

EULEX RULE OF LAW MISSION IN KOSOVO



**Nato Committee on Gender Perspectives
Annual meeting**

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25 May 2010**

- ✓ **EULEX RULE OF LAW MISSION IN A NUTSHELL**
- ✓ **IMPLEMENTATION OF UNSCR 1325/1820 IN EULEX RULE OF LAW MISSION IN KOSOVO**
- ✓ **LESSONS IDENTIFIED/LEARNED**

EULEX- Rule of Law Mission in Kosovo



Police	1601
Justice	393
Customs	101
Admin	348
Office of HoM	366
Total	2809



Mandate

“The ESDP mission

- *will assist the Kosovo authorities, judicial authorities and law enforcement agencies in their progress towards sustainability and accountability.*
- *It will further develop and strengthen an independent and multi-ethnic justice system and a multi-ethnic police and customs service,*
- *ensuring that these institutions are free from political interference and*
- *adhering to internationally recognized standards and European best practices.*
- *The mission, (.....), will implement its mandate through monitoring, mentoring and advising, while retaining certain executive responsibilities”*

(Mission statement)

Concept

- **Integrated ESDP RoL**
Mission: under one Head of Mission, involved in three areas:

Justice

Police

Custom

- **Duration:** 2 years initial mandate, to be followed by review and probable extension

- **Local ownership:**

The local authorities are in the driving seat

- **Accountability:**

- Transparent and accountable multi-ethnic justice system, police service and customs service
- Clearly defined roles and free from political interference
- Operating within a legal framework and international standards

Programmatic Approach

- In order to achieve EULEX **strategic objectives** and to shape and direct its activities
- A **structured framework** for the mission's activities
- Well conceptualized and **defined programme management**
- Benchmarking system with indicators enabling the mission to **track progress** and results (CONOPS)
- Strategic goals > concrete actions > indicators > benchmarks
- Strategic goal 9: human rights and gender mainstreaming
- **Monitoring:** To assist in the development of new skills and knowledge
- **Mentoring:** Observing and assisting to improve the system
- **Advising:** Providing professional counseling to local authorities
- **Some executive and correctional powers** in areas such as: inter-ethnic crime, war crimes, terrorism, corruption, organized crime, financial crimes, property issues.

Concept

Final staff numbers/target: 2 900

Approx 1 900 international staff
co-located with their Kosovo
counterparts in the police, judiciary,
correctional services and customs
Approx 1 100 local staff

Budget:

from 205 M € (JA 2/2008) to
265 M € (JA 6/2009)

Head of Mission: Yves de Kermabon

Contributing States:

All EU Member States as well as
Norway, Switzerland, Turkey, Croatia,
the US and Canada. Other countries
could join

Current situation: 2 809 staff members

1 712 international staff
(1 398 seconded + 314
contracted (18,34 %))

1 097 local staff

National balance (top 5):

Italy: 200 (171 s+29 c)

Romania: 195 (175 s+20 c)

France: 194 (175 s+19 c)

Poland: 141 (123 s+18 c)

Germany: 109 (99 s+10 c)

(19 May 2010)

Gender balance within EULEX

Staff:

Total staff: 2 809

Male: 2 200

Female: 609 (21,68%)

International staff: 1 712

m: 1 453

f: 259 (15,12%)

seconded: 1 398

m: 1 253

f: 145 (10,37%)

contracted: 314

m: 200

f: 114 (36,30%)

Local staff: 1 097

M: 747

F: 350 (31,90%)

(19 May 2010)

By component:

Office of HoM: 114 staff members

M: 83

F: 31 (27,2%)

Administration: 85

M: 66

F: 29 (34,1%)

Police C: 793

M: 713

F: 80 (10,1%)

Justice C: 228

M: 133

F: 96 (42,1%)

