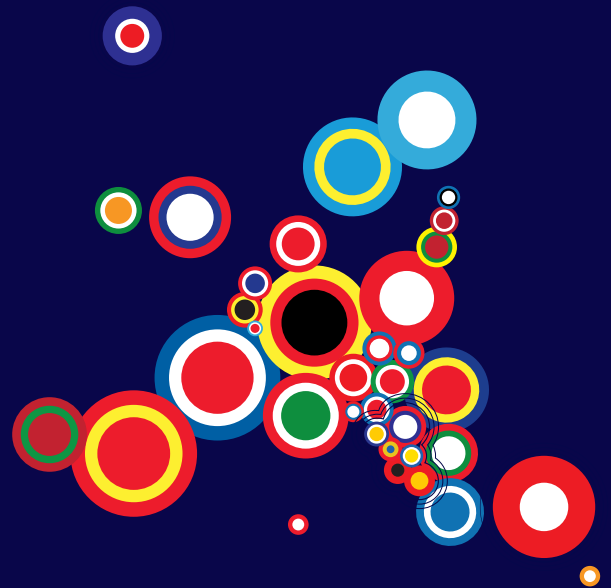




INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

Kosovo*

Strengthening the capacities of the Judicial System



Action Summary

Kosovo is in the process of judicial reform. This action will support the Ministry of Justice, the Kosovo Judicial Council, the Kosovo Prosecutorial Council and the Special Prosecutors Office in Kosovo and is aiming to address their weaknesses and structural deficiencies. The purpose of these projects is to increase the efficiency, transparency and the sustainability of the judicial system by improving the policy planning and implementation of judicial reforms, and enhancing the effectiveness of Judicial and Prosecutorial Councils in Kosovo, including the Special Prosecutors Office in Kosovo.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

Action Identification	
Programme Title	<i>2014 Annual Action Programme for Kosovo</i>
Action Title	<i>Strengthening the capacities of the Judicial System in Kosovo</i>
Action Reference	<i>IPA 2014 /032353 / Kosovo/ Strengthening the capacities of the Judicial System in Kosovo</i>
Sector Information	
IPA II Sectors	<i>Rule of law and fundamental rights</i>
DAC Sector	<i>15130</i>
Budget	
Total cost (VAT excluded) ¹	EUR 4.4 million
EU contribution	EUR 4.4 million
Management and Implementation	
Method of implementation	<i>Direct Management</i>
<i>Direct management:</i> EU Delegation in charge	EU Office in Kosovo
Implementation responsibilities	EU Office in Kosovo
Location	
Zone benefiting from the action	Kosovo
Specific implementation area(s)	<i>Kosovo</i>
Timeline	
Deadline for conclusion of the Financing Agreement	<i>31 December 2015</i>
Contracting deadline	<i>3 years following the date of conclusion of Financing Agreement</i>
End of operational implementation period	<i>6 years following the date of conclusion of Financing Agreement</i>

¹ The total action cost should be net of VAT and/or of other taxes. Should this not be the case, clearly indicate the amount of VAT and the reasons why it is considered eligible.

1. Rationale

PROBLEM AND STAKEHOLDER ANALYSIS

COMPONENT I: Judicial Reforms

The Government of Kosovo (GoK) needs to continue its efforts in completing judicial reform. Kosovo's complex legal framework is made of different sources. The justice laws are partially not complying with international standards and have changed frequently which has led to legal inconsistencies and uncertainties, and consequently to an inconsistent application of laws. According to the 2013 EC Progress Report, Kosovo needs to ensure the efficient implementation of legislation and pay particular attention to the harmonisation of primary and implementing legislation. The Stabilisation and Association Agreement and other relevant processes require a further harmonisation of Kosovo's legal framework with the EU *acquis*.

The Ministry of Justice (MoJ) plays a key role in the area of justice reforms. However, it lacks institutional capacities, notably in developing policies and strategic documents, in the overall legislative process management, in drafting legislation in line with international standards established in the justice sector. Moreover, the frequent revision of laws indicates that law-makers adopt a reactive approach, rather than a pro-active approach to policy. Kosovo's policy makers need to adopt a systematic, long-term outlook when drafting laws and government policies. Capacities to ensure monitoring and evaluation of the implementation of legislation need to be strengthened. While five departments (90 staff) are involved in the legal drafting process, a newly functionalised Division on Overseeing the Implementation of Legislation of three staff need to be supported.

Further to this, the Kosovo Judicial Council has also functionalized a unit on law enforcement oversight within the judiciary. Together with the MoJ this unit shall be responsible to identify problems regarding the law implementation. Increasing institutional and human resources capacities in this regard will contribute to increasing the quality of legislation, its harmonisation with EU *acquis*, and would strengthen the law enforcement oversight mechanisms.

