



HANDBOOK ON PREVENTION OF CORRUPTION



NGO AKTIV,
NORTH MITROVICA, DECEMBER 2024



Handbook on prevention of corruption

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**North Mitrovica,
December 2024**

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Introduction

→ Corruption represents one of the biggest obstacles to the development of a just and prosperous society. In Kosovo, same as in many other countries that are in transition, the fight against this phenomenon represents a crucial challenge. It undermines citizens' trust in state institutions, it hinders economic growth, affects the rule of law and undermines the fundamental values of democracy.

Kosovo, with its dynamic political and social scene, is faced with unique challenges, but also with the opportunities for corruption prevention.

With adequate mechanisms, education and dedication of all citizens, it is possible to create an environment in which law and justice would be priorities, while the corruption would be reduced to a minimum.

This handbook is designed to provide clear and concrete guidelines for recognizing, understanding and combating corruption at all levels of society. It is intended for civil servants as well as citizens, civil society and the private sector, with the aim of empowering them to take steps towards building a society in which the rule of law, transparency and accountability are becoming the foundation of everyday life.

According to the current legal framework, corruption in Kosovo is defined as abuse of an official position or authority for personal gain or benefit for a third party, contrary to the law. **Law No. 06/ L - 011 On Prevention of Conflict of Interest in Discharge of a Public Function**¹ and **Law No. 08/L-108 on Declaration, Origin and Control of Assets and Gifts**², encompass various forms of corrupt behavior, including giving and receiving bribes, abuse of official authority, embezzlement of public funds and influence peddling.

The purpose of this Handbook is to strengthen transparency, accountability and ethical standards in a country where corruption represents a significant challenge. Also, raising the awareness of citizens and employees in the state and private sector about the dangers which corruption brings, as well as about its negative effects on the economy, justice and social development, represent an important segment of this Handbook.

1] Law No. 06/ L - 011 On prevention of conflict of interest in discharge of a public function, available at the following link: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=16314&langid=2>

2] <https://md.rks-gov.net/desk/inc/media/A7D56DD2-7871-41E3-8281-1D6D8790CB8C.pdf>

The Handbook aims to promote transparency of work of the institutions, strengthen ethical standards, while promoting integrity in all sectors, and offers practical tools for the identification and prevention of corruption, which are adapted to Kosovo's specific needs.

A special focus is placed on the protection of whistleblowers, in order to encourage reporting of corruption without the fear of reprisal. An important segment of the handbook is the cooperation between institutions and organizations at all levels, because the fight against corruption could be conducted more effectively through networking and cooperation.

Finally, the monitoring and supervision of anti-corruption measures will enable the monitoring of progress and ensure that the decreed measures are actually being implemented. Through training and capacity building, the Handbook will help in strengthening the expertise of employees in the fight against corruption, thus creating a solid foundation for long-term stability and transparency in Kosovo.



Definition and types of corruption

Definition of corruption

→ Corruption does not have a universally accepted definition, because its meaning differs from one country to another, depending on the institution or form in which it appears. However, all definitions of corruption have a common element: there is always a public servant or an official who is entrusted with public powers and who is using those powers for private gain. On the other hand, a non-public actor, such as an entrepreneur, citizen, civil society organization or even another public actor, who is asking for some benefit from the said official, also participates in an act of corruption. Therefore, corruption involves at least two actors, where both parties gain a certain benefit from that relationship.

Corruption is a dynamic process in which individuals or groups use their power, position or resources in order to satisfy their personal interests, often to the detriment of society and in violation of ethical norms. It represents a breach of trust and violation of principles of fairness, whereby transparency and accountability are being replaced by secret agreements, bribe or abuse of authority, thus undermining the fundamental function of institutions and public trust.

Forms of corruption

→ Corruption can take a number of forms, depending on the method, scope and participants in acts of corruption. The most common types of corruption are:

BRIBE (BRIBERY)

→ Bribe implies the provision of money, services or other benefits in order to influence the decision of an official or person in a position of power. This type of corruption can take place at different levels, whether it is about the awarding of a contract, avoidance of legal sanctions or securing of special privileges.

EMBEZZLEMENT

→ Embezzlement includes the misappropriation or misuse of funds which were entrusted to someone's management. This can be public money, resources or property, which are used for personal interests or for the interests of close persons, instead of the purpose for which they are intended.

FAVORITISM AND NEPOTISM

→ These types of corruption involve favoritism of certain individuals based on personal relationships instead of merit.

Favoritism occurs when preference is given to certain persons or groups regardless of their qualifications.

Nepotism is a practice of giving jobs, contracts or other benefits to family members, friends or close acquaintances.

**INFLUENCE
PEDDLING**

→ Trading in influence refers to the use of political or social influence to attain certain goals, such as getting a job, contract or making decisions in favor of interested parties.

**ABUSE
OF POWER**

→ This is a type of corruption in which a person in an official position uses his or her powers and influence to obtain benefits for himself/herself or others, which are not in accordance with the law or the rules of the institution.

**SYSTEMIC
(INSTITUTIONAL)
CORRUPTION**

→ This type of corruption is widespread, and it is becoming a part of the normal functioning of institutions. It often happens when entire political and economic systems are affected by corrupt practices, and corruption becomes the norm.

**“PETTY” AND
“GRAND”
CORRUPTION**

→ *Petty corruption* involves everyday cases of giving bribes or benefits in small amounts, e.g. giving money to a police officer or a public servant to process the request faster.

Grand corruption occurs at the highest levels, where large sums of money and resources are at stake, usually involving high-ranking officials and large companies.

**POLITICAL
CORRUPTION**

→ Political corruption refers to the abuse of political power to gain personal benefits or strengthen political power. This may include electoral frauds, bribery of members of parliament, or misuse of state resources for political campaigns.

Each of these types of corruption has negative consequences for society, encourages injustice, economic loss and weakens citizens' trust in institutions.

What is not corruption?

→ Gifts to civil servants can constitute corruption, but it depends on the circumstances and the value of the gift. In many countries, there are laws and regulations that regulate this area. For example, in some countries, a small token of appreciation such as a thank-you note or a token gift may be acceptable, while larger gifts or those given with the expectation of something in return may be considered corruption.

