

**2010 Annual Programme — Project 1**  
**Strengthening the Rule of Law**

**1. Basic information**

- 1.1 CRIS number: 2010/ 022-452  
 1.2 Title: Strengthening the rule of law  
 1.3 ELARG statistical code: 01.24  
 1.4 Location: Kosovo\*

**Implementing arrangements:**

- 1.5 Contracting authority: European Commission Liaison Office to Kosovo  
 1.6 Implementing agency: n/a  
 1.7 Beneficiary:

Project activity	Beneficiary (institutions, target group, etc.)	Contact point responsible for project coordination
1. Support to the Kosovo Judicial and Prosecutorial Councils	Kosovo Judicial Council Kosovo Prosecutorial Council	Mr Fatmir Rexhepi Head of IT Department Kosovo Judicial Council
2. Strengthening institutions in the fight against trafficking in human beings and domestic violence	Ministry of Justice	Ms Valbona Jaha Safe House Manager Ministry of Justice
3. Establishment of the Kosovo Forensic Psychiatry Institute	Ministry of Health Ministry of Justice	Dr Gentian Çala Director, Psychiatric Centre Ministry of Health  Dr Milazim Gjocaj Head of Medical Unit Correctional Department Ministry of Justice
4. Support for the implementation of intelligence-led policing in the Kosovo Police	Kosovo Police Ministry of Internal Affairs	Mr Kadri Arifi National Intelligence-Led Policing Coordinator Kosovo Police, Ministry of Internal Affairs
5. Improvement of the penitentiary system in Kosovo	Ministry of Justice	Mr Resmi Hoxha Commissioner of the Kosovo Correctional Service Ministry of Justice

**Financing:**

- 1.8 Overall cost (VAT excluded): EUR 15.552 million  
 1.9 EU contribution: EUR 12.3 million  
 1.10 Final date for contracting: 2 years after the signature of the financing agreement  
 1.11 Final date for execution of contracts: 2 years after the final date for contracting  
 1.12 Final date for disbursements: 1 year after the final date for the execution of contracts.

\* Under UNSCR 1244/1999.

## **2. Overall objective and project purpose**

### **2.1 Overall objective:**

Support the efforts of Kosovo authorities to enforce the rule of law by strengthening the judiciary, promoting integrity of institutions, fighting various forms of crime and aligning with and implementing the EU *acquis*.

### **2.2 Project purpose:**

1. Increase the independence and improve the performance of the judiciary by developing the performance, professionalism, independence and efficiency of the Kosovo Prosecutorial and Judicial Councils.
2. Build a safe house and strengthen institutions through procedures and systems to reduce trafficking and smuggling of human beings, protect trafficked individuals and victims of domestic violence and tackle organised crime in line with the national strategy on anti-trafficking.
3. Improve the treatment of mentally ill offenders by establishing a proper Forensic Psychiatry Institute.
4. Strengthen performance capability and improve the services of the Kosovo Police by implementing the intelligence-led policing concept and establishing a uniform intelligence information system.
5. Increase public safety by appropriately accommodating a potentially increased number of high-risk inmates and enable Kosovo authorities to handle the potential increase in convictions related to the readmission of persons with a criminal background from EU MS.

### **2.3 Link with European Partnership/Stabilisation and Association Process Dialogue/Progress Reports**

Along with the rest of the region, Kosovo is embracing the European agenda, underpinned by the EU policy for the Western Balkans, namely the Stabilisation and Association Process (SAP). Almost all instruments under the SAP are open to Kosovo. The SAP dialogue provides a high-level forum for policy and technical dialogue, supplemented by technical sectoral workshops.

The European Partnership calls for the following action:

- ensuring that courts and prosecution offices are effective, independent, accountable and impartial, and free from political influence;
- strengthening the prosecutor's office to ensure that it is able to comply with the principles of autonomy and impartiality. Continuing to strengthen the Special Prosecutor's Office. Implementing an efficient witness protection scheme;
- fully implementing an automated case management system in all courts and prosecution offices;
- reducing the backlog of cases and enforcing civil court decisions;
- further developing legal education and training, particularly for judges, prosecutors and administrative personnel. Strengthening the administrative capacity, coordination and effectiveness of the judiciary and all law enforcement agencies. Ensuring the viability of a comprehensive legal aid system;

- improving the functioning of the judiciary, guaranteeing its independence, accountability, professionalism and efficiency and ensuring that the career development and recruitment of judges and prosecutors is based on technical and professional criteria and free from political influence. Ensuring that the Constitutional Court functions properly;
- improving the effectiveness of crime investigations. Adopting and implementing legislation to establish the KPS and strengthening its investigative and internal control capacities. Strengthening its leadership;
- further strengthening local capacity in the organised crime directorate within the KPS;
- drafting and adopting a government programme to promote women's rights in Kosovo as well as implementing the law on gender equality. Mainstreaming women's rights in all existing policies and legislation.

## **2.4 Link with the Multiannual Indicative Planning Document (MIPD)**

The project has been designed on the basis of the objectives pursued under the MIPD 2009-2011 for Kosovo. The project supports its strategic choices. In particular, it addresses the following political objectives: (a) consolidating **the rule of law** by strengthening the judicial system and supporting police reform and the fight against corruption and organised crime, in close cooperation with the ESDP mission, to ensure a coordinated and mutually reinforcing approach; (b) enhancing Kosovo's capacities in areas related to **home affairs** and particularly policies related to money laundering, drug trafficking, and the fight against organised crime and terrorism.

## **2.5 Link with the National Development Plan**

The Medium-Term Expenditure Framework (MTEF) for the period 2010-2012 sets out an analysis of the macroeconomic environment of Kosovo which provides the basis for a statement of the strategic policy priorities as agreed by the Government. It also presents a summary of the essential fiscal envelope or baseline against which the range of Government policy priorities will be assessed for funding.