In order for the justice and security institutions to be efficient, a deeper cooperation among all stakeholders should be established including the provision of automated information. An e-Justice reform shall ensure an overall policy to develop a modern, safe and efficient justice approach which would also allow a greater integration of the entire IT structure and databases and improve access to information in the field of justice for relevant stakeholders. According to the 2013 EC Progress Report Kosovo needs to improve further the reliability of statistics in these areas.

COMPONENT II: Special Prosecution Office

The Special Prosecution Office (SPRK) was established by the United Nation Mission in Kosovo (UNMIK) in 2006, through an UNMIK Regulation and is now composed of composed of 15 local prosecutors including one prosecutor from a non-majority community, and around 15 international EULEX Prosecutors. The SPRK is composed of the a) organized crime, and financing terrorism, b) corruption and money laundering and c) war crimes units.

With the latest EULEX mandate review the position of the SPRK Chief Prosecutor has been reserved to a local Prosecutor (while the position of the deputy head of SPRK is reserved for EULEX prosecutor), who will remain in charge of the overall administration and supervision of the Office. Further to this, the EULEX mandate is expected to end in June 2016. Therefore, further assistance will be needed to strengthen the SPRK capacities regarding its managerial system, in particular with regards to case assignment, case allocation and case handling procedures. Training prosecutors and administrative staff in the structural process but also specialised subject trainings in fighting organised crime are required.

There is need to further develop close cooperation and exchange of information, experience, and increase participation to joint investigation with law enforcement agencies and other institutions in Kosovo. Equally, SPRK has to ensure cooperation with other countries on conducting common investigation, both internationally and regionally.

COMPONENT III: Kosovo Judicial and Prosecutorial Councils

According to the findings of the EU Progress Report 2013 the justice system should focus on the following aspects: i) increase the efficiency of KPC and KJC; ii) both Councils should introduce effectively a clear mechanism for the career development of judges and prosecutors; iii) increase the efficiency, effectiveness and accountability of courts and prosecutions.

Further assistance is needed to increase the capacity of the members of the Councils and to ensure that the new procedures established recently are correctly implemented. In addition, the recruitment of judges and prosecutors from minority communities is needed to be improved by adopting a pro-active long term approach. Oversight and career development mechanisms which allow a more effective guidance and monitoring of the work of judges and prosecutors, including chief prosecutors and presidents of courts, should be further developed. Moreover, the budget planning, monitoring and reporting capacity of the Councils should be improved and a more effective decentralisation of the budget's management put in place.

The four laws governing the justice sector (Law on the Kosovo Judicial Council, Law on the Prosecutorial Council, Law on Courts and Law on State Prosecutor) are under revision in order to address legal loopholes, conflicts and non-compliance with international standards. The major changes of the legal framework will require a revision of the package of secondary legislation adopted by both Councils. Already at the outset of the legislative process structural and organizational shortcomings became evident. Both Councils still need to boost their capacities to analyse the effectiveness of the legal framework, ensure legal coherency, carry out policy analysis and develop and reason policy options.

Another aspect that needs further enhancement is the professional administration of courts and prosecution offices. Focus should be on an efficient division of labour between judges, prosecutors and administrative staff which allows judges and prosecutors to focus on adjudication and drafting of legal acts/orders while substantive legal and procedural decisions should not be left to administrative staff. The court efficiency must be improved through a review of the case allocation and weighting system and objective workload models. Furthermore the establishment of the National Centralized Criminal Record system (NCCR system) requires a strong centralised, computerised, organised, secure and proper legal base and further assistance to ensure that a new NCCR system will effectively work.

RELEVANCE WITH THE IPA II STRATEGY PAPER (OR MULTI-COUNTRY STRATEGY PAPER) AND OTHER KEY REFERENCES

Improving the rule of law is one of the key priorities identified in the EU Enlargement Strategy, the EC feasibility study for the Stabilisation and Association Agreement for Kosovo, the Indicative Strategy Paper for Kosovo 2014-2020 (Strategy Paper) and the Multi Country Strategy Paper (MCSP) 2014-2020.

As in previous Progress Reports, **EC Progress Report of Kosovo for 2013** restates the need to strengthen the rule of law as a whole. This report shows almost all deficiencies of the rule of law in Kosovo. Therefore, this action is fully in line with the findings of the Progress Report.

The **Medium Term Expenditure Framework (MTEF) 2014-2016** is the main document which links government policies and priorities with the country's budget plan. One of the four main areas of MTEF and MTEF for the period 2014-2016, respectively 2015-2017, is good governance and strengthening the rule of law. Hence, this action is consistent with the principal planning documents of the Government of Kosovo, namely MTEF and MTEF.