In Kosovo, the matter of gifts, reporting of assets and controls are regulated by the **Law No. 08/L-108 on Declaration, Origin and Control of Assets and Gifts**, which was adopted in 2022. This law defines the rules on how civil servants should report gifts and property, in order to prevent abuse of power and corruption.

3] <https://md.rks-gov.net/desk/inc/media/A7D56DD2-7871-41E3-8281-1D6D8790CB8C.pdf>



**Corruption
– binding
conventions
and legislative
framework**

International instruments in the fight against corruption

The fight against corruption represents one of the key challenges in the domain of the rule of law for most countries that aspire to be members of European Union, including Kosovo. This struggle is closely related to the preservation of fundamental human rights, efficient work of judicial bodies and institutions, justice and internal affairs. Since the fight against corruption must be taken seriously already in the early stages of the accession process, and the opening of relevant chapters depends on convincing results, Kosovo should demonstrate determination in implementing concrete, comprehensive and long-term measures to combat corruption.

There are four key conventions in the fight against corruption, which many of the OSCE member-states have joined:

1 **Convention on Combating Bribery of Foreign Public Officials in International Business Transactions⁴** (OECD)(1997). This convention, known as the Anti-Bribery Convention, focuses on preventing bribery of foreign officials in international business.

2 **Criminal Law Convention on Corruption of Council of Europe⁵** (1999) and Additional Protocol to the Criminal Law Convention on Corruption (2003). These conventions have set legal standards for the prosecution of corruption and expanded the scope and obligations of member-states.

3 **Civil Law Convention on Corruption of the Council of Europe⁶** (1999.). This convention focuses on the civil-legal aspects of the fight against corruption, that includes the possibility of compensation for damages.

4 **United Nations Convention against Corruption⁸** (2003). This comprehensive convention provides a global framework for the prevention of corruption, including preventive measures, criminal sanctions and international cooperation.

4] <https://www.oecd.org/en/topics/sub-issues/fighting-foreign-bribery.html>

5] Council of Europe, report with explanations, Criminal Law Convention on Corruption of CoE <http://conventions.coe.int/treaty/en/reports/Html/173.htm>

6] <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treaty-num=191>

7] <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treaty-num=174>

8] https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf

Kosovo, as a territory that is not a full member of international organizations such as the OSCE, is not automatically obliged to comply with the aforementioned conventions, in the manner in which member-states are obliged. However, many of those conventions may be relevant to Kosovo due to its international obligations, partnership with the EU and obligations it undertakes through agreements and arrangements with international organizations.

For instance, Kosovo has signed and ratified the **United Nations Convention against Corruption** (2003), which means that it is obliged to comply with its provisions within its legal and institutional capacities. Likewise, Kosovo may be obliged to comply with certain international standards and norms set by those conventions, especially in the context of its aspirations for EU integration and international partnerships.

Domestic legal framework for the fight against corruption

→ In Kosovo, fight against corruption is regulated by the following laws:

» **Law No. 08/L-017 on the Agency for the Prevention of Corruption**⁹

This law prescribes the status and responsibilities of the Agency for the Prevention of Corruption in Kosovo in the domain of suppression and prevention of corruption, especially in the area of reporting, detection and investigation of corruption, implementation of the Strategy and Action Plan for the Prevention of Corruption.

» **Law No. 08/L-108 on Declaration, Origin, and control of Assets and Gifts**¹⁰

This law prescribes the obligations of high-ranking civil servants to declare their assets, income and their origin, the obligation of the Agency for the Prevention of Corruption in Kosovo to control the declaration and control of assets, as well as the obligations of all officials in connection with the declaration of gifts and their origin.

» **Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function.**¹¹

The purpose of this law is to prevent conflicts of interest in the public and private interests of high officials in the performance of public functions.

» **Law No. 06/L-085 on Protection of Whistleblowers**¹²

The purpose of this law is to enable the reporting of violations in the public and private sectors and protection of whistleblowers.

Bearing in mind that transparency is one of the most effective tools in the fight against corruption, we will also mention some important laws and by-laws that regulate the issue of transparency:

1. **Law No. 06/L-081 on Access to Public Documents**¹³
2. **Law No.03/L-040 on Local Self-Government**¹⁴
3. **Law No. 03/L-048 on Public Financial Management and Accountability which was amended and supplemented by Law no. 05/L-007 on amending and supplementing the law no. 03/L-048 on Public Financial Management and Accountability, amended and supplemented by laws no. 03/I-221, no. 04/I-116, no. 04/I-194 and no. 05/I-063**¹⁶
4. **Law No. 02/L-37 on the Use of Languages**¹⁷

9] <https://gzk.rks-gov.net/Act-Detail.aspx?ActID=60591>

10] <https://gzk.rks-gov.net/ActDetail.aspx?ActID=61304>

11] <https://gzk.rks-gov.net/Act-Detail.aspx?ActID=16314>

12] <https://gzk.rks-gov.net/Act-Detail.aspx?ActID=18303>

13] <https://gzk.rks-gov.net/Act-Detail.aspx?ActID=20505>

14] <https://gzk.rks-gov.net/Act-Detail.aspx?ActID=2530>

15] <https://gzk.rks-gov.net/Act-Detail.aspx?ActID=2524>

16] <https://gzk.rks-gov.net/Act-Detail.aspx?ActID=12387>

17] <https://gzk.rks-gov.net/Act-Detail.aspx?ActID=2440>

National Anti-corruption Strategy



Kosovo did not adopt the Strategy since 2018, when the previous one ceased to be valid. After that, the Government drafted a new document that was never adopted by the Parliament. Six years after the expiration of the previous one, the preparation of the National Strategy is still ongoing and according to the report of Kosovo Law Institute - KLI, published in January 2024, the draft of the National Anti-corruption Strategy has fundamental problems related to the basic concepts of the rule of law.



