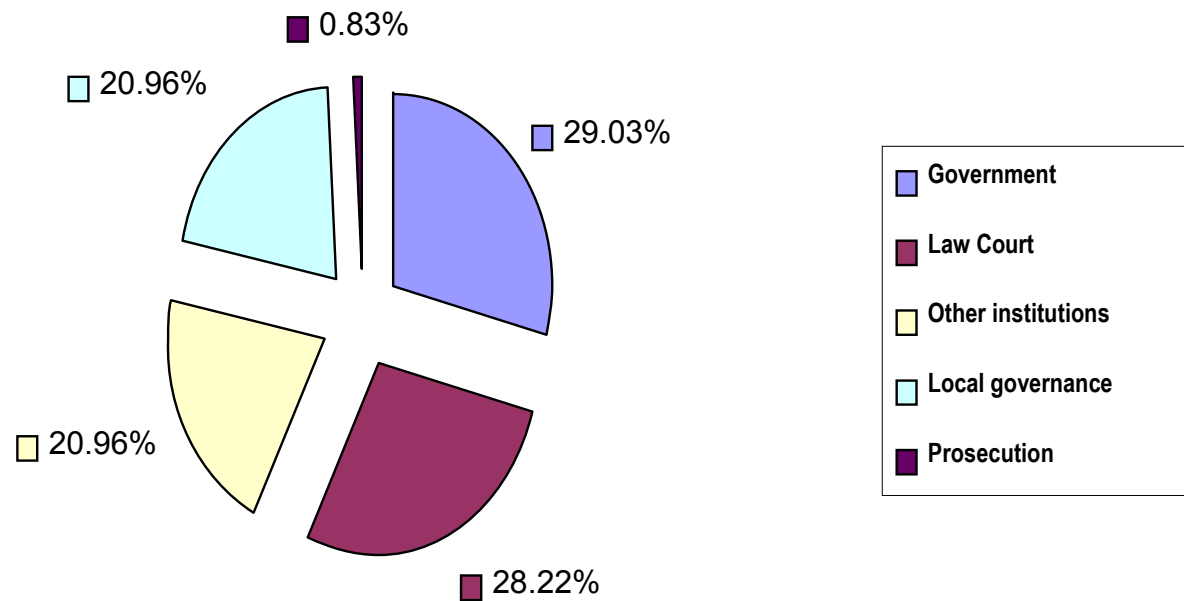


Delivered cases: January – December of 2007

- Compared with 2006 when KACA was in the beginning of the work and a symbolic number of information's was deposited in the agency regarding the corruptive acts, during the September of 2007 in the phone lines set free of charge and confidential, 044 082 82, installed with a purpose to help the citizens report the corruption cases, the Division for Investigations has received 160 phone calls, as well as has accepted 31 cases presented by the citizens who have filled a request for beginning of the procedure of investigation by offering the necessary evidence about these cases.
- Compared with cases presented during 2006 in 2007 the cases have characteristics described below:
- the number of reports for corruption were much increased;
- the alleged damages that are made by corruptive acts is calculated to be much bigger; and
- suspicion for implication of persons in these cases for serious acts of corruption from high level of governance.

Reported Cases

January- December 2007



Cases sent to the Prosecutors Office of Kosovo (OPPK)

January- December 2007

- Misuse of Official Duty and authorization – 12 cases;
- Embezzlement during the exercise of official duty – 9 cases;
- Bribe taking – 10 cases;
- Trading in influence – 4 cases;
- Against the law promulgation of court injunctions – 7 cases;
- Unlawful payments – 2 cases;
- Falsification of documents – 3 cases.



Department on Prevention of Corruption

Department consist of the Division on Supervision of Assets and the Division on Prevention of Conflict of Interests and Acceptance of Gifts; the Department exercises competences of the Agency in the conflict of interest field, acceptance of gifts, and supervision of assets.

Relevant data with the asset declaration applications

Institutions	Number of high officials for the asset declaration	Number of officials that declared the assets within the legal timeframe	Percentage of Declarations (%)
Assembly	123	51	41.4
Office of the President	4	2	50
Government	202	120	59.4
Courts	316	255	80.6
Persecutor's Office	87	63	72.4
Total	732	491	67.07

Percentages of declared officials based on institutions

Institutions	Number of high officials obliged for declaration of assets	Positions not filled^[1]	Number of high officials that declared assets	Number of officials that that didn't declare assets	Percentage of declarations (%)
Assembly	123	1	111	11	90.9
Office of the President	4		4	0	100
Government	202	4	184	14	92.9
Courts	316		302	14	95.5
Persecutor's Office	87		86	1	98.8
Total	732	5	687	40	94.4



Support from donors

- The assistance was provided by the EU funded project in creating national anti – corruption policies, strategy, public awareness rising regarding the work of this institution and encouraging them to report corruption cases, drafting and implementation of the anti – corruption legal framework and ensure their compliance with the international standards, etc. Technical assistance and counseling of the UNDP/EC advisors is present in every activity or initiative taken by the Agency.



Coaching and training for KACA staff

The following trainings have been conducted:

- **Monitoring Mechanisms of the UN Convention against Corruption (UNCAC) and Coordination with other Anti-Corruption Monitoring Systems**
- **The Key Institutional and Operational Mechanisms of the Foreign Anti-Corruption Agencies**
- **The implementation of Corruption Preventive Measures of the United Nations Convention against Corruption (UNCAC) in Domestic Laws of Kosovo**
- **Criminalization of Corruption Offences**
- **Liability of legal persons and Law enforcement ((Knowledge, intent and purpose as elements of an offence, Statute of limitations, Prosecution, adjudication and sanctions, Freezing, seizure and confiscation) on Corruption offences**
- **Law enforcement ((Protection of witnesses, experts and victims, Protection of reporting persons, Consequences of acts of corruption, Specialized authorities, Compensation for damage, Cooperation with law enforcement authorities, Cooperation between national authorities, Cooperation between national authorities and the private sector, Bank secrecy, Criminal record)**

Issues of Concern

- ***Lack of support from relevant institutions;***
- ***The Agency is still understaffed;***
- ***The anti-corruption legal framework needs to be completed with new organic laws and secondary legislation in line with international standards;***
- ***Low level of material compensation; and***
- ***Need for additional technical assistance from donors.***



Conclusion

- The UN Convention calls for establishment different forms of cooperation at the international level among anti-corruption institutions demands the development of institutional capacity and structures that can be supported through country programmes; on the other hand, the actual facilitation of cooperation among the institutions could be dealt with at the regional level. We hope that these and other ideas for enhancing the cooperation among anti-corruption authorities in relation to the implementation of the Convention will be reflected in this meeting's outcome documents and Ancorage-Net's further activities.
- Kosovo Anti-Corruption Agency is one of the youngest anti-corruption institutions in the world and for its successful development it is very important to learn more about the experience of the world leading anti-corruption agencies in order to identify our obstacles and look for the solutions. We hope that our cooperation will be successful and Kosovo Agency will fully be integrated in the world Anti-Corruption family.