



EULEX Accountability

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As a Rule of Law Mission with certain limited executive functions ensuring accountability is fundamental for EULEX Kosovo. It is an essential element for reaching the overall mission objectives.

EULEX has been accorded immunity against local legal and administrative process. This is in line with what applies to other international and diplomatic missions around the World. However, while local legislation cannot be enforced against EULEX or its staff members, EULEX and its staff members still must observe local legislation. If a EULEX staff member nevertheless violates the law, his/her immunity might be waived and the person can be held criminally liable in their home country.

The accountability concept of EULEX is complex and includes a number of diverse but inseparable elements that, taken together, make up the EULEX accountability. This includes operational, internal and external accountability elements - applying both to the people of Kosovo and to the people of the European Union.

Operational (accountability):

- In order to ensure operational accountability, the mission has designed a system to assess the impact of EULEX's work on the ground. EULEX staff, who are co-located with their local counterparts, are being asked a series of specific questions every month about developments in their specialist fields. Over time, these answers will build up a picture of changes within the local police, judicial and customs systems which will allow EULEX to accurately report the progress of Kosovo's Rule of Law institutions. These results will then be measured against the strategic objectives agreed by EU member states. This system is known as the 'Programmatic Approach' and it is the first time that the EU has used such a system on such a scale. The central aim is to ensure accountability and to statistically measure the achievements of EULEX, by measuring the progress of the local Rule of Law institutions. The system is at the same time the exit strategy for EULEX. Once the strategic objectives have been fulfilled EULEX will leave Kosovo and the full responsibility for Rule of Law in the hands of the local institutions. For more information and to download the first report see: www.eulex-kosovo.eu
- The Human Rights and Gender Office (HRGO) is an advisory and policy office that has a predominantly preventive, advisory and coordination function in ensuring that all EULEX Kosovo activities respect international standards concerning human rights and gender mainstreaming. HRGO engages in internal and external actions to fulfill its preventive and advisory role. Internally, HRGO promotes the human rights and gender perspective as part of an internal consultation process in all aspects of EULEX mandate implementation, including; policy development, programmatic activities, monitoring and reporting. In addition, HRGO provides training on human rights and gender to mission personnel. HRGO does not handle human rights complaints against EULEX, such complaints will have to be addressed to the Human Rights Review Panel.

Internal (accountability);

- **Legal accountability**, is ensured through the judicial mechanisms of the participating states. In this context, the mission is committed to informing the wider public about the results of such proceedings as an important accountability factor. Legal accountability is also ensured in the respective judicial system through access to justice and right to appeal for the parties..
- **Disciplinary accountability:** EULEX has an Internal Investigations Unit, and disciplinary boards and boards of inquiry are regularly convened to deal with violations of the staff rules and regulations, including the Code of Conduct, i.e. "unlawful conduct". The investigations may lead to recommendations or disciplinary decisions which will be communicated to the relevant national or EU authority.

External:

- **Political accountability to the EU Member States** and participating third states is achieved through the chain of command involving the Head of Mission, the EU Civilian Operations Commander and Director of the Civilian Planning and Conduct Capability, who reports to the EU Council (EU Member States) through the High Representative for Foreign Affairs and Security Policy.
- **Accountability vis-à-vis the political authorities in Kosovo** is assured through regular contacts between the mission, in particular the Head of Mission, and the Kosovo authorities. The joint Rule of Law Board is the key institution for this.
- **Social accountability to the people of Kosovo.** The mission is providing transparent and timely information on the mission's activities to Kosovo's civil society, journalists and people on a daily basis. The EULEX website is a vital tool for this.
- **Financial accountability** to discharge its duties in accordance with the applicable Community rules, which makes the mission accountable to the European Commission, that is supervising the financial aspects of the mission, and indirectly to the EU.

Any claims of financial compensation for alleged damage caused by EULEX Kosovo will as a general rule be handled through existing insurance cover. Any claim of financial compensation should thus be addressed to the Head of Mission, who will make sure the claim is dealt with appropriately.

- **External Human Rights accountability:** the EU has decided to promote the establishment of a Human Rights Review Panel (HRRP) for EULEX Kosovo for complaints from any person claiming to be the victim of human rights violations by EULEX Kosovo in the conduct of its executive mandate. The HRRP is independent in the exercise of its functions which it will perform with impartiality and integrity

For more info see: www.hrrp.eu

See also the EULEX Rule of Law Handbook: www.eulex-kosovo.eu