Institutions in the fight against corruption

The fight against corruption represents a complex challenge which requires the coordinated action of various institutions and authorities. The successful fight against this phenomenon depends not only on the strength of the law, but also on the efficiency of the institutions which implement those laws, as well as on their cooperation. Institutions which are involved in the fight against corruption have clearly defined roles, but they are also connected through legal obligations and institutional mechanisms which enable coordinated actions.

The legislature plays a key role in creating the legal framework which defines corruption, its forms, sanctions and procedures to combat it. Legislators, through legal acts, lay the groundwork for the work of all other institutions. Without a strong legal framework, the fight against corruption would be fragmented and ineffective. In addition to creation of the laws, the legislature also oversees their implementation, thus providing institutional control over the fight against corruption.

On the other hand, **the executive (government)**, takes responsibility for the implementation of those laws, especially through specialized agencies such as anti-corruption bodies. These agencies are mandated to monitor civil servants, analyze their records of assets, open investigations and undertake preventive measures. Anti-corruption agencies function as independent bodies, which allows them greater autonomy and efficiency in implementing measures without political pressure. Their role is crucial for establishment of preventive mechanisms, as well for the detection and investigation of potential cases of corruption.

Judicial institutions, such as courts and prosecutor's offices, are responsible for prosecution of corruption cases. Their independence and expertise represent factors that are crucial for a fair trial and punishment of perpetrators. Prosecutor's offices are usually the first point of contact for law enforcement when it comes to allegations of corruption. Cooperation between the prosecutor's office and anti-corruption agencies is of vital importance, because the prosecutor's office depends on the information provided by the agencies in order to effectively prepare the indictments. Courts, for their part, are tasked with correctly interpreting laws and ensuring that sanctions are administered fairly.

In addition to judicial authorities, **investigative authorities**, such as the police and specialized units

for combating financial crime, play a key role. They perform technical and operational tasks, collect evidence, make arrests and help create reasonable suspicions which judicial authorities use in criminal proceedings. Their cooperation with prosecution and anti-corruption agencies often involves information-sharing, joint operations and resource sharing.

Independent bodies, such as audit institutions and the Ombudsperson, are tasked to ensure transparency of work of public institutions and their responsibility towards citizens. Audit institutions exercise control over the spending of public funds, thus preventing abuses that can lead to corruption. These bodies act preventively and can be key sources of information for other competent authorities when irregularities in the work of state institutions are uncovered.

Institutions in the fight against corruption do not act independently. Their interconnectedness, based on legal obligations and institutional cooperation mechanisms, is key to building an effective system for the prevention and fight against corruption. It is possible to achieve significant results in the fight against this harmful social phenomenon only through the coordinated and synchronized action of these bodies.

Examples from practice - Privatization Agency of Kosovo

Corruption in Kosovo is a long-standing problem which affects society, economy and political processes. There are many concrete cases of corruption which have attracted the attention of public and had significant consequences, but the Privatization Agency of Kosovo was most often accused and investigated by judicial authorities for various corrupt practices.

Before investigative and judicial bodies, Privatization Agency of Kosovo (PAK) has been linked to corruption, abuse of power and non-transparent processes related to the privatization of state enterprises and property after the 1999 war. PAK, founded with the aim of privatizing social enterprises inherited from the Yugoslav period, has become synonymous with suspicious activities, political interests and the enrichment of individuals close to the authorities.

Investigations and proceedings against the Privatization Agency of Kosovo were conducted through cooperation between domestic judicial bodies and international missions, and the reports of various competent institutions have noted many irregularities in the work of PAK which are related to corruption, such as:

NON-TRANSPARENT PRIVATIZATION PROCESS

PAK is in charge of sale or restructuring of assets of numerous companies that were owned by the state or worker cooperatives. The privatization process, however, was often non-transparent, and many companies were sold at prices that were well below market value. In several cases, companies were bought by persons connected to political parties or those with powerful connections within the Kosovo authorities.¹⁸

IRREGULARITIES WITH TENDERS AND CONTRACTS

During privatization, numerous irregularities took place in the awarding of tenders, and claims were made that individuals in the Agency favored certain buyers through manipulation of documents¹⁹, giving away privileged information and through improperly carried out valuation of assets²⁰. These arrangements allowed individuals to buy property at low prices and then resell it at the prices that were significantly higher.

18] EULEX Kosovo, Report on Justice Monitoring, Findings and Recommendations November 2021 – September 2022, Former EULEX Cases, available at: Serbian https://www.eulex-kosovo.eu/eul/repository/docs/Raporti_Serbisht.pdf English https://www.eulex-kosovo.eu/eul/repository/docs/Raporti_Anglisht.pdf

19] https://www.slobodnaevropa.org/a/25368344.html?utm_source=chatgpt.com

20] EULEX Kosovo, Report on Justice Monitoring, Findings and Recommendations November 2021 – September 2022, Former EULEX Cases, available at: Serbian https://www.eulex-kosovo.eu/eul/repository/docs/Raporti_Serbisht.pdf English https://www.eulex-kosovo.eu/eul/repository/docs/Raporti_Anglisht.pdf

POLITICAL INVOLVEMENT

Privatization in Kosovo was often linked to political interests. Allegations were made that many buyers were close to leading political parties, such as the Democratic Party of Kosovo (PDK) and the Alliance for the Future of Kosovo (AAK)²¹. Members of these parties allegedly used political power to gain control of valuable state-owned enterprises.

ASSETS OF COMPANIES IN DIASPORA AND ABROAD²²

In addition to local companies, Kosovo also had assets abroad, which were also subject to privatization. There are claims that the selling of these assets was even less transparent and that the significant value of these assets went into the hands of people with political and business connections, instead of contributing to public interests or rebuilding Kosovo's economy.

CONSEQUENCES FOR ECONOMIC DEVELOPMENT²³

One of the main problems of privatization under PAK was that many companies which were privatized failed to revitalize the production, employ the local population or bring economic growth. On the contrary, many companies were closed soon after privatization, which led to a decrease in employment and further economic stagnation. Many workers lost their jobs and were not adequately compensated, while the real estate and land where the businesses were located were often used for speculation in the real estate market.