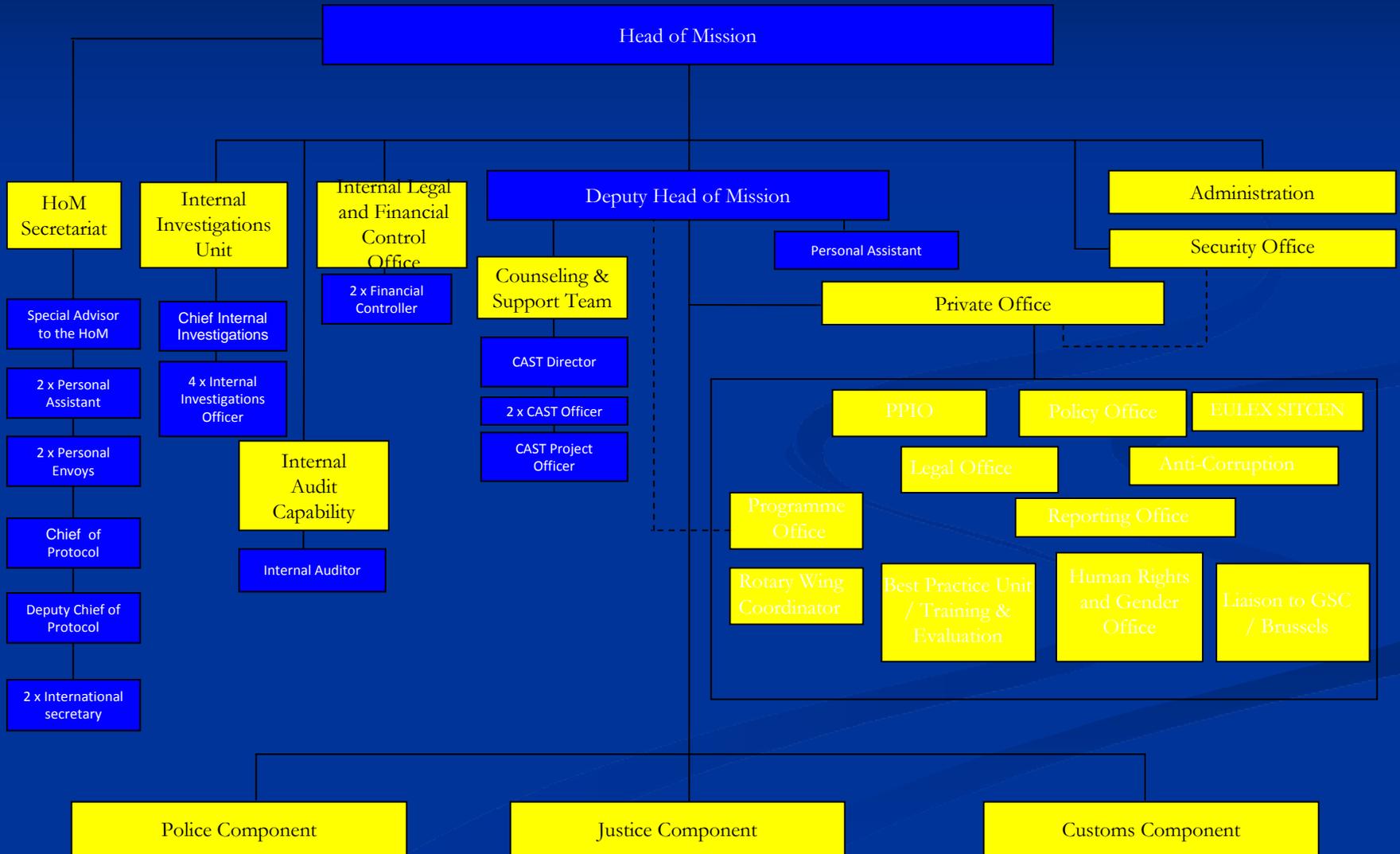
Customs C: 54

M: 47

F: 7 (13%)

(October 2009)