The **National Strategy for European Integration of Kosovo** confirms the success achieved in the field of rule of law, mainly in legal developments and the establishment of institutional mechanisms, including judicial and other reforms, while at the same time highlighting the need for further strengthening of the rule of law as a whole. Therefore, according to this strategy, by 2020 Kosovo will set up an effective rule of law system.

The EU enlargement strategy 2012-2013 clearly provides for the need to strengthen the rule of law and good governance, as the main areas in the EU enlargement process. For this reason, during the accession

negotiations, rule of law and other chapters will be initiated in the very beginning of the process, and will be completed in the very end, to ensure that the reforms are sustainable and irreversible.

According to **the Strategy Paper**, an independent judiciary that works in accordance with true democratic and professional standards is not only vital for the strengthening of the rule of law with immediate benefits for the public, but it is also crucial for international cooperation and economic development, including attracting foreign investments. EU financial assistance through IPA II is planned to improve the independence, effectiveness, accountability and impartiality of the judiciary, as well as improve the capacity and mechanisms to implement legislation and strategies and to enforce judicial decisions. IPA II will continue to provide assistance for the approximation of the legal system to EU standards through capacity-building, advising and monitoring of judicial institutions.

Further, as set out in the feasibility study, to meet its obligations under the **Stabilisation and Association Agreement**, Kosovo needs to focus on implementing the policy and legislative frameworks. It needs to provide concrete evidence of results in fighting organised crime, corruption, especially on prevention of and fighting against trafficking in human beings, drugs (and their precursors), and weapons, trafficking.

The Action is linked to the Strategies and Action Plans for combating Organized Crime, corruption, trafficking of Human beings and Crime Prevention. The Action is also related to the Strategic Development Plan 2012 to 2016 of the Ministry of Justice, which lists as one of the 5 main objectives the improvement and more efficient management system including as well as legal reforms (first objective) and with the recently adopted Strategy on Assistance to the Sector of Rule of Law in Kosovo 2016-2019 (Justice and Home Affairs).

SECTOR APPROACH ASSESSMENT

The EU sector approach aims to cooperate more closely with governments, donors and other stakeholders. From a practical perspective, the sector approach entails a sector strategy with objectives, a sector program designed by a partner country, in this case Kosovo (with support from development partners), a medium-term financial framework for reforms and other needs, and a network of development partners who work together with partner countries to encourage reforms.

Furthermore, the wide sector approach is a process which aims to enhance government and national ownership on public sector policies and decisions to allocate resources within sectors, increase coherence between policies, expenditures and outcomes, and reduction of transaction costs.

Regarding strategic planning, Kosovo institutions have completed the mechanism for policy planning and coordination. Also, progress has been achieved in drafting documents, but there is still work to be done.

Since 2013, the Government of Kosovo has started to draft the Declaration of the Medium-Term Priority Policy (DMPP) as the main policy document, preceding the Medium-Term Expenditure Framework (MTEF), a document which makes the connection between policies and budgetary projections. Kosovo institutions have already started adopting sector strategies using the EU approach, as it will help mainstream donor funds. Sector Strategy assistance is the first of its kind in the Rule of Law in Kosovo.

The Mapping Sector Strategy study recommends that the MoJ should reinforce its strategic development and programming skills by building the necessary capacities and that the judiciary strategic sector reform framework is incomplete, fragmented by individual strategies addressing various justice policy axes with limited coherence and complementarily.²

² http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/evaluation/2014/20140714-mapping-of-sector-strategies-final-report.pdf

In order to further improve and better target the EU support under IPA II, based on the Conclusions of the Structured Dialogue for the Rule of Law (Meeting was held on 16 January 2014), Kosovo has prepared a three year comprehensive Rule of Law Assistance Strategy and Action Plan 2016-2019. This strategy will allow the EU and other donors to provide strategically targeted assistance to Kosovo in the future and it should support and prepare Kosovo to gradually assume more rule of law – related responsibilities.

Drafting of this strategy represents the first concrete step by the Government of Kosovo to sector inclusiveness of rule of law institutions. This strategic approach is fully in line with the EU sector approach, which is required for all areas of the administration of an aspiring state. This strategy will precede the sector strategy on the rule of law in Kosovo, the drafting of which is expected to take place in coming years.

Political momentum is of crucial importance and needs to be maintained and reinforced across time. The highest political level has expressed willingness and determination to ensure that the necessary resources are allocated towards the objective of preparing the country for EU accession. This has been expressed recently with the drafting and adopting the Strategy on Assistance to the Sector of Rule of Law in Kosovo 2016-2019 (Justice and Home Affairs).

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

The Rule of Law sector has been consistently supported by numerous bilateral and multilateral donors. The key donors with significant on-going or planned activities in the Rule of Law sector include *inter alia* the EU, US (USAID). It is crucial that more effective donor coordination is required in order to avoid overlapping and duplication. This task is not only up to the donor community, but an absolute obligation for Kosovo institution(s).