21] BIRN Kosovo, Panic selling – Assessing the main challenges and deficiencies of Kosovo's privatization process, Case I, NBI Suhareka (AgroKosova Holding), available at <https://birn.eu.com/wp-content/uploads/2017/12/Report-on-Privatization.pdf>

22] BIRN Kosovo, Panic selling – Assessing the main challenges and deficiencies of Kosovo's privatization process available at <https://birn.eu.com/wp-content/uploads/2017/12/Report-on-Privatization.pdf>

23] BIRN Kosovo, Panic selling – Assessing the main challenges and deficiencies of Kosovo's privatization process, available at <https://birn.eu.com/wp-content/uploads/2017/12/Report-on-Privatization.pdf>

Examples of properties and businesses that were under investigation

24] BIRN Kosovo, Panic selling - Assessing the main challenges and deficiencies of Kosovo's privatization process, Case II, Grand Hotel Prishtina, available at <https://birn.eu.com/wp-content/uploads/2017/12/Report-on-Privatization.pdf>

25] <https://www.kosovo-online.com/vesti/ekonomija/radnici-protiv-ideje-o-privatizaciji-trepce-22-9-2019>

26] EULEX Kosovo, Report on Justice Monitoring, Findings and Recommendations November 2021 - September 2022, Former EULEX Cases, available at: Serbian https://www.eulex-kosovo.eu/eul/repository/docs/Raporti_Serbisht.pdf English https://www.eulex-kosovo.eu/eul/repository/docs/Raporti_Anglisht.pdf

▶ GRAND HOTEL, PRISTINA

One of the most famous cases related to privatization was the attempt to sell the Grand Hotel in Pristina. This hotel, which was one of the most valuable state resources, was sold at a price that was lower than expected, which caused great controversy and accusations of corruption. There were several actors who were against the privatization of the Grand Hotel, which was one of the most famous symbols of the city and an important state property, that included trade unions, political parties, former hotel workers and parts of the public. After many lawsuits, PAK returned the company under its management in 2012. The privatization was annulled, and the previous buyer is contesting the re-privatization process through court proceedings.²⁴

▶ TREPÇA

One of the most valuable companies in Kosovo, the Trepça mining complex, was also the subject of a dispute related to privatization. While many of the smaller Trepça companies have been privatized, there have been accusations of pressure to sell the mines below their market value so that the private interests would benefit.²⁵

INVESTIGATIONS AND JUDICIAL EPILOGUE

One of the most valuable companies in Kosovo, the Trepça mining complex, was also the subject of a dispute related to privatization. While many of the smaller Trepça companies have been privatized, there have been accusations of pressure to sell the mines below their market value so that the private interests would benefit.²⁶

CONSEQUENCES

ECONOMIC CONSEQUENCES

▶ The non-transparent privatization has impoverished Kosovo's economy, since many valuable resources have passed into the hands of private individuals, and the state lost significant sources of income.

POLITICAL CONSEQUENCES

▶ The case of PAK has deepened the sense of political corruption in Kosovo and deepened citizens' distrust of the institutions.

SOCIAL CONSEQUENCES

▶ Numerous workers, especially in the industrial sector, lost their jobs and job prospects, while the enterprises which were privatized were often closed or were being destroyed.

The Privatization Agency of Kosovo has become a symbol of failure of Kosovo authorities to establish transparent and fair economic reforms, while political and economic elites have profited at the expense of society.

Reporting by the Agency for Prevention of Corruption on the case of Privatization Agency of Kosovo

▶ The Agency for Prevention of Corruption of Kosovo (APC) did not have the direct authority to conduct criminal investigations or initiate proceedings related to corruption, however, it was primarily responsible for prevention of corruption, monitoring of assets of civil servants, development of anti-corruption strategies and submission of recommendations to judicial authorities.

However, when it comes to privatization and the activities of Privatization Agency of Kosovo (PAK), there were several cases in which the APC pointed to possible irregularities and risks of corruption in the privatization process. APC had the authority to investigate irregularities related to conflicts of interest and abuse of office, but criminal investigations were under the jurisdiction of judicial institutions, such as the Special Prosecutor's Office of Kosovo and the courts, as well as EULEX, which oversaw high-profile corruption cases.

However, a large number of these investigations did not result in serious verdicts, which caused frustration among citizens and created a sense of impunity for the political and economic elites involved in the privatization process.

Although the Agency for Prevention of Corruption in Kosovo noted the problems related to privatization and conflicts of interest within PAK, its role was limited to prevention and making recommendations, while specific investigations and sanctions were within the competences of other judicial institutions.²⁷

27] Kosova Democratic Institute, Transparency International Kosova, Assessment of the National Integrity System of Kosovo, available (Serbian) at: https://kdi-kosova.org/wp-content/uploads/publikime/73-kdi-nis-srb_all_single_final.pdf English: https://kdi-kosova.org/wp-content/uploads/publikime/72-kdi-nis-eng_all_single_final.pdf Albanian: https://kdi-kosova.org/wp-content/uploads/publikime/71-kdi-nis-alb_all_single_final.pdf



Agency for Prevention of Corruption in Kosovo – APC

Agency for Prevention of Corruption in Kosovo (APC) is an independent state institution which is charged with the prevention and fight against corruption, and which reports on its work to the Assembly of Kosovo.

Mandate of Agency for Prevention of Corruption in Kosovo

The mandate of the Agency for Prevention of Corruption in Kosovo (APC) encompasses a wide range of responsibilities related to prevention, monitoring and fight against corruption.

The Agency for Prevention of Corruption is in charge of the implementation of several laws which are crucial for the prevention of corruption, including:

- ✔ **Law No. 08/L-017 on Agency for Prevention of Corruption**
- ✔ **Law No. 08/L-108 on Declaration, Origin, and control of Assets and Gifts**
- ✔ **Law No. 06/L-085 on Protection of Whistleblowers**

In accordance with the laws, the Agency:

- ✔ works on prevention of conflict-of-interest cases by providing opinions and conducting administrative investigations into allegations of conflict of interest,
- ✔ conducts administrative investigations and processes reports received from external whistleblowers,
- ✔ carries out full control of officials' property declarations and determines the accuracy of their declarations and monitors the receipt of gifts by officials

The agency is also issuing fines to officials who do not fulfill their obligation related to timely reporting of assets or it files criminal charges to the prosecutor's office for false reports.