EULEX Organization chart







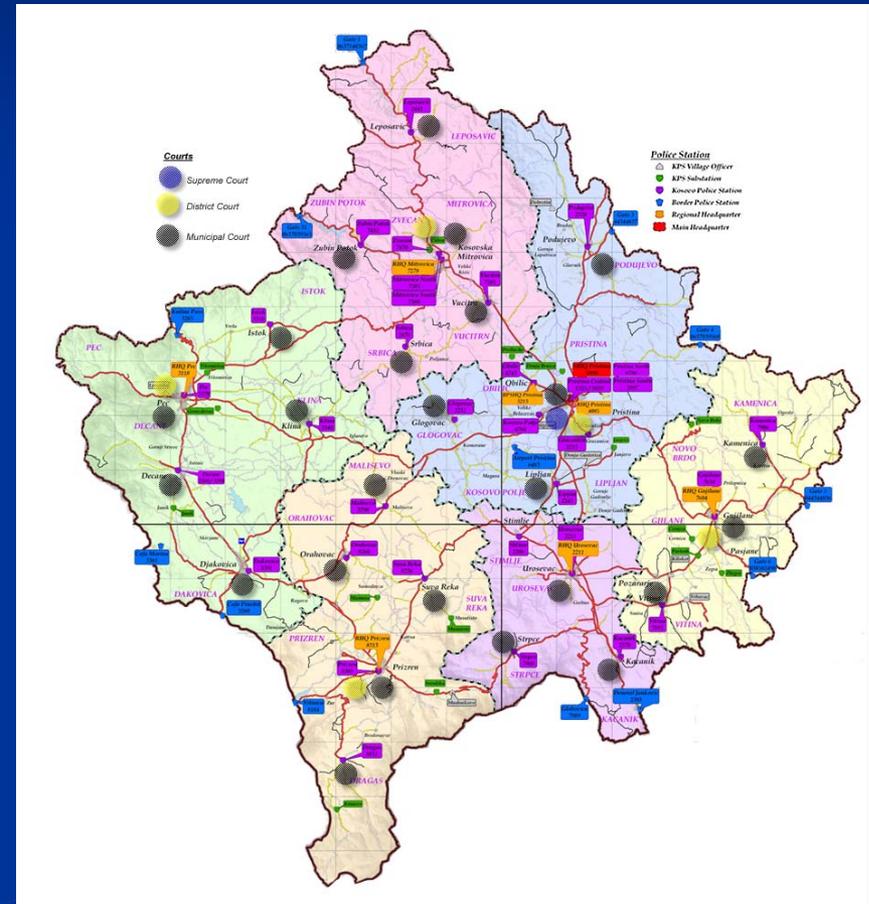
European Union Rule of Law Mission

EULEX KOSOVO



EULEX main deployment

- KP Main HQs
- 6 Police Regional Headquarters
- 3 Border Police Regional HQs
- 34 Police Stations
- 5 District Courts
- Special Chambers
- Supreme Court
- Pristina Airport, Gate 1 and 31
- Dubrava Prison, detention centers
- Customs Service including
- Mobile teams



Deployment process

✓ **Planning phase**

- *10 April 2006*: establishment of EU Planning Team (EUPT) in order to prepare EULEX mission (+/- 80 intern. + 55 local staff)
- CONOPS (Concept of Operations) (1/2008)
- OPLAN (Operation Plan) (2/2008)
- Deployment (4 waves/120 d.) delayed

✓ **Build-up phase/Development phase**

- 9 December 2008: Initial Operating Capability (IOC): EULEX is operational
- 6 April 2009: Final Operating Capability (FOC): EULEX is fully operational

✓ **Exit phase:**

Full implementation of RoL in Kosovo

Main international actors in Kosovo

✓ EU

- International Civilian Office (ICO)/EUSR (double headed)
- ECLO (European Commission Liaison Office)
- EULEX

✓ OSCE

✓ NATO: KFOR (Nato Kosovo Force)

✓ UN

- UNMIK (UN Interim Administration in Kosovo)
- Others: UNDP, UNHCR, UNICEF, UNIFEM, UNHABITAT, etc

✓ IOM (International Organisation for Migration)



EULEX accountability

Internal

- ✓ Operational accountability :
 - Programmatic Approach
 - Human Rights and Gender Office (HRGO)
- ✓ Disciplinary accountability:
 - ✓ code of conduct
 - ✓ Internal Investigations Unit

External

- ✓ Political accountability to the EU Member States
- ✓ Accountability vis-à-vis the political authorities in Kosovo
- ✓ Social accountability to the people of Kosovo.
- ✓ Financial accountability vis-à-vis EU (Commission)
- ✓ External Human Rights accountability: Human Rights Review Panel (HRRP), independent body dealing with complaints from persons claiming to be victim of human rights violations by EULEX in the conduct of its executive mandate

Key Points

- EULEX Kosovo is operating in the overall framework of UNSCR 1244, an invitation from the Kosovo authorities and an EU Joint Action
- EULEX Kosovo is not replacing UNMIK (transfer of RoL mandate only)
- KOSOVO is responsible for managing its own affairs and EULEX Kosovo is there to support them in creating a sustainable and accountable RoL system
- EULEX Kosovo's main task is to support via Monitoring, Mentoring & Advising (MMA) Kosovo in the broader field of the Rule of Law, specifically the Kosovo Police, Customs, Judiciary & Correctional Services
- EULEX Kosovo is retaining some executive and correctional powers
- EULEX Kosovo is not capacity building