The European Union Rule of Law Mission in Kosovo (EULEX) is the largest civilian mission ever launched under the Common Security and Defence Policy (CSDP). The central aim is to assist and support the Kosovo authorities in the rule of law area, specifically in the police, judiciary and customs areas. It is a technical mission which monitors, mentors and advises whilst retaining a number of limited executive powers, e.g. with regard to the Special Prosecution Office of Kosovo (SPRK). The task of this institution is to deal with cases in very sensitive matters, namely cases of War Crime and Terrorism, Financial Crime and Corruption and Organized Crime.

The United States Agency for International Development (USAID) is assisting in the establishment of a sustainable, effective and independent judiciary. Through its Justice Support Program, USAID works to strengthen the judiciary while contemporaneously increasing the public's trust in the system. Improving the administration of courts and professionalism of staff, USAID has introduced a "model courts" program, designed to assist in the implementation of new reforms in Kosovo's court administration. The USAID funded Effective Rule of Law programme aims to strengthen the operational capacity of the justice sector institutions including the courts, the Kosovo Judicial Council, the Ministry of Justice and the Kosovo Judicial Institute.

A Case Management System (CMS) is being developed and introduced to courts and prosecutions funded by the Norwegian Government which is expected to be in place in 2017. However, there is no e-Justice Reform in place to provide IT orientation for the justice system. Any initiative to develop an e-Justice reform should be in close coordination with other RoL stakeholders.

EU financed projects have provided significant and continuous assistance to the Ministry of Justice, Kosovo Judicial Institute (KJI), KJC, KPC and to the RoL sector as a whole in the process of reaching EU standards and fulfilling the requirements for the EU membership. Two twinning projects have in recent years dealt with strengthening the capacities of the MoJ and the KJC/KPC. These are the Twinning Project "EU Standards for the Ministry of Justice" (until end 2012) and the Twinning Project "Strengthening International Legal Cooperation" that will be concluded by autumn 2014. An ongoing twinning project on EU approximation aims at strengthening the capacities of the MoJ to draft legislation providing specific tools. However, the institutional capacity of the MoJ will need continuous support as there is still a high turnover of staff and as capacity development for the approximation of legislation towards international standards and the EU Acquis is a long term process. Further to this, an ongoing IPA project supporting the

Kosovo Judicial Institute is developing a training curriculum for court administrators and prosecutor staff in coordination with the EROL programme. This will require a further development and implementation.

It has been recommended also in the Thematic Evaluation of Rule of Law, Judicial Reform and Fight against Corruption and Organised Crime in the Western Balkans that as change takes time and due to the long-term nature of Rule of Law reforms the EU should focus on a few priorities providing sustained and consistent assistance in successive years and judicial education and practical advanced training for judges and prosecutors and enforcement investigators on issues related to fight against public corruption, organised crime and asset forfeiture and asset recovery were specifically mentioned.³ Also, it was pointed out that judges and prosecutors require specialised trainings, in particular in the area of organised crime and high corruption. With the proposed actions successive phases will build on previous assistance (KJC/KPC and MOJ).

³ http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/evaluation/2013_final_main_report_lot_3.pdf

2. INTERVENTION LOGIC

LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	
To contribute to the Rule of Law in Kosovo by strengthening the independence, efficiency, quality and accountability of judiciary and prosecutorial system	Judiciary/prosecutorial system strengthened and improved in line with SAA obligations	<ul style="list-style-type: none"> - Conclusions of SAPD meetings - EU Annual Progress Report on Kosovo - OSCE reports - Visa Liberalisation reports 	
SPECIFIC OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	ASSUMPTIONS
To increase the efficiency, transparency and the sustainability of the judicial system by improving the planning and implementation of judicial/prosecutorial reforms, and enhancing the effectiveness of Judicial and Prosecutorial Councils in Kosovo, including the Special Prosecutors Office in Kosovo	<ul style="list-style-type: none"> - Number of developed and approved policies enabling judicial reform in Kosovo - Kosovo's ranking in the Global Integrity Report (category VI-3) 	<ul style="list-style-type: none"> - Government conclusion - EU Progress Report - Analytical reports; overall and sector strategies; references to analytical reports in policy statements - Sector and overall strategies, policy statements - Reports on Implementation of Stabilisation and Association Agreement - Annual Corruption Perception Index of TI - relevant IPA projects quarterly reports, and ad-hoc reports of other international organizations - regular Kosovo Progress 	<ul style="list-style-type: none"> - Government of Kosovo continues to support reforms in the justice system in its entirety - Political will to strengthen the Rule of Law sector - Both EU and Kosovo remain firm on path of EU Integration - The process is not disrupted by external developments (regional conflict, inter-national financial crisis) - Sufficient resources (both human and material resources) - Commitment by