The MTEF stresses that Kosovo operates with different legal systems in place. Legislation is not being implemented fully and the courts are undermined by a heavy backlog of cases. Legislation is not interpreted in a consistent manner by different judges. Investors require a stable and predictable legal environment. Kosovo commits to work in this direction in both the short and the long run. Thus, the rule of law is seen by the Government as key to faster integration with Europe. (See Annex IV)

## **2.6 Link with national/sectoral investment plans**

### Support to the Kosovo Judicial/ Prosecutorial Council

No sector strategy is currently available/not foreseen, but the creation of a KJC/KPC (at the moment) is mandatory by Laws.

### Strengthening Institutions in the Fight against Trafficking in Human Beings and Domestic Violence

This project is directly linked to the National Strategies against Trafficking in Human Beings, Strategy on Organized Crime, Strategy on Crime prevention.

### Establishment of Kosovo Forensic Psychiatry Institute

No sector strategy is currently available

### Support the implementation of Intelligence Led Policing in Kosovo Police

This project is directly linked to the drafted Kosovo Police Criminal Intelligence Strategy, Strategy on Crime prevention.

### Improvement of the Penitentiary System in Kosovo

This project is directly linked to the National Strategy on Organized Crime, Strategy on Crime prevention.

## **3. Description of project**

### **3.1 Background and justification:**

#### **Activity 1. Support to the Kosovo Judicial and Prosecutorial Councils**

The Kosovo Judicial Council (KJC) plays a crucial role in ensuring the independence, effectiveness and fairness of the Kosovo judicial system. Responsibility for internal control of the performance and ethical conduct of judges and prosecutors is assigned to the KJC. Currently, the KJC is responsible for both judges and prosecutors, while it is envisaged that in the future, with the approval of the package of four laws concerning the judiciary, including the Law on the Kosovo Judicial Council and the Law on the Prosecutorial Council, a new institution responsible only for prosecutors will be established: the Kosovo Prosecutorial Council (KPC). The KPC will have to determine its structure, policies and administration. The KJC and the KPC will have to coordinate services that are run jointly, whereas others will be established on a separate basis.

With regard to the KJC, the main areas to be improved are the following: (1) effectiveness, so that litigations can be settled promptly; (2) quality of judicial activities, which should meet minimum standards established by the KJC; (3) evaluation of the professional capacity of judges; (4) appointment, transfer and promotion of judges, particularly as regards supervisory positions; (5) independence and impartiality of the judicial functions; (6) disciplinary rules designed to ensure that the judicial activity is performed effectively, independently and in accordance with appropriate qualitative and ethical standards, and that any violations are dealt with timely and effectively. Procedural and organisational rules must be established in the above areas. Good practice, transparency and accuracy of the KJC's action must be sought. In particular, the KJC's Office of Disciplinary Counsel (ODC) and the Judicial Audit Unit (JAU) need to be strengthened and provided with clear rules for their functioning: the guiding principle in the field should be protection of the independence of the judiciary.

In order to effectively reinforce the justice sector, the KJC needs to be further supported in the use and completion of the CMIS system through the development of a database on convicted persons that is in line with European standards on criminal records.

#### **Activity 2. Support for the safe house and the fight against trafficking in human beings and domestic violence**

Trafficking in human beings (THB) is a manifestation of organised crime affecting Kosovo as an area of origin, transit and destination of victims of trafficking (VoTs), who are also reported as missing persons and often found in slavery (also in EU countries). Trafficking of human beings has different dimensions: generally VoTs are Kosovo Albanian young girls, with over 53% of Kosovar VoTs being minors. The overwhelming majority of Kosovo VoTs have been trafficked for the purpose of sexual

exploitation while some cases identified relate to forced labour and to begging/stealing (involving minors).

According to various OSCE reports on trafficking in human beings ‘the problem of trafficking in human beings (“trafficking”) continues to be a major human rights concern in Kosovo ..., in particular due to the lack of preparedness by the Kosovo authorities to handle these cases ..., victims are not receiving the basic guarantees provided by law, and frequently faced prosecution or the threat of prosecution ..., witness protection measures are rarely used ..., judges and prosecutors often fail to understand the legal definition of the crime of trafficking, or permit perpetrators to go unpunished’. Also the European Commission 2009 Kosovo Progress Report highlighted the need to step up the fight against domestic violence: ‘The establishment of domestic violence units and training of officers on assisting victims is a positive step in the police’s efforts to address domestic violence. However, high levels of domestic violence persisted. Many cases are not reported. Few reported cases of violence are prosecuted in court. The six shelter facilities are inadequate and do not provide a sufficient level of security. Delays in issuing protection orders remain an issue of concern. Overall, the institutional framework for the protection of women’s rights has been strengthened, but domestic violence remains widespread and is a serious concern.’

While the number of evidenced cases of THB may not appear too large, the fight against THB nevertheless needs to be prioritised as this is of strategic importance given that THB constitutes a criminal environment with which other serious crimes are often associated and linked (illegal trades such as drugs, smuggling, prostitution, etc.). The Kosovo Action Plan to combat trafficking in human beings (May 2005) provides for the reintegration/social inclusion with special needs of repatriated victims.

In Kosovo, victims/survivors of THB and domestic violence are often given protection through services delivered by NGOs. In general, all reintegration services for victims of trafficking/domestic violence are fragmented, location-limited, and project-based. Many projects are still in the pilot phase and a comprehensive analysis of the approach to social inclusion in terms of case management, assessment, evaluation, and continuous monitoring is therefore still lacking. Kosovo lacks alternative care programmes which ensure long-term social inclusion of victims, especially when families are not suitable for the respective child’s care and education. In addition, the current reintegration projects lack activities to empower survivors of trafficking for the purposes of successful social inclusion.

Finding alternative housing and care opportunities for Kosovo victims with a history of trafficking/domestic violence continues to be a problem. There are currently six shelters for women victims/survivors of domestic violence (Mitrovica/e, Gjilan/Gnjilane, Pejë/Peć, Prishtine/Pristina, Prizren, Gjakova/Đakovica) and two for victims/survivors of trafficking in human beings in Kosovo. Only one shelter for survivors of trafficking in human beings is run by the Ministry of Justice. These shelters usually provide counselling and training to female victims as well as temporary accommodation in situations where the victims cannot return to their original place of residence. The six shelter facilities are inadequate and do not provide a sufficient level of security.