**EU EXPERIENCES ON
IMPLEMENTATION OF UNSCR
1325/1820**

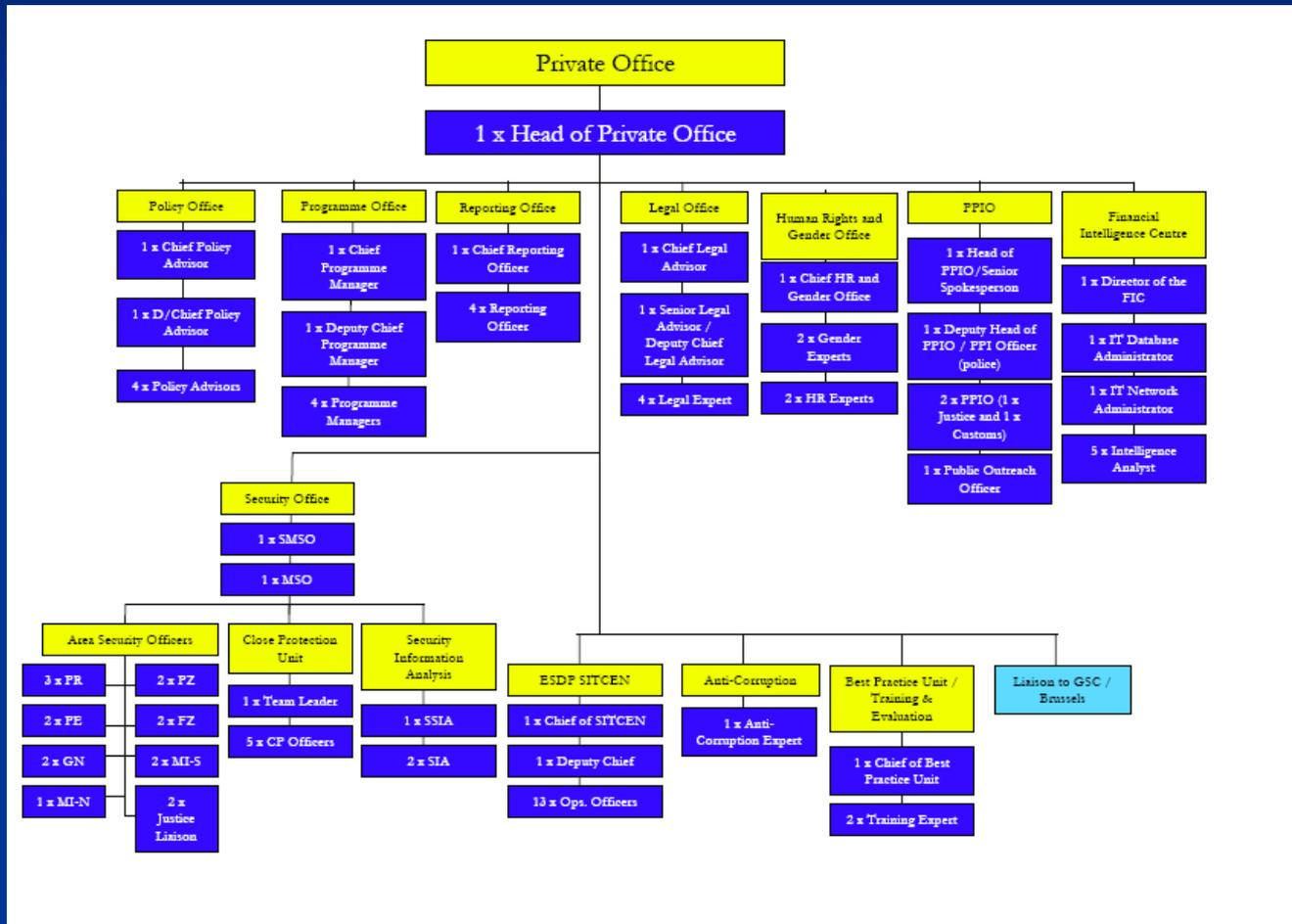
EU EXPERIENCE

- Implementation of UNSCR 1325 in the context of ESDP (SG Council, 2005)
- Checklist to ensure gender mainstreaming and implementation of UNSCR 1325 in the planning and conduct of ESDP operations (SG Council, 2006)
- EU Comprehensive Approach to the Implementation of UNSCR 1325 and 1820 on Women, Peace and Security (SG Council, 2008)
- Implementation of UNSCR 1325 as reinforced by UNSCR 1820 in the context of ESDP (EU Commission, 2008)
- Brussels Seminar on *Strengthening ESDP missions and operations through training on UNSCR 1325* (July 2009)
- Athens Symposium on *The Gender Perspective to enhance the effectiveness of the ESDP missions and operations* (October 2009)
- ESDP gender advisers and focal points meeting in Brussels (November 2009)