By carrying out its mandate, the Agency also:

- ✔ Examines laws to ensure that they include all measures which are necessary for the protection against corruption,
- ✔ Monitors the implementation of the National Strategy for the fight against corruption,
- ✔ Assists public institutions in developing and monitoring the implementation of their integrity plans,

- ✔ Assesses the risk of corruption in sensitive sectors, such as public procurement, employment and use of public resources,
- ✔ Raises public awareness through campaigns and educational programs about the harmfulness of corruption and the need for transparency



Whistleblowers

Whistleblowers play a pivotal role in preservation of integrity and ethics in organizations and society. Their actions enable detection and reporting of illegal, unethical or dangerous actions which might otherwise remain hidden. These actions, which may include corruption, fraud or abuse, often have serious consequences for society, the organization or individuals.

The Law No. 06/L-085 on Protection of Whistleblowers, a whistleblower is defined **as any person who reports or discloses information on threat or damage to the public interest in the context of own employment relationship in the public or private sector.**

Protection and rights of whistleblowers

→ Also, in accordance with this Law²⁸, whistleblower has the right to:

- ✓ protection of his/her identity during the whistleblowing process;
- ✓ preservation of the confidentiality of the source of reported or disclosed information.
- ✓ protection against detrimental acts.

Rights of the whistleblower are guaranteed in terms of this law:

- 1] during the duration of the administrative investigation procedure of whistleblowing;
- 2] after completion of the administrative investigation procedure of whistleblowing, with the aim to normally perform the functional duties of the whistleblower at his/her employment relationship;
- 3] after termination of the employment relationship of the whistleblower with his/her employer, when, by reasonable circumstances, the whistleblower has requested protection under this Law.

Analyses show that major corruption scandals are often discovered thanks to the courage of individuals who decided to report irregularities. However, the effective collection and disclosure of information about offenses in the public interest should not depend only on the courage of individuals. Instead, it is necessary to establish a reliable system which would encourage all actors in society to act preventively and to cooperate with the competent authorities. If such a system would be in place, many threats to the public interest could be prevented, since potential whistleblowers would be encouraged to share their information with the authorities or expose it to the public through the media..

28] Article 7, Rights of whistleblowers

Through their disclosures, whistleblowers help protect the public interest and enable the administration of justice, which can lead to important reforms and improvements in policies and procedures within organizations. They contribute to greater transparency and accountability, which helps prevent future irregularities and protect others from potential damage.



• **Access to public documents – the first step in the fight against corruption**

Anti-corruption mechanisms include a number of institutional, legal and social approaches aimed at preventing, detecting and sanctioning corrupt practices.

One of the key mechanisms in the fight against corruption is access to public documents, since it ensures the transparency and accountability of state institutions. When information about the work of the government, public procurement, budgets and projects is available to citizens and the media, the opportunity to hide illegal activities and abuses becomes reduced.

Access to documents not only empowers citizens, but also encourages institutions to be responsible. When there is a possibility of insight into their activities, state agencies and officials are more aware of their obligation to work in accordance with the law and ethical principles. This process can help identify and prevent the misuse of public resources, while at the same time it enables recognition of irregularities and timely response.

The right of access to public information gives citizens the power to influence social and political issues, thus strengthening the democratic system and reducing the space for corruption.

The right to access public information in Kosovo is regulated by the *Law No.06/L-081 o on Access to Public Documents*²⁹, and the implementation of the law is monitored and supervised by the Information and Privacy Agency (IPA).

29] <https://gzk.rks-gov.net/ActDetail.aspx?ActID=20505>

Information and Privacy Agency

→ Information and Privacy Agency (IPA) is an independent agency that is responsible for the supervision and implementation of Law No. 06/L-082 on Protection of Personal Data and Law No. 06/L-081 on Access to Public Documents.

The main purpose of the Information and Privacy Agency is to protect the fundamental and freedoms of natural persons in connection with the processing of personal data and to guarantee access to public documents, with the aim of transparency and accountability of public institutions.

Agency for Information and Privacy is engaged in both the promotion and informing of public institutions vis-à-vis the implementation of these laws,

Right to access to public documents

at the same time providing training in the domain of monitoring, information sessions, conferences in public institutions and beyond, which are related to the implementation of the Law on Protection of Personal Data and the Law on Access to Public Documents.

→ Access to public documents is a right guaranteed by the Constitution of Kosovo. Since 2019, the Law on Access to Public Documents is in force in Kosovo, which has generally improved legal regulations and improved access to public documents.

The law is in accordance with international standards in the domain of access to public documents, guaranteeing the right of every natural and legal person to access documents of public institutions. Article 10 of the Law on Access to Public Documents clearly defines the right of access to public documents and based on it:

Every person has the right to access public documents equally and in the same way. The request may be made in person, in writing, electronically or orally. If the request is made orally, the official responsible for access to public documents shall compile the written request for further proceeding.

The applicant requesting a public document is not obliged to provide reasons for the use of public documents in order to access public documents and the applicant requesting a public document shall have the right to remain anonymous in relation to third parties. Limitation of this right is done only in limited and special cases determined by the applicable legislation.

The public institution, at the time of registration of the request, is obliged to make a decision within seven (7) days on the permission to view the requested document, i.e. to make a reasoned decision on full or partial refusal and must inform the applicant about the means of appeal.

Any individual who believes that his/her rights guaranteed by the Law on Access to Public Documents have been violated, has the right to file a complaint with the Agency for Information and Privacy within fifteen (15) days from the day when the public institution fully or partially rejected the request, or even then when it is silent about it and is not responding.



Media and civil society – public control of the work of institutions

The fight against corruption represents one of the key challenges of modern societies, especially in countries in transition, where institutions are often weak while the legislative frameworks are insufficiently developed. In this complex process, media and civil society organizations play an irreplaceable role as bearers of transparency, responsibility and social pressure on political and economic elites. Their capability to investigate, uncover and inform the public about cases of corruption makes them crucial actors for creation of a resilient society which successfully opposes the abuses of power.