The number of victims of both crimes varies in level, intensity, and frequency but from a comprehensive managerial/budgetary perspective, Kosovo has developed the approach that the victims should be treated in an integrated manner and with similar types of assistance (in terms of housing and protection in safe shelters, psychological assistance, health care), except for victims who require ad hoc witness protection and high-security measures. For this reason, in the long term, the Kosovo Government is to ensure a more coordinated approach in the delivery of services, especially in relation to the sustainability of solutions for the victims. Besides the general lack of knowledge of institutions

related to victims of THB/domestic violence, prosecutors and judges in particular reportedly often fail to properly investigate alleged cases.

### **Activity 3. Establishment of the Kosovo Forensic Psychiatry Institute**

Pre-war judicial psychiatry services for less serious cases in Kosovo were provided by the Neuropsychiatry Clinic of the University Clinical Centre of Kosovo. More serious cases, including persons who had committed criminal acts with or without mental disorders, were referred for treatment to the central prison of Belgrade. Since September 1999, most psychiatric examinations have been conducted by Kosovo's University Clinical Centre (UCC) — Psychiatric Clinic, and were initially led by UNMIK. Persons undergoing judicial examinations are treated together with common psychiatric cases, and this gives rise to major organisational, professional and ethical problems.

Currently, ordinary psychiatric cases are physically separated from mentally ill offenders awaiting examination, and only one hall serves this purpose. There is a space (unit) with three rooms (11 beds), sanitary facilities, and a narrow corridor without a hallway. The cases neither have a place for exercise, nor places for visits by relatives nor a room for consultation with their lawyers. The expertise and treatment are provided by mental health professionals (psychiatrists, psychologists, nurses) without special skills or knowledge of forensic psychiatry. The 2007 report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) recommended that this unit, including its staff, be reorganised as a separate service.

Approximately 70 forensic examinations are currently carried out per year for criminal justice purposes. Since the beginning of 2008 and until now, 40 requests for mandatory treatment of mentally ill offenders have been addressed to the Psychiatric Clinic. Half of the cases resulted in hospitalisation and treatment in an ordinary psychiatric unit with other patients without any security measures.

All main judicial institutions have pointed out that there is an increasing demand for mental health services within the framework of different fields of criminal, civil, family and labour law. Moreover, during 2009 a judicial audit carried out by the Judicial Inspectorate of the Kosovo Judicial Council identified several weak points in the current delivery of forensic and mental health treatment, including poor communication between the judiciary administration and the psychiatric institutions; several cases requiring psychiatric evaluations before sentencing are not withdrawn from the courts and there is a lack of adequate facilities for professional expert treatment of mentally ill offenders.

### **Activity 4. Support for the implementation of intelligence-led policing in the Kosovo Police**

Based on the recent assessment carried out by the EULEX mission on the quality of Kosovo Police (KP) services, the need for police reforms is deemed indispensable. The Ministry of Internal Affairs has initiated the process of reform with a view to boosting the efficiency and effectiveness of police services and enabling the KP to provide proper and timely policing services to the people of Kosovo. The assessment stressed in particular the need to strengthen the Kosovo Police intelligence capabilities. Furthermore, the European Commission Progress Report emphasises that the police still lack capacity to develop strategic planning and fully implement an intelligence-led policing (ILP) system. ILP has a direct impact on efficient and effective use of available resources and forces. ILP should be enacted as a core policing model combined with community policing, problem-oriented policing and neighbourhood policing approaches, based on three key elements of democratic policing: accountability, civilian oversight and transparency.

However, currently, the KP mainly adopts a conventional policing approach through random patrolling to deter offenders, rapid response to a wide variety of calls for police help and focus on follow-up investigation of crime. Furthermore, the assessment states that the KP reacts to events rather than trends, detects rather than prevents crime, acts reactively rather than proactively and responds rather than predicts.

Neither do job descriptions properly reflect the responsibilities and functions required by the ILP approach. Standard operating procedures (SOPs) are not entirely in line with the framework of ILP and have not been harmonised and properly enforced, which hampers the flow of information. An overall culture change is needed within the KP as well as expert training for specific staff. The number of staff working with the different police intelligence issues is inadequate. The training system within the KP does not fully support the ILP approach, resulting in insufficient basic knowledge on ILP, and does not sustain the need for expert training in the different intelligence and analysis segments.

ILP relies heavily on a proper IT infrastructure, whereas the current IT infrastructure does not support an adequate intelligence process. Currently, the information is scattered. In some cases the information is not available at all and in most cases not in due time. There are no properly secured databases and other IT equipment. In particular, the Kosovo Police Information IT System (KPIS) and the Criminal Intelligence System (CIS) need to be upgraded, properly secured and the level of access determined in the light of data protection requirements. Budget constraints have so far had an adverse effect on the implementation of ILP within the KP. A coordinated support and partnership approach needs to be adopted by the international institutions to lead the KP towards successful implementation of ILP.

In this regard, with the support of international organisations, initially the OSCE and the Swedish National Police Board, and currently the EULEX mission, the Kosovo Police has undertaken and will continue to undertake actions to successfully implement intelligence-led policing throughout the organisation. As a result, the Kosovo Police Criminal Intelligence Strategy has been drafted and preparatory activities have been deployed by the KP Intelligence-Led Policing Project Manager.

In the course of fulfilling the necessary preconditions for this activity, the KP is being strongly supported by EULEX. Using a programmatic approach, the KP and EULEX have developed an action plan that determines the activities and implementation timeframes. The activities that will be undertaken by the Kosovo Police under the mentoring and supervision of EULEX include: (a) development of intelligence-led policing methods within the KP in accordance with EU standards; (b) revision and harmonisation of laws and regulations to meet international ILP standards; (c) revision and adjustment of the KP organisational staffing structure to meet the ILP standard; (d) redefinition of KP job descriptions and standard operating procedures to meet the ILP standard; (e) strengthening of the KP's partnership with other organisations and institutions to upgrade the flow of information; (f) ILP awareness raising and culture building within the KP.