		<ul style="list-style-type: none"> Report data - KPC reports - Special Prosecution statistics (including War Crime cases) - KPC analytical reports - KJC statistics - Media highlights - Global Integrity Report (Scorecard) 	<ul style="list-style-type: none"> government at central and local level -
RESULTS	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	ASSUMPTIONS
<p>Result 1: Strengthened capacities for policy formulation and drafting legislation and their effective implementation</p> <p>1.1 Capacities of policy making institutions in the justice area strengthened</p> <p>1.2 Legal framework improved, advanced and harmonized in line with best EU practices</p>	<ul style="list-style-type: none"> - Minimum 3 policy decisions and strategic documents issued by Ministry of Justice - Minimum 3 formal consultations processes conducted during legislative planning/drafting processes - Minimum 3 relevant primary and secondary legislation drafted 	<ul style="list-style-type: none"> - Government conclusions - Ministry of Justice yearly report - EC Annual Progress Report - Analytical reports; overall and sector strategies; references to analytical reports in policy statements - Proceeds and participation sheets of strategic planning meetings; internal communication and inter-ministerial correspondence - Sector and overall strategies, policy statements - Reports on Implementation of Stabilisation and Association Agreement 	<ul style="list-style-type: none"> - Readiness to actively participate in capacity building events - Effective communication and active participation of all stakeholders. - Continuous commitment and cooperation of all stakeholders - EU integration remains a government priority - Motivation of existing human resources. - Inclusion of relevant partner institutions

<p>Result 2: Enhanced Special Prosecution Office (SPRK)</p> <p>2.1 Strengthened efficiency of the SPRK by improving the managerial system and ensuring in-service training for the prosecutors and administrative staff</p> <p>2.2 Enhanced mechanisms related to domestic inter-institutional, regional and international cooperation</p>	<ul style="list-style-type: none"> - Number of modern and effective investigations utilising specific investigative tools (controlled deliveries, data from undercover operations, witness protection program, international legal cooperation) - MoU's regulating inter-institutional cooperation with relevant RoL institutions and other relevant counterparts concluded 	<ul style="list-style-type: none"> - Special Prosecution statistics (including War Crime cases) - EC Reports, OSCE Reports - Relevant IPA projects quarterly reports, and ad-hoc reports of other international organizations - Regular Kosovo Progress Report data - KPC and KJC statistics - Statistics on citizens' complaints - Media highlights - MoUs - Handbooks including SOPs and further administrative instructions - Publication of work progress/indictments (number of placements of copies of approved indictments on the website, etc.) 	<ul style="list-style-type: none"> - Availability of sufficient budget to run day to day operations - Political will and support to the SPRK office - Close coordination of project stakeholders with the project experts, including a comprehensive insight in structures and documents
<p>Result 3: Increased efficiency, accountability and transparency of the judicial and prosecutorial system in Kosovo.</p> <p>3.1 Judicial and Prosecutorial Councils' efficiency and accountability improved</p> <p>3.2 A clear mechanism for career development of judges and prosecutors is effectively implemented by Judicial Councils</p>	<ul style="list-style-type: none"> - Human resource regulations are revised, transparent and effective - Enrolment of judges and prosecutors, including minorities, and non-judicial staff within judiciary and prosecutorial system improved - A Court Process Review is conducted and recommendation for process 	<ul style="list-style-type: none"> - KJC and KPC conclusion - KJC and KPC yearly report - By-laws adopted - Human Resource strategy adopted - EC Annual Progress 	<ul style="list-style-type: none"> - Effective communication and active participation of all stakeholders. - Continuous commitment and cooperation of all stakeholders

<p>3.3 The efficiency/accountability of the newly established courts and prosecutions system is increased</p>	<p>improvements produced</p>	<p>Report</p> <ul style="list-style-type: none"> - Media reports - Training needs and capacities reports - Handbooks including SOPs and further administrative instructions - Relevant IPA projects quarterly reports, and ad-hoc reports of other international organizations 	<ul style="list-style-type: none"> - EU integration remains a government priority - Motivation of existing human resources. - Inclusion of relevant partner institutions - The relevant justice laws need to be esta
<p>ACTIVITIES</p>	<p>MEANS</p>	<p>OVERALL COST</p>	<p>ASSUMPTIONS</p>
<p>Activities to achieve Result 1: Strengthening policy formulation and drafting legislation and their effective implementation</p> <ul style="list-style-type: none"> - Conduct analysis of the present strategic planning process within the Ministry of Justice including the overall cycle of legislative process - in relation to the formulation of strategic policy documents and develop recommendations for system improvement; - Develop terms of reference for a coordinating Group responsible for design and execution of strategic reforms through promotion and definition of inter-institutional cooperation and coordination; - Support to development of an effective mechanism that is created in MoJ and KJC/KPC for collection, analyses of data on judiciary and prosecution performance for the purposes of a better analytical work of judiciary and prosecution system and to identify the problems in the legislation - Develop and deliver a two-level training program in the field of strategic planning for, respectively, decision and policy makers, for staff engaged in the preparation of strategic documents and plans; - Establish and strengthen systematic legislative impact monitoring mechanism 	<p>Two Twinning contracts</p> <ul style="list-style-type: none"> - 1.4 m euro for the Activity 1, Strengthening capacities for policy and legislation as well as monitoring of their implementation (24 months duration) - 3 m euro for Activity 2 and 3, Support to the Special Prosecution Office of and Strengthening the efficiency, accountability and transparency of the judicial system in Kosovo (30 months duration) 	<p>EUR 4.4 million</p>	<ul style="list-style-type: none"> - Political will to strengthen the Rule of Law sector - Continuous commitment and cooperation of all stakeholders - Sufficient resources (both human and material resources)