Civil society, including the media, has a key role in public control of institutions and the fight against corruption, promoting transparency and accountability of government. Their activities include monitoring the work of institutions, advocacy for the interests of citizens and anti-corruption awareness raising. Civil society organizations monitor processes such as public procurement, budget spending and implementation of the law, which enables detection of irregularities and conflicts of interest, thus preventing abuses.

The media play a special role in exposing corruption through investigative journalism, by publishing information of public importance, and exerting pressure on institutions to react. Through the public presentation of facts and analyses, the media empowers citizens and encourages public debate about the responsibility of institutions.

Additionally, civil society organizations and the media are advocating reforms which strengthen legal and institutional mechanisms to combat corruption. Through legal initiatives, public campaigns and civil actions, they put pressure on the government to implement adequate measures.

Cooperation with international organizations provides additional resources and professional support, which strengthens the influence on local institutions. In this way, civil society and the media function as key partners in strengthening the integrity and responsibility of public institutions.



• **NGO AKTIV –
active partner in
the fight against
corruption**

Improving transparency and the rule of law in Serb-majority communities

NGO Aktiv is a non-governmental organization based in North Mitrovica which works actively to strengthen civic engagement and improve socio-political processes in Kosovo. One of the key areas in which NGO Aktiv is engaged is the fight against corruption, where in cooperation and partnership with the Kosovo Agency for Prevention of Corruption and other local and international organizations in Kosovo, it implements various initiatives and campaigns to raise citizens' awareness of problems related to corruption, organizes public forums with citizens, advocating above all the transparency and responsibility of the authorities, all in order to improve the policies and mechanisms for the fight against corruption in Kosovo.

→ NGO Aktiv acknowledges civil society organizations as key partners in the fight against corruption and considers them an integral part of any anti-corruption effort in Kosovo.

As part of the project 'Enhancing Transparency and Rule of Law in Kosovo-Serb Majority Communities in Kosovo', which is implemented by the NGO Aktiv and the Advocacy Center for Democratic Culture (ACDC) from North Mitrovica, with the cooperation and support of the Agency for Prevention of Corruption and the financial support of the Bureau of International Narcotics and Law Enforcement Affairs (INL) CSOs from the Serbian community, in cooperation with the NGO Aktiv, implemented various initiatives whose focus was transparency and the fight against corruption, and which covered the following topics:

- ✓ Digitization and corruption
- ✓ Cryptocurrencies and corruption
- ✓ Integrity and strategy in the fight against corruption
- ✓ Empowerment of whistleblowers
- ✓ Media campaigns in the fight against corruption
- ✓ Environmental management

Realizing the importance of digitalization of various systems within the state administration, but also the digitalization process itself in a broader sense, the initiative included several segments of recognition of new channels of corruption in the digital age and contributed to the prevention of corrupt activities and education about new challenges in combating corruption.

DIGITAL CORRUPTION – CHALLENGES OF MODERN ERA

→ *Civic Activism network* from Gračanica/Gračanice has published a Handbook for CSOs to fight against digital corruption ‘Digital corruption – challenges of the modern age’ which provides basic knowledge about digital corruption and digital challenges in the fight against corruption and presents tools and resources that will enable civil society organizations to use digital technologies more effectively in their work, especially in the context of the fight against corruption.

The Handbook was presented to civil society organizations at the conference ‘Digital corruption – challenges of the modern times held in Gračanica/Gračanice in September 2024. As part of the initiative to increase the capacity of CSOs to fight against digital corruption, the handbook was distributed to active CSOs from non-majority communities in Kosovo, and is also available on the official website of the **NGO AKTIV**³⁰.

CRYPTO AND CORRUPTION – UNDERSTANDING THE CHALLENGES AND OPPORTUNITIES

→ Cryptocurrencies, digital or virtual currencies which uses cryptography to secure transactions, have revolutionized the financial landscape by enabling decentralized and anonymous transactions. While these attributes offer significant advantages, such as increased financial inclusion and efficient cross-border payments, they also present unique challenges, particularly in relation to corruption and financial crimes.

As cryptocurrencies are recognized as one of the most attractive challenges in the fight against corruption, **Radio KIM** has produced a series of texts ‘Crypto and corruption – understanding the challenges and opportunities’ as part of its initiative..

In the texts available on the official website of Radio KIM³¹, various topics related to cryptocurrencies are being covered: *Cryptocurrencies – opportunities and challenges and vulnerability to abuse*³², *Experiences of Kosovo crypto miners and electricity consumption*³³, *Cryptocurrencies as tools for positive change*³⁴, *Digital assets and Kosovo’s legal framework*³⁵, *NFT revolution: Popularity and controversies*³⁶.

This series provided readers with additional insight into current processes related to cryptocurrencies, with a special focus on their dual nature.

30] Handbook ‘Digital corruption – challenges of the modern age’ is available at: <https://ngoaktiv.org/wp-content/uploads/2024/11/Digitalna-korupcija.pdf>

31] Radio KIM: <https://radiokim.net/>

32] Available at: <https://radiokim.net/analiza/222101-kriptovalute-mogucnosti-i-izazovi-ranjivost-na-zloupotrebu/>

33] Available at: <https://radiokim.net/analiza/222642-rudarenje-kriptovaluta-koliko-elektricne-energije-se-zaista-trosi/>

34] Available at: <https://radiokim.net/analiza/223200-kriptovalute-kao-alati-za-pozitivne-promene/>

35] Available at: <https://radiokim.net/analiza/224982-digitalna-imbovina-i-kosovski-zakonodavni-okvir/>

36] Available at: <https://radiokim.net/analiza/223756-nft-revolucija-popularnost-i-kontroverze/>

GRAČANICA/ GRAČANICĚ - BETWEEN CONCRETE AND NATURE

→ Since the media play an important role in uncovering and investigating potential corruption from different perspectives, the Media Center from Čaglavica/Čaglavice prepared a video report on the impact of illegal construction on the environment in the municipality of Gračanica/Gračanicě. With the aim of raising awareness on environmental and corruption challenges in Gračanica/Gračanicě municipality, the Media Center viewers and followers on social networks were presented with a story titled '*Gračanica/Gračanicě - Between concrete and nature*', in which the problem of illegal construction was analyzed through the identification of causes and factors that contribute to illegal construction, but also the lack of effective reaction of municipal authorities vis-à-vis the adherence to the regulations which, through the lack of transparency in the work in this area, lead to possible corruption.