In parallel, this project will support the upgrading of IT infrastructure within the KP, in particular through:

- (a) upgrading of the Kosovo Police Information System;
- (b) upgrading of the Criminal Intelligence System; and
- (c) training of KP staff to use the upgraded systems.

Further to this, the development and delivery of suitable basic, refresher and specialist training curricula in accordance with the ILP requirements will be supported by the Twinning project via the Kosovo Centre for Public Security Education and Development.

## **Activity 5. Improvement of the penitentiary system in Kosovo**

The Kosovo correctional service was transferred to the Ministry of Justice in early 2006. EULEX is monitoring, mentoring and advising it. Whereas the general conditions at Dubrava prison are satisfactory (fewer than 1 000 out of 1 200 places are currently occupied), the security standards in Dubrava are not yet sufficient, as demonstrated by the escape of high-security detainees in August 2007. The staff are not yet able to respond to crisis situations. Also, Dubrava prison is situated in a quite remote area (2 h travel time to Prishtina/Prishtina), which creates many logistical problems for the correctional service, the police and the judiciary. In addition to Dubrava, there is a smaller facility in Lipjan/Lipljan prison (Prishtina/Prishtina region) for females, juveniles and detainees with short sentences and six detention centres for pre-trial detainees in Prishtina/Prishtina, Lipjan/Lipljan, Pejë/Peć, Gjilan/Gnjilane, Prizren and Mitrovica. Kosovo Serb convicted criminals are currently housed at the Mitrovica/Mitrovicë detention centre, which is not appropriate for this purpose. Prishtina/Prishtina requires a bigger detention centre as the current capacity of 66 is insufficient.

Due to the growing number of prisoners the need for enhanced prison facilities was clearly identified as a priority area for Kosovo, for which IPA assistance should be provided. In this regard, a feasibility study for prisons was financed through the IPA 2007 programme, to be followed up by the construction of a high-security prison as clearly disclosed in the IPA 2008 programme. The IPA 2008 Project 'Improvement of the Penitentiary System' has the objective of enabling the Kosovo authorities to cope with a potential increase of convictions due to the readmission of a significant number of persons with a criminal background from the EU Member States, thereby minimising the risk for public security associated with these persons.

Following a first version of the feasibility study presenting options for the location of the future high-security prison, in June 2009 the MoJ identified the final site (Podujeva/Podujevo municipality) and ECLO received written evidence that the land ownership had effectively been transferred to the MoJ. The feasibility study is being finalised by March 2010 taking into account the new location, which had not been among the options considered in the first version of the feasibility study.

The first version of the feasibility study highlighted clearly that the cost estimates at the time of the programming for IPA 2008 will not be sufficient to finance the construction of the prison, for which the final estimate amounts to between EUR 9 and 10 million. Thus, EUR 3 million will be funded, as planned originally, through IPA 2008, while the Government of Kosovo (GoK) will provide the co-financing of EUR 3.5 million. Such commitments were incorporated into a Memorandum of Understanding signed by the Ministry of Justice, the Ministry of Economic Affairs and Finance and ECLO in November 2009. Nevertheless, these secured funds may not suffice to complete the works and carry out the necessary supervision and the shortfall has to be provided for under this project. The MoU stipulates equal financing of any remaining costs.

The pooling of funds under joint management makes it necessary to establish a trust fund out of which the project will be managed. The trust fund to be established therefore needs to be managed by an international implementing partner. Such an arrangement allows other donors to contribute to the trust fund and the operation to thus become a multi-donor action. All contributors to the trust fund enter into a contribution agreement with the implementing partner. UNOPS has been identified by both ECLO and the MoJ as a suitable implementing partner to manage the trust fund due to its vast experience in building prisons. UNOPS is a non-profit international organisation that is able to provide its clients with the legal and administrative framework needed to ensure successful project implementation, building on knowledge of UN systems and processes and links established with organisations within and outside the UN. Furthermore, the UNOPS portfolio includes maximum, high, medium and low security prisons, remand centres, juvenile/female detention centres and open/closed



rehabilitation centres. UNOPS is currently involved in prison construction and refurbishment projects in Afghanistan, Guatemala, Liberia, Palestine, Somalia and Sudan.

### **3.2 Assessment of project impact, catalytic effect, sustainability and cross-border impact**

#### **Activity 1. Support to the Kosovo Judicial and Prosecutorial Councils**

The project will be critical for further reforms in the area of justice and the rule of law. It is expected that completion of this project will help to strengthen the independence and impartiality of the judiciary and that it will significantly improve the effectiveness of litigation settlements by the courts. It will establish procedural and organisational rules in the area of mechanisms for evaluating professional capacities of judges and prosecutors, appointments, transfers and promotion of judges and will establish disciplinary rules designed to ensure that the judicial activity is performed effectively, independently and in accordance with appropriate qualitative and ethical standards, and that any violations are dealt with timely and effectively.

The technical improvement with regard to a criminal records database will improve the ability of authorities to fight organised crime and take appropriate preventive and detention measures. At the same time, it will support the EULEX mandate.

#### **Activity 2. Support for the safe house and the fight against trafficking in human beings and domestic violence**

This project will provide for better protection of victims of human trafficking and of domestic violence. Not only will there be a safe environment created which encourages participation in judicial proceedings. An institutional framework involving different institutions will also be set up that should provide assistance to victims through all stages of the protection and reintegration process. This project will support the implementation of the Anti-Trafficking Strategy.

#### **Activity 3. Establishment of the Kosovo Forensic Psychiatry Institute**

Through the construction of a Forensic Psychiatry Institute, mentally ill offenders will be accommodated in an appropriate environment and structure. The implementation of the Criminal Code and the Criminal Procedural Code will be made possible through courts handing down decisions on mandatory treatment. This will be a milestone in ensuring respect for human rights, the right to an appropriate judgment and the right to humane treatment.

Through the delivery of professional care treatment the risk of suicides and repeat offences by mentally ill offenders will be reduced. Finally, public safety will be improved through the setting-up of a mandatory treatment facility with high security standards.