- Support to the development of justice sector performance indicators;
- Using modern methodologies, assist the MoJ to design a 5 to 7 years Justice Strategy and Action Plan which is strongly inter-linked to other relevant RoL strategies, thus boosting the overall EU approximation process;
- Approximation of laws with the EU *acquis* in the area of justice enhanced; Analysis of National Strategies on Information (knowledge based) Society and e-Governance/e-Government policies;
- Development of a Strategic paper on an e-Justice Reform in Kosovo and Action Plan;

Activities to achieve result 2: Support to the Special Prosecution Office

- Establish mechanisms of the regular conduct of gaps and needs analysis with the aim to amend procedures to reflect all necessary legislative and technical aspects, including human resources allocation;
- Review existing internal procedures and administrative documents and develop a necessary set of administrative instructions regulating functioning of the office;
- Review and enhance external communication procedures and developed mechanisms for transparent and timely information sharing with Kosovo society;
- Deliver specific in-service training on specific matters related to modern investigative techniques, e.g. interceptions, FIU data utilisation, controlled deliveries, data from undercover operations, court hearings etc;
- Review existing MoU's and other documents regulating inter-institutional cooperation with other Law Enforcement Agencies in Kosovo, e.g. FIU, KP, ACA, etc with a view to ensure the cooperation procedures are up to date and in accordance with the applicable legislation;
- Analysis of case flow in SPRK and identification and introduction of process improvements. (including but not limited to: improvement of case processing times, - information and documentation exchange, -

<p>Introduction of a uniform benchmark system to improve efficiency in investigation and prosecution processes);</p> <ul style="list-style-type: none"> - Strengthen the drafting skills of Kosovo Prosecutors and Legal staff in SPRK and their capacities to engage in international cooperation - <p>Activities to achieve result 3: Strengthening efficiency, accountability and transparency of the judicial and prosecutorial system in Kosovo</p> <ul style="list-style-type: none"> - Improve the overall management capacities of both Councils, including establishing and strengthening effective procedures, work flow and managerial structures - Enhance the budget planning, reporting and monitoring capacity in the judicial and prosecutorial systems and the role of Councils in decentralisation of the budget - Support KJC and KPC in the implementation and evaluation of the Strategic Plans - Strengthen KJC's/KPC's institutional and functional capacity in policy analysis and development in the justice sector - Provide support to both Councils for establishment of clear rules for transparency and public communication - Provide support to the KJC for the implementation and effective functioning of the National Criminal Record Database - Elaborate a coherent and strategic approach to Human Resources and strengthen the overall capacity to direct and manage personnel (Councils and courts'/prosecution offices' staff) - Establish mechanism to track and improve courts' and prosecution offices' performances - Revise by laws in order to bring it in line with legislative changes and international standards - Strengthen career development mechanisms, increase the capacity of member of the Council and of presidents of courts and chief prosecutors in relation to career development, including performance evaluation, transfer and promotion systems - Develop a more pro-active approach on recruitment policy, ensuring a 			
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<p>higher percentage of representatives from minority communities among judges and prosecutors on a long term and gender equality</p> <ul style="list-style-type: none">- Enhance the capacity of the KJC/KPC (members of the Committees) and supporting staff in charge of disciplinary procedures against judges and prosecutors and improve documentation of decisions in order to ensure a unified application of the law and equality before the law- Create a more professional court and prosecution office management capacity, develop clear rules for the division of the labour between judges/prosecutors and administrative staff and conduct a Court Process Improvement Review, including evaluation of case allocation and case weighting system			
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ADDITIONAL DESCRIPTION

The action fiche is divided into two actions. The direct beneficiaries for the first action is MoJ and other related institutions, whereas for the second one it is the KJC and KPC (including SPRK).

Both actions will be implemented through two twinning contracts.