IMPLEMENTATION OF UNSCR 1325/1820 IN EULEX

- **Article 3 (i) of Council JA 2008/124/CFSP** : Ensure that all its activities respect international standards concerning human rights and gender mainstreaming.
- **Annex L OPLAN**: Gender equality will be given particular attention by the EULEX KOSOVO. EULEX KOSOVO will also take into consideration UN Security Council Resolution 1325 on Women, Peace and Security which calls for the full and equal participation and involvement of women in all efforts of maintaining and promoting peace and security.

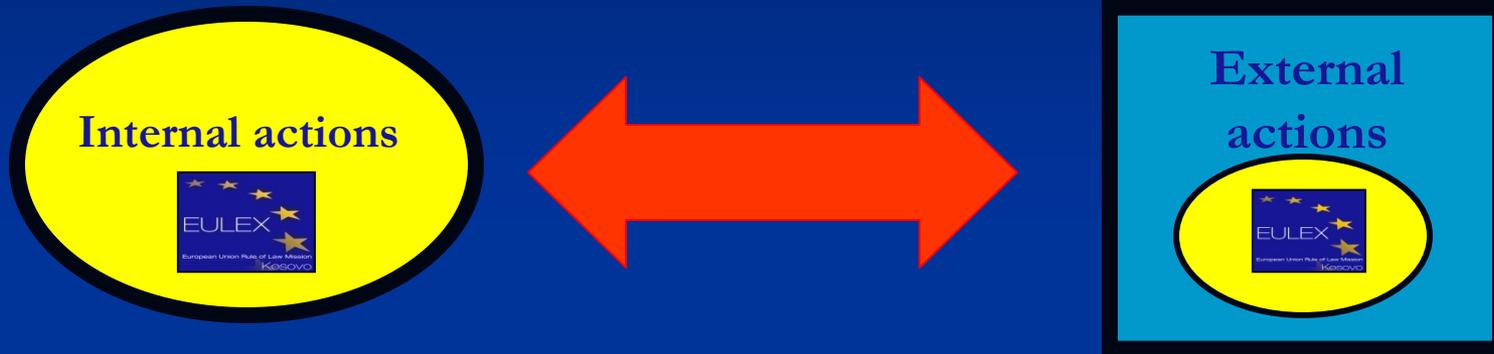
Private Office/Chief of Staff Human Rights and Gender Office (HRGO)



HRGO main tasks

- provide service for the mission (advise, expertise, training and research)
- preventive role; (ex. external accountability mechanism; MMA of drafting process of domestic violence law)
- coordination and oversight
- Cooperation between experts in components and the HRGO (ex. WG on victims of DV and THB with Justice and Police C.)
- Programmatic Approach – indicators, benchmarks
- Reporting
- Internal Investigation Unit – Code of Conduct and Discipline

Internal & External Actions



- Advice
- Training
- Reporting
- Research
- Recruitment
- Coordination

- HR&G issues in local legislation
- Cooperation and MMA with relevant Kosovo counterparts
- HRGO – EULEX focal point for local and international Human Rights/Women’s NGOs

Role of the gender advisers (main tasks)

- Coordination of all activities which may impact on gender perspective in order to ensure their conformity with international and European human rights and gender equality norms and standards.
- To provide an interface between EULEX and external partners (both local and international) working in the broader Rule of Law area (Judiciary, Police and Customs) on gender related issues (women rights, equality between men and women, non-discrimination, prevention and combating gender based violence and anti-trafficking).
- To provide expertise and advice on gender issues to others as required.

Role of the gender advisers (cont.)

- To develop and monitor the implementation of EULEX strategy on gender mainstreaming in consultation with all Components in a participatory process.
- To ensure that policies and practices include a (human rights and) gender perspective on a systematic basis.
- To collect, disseminates and analyses information on (human rights and) gender and to identify possible areas of improvement.
- To promote gender balance and equality in recruitment and human resources management.
- To provide training and workshops on gender (and human rights) in coordination with the EULEX Best Practices, Training and Evaluation Unit (BPU).