#### **Activity 4. Support for the implementation of intelligence-led policing in the Kosovo Police**

The project will boost the effectiveness and efficiency of the Kosovo Police by allowing timely and accurate exchange of the information/intelligence/analysis to be used for interpreting criminal environments. This will make it possible to positively influence the respective decision-makers so that they efficiently and effectively direct all available sources and resources in order to combat crime and to achieve a positive impact on criminal environments.

#### **Activity 5. Improvement of the penitentiary system in Kosovo**

Through building a high-security prison near Pristina, Kosovo authorities will be in a position to increase public safety by appropriately accommodating an increased number of high-risk inmates. The

new high-security prison will also allow other prison facilities to function better as their operations will be less disturbed by difficult high-risk inmates.

The project will be regularly monitored and the impact evaluated.

### **3.3 Results and measurable indicators:**

#### **Activity 1. Support to the Kosovo Judicial and Prosecutorial Councils**

Expected results:

1. The structure and efficiency of the KPC and the KJC are strengthened, allowing the institutions to effectively perform their tasks.
  - 1.1. Appropriate strategy, statutes, procedures and regulations/secondary legislation are in place.
  - 1.2. Appropriate structures are in place within the KJC and the KPC, in particular the functioning of the ODC/JAU.
2. A functioning fair and transparent system for evaluating the professional capacity of judges and prosecutors is in place.
3. The process of appointment, transfer and promotion of judges and prosecutors is independent and transparent, in line with the model established by the EU-funded vetting and re-appointment project.
4. Disciplinary procedures are carried out in a timely, effective and professional manner.
5. The KPC and the KJC are equipped with an in-house resource centre including selected literature such as EU law and case-law and online access to relevant databases.
6. A criminal records database is set up, preferably linked to the existing CMIS, with restricted access and in compliance with data protection standards.

Measurable indicators:

1. Statutes and internal rules of the KJC and the KPC are put into operation.
2. Operating procedures in managerial, organisational and administrative matters are implemented.
3. Secondary legislation/sublegal acts for the implementation of the Laws on the KJC and the KPC are adopted.
4. Planning strategy for both institutions is adopted.
5. Increased number of inspections and evaluations carried out per year by the KJC and the KPC.
6. Standard operating procedures for evaluating prosecutors/judges are implemented.
7. All KPC and KJC staff in charge of the evaluation process are trained in evaluation procedures.
8. Findings of peer assessments on the quality of evaluations carried out by the KJC and KPC ODC/JA Units.
9. Standard operating procedures for the appointment, transfer, promotion and career development of prosecutors/judges are compliant with EU standards.
10. Performance-based indicators are developed.
11. Existing career development plans for judges and prosecutors are based on the training schemes as developed within the EU-LER project.
12. All KPC and KJC staff in charge of career development are trained in applicable procedures.
13. Standard operating procedures for disciplinary procedures are applied.
14. All KPC and KJC staff in charge of disciplinary processes trained in applicable procedures.
15. Findings of peer assessments on the quality of disciplinary procedures.
16. The resource centre of the KPC and the KJC contains relevant books, subscriptions to journals, official gazette, court decisions.

17. End users have online access to relevant databases.
18. Criminal records database is in place and use.
19. Regulation for the use of the database is in place and in compliance with EU data protection standards.

## **Activity 2. Support for the safe house and the fight against trafficking in human beings and domestic violence**

Expected results:

1. Standards and procedures are in place for the establishment of a national coordination system to assist victims of violence and trafficking.
2. The general public is more aware of the risks of trafficking/domestic violence, and victims are informed about existing remedies and services.
3. Safe house is established in accordance with EU standards.
4. A functioning scheme for reintegration of victims is in place.
5. A scheme for legal and psychological assistance to victims is set up.
6. Efficiency of repressive measures against trafficking and domestic violence is enhanced.

Measurable indicators:

1. Policy/legislative instruments are in place and meet European standards.
2. Standard operating procedures are designed and implemented effectively at all stages of the process.
3. Integrated model designed for the prevention, assistance, protection and reintegration of victims, including roles and responsibilities of all stakeholders.
4. MoUs are signed between all institutions involved in order to ensure proper coordination of all actors delivering protection/assistance to victims and involved in protection.
5. Number of awareness campaigns conducted.
6. An increased number of victims deciding to receive assistance.
7. Design and construction plan are prepared and implemented.
8. A Strategy and an Action Plan for economic reintegration are in place.
9. Adoption and implementation of a national reintegration programme for victims of trafficking.
10. All identified victims of trafficking have been offered a reintegration programme.
11. Increased number of victims successfully reintegrated.
12. Staff of local Centres for Social Welfare are trained in and more effectively in charge of social reintegration issues.
13. Reduction of repeat offences against victims involved in trafficking.
14. Increased number of victims deciding to lodge complaints against their offenders due to improved legal advice services.
15. Staff of legal aid office is trained and specialised in assistance to victims of trafficking/domestic violence.
16. All victims of trafficking/domestic violence are informed about their rights throughout the judicial procedure and properly assisted during the legal proceeding.
17. SOPs are developed for psychological assistance to all victims of trafficking/domestic violence.
18. Appropriate regulations on relevant actors' roles and responsibilities are defined and effectively in place.
19. Institutional mechanisms within the police created for investigating trafficking complaints/domestic violence.
20. Police investigators, judges and prosecutors in charge of trafficking/domestic violence cases are trained in cooperation with the KJI (EU-LER).

### **Activity 3. Establishment of the Kosovo Forensic Psychiatry Institute**

Expected results:

1. Forensic psychiatric unit of 12 beds for forensic examination is set up in accordance with EU standards.
2. Forensic psychiatric unit of 24 beds for mandatory forensic treatment is set up in accordance with EU standards.
3. Different forensic psychiatric units are fully functioning (units for forensic examination, mandatory treatment and mobile forensic services).
4. Mobile forensic psychiatric services for provision of expertise and follow-up of mandatory treatment cases are in operation.
5. Capacities of staff including clinical and ambulatory forensic psychiatry staff enhanced and in line with EU forensic care standards/best practices.
6. Quality assurance system set up for mobile and clinical forensic psychiatry.