Proper procedures and mechanisms need to be established in order to ensure the adoption and implementation of the SAA. These procedures and mechanisms must be reinforced by proper monitoring tools and administrative capacities. Results will lead towards improving monitoring assessing and evaluating policy implementation, and provide analytical and research tools for policy formulation. Sectorial training programmes will lead towards enhancing the ability of the justice system in policy formulation, *acquis* transposition and monitoring and evaluation of the SAA.

Results related to the KPC and KJC are aimed at further development of Human Resource Policies which will contribute towards establishing a functional judicial system that is efficient, effective, transparent, unbiased, and accountable towards strengthening institutional and human capacities for implementation of the general judicial related legislation.

The Human Resource Development (HRD) is a prerequisite for ensuring the sustainability of reforms and towards establishing professional judicial system. The component on HRD will focus on strengthening the capacities of the administration of courts, prosecutions and MoJ Legal Department. The focus will be on establishing a proper policy planning system, and to support the MoJ in guiding the reform process on the overall justice system and to support KJC and KPC in implementing the judicial reform.

The main assumptions that underlie the project can be considered: inclusion of relevant partner institutions dealing with horizontal issues, assignment of two MoJ staff for the entire duration of the project, full commitment of the high and middle management involved in this project, cooperation between institutions involved in the implementation of the project. To ensure sustainability to Human Resources reforms, Kosovo Trainings Institute will have to be included to the maximum extend in the delivery of trainings.

The general preconditions for the project, relate to the EU integration momentum for the Western Balkans. Regional stability and good neighbourly relations are mandatory in order to advance in the EU integration process. Kosovo's specificity in terms of state recognition will come to the forefront, as Kosovo advances in its EU accession process. Challenges and obstacles in this direction might hamper Kosovo's path towards EU accession, with the possibility of producing setback in initiated reforms.

Continuous and significant work has been done through previous projects targeting the MOJ and KJC/KPC. It will be important that the action will take into account the achievements and build on the work done. Justice reform is a long process and regular and continuous support to relevant actors is of crucial importance.

3. IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

The European Union Office in Kosovo will manage the procurement, implementation, quality control, reporting of the development assistance and of the financial and technical cooperation related to the actions described in this Action Template, taking remedial actions if and when needed.

The Contractor and its Team Leader will have the authority to run the project activities on a day-to-day basis under the supervision of the EU Office Task Manager. His/her primary responsibility shall be to ensure that the project produces the required outputs, to the required standards of quality and within the specified constraints of time and cost. He/she shall develop project plans, direct the project team, produce inception, progress and final reports, manage risks, initiate corrective actions where necessary and administer the contract. The team leader, in the framework of project activities and reports, will also have to address the cross-cutting issues.

Project Steering Committees will be responsible for the overall direction of the project and comprise of representatives from the beneficiary and the EU Office.

Monitoring will be performed centrally by the Commission. The project may be evaluated at the interim or ex-post stages under the supervision of the Commission's Evaluation Unit. The project may be audited by the Court of Auditors – in line with the standard European Commission procedures.

IMPLEMENTATION METHOD(S) AND TYPE(S) OF FINANCING

The Project to be implemented by two separate twinning contracts, such as:

- EUR 1.4 million for the Activity 1, Strengthening capacities for policy and legislation as well as monitoring of their implementation (24 months duration)
- EUR 3 million for Activity 2 and 3, Support to the Special Prosecution office of Kosovo and Strengthening the efficiency, accountability and transparency of the judicial system in Kosovo (30 months duration)

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING (AND EVALUATION)

Project monitoring will be conducted through direct participation in the project approval committee as well as regular reporting provided by the implementing agency. The action further foresees monitoring from the EU Results Oriented Monitoring (ROM) team.

The implementing authority will provide regular reporting on the implementation of the project, and on ensuring the beneficiary's needs and concerns are met and addressed. The implementing authority will ensure the flexibility of accommodating the needs within the framework of the project's mandate. The assessment will be used to provide suggestions for the future implementation of similar programming and draw out lessons learned from the current phase.

The project may be evaluated at the interim or ex-post stages under the supervision of the Commission's Evaluation Unit. The project may be audited by the Court of Auditors – in line with the standard European Commission procedures.