In talks with experts in the domain of environmental protection, concrete consequences of illegal construction on the local ecosystem were presented, with a special focus on the loss of green areas, i.e. agricultural land.

Initiatives such as this one encourage citizens to be active in protecting their natural resources, to monitor the legality of construction, report suspicious activities and demand accountability from local authorities and institutions.

EDUCATION OF THE YOUTH FROM GRAČANICA/ GRAČANICĚ ON THE FIGHT AGAINST CORRUPTION

→ Education of young people on fight against corruption is an important segment of strengthening of the integrity of local government and society as a whole. The **Center for Peace and Tolerance (CPT)** from Gračanica/Gračanicě, as part of this initiative, implemented the project *Education of the youth of Gračanica/Gračanicě on the fight against corruption* with the aim of empowering young people in Gračanica/Gračanicě to become key actors in building a transparent and responsible community.

Two trainings and two workshops were held, in which through education³⁷, simulations and active participation young people have gained the necessary knowledge and skills to combat corruption. Work with young people was focused on the local needs and specificities of Gračanica/ Gračanice Municipality, adapting the educational activities to directly respond to challenges and opportunities in that community.

37] Project report available on the link: <https://ngoaktiv.org/wp-content/uploads/2024/11/Digitalna-korupcija.pdf>

A key component of these initiatives which the civil society organizations have implemented in cooperation with NGO Aktiv and the Advocacy Center for Democratic Culture (ACDC) from North Mitrovica, within the project ***'Enhancing Transparency and Rule of Law in Kosovo-Serb Majority Communities in Kosovo'***, is awareness raising and empowering of citizens to actively engage in the fight against corruption, regardless of the community they come from or their age, because the fight against corruption is an obligation for all of us and concerns us all.



Recommendations

The fight against corruption is of vital public interest and requires the application of principles which are widely accepted and proven in practice. It does not depend on ideological positions, but on the readiness to follow international commitments and strategic documents, as well as on respect for the evaluations of relevant organizations and the community. These recommendations provide guidelines for an effective fight against corruption in the context of EU integration and societal needs.

Recommendations → for the institutions

In this section, we provide guidelines for improvement of institutional practices in the fight against corruption, along with guidelines and recommendations that are aimed at building an effective system for the prevention and fight against corruption, for the advancement of public sector and strengthening of citizens' trust in institutions. The recommendations are primarily intended for the Government of Kosovo and their subordinate agencies.

Implementation and improvement of legal frameworks

Ensure consistent application of existing anti-corruption laws and policies, with regular updating and alignment with international standards and recommendations.

In cooperation with the relevant institutions, to develop and adopt a national Strategy for the fight against corruption in Kosovo.

Strengthening of transparency and accountability

Implement mechanisms to increase transparency in the work of institutions, including mandatory publication of information on expenses, decision-making and contracts.

Support for independent anti-corruption bodies

Provide adequate resources and support for independent anti-corruption institutions, such as the Anti-Corruption Agency and other relevant bodies.

Education and training

Organize regular trainings for public sector employees on anti-corruption measures, ethics and integrity in order to enhance their skills and improve their knowledge related to the recognition and prevention of corruption.

Increasing of the role of civil society and media

Encourage the active participation of civil society and the media in monitoring and reporting on corruption, by enabling access to information and by protecting journalists and activists who are dealing with the topic of corruption.

Strengthening of international cooperation

By cooperating with international organizations and partners, through exchange of experiences, information and best practices in the fight against corruption, and to thus contribute to global efforts to combat it.

Media



Empowerment of investigative journalism

The media should invest in investigative journalism as a key tool for exposure of corruption. This type of journalism not only sheds light on practices that undermine the integrity of the system, but also contributes to awareness-raising and mobilization of civil society.

Advancing transparency

The media ought to ask for and insist on access to public information. Promotion of legislation related to freedom of information and public campaigns which demand greater levels of transparency from institutions can help shine a light on covert and potentially corrupt activities.

Awareness raising and education

Through programs for education and information, the media can play a crucial role in awareness/raising about the harmfulness of corruption. Educating citizens about their rights, ways to report corruption and consequences of corruption can increase public resistance to corruption.

Promotion of integrity

The media are supposed to be a model of ethical journalism and integrity. Journalists who promote professionalism, impartiality and accountability can contribute to building citizens' trust in journalism as a means to combat corruption.

Creation of platforms for dialogue

Media can provide platforms for dialogue between citizens, experts and decision makers. Media could contribute to the creation of constructive solutions and creation of pressure on the authorities by organizing public debates, forums and discussions on the topic of corruption.

Civil Society Organizations

Monitoring and supervision of the work of institutions

Civil society organizations ought to use their resources for continuous monitoring and evaluation of the work of public institutions. By establishing systematic mechanisms for regular monitoring and evaluation of transparency and accountability of government bodies, they can help identify systemic weaknesses and provide recommendations for concrete reforms.

Advocating and proposing reforms

Active civil society advocacy can play a key role in shaping and implementing anti-corruption policies. This entails proposing new legal and regulatory reforms, as well as organizing campaigns that put pressure on the authorities to take the necessary measures.

Support for victims of corruption

Civil society should provide support and protection to persons who report or fight against corruption. This may include legal assistance, advice related to protection of privacy and support in cases of threats or retaliation.

Cooperation with media

Civil society organizations should actively cooperate with the media in order to spread information about corruption. Joint initiatives with journalists can contribute to improved informing of public and strengthening of efforts in the fight against corruption.

Capacity building of civil society

Civil society should focus on improving its own capacities and resources so that it could perform its function more efficiently. This includes training for its members, development of analytical skills and improvement of methodologies for data collection and analysis.

Agency for Prevention of Corruption, media and civil society

RULE BOOK ON THE COOPERATION OF THE ANTI-CORRUPTION AGENCY WITH CIVIL SOCIETY ORGANIZATIONS AND THE MEDIA

- ▶ In cooperation with CSOs and media, the Agency should draft and adopt the *Rulebook on the cooperation of Anti-corruption Agency with civil society organizations and the media*, which would define the forms of cooperation, establish formal channels of communication and cooperation with civil society and media, and also to ensure that they are included in decision-making processes and monitoring of the work of the Agency, which would reduce uncertainties and ambiguities related to the manner in which information is shared and the ways in which work is being coordinated between different actors in combating corruption.

Recommendations → for citizens

- ▶ **BE INFORMED**
 - ▶ Understand what corruption is, how it manifests itself and what are the consequences. Education about rights and laws can help you recognize corruption.
- ▶ **REPORT CORRUPTION**
 - ▶ If you suspect that you have witnessed corruption, report it to the appropriate institutions such as the Agency for Prevention of Corruption. Don't be afraid to report – protection of those who make the report and whistleblowers is an important part of the fight against corruption.



How to report corruption in Kosovo?

Corruption can be reported in Kosovo through several channels provided by the Agency for Prevention of Corruption.

IN PERSON OR BY MAIL

- ▶ Citizens can directly submit a report in person or send a written report to the address of the Agency for Prevention of Corruption. In the report, it is necessary to provide as much information as possible about the case of corruption, including names, dates and other relevant information.

AGENCY'S ADDRESS:

- ▶ Agency for Prevention of Corruption/Agjencia za sprečavanje korupcije / Agjencia për Parandalimin e Korrupsionit në Kosovë
Shkodra, No. 6, 10000 Pristina, Kosovo.

BY PHONE

- ▶ Reports can be made by phone, by calling the number of the Agency for Prevention of Corruption. Depending on available resources, there may be a dedicated telephone line for anonymous reports.

✔ **Telephone number: 0800 10 800**

ONLINE REPORT

- ▶ Citizens can report corruption using a form on the official website of the Agency for Prevention of Corruption. The application can be anonymous or with personal data, and citizens are encouraged to provide the information which is as precise as possible.

✔ **Website: <https://apk-rks.net/>**

ELECTRONIC MAIL (E-MAIL)

- ▶ Corruption can be reported also via e-mail, where documents or information about alleged corruption can be submitted.

✔ **E-mail: info.apk@rks-gov.net**

ANONYMOUS REPORTS

- ▶ If a person wishes to remain anonymous, they can submit a report without revealing their identity through an online form or by phone. The Agency accepts anonymous reports, but they should contain sufficient information in order to be investigated.

What the report needs to contain?

The report ought to include:

- ✓ Description of the situation and nature of corruption
- ✓ Names or identity of persons involved (if you know)
- ✓ Date and place where the event took place
- ✓ Any evidence (documents, pictures, recordings) that may help the investigation

All reports are treated with due care and confidentiality, and the Agency is obliged to investigate them in accordance with the law.

Other platforms for reporting corruption

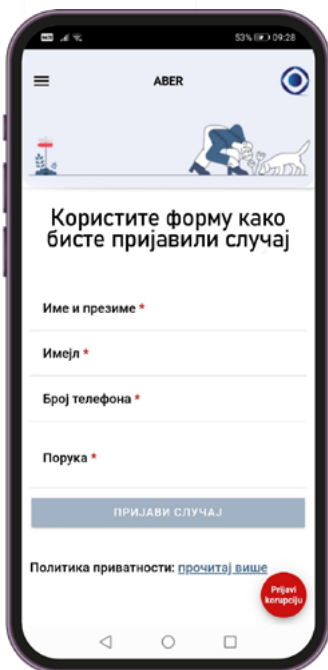
APPLICATION ABER

The Aber application represents an innovative way to report corruption, and it was created as a result of the project **'Enhancing Transparency and Rule of Law in Kosovo-Serb Majority Communities in Kosovo'**, which is implemented by NGO AKTIV and the Advocacy Center for Democratic Culture (ACDC), in cooperation with the Agency for Prevention of Corruption. The project was financially supported by the Bureau of International Narcotics and Law Enforcement Affairs (INL), with the aim of strengthening the rule of law and integrity in institutions.

Through **Aber**, citizens can actively contribute to the fight against corruption by reporting suspicious and corrupt activities. The application enables the reporting of cases of bribery, abuse of office, irregularities in public procurement and other forms of corruption, and all reports are sent directly to the Agency for Prevention of Corruption, which increases the transparency and responsibility of public institutions.

The application is available in the Google Play Store and IOS platform (Apple Store).

Aber application also provides users with access to key information on fundamental human rights, rights of non-majority communities, as well as instructions related to institutions and mechanisms for the protection of those rights. It is intended for all citizens of Kosovo, especially members of non-majority communities, and is available in five languages: Serbian, Albanian, Turkish, Romani and Gorani.



**ONLINE
PLATFORM
KALLXO.COM**

→ Online platform **www.kallxo.com** provides the opportunity for all citizens of Kosovo to report cases of corruption, organized crime, fraud, conflict of interest, as well as all other cases of abuse of office, negligence, inaction, endangerment of rights of Kosovo citizens, or endangerment of general interests. Corruption in all areas can be reported, including central and local government, education, health, judiciary, economy, etc.

Reporting through www.kallxo.com, can be performed in the following manner:



SMS – send SMS message to **044/ 224 - 498**.

The text of the message should be as clear as possible and describe the reported case using as many details as possible.



Online, using the address **www.kallxo.com** in the section in which it says REPORT.

The identity of citizens who report cases remains confidential and will be kept by the www.kallxo.com team, regardless of whether or not these citizens have provided information about their identity.

The Handbook is implemented within the framework of the project "Improving transparency and the rule of law in communities with a majority Serbian population", which is implemented by the NGO AKTIV and the Center for Democratic Culture (ACDC), with the cooperation and support of the Agency for the Prevention of Corruption, with the financial support of the International Bureau of Narcotics and Law Enforcement (International Narcotics and Law Enforcement Affairs Bureau - INL).