Measurable indicators:

1. The KFPI building is completed and functional.
2. Adequate number of health staff and correctional service staff working.
3. Standards and procedures for forensic psychiatric clinical and expertise services including for mobile units are in place.
4. Expertise and mandatory treatment adequately provided within the KFPI.
5. Curriculum for staff is designed and applied.
6. Number of staff trained and coached (approx. 40).
7. Training plan in place.
8. Number of audits performed.
9. Benchmarks used for individual and team performance are in place.
10. Continuous professional education plans at institutional and personal level in place and used.

### **Activity 4. Support for the implementation of intelligence-led policing in the Kosovo Police**

Expected results:

Component A (managed by EULEX): Kosovo Police mentored and advised on the implementation of intelligence-led policing

1. Intelligence-led policing methodology implemented by the Kosovo Police.
2. Improved intelligence gathering culture among the KP.
3. Increased ability of the KP to plan proactive strategies and operations on the basis of the analysed intelligence data.
4. Better resource planning and more cost-effective policing.
5. Analytical capacities of KP officers strengthened and Coordination Group (especially analytical units) in place at local, regional and central level.

Component B (managed by ECLO): KP provided with IT equipment to support the implementation of intelligence-led policing

1. An effective and reliable single system in place within the KP for collating, analysing and distributing intelligence data.
2. Retrievable data available in a timely manner.
3. Kosovo Police Information System (KPIS) and Criminal Intelligence System (CIS) are in line with ILP standards.
4. KPIS and CIS access system is secured and in line with EU data protection standards.

Measurable indicators:

#### Component A

1. ILP programme implemented.
2. KP able to exchange technical information on matters related to protection and crime prevention.
3. All KP officers trained and able to use the upgraded databases.
4. Mechanism of Tasking and Coordination Group fully operational at local, regional and central level.

#### Component B

1. Secured and effective IT systems in place.
2. KPIS and CIS fully operational as secured database systems.
3. KPIS upgraded, commissioned, installed and functional.
4. All staff provided with adequate training (Twinning KCPSD).

### **Activity 5. Improvement of the Penitentiary System in Kosovo**

Expected results:

A high-security prison in Podujeva/Podujevo built with a particular focus on vocational training and reintegration, and put at the disposal of the Kosovo authorities.

Measurable indicators:

1. Accommodation built for 300 category A prisoners in Podujeva/Podujevo municipality.
2. 80% of inmates benefit from measures that will facilitate their socio-economic reintegration.
3. Zero successful escapes of category A prisoners.

## **3.4 Activities:**

### **Activity 1. Support to the Kosovo Judicial and Prosecutorial Councils**

This activity will be implemented via a service contract and a supply contract. Through the service contract the structure and efficiency of the KPC and the KJC will be supported. The experts will assist the institutions in the development of their strategies, statutes, procedures and necessary regulations as well as secondary legislation. Further to this, a fair and transparent system for evaluating professional capacities of judges and prosecutors will be established and reinforced. In this regard, the disciplinary functions of the KJC and the KPC will also be established and strengthened. A criminal records database is to be set up, preferably linked to the existing CMIS, with restricted access and in compliance with data protection standards.

The supply contract, through a national contribution, will equip the KPC and the KJC with an in-house resource centre and selected literature, including EU law and case-law and online access to relevant databases.

Taking full account of the involvement of USAID in relation to the development of the KJC's capacities, a coordination mechanism (Judiciary Steering Committee) will be set up ensuring close coordination of the projects. The EU-funded project will have the lead in relation to Project Components II, III, IV, V and VI while it will have more of a complementary role in relation to Component I (improving/establishing KJC/KPC structure), where the bulk of actions will be performed under the USAID-funded project.

The project will be implemented over a period of 36 months.

### **Activity 2. Support for the safe house and the fight against trafficking in human beings and domestic violence**

This activity will be implemented via two service contracts and a works contract. The issue of trafficking and domestic violence is complex and entails different dimensions. In order to support a holistic-comprehensive approach, mirroring the main pillars of the Anti-trafficking Strategy, this activity will primarily support the establishment of a coordination system involving all necessary institutions to assist victims of violence and trafficking. With regard to direct assistance to victims, the development of a multi-dimensional approach tailored to the specific needs of victims will be supported which includes the reintegration of victims into society.

The proper treatment of victims of trafficking/domestic violence is important in order to safeguard the interests of the victim and to enhance the confidence of victims in criminal justice proceedings and encourage their cooperation, especially in their capacity as witnesses. To this end, a new safe house will be built via a works contract with high-security features for the protection of victims. It is planned to be run by the Ministry of Justice. Experts recruited under the service contract will also train the safe house staff to deliver adequate services to victims. There will also be a small service contract for the supervision of the construction works.

The project will be implemented over a period of 30 months.

### **Activity 3. Establishment of the Kosovo Forensic Psychiatry Institute**

This activity will be implemented via a service contract and a works contract. It aims to establish a health institution for the delivery of expertise and treatment of mentally ill criminal offenders. A Forensic Psychiatry Institute will be built within the Kosovo Psychiatry Clinic via a works and supervision contract. The Ministry of Justice and the Ministry of Health are both responsible for the operation of this Institute and have defined their responsibilities through a Memorandum of Understanding. Staff will be trained as a national contribution and with the assistance of the Psychiatric University Clinic of Basel. The proper functioning of the Institute will allow the Criminal Procedure Law and the Criminal Code of Kosovo to be implemented.

The project will be implemented over a period of 30 months.

### **Activity 4. Support for the implementation of intelligence-led policing in the Kosovo Police**

This activity will be implemented via a supply contract. The purpose of the activity is to support the KP in fulfilling its mission and objectives, through better management control, a multi-agency approach to all issues of concern, and closer cooperation and coordination among all relevant agencies as a precondition for successfully combating all criminal activities and making proper use of all available sources and resources. The project is thus aimed at raising the quality of the police service by improving the collection, evaluation and analysis of police information. The project will ensure the availability of quality intelligence data in secured databases. It will enhance the use of police intelligence data at strategic, operational management and tactical levels. Furthermore, it will help the KP to react to trends, rather than to events, prevent rather than detect crimes and play a proactive rather than a reactive role.