Gender perspective – external challenges for EULEX

Gender challenges in Kosovo:

- Patriarchal family structure, male-dominated attitudes, traditional gender roles – rural areas
- The social position of women is clearly subordinate to that of men (less in the cities)
- Participation for women in public life)
- Discrimination against women
- Gender based violence (GBV)
- Domestic violence (also against children) (DV)
- Trafficking in human beings (THB)

Trafficking in Human Beings:

- Kosovo- source, transit and destination country for THB
- Mainly women and girls trafficked for sexual exploitations
- Identification of the victims difficult
- Investigation and prosecution insufficient and convictions rare
- The rights of victims not fully guaranteed
- Witness Protection/EULEX package of measures
- EULEX-executive/MMA

Gender perspective – external challenges for EULEX

Police and Gender:

- Representative police service (man and women) increase credibility, effectiveness and trust of the services in the eyes of the population
- Women often bring specific skills, good communication skills to minimize the use of force
- The lack of female officers may hinder the police success rate in the process of victim identification (THB)
- Prompt response by the police in investigating and collecting evidence for GBV crimes
- Kosovo Police - Special Units on DV and Special Units on THB

Justice and Gender:

- Equal access to justice
- Promote equal representation of women and men in the justice system
- Legal Aid Commission and Victim's Advocacy Division in the Ministry of Justice- provide legal aid
- Gender issues both within criminal and civil justice
- Impunity of cases GBV
- No execution of final judgment (alimony, custody for children, protection orders)
- Discriminatory practice in inheritance proceedings due to the traditionally and custom in Kosovo society

Gender perspective – external challenges for EULEX

Challenges in justice for prosecution of GBV crime:

- Victims of GBV - many challenges to effective prosecution
- Lack of understanding of victims' vulnerabilities, needs and in general lack of sensitivity
- Sentences often fell below the minimum sentences foreseen by the applicable law
- This discouraged some victim from coming forward to seek justice.

Border management and Gender:

- Equality and nondiscrimination
- Prevention and detection of human trafficking and smuggling
- Representative border management institutions – border police, immigration and customs services
- Gender-sensitive procedures for female victims of human trafficking and asylum seekers – interviews in safe environment

Internal Challenges for EULEX

- Awareness raising and sensitization, starting with management and senior staff levels
- Make the gender work visible
- Clarification of the mandate on gender
- Closer cooperation with the components
- Facilitate and harmonize training on gender issues for the staff “*bridging over from pre-deployment training*”
- Intensify the gender training for the management level

Gender related activities in 2009: external

- Organization of a Round table between EULEX senior management and Kosovo women leaders (March 2009)
- Supporting the drafting process of the Kosovo draft law on Domestic Violence
- Co-organization of the conference on Investigation and prosecution of crimes gender based violence - sharing experience between Kosovo and Finland (April 2009)
- EULEX response on Kosovo Women's Network (KWN) research on response of justice providers of DV
- Field trips with a particular focus on access to justice/HR/G related matters (ex. visit shelters for victims of DV/THB)
- Facilitating information exchanges between EULEX Police Component and OSCE Mission in Kosovo on issues related to trafficking in human beings
- Preparation of a consultation meeting with all relevant stakeholders on access to justice for women in Kosovo
- Building up a network (co-operation) with local authorities, local NGO's international agencies/NGO's

Gender related activities in 2009: internal

- Active participation in EULEX working group on victims of domestic violence and trafficking in human beings with Justice and Police Components (evaluation grids, concept paper DV/THB)
- Taking part in regular EULEX in-service trainings (i.e. induction course; Formed Police Units in-service training)
- Sex disaggregated data of EULEX staff at regular base
- Development of gender strategy and gender sensitive training plan
- Gender aspects of recruitment process (CfC)





Some lessons identified/learned

- Gap between European policy making (Council) and reality on the spot (EULEX in Kosovo).
- Strong EULEX mandate, but weak mandate concerning HR&G mainstreaming. Stronger and more proactive mandate in next JA needed.
- Long drafting process of external accountability mechanism for violation of human rights law by EULEX Kosovo (HRRP).
- Questions relating to the applicable law.
- Transfer from UNMIK to EULEX .
- difficulties: deployment (delay, incl. control in northern Kosovo), premises, procurement, bureaucratic administration, ...
- Perception on EULEX (good - bad).
- Gender imbalance of female representation in mission (international staff: 13%; senior (cat. 1) and management staff (cat. 2): 14%; local staff: 33%).
- Important MMA role for EULEX concerning implementation of different Kosovo laws, strategies and action plans.
- Good co-operation and exchange of information (HR&G) with Kosovo institutions, international agencies, civil society.
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QUESTIONS?