The monitoring of the action will be based on the four clusters of indicators as set below:

- Resource Indicators (indicators which provide information on the financial and human resources allocated by the experts' team to reach the results as described in the logframe)
- Output Indicators (indicators which represent the product/output of the each implemented activity);
- Impact Indicators (indicators, which represent the consequences of each implemented activity such as backlog reduction or number of court case decisions enforced)

INDICATOR MEASUREMENT

Indicator	Description	Baseline (year)	Last available (year)	Milestone 2017	Target 2020	Source of information
Number of developed and approved policies enabling judicial reform in Kosovo	The Department is newly established entity and not yet fully functional.	0	0	Minimum 3 policy decisions and strategic documents issued by Ministry of Justice	Minimum 6 policy decisions and strategic documents issued by Ministry of Justice	MOJ Reports
Kosovo's ranking in the Global Integrity Report (category VI-3)	The Global Integrity Report assesses anticorruption and good governance practices in various countries, including Kosovo.	In 2012 Kosovo ranked under category VI (Judicial Impartiality and law enforcement) 78	In 2012 Kosovo ranked under category VI (Judicial Impartiality and law enforcement) 78	Kosovo ranking under category VI (Judicial Impartiality and law enforcement improved by 2	Kosovo ranking under category VI (Judicial Impartiality and law enforcement improved by 4	Global Integrity Report

5. CROSS-CUTTING ISSUES

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

The project is of a purely technical nature and does not have a direct impact on environment. However, during implementation of the project production of printed material will be kept to the strictest minimum.

ENGAGEMENT WITH CIVIL SOCIETY (AND IF RELEVANT OTHER NON-STATE STAKEHOLDERS)

Civil Society/stakeholder involvement will be taken into consideration in order to support civil society organisations to strengthen their capacities and professionalism, allowing them to engage in an effective dialogue with public and private actors and to monitor developments in areas such as the SAA Process. As civil society is most active sector in close touch with communities, using CSOs to promote and disseminate information on the European integration process is seen as an advantage.

EQUAL OPPORTUNITIES AND GENDER MAINSTREAMING

Equal opportunity will be taken into account at all stages and aspects during the implementation of the project. This dimension is also reinforced in the European Partnership and the SAA Action Plan. In the implementation of the Project specific attention will be given to the need to reflecting gender balance and equal opportunities. The action will ensure mainstreaming of gender and minority issues both within the target institutions and the outputs (services provided by these institutions).

Team of experts involved in the project must possess relevant skills to ensure effective mainstreaming of gender equality and minorities inclusion/participation. The events organised under this project will ensure targeting all the minority communities in Kosovo, through provision of translation and producing print, visual and audio material in local languages.

MINORITIES AND VULNERABLE GROUPS

Beneficiaries' staff will have to be appropriately sensitised to the principles of fair treatment of minorities in public sector employment policy and practice.

The actions will in no way harm the rights of any individuals, including minorities and vulnerable groups. Given the broad scope of the actions envisaged to be financed under this facility, there is the possibility to support sub-projects that directly deal with minorities and vulnerable groups.

6. SUSTAINABILITY

Implementation of the action is expected to ensure that the implementation of the project is in line with the rule of law priorities and, consequently, sustainable. Rule of Law institutions will strive to develop their capabilities with donor support, capacities which will continue to operate after the implementation of this strategy.

Human and other capacity building needs will be analyzed before and during the implementation of projects. In order for this action to be sustainable, all beneficiary institutions must be involved in all drafting and implementation stages.

To ensure sustainability to Human Resources reforms, Kosovo Trainings Institute will have to be included to the maximum extent in the delivery of trainings and training activity.

Rule of law institutions are aware that to fulfill the expectations of this action, close interagency cooperation is required between various stakeholders, to further strengthen the rule of law sector in Kosovo. Moreover, the management of rule of law institutions is expected to increase its commitment, enhancing the knowledge and understanding of their staff, strengthening internal communication and coordination, in order to ensure effective policy decisions in the rule of law.

More specifically the sustainability of this action will be achieved through different issues: Strategic judiciary reforms and legislative planning process will be improved after the end of the project; Systematic legislative impact monitoring mechanism will be improved after the end of this project; Strategic paper (analysis) on a e-Justice Reform in Kosovo and Action Plan will be developed after the end of this project; The trained staff will ensure also in the long run an improved capacity of respective staff.

7. COMMUNICATION AND VISIBILITY

Communication and visibility will be given high importance during the implementation of the Action.

The implementation of the communication activities shall be the responsibility of the beneficiary, and shall be funded from the amounts allocated to the Action.

The EU Office in Kosovo has developed clear visibility guidelines and ensures that all projects which are implemented in Kosovo are fully in line with these guidelines. Project visibility is also clearly stipulated in all contractual documents whereby the contractors/implementers are obliged to adhere to all EU visibility requirements, as stipulated in the Communication and Visibility Manual for EU External Actions.

Visibility and communication actions shall demonstrate how the intervention contributes to the agreed programme objectives and the accession process. Actions shall be aimed at strengthening general public awareness and support of interventions financed and the objectives pursued. The actions shall aim at highlighting to the relevant target audiences the added value and impact of the EU's interventions. Visibility actions should also promote transparency and accountability on the use of funds.

It is the responsibility of the beneficiary to keep the EU Office fully informed of the planning and implementation of the specific visibility and communication activities.

The beneficiary shall report on its visibility and communication actions in the report submitted to the IPA monitoring committee and the sectoral monitoring committees.