EULEX will support the Kosovo Police through its mandate in the development and implementation of the intelligence-led policing concept in Kosovo and will prepare the KP for this improvement and change in police work. Through provision of the necessary IT equipment upgrading the Kosovo Police

Information System and the Criminal Intelligence System, these activities will be mutually reinforcing.

The project will be implemented over a period of 12 months.

### **Activity 5. Improvement of the penitentiary system in Kosovo**

This activity will be implemented via a contribution agreement (grant to the trust fund) without a call for proposals. The exact scope of the works to be undertaken under this project will be determined by the results of the feasibility study and design work, being finalised in April 2010. The Ministry of Justice co-finances this project. The pooling of funds will be organised via a trust fund managed by an international implementing partner. UNOPS has been identified as the body with the requisite skills and experience to act as trust fund manager. UNOPS' tasks will be (i) to secure and manage the funds of the trust fund, and (ii) to implement the works and supervision of works in close collaboration with ECLO Operations teams, also ensuring adequate liaison with Kosovo line ministries (Ministry of Internal Affairs, Ministry of Justice and Ministry of Economic Affairs and Finance) as appropriate. For more detailed information on the use of joint management please refer to annex V.

### **3.5 Conditionality and sequencing:**

Generally, project implementation is hampered by either insufficient qualified staff and resources allocated to (newly established) institutions or insufficient operational funds available in the government budget to allow appropriate implementation of the mandate of the department concerned. Often timelines for the adoption of legal instruments are not respected, leading to delays in implementation and causing difficulties in project implementation. Although there has been focus on establishing the legal frameworks in Kosovo, the capacity to enforce the laws has still received insufficient attention. An additional constraint is the lack of cooperation among different competent institutions to coordinate responsibilities, enforcement of legislation and efforts in the field. Full commitment of the national authorities is required to work towards achievement of the project objectives.

The project depends on the following conditions being fulfilled:

#### **Activity 1. Support to the Kosovo Judicial and Prosecutorial Councils**

- Political will to adopt and implement the legal framework necessary for ensuring the proper and independent functioning of the Kosovo Judicial Council and the Kosovo Prosecutorial Council.
- The necessary budget allocated for both institutions.
- Cooperation between Kosovo Judicial Council/Kosovo Prosecutorial Council and the Ministry of Justice.
- Cooperation and coordination with Kosovo Judicial Institute and with the EU-LER project.

#### **Activity 2. Support for the safe house and the fight against trafficking in human beings and domestic violence**

- Land allocated and the necessary building permits obtained before the project procurement process is initiated.
- Ministry of Justice ensures approval of feasibility study in a timely manner.
- Ministry of Justice bears all costs related to the certification of geo-mechanical studies and construction design carried out in full accordance with the Law on Construction.
- Coordination and cooperation mechanism in place between Ministry of Justice and Ministry of Labour and Social Welfare.

- Involvement of KIPA, KCPSD and KJI in the development and implementation of the training scheme.
- Participation of staff in training activities.
- The involvement of educational institutions, centres for social work, victim advocates and non-governmental organisations.

### **Activity 3. Establishment of the Kosovo Forensic Psychiatry Institute**

- Land allocated and the necessary building permits obtained before the project procurement process.
- Ministry of Justice ensures that the feasibility study is approved in a timely manner.
- Ministry of Justice bears all costs related to the certification of geo-mechanical studies and construction design in full accordance with the Law on Construction.
- An inter-ministerial working group for the project implementation is established.
- Coordination and cooperation mechanism put in place between the judicial and health system.
- Strong commitment of all stakeholders, such as the police, correctional and probation service, social welfare and health services.

### **Activity 4. Support for the implementation of intelligence-led policing in the Kosovo Police**

- Successful implementation of the concept of ILP within the Kosovo Police (KP) prior to the initiation of project procurement process.
- Kosovo Police and EULEX action plan on implementation of intelligence-led policing is fully implemented.
- Envisaged legislation is enacted (SOPs redrafted, necessary legislation reviewed, amended and introduced).
- Good cooperation among relevant stakeholders, specifically between KP and EULEX.
- High level of retention of trained/qualified KP personnel.

### **Activity 5. Improvement of the penitentiary system in Kosovo**

- Feasibility study and design approved.
- Co-financing for the project initiated under IPA 2008 is available according to the MOU as well as further funds that become necessary.
- Ministry of Justice continues efforts to seek the assistance of other donors for contributing to the trust fund.

In the event that the above-mentioned conditions are not met, the European Commission Liaison Office to Kosovo reserves the right to suspend or cancel the project.

## **3.6 Linked activities**

Key stakeholders and important players in the sector of the rule of law include the following:

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 field of the rule of law, specifically in the police, judiciary and customs areas. The mission is not in Kosovo to govern or rule. It is a technical mission which will monitor, mentor and advise whilst retaining a number of limited executive powers. EULEX works under the general framework of United Nations Security Resolution 1244 and has a unified chain of command to Brussels.

The CSDP 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 adhere to internationally recognised standards and European best practices. The mission, in full cooperation with the European Commission's assistance programmes, will implement its mandate through monitoring, mentoring and advising, while retaining certain executive responsibilities.

The **United States Agency for International Development (USAID)**, through its Kosovo Justice Support Programme, is assisting in the establishment of a sustainable, effective and independent judiciary. Through its Justice Support Programme, USAID works to strengthen the judiciary while at the same time boosting the public's trust in the system. Improving the administration of courts and professionalism of staff, USAID has introduced a 'model courts' programme, designed to assist in the implementation of new reforms in Kosovo's court administration. The model court approach will then be adopted by the Kosovo Judicial Council (KJC), which is responsible for effective court operations within an independent judiciary, and applied to the remaining courts. To facilitate the flow of cases, the KJC has adopted a system of acceptable time standards for cases, which allows the courts and the parties to better process cases through the litigation procedure. In addition, educational programmes for judges, prosecutors and court staff are helping legal professionals to develop practical skills, to better address ethical and professional dilemmas, to learn new areas of law and to provide better legal services to clients and the public at large. Enhancing respect for ethics and delivery of quality services, USAID is strengthening the Audit Section of the judiciary. This assistance includes training auditors to perform management studies and review court files to identify problems and monitor performance. Help is also provided to the Kosovo Judicial Institute to review and augment the ethics codes for judges, as well as provide ethics training for judges and prosecutors. Supporting a court system serving and representing all ethnic groups, USAID and the KJC have developed a strategy to address post-independence changes to the judicial system, including changes necessitated by decentralisation and local government reform. As the process of distinguishing the roles and responsibilities between judges and prosecutors is finalised, an Independent Prosecutorial Council is being established and equipped with the necessary tools, personnel, and training to build an effective public prosecutors service.

Through its Legal Profession Development Initiative, implemented by the American Bar Association Rule of Law Initiative, USAID is building on a previous Increasing Capacity of Legal Professionals programme (2004-2008). The objective is to help create a capable and well-regulated legal profession in Kosovo that meets the highest standards of integrity. The project further strengthens the ethical and competent performance of the legal sector through continued reform and further development of an independent Bar. Activities include additional focused work with the Kosovo Chamber of Advocates (KCA), an evaluation of and possible creation of an efficient and effective regulatory system for the Kosovo legal system, and a review and possible revision of the current legal framework impacting the practice of law in Kosovo. Challenges to legal reform and general developments in Kosovo's rule of law will be identified through assessment tools: the Legal Education Reform Index (LERI), Judicial Reform Index (JRI) and Legal Profession Reform Index (LPRI) as well as publications and other mechanisms that are designed to identify specific challenges to legal education and the legal profession.

The **International Criminal Investigative Training Assistance Programme (ICITAP)** under the US Department of Justice's plan for continuing support includes providing a Law Enforcement Advisor to the MIA and three additional consultants to help the MIA restructure itself. This is an ambitious programme dealing with administrative and strategic issues as well as looking into regional cooperation. Technical assistance is offered in integrated border management, anti-trafficking in human beings, financial crime investigations and policing across ethnic lines, and to the KCPSD. A

major programme aimed at providing an IT system across the rule of law sector is under preparation. ICTIAP are also providing a programme on police and prosecutor training.

The **Swiss Agency for Development and Cooperation (SDC)**, through its Establishment of a Notary System in Kosovo project, is contributing to the consolidation of the judicial system in Kosovo by supporting the development and implementation of an operational notary system. Technical input will be provided in drafting the secondary legislation and harmonising other legal provisions. The project will further facilitate the setting-up of the Kosovo chamber of notaries and a training system for notaries. It will lead to a more effective and efficient legal system, since the courts will be relieved of the bulk of non-contentious cases, and citizens will thus have better access to justice.

Through its Support to the Kosovo Correctional Services project, the SDC is contributing to the establishment of an impartial correctional system that functions in compliance with European prison rules. With a view to the organisational development of the prison system, a staff development system for PMD was created and is currently applied at different levels of the personnel hierarchy. Swiss support to the Kosovo correctional services also includes other components such as: establishing vocational training programmes, working possibilities for inmates, rehabilitation of prison infrastructure. The establishment of a cattle farm in Dubrava prison will be supported. The prison management and the agricultural unit will further be trained and prepared in managing the farm.

Through its Swiss & Liechtenstein Support Project to Mental Health in Kosovo, the SDC is also assisting the Psychiatric University Clinic Pristina (PUC-P) in becoming a learning resource centre for state-of-the-art psychiatric care that will actively train health professionals in Kosovo. It will further help the PUC-P to play an important role in transferring new ‘mindsets’ and treatment models in mental health and psychiatry to all levels of the healthcare system as well as to Kosovo society at large. The project will strengthen professional exchanges with the Psychiatric University Clinic Basel and establish a long-term institutional partnership between the two clinics.

The **Organisation for Security and Cooperation in Europe (OSCE)** represents the largest international civilian presence in Kosovo charged with the promotion of human rights and good governance. The Mission is responsible for institution- and democracy-building, and the promotion of human rights and the rule of law.

To help Kosovo’s judicial institutions better protect human rights and improve the quality of their services, the Mission monitors and reports on proceedings in the administrative, civil and criminal justice systems. The reports focus on their compliance with Kosovo law and international human rights standards and suggest concrete remedial actions for observed shortcomings. Issued periodically, the reports cover different areas of the law ranging from legal representation, to witness protection and property transactions. These reports draw the attention of judicial authorities to the observed shortcomings to help prevent them recurring. The Mission also organises workshops with judges to analyse reports and discuss recommendations for remedial actions. Similarly, the Mission proactively monitors the work of the police service. The legal system reports and the police conduct reports jointly provide a comprehensive overview of human rights compliance from arrest to adjudication.

To address the problem of internal and external trafficking in human beings to and from Kosovo, the Mission cooperates with a number of local partners. These include government bodies, such as the Kosovo inter-ministerial working group on anti-trafficking and the anti-trafficking coordinator, social workers, victim advocates and police officers, as well as non-governmental organisations that provide shelter and psycho-social support to trafficking victims. The Mission monitors their work for compliance with the applicable international human rights standards and rule of law and provides advice on how to improve their operations and ensure a coordinated approach.

Security and public safety institutions in Kosovo were created from scratch following the 1999 NATO intervention and the adoption of UN Security Council Resolution 1244. At that time, the OSCE was made responsible for training the new police service that would uphold human rights and democratic policing principles. To do so, it created an institution — the Kosovo Police Service School — that eventually evolved into the Kosovo Centre for Public Safety Education and Development. The Centre now caters for the educational and training needs of the police, border, correctional, and fire and rescue services, offering basic to advanced courses. The OSCE gradually handed over responsibility for training and the Centre’s management to local stakeholders, although it still supports the delivery of human rights and advanced training programmes. The Mission is also assisting the Centre in the process of obtaining accreditation as an educational institution. In parallel with training and helping to improve safety in local communities, the OSCE also proactively monitors the work of the police for their adherence to international human rights standards, and advises police structures on how to improve their practices. The Mission issues periodic reports that are presented to and analysed with all relevant officials, including high-ranking police officers and representatives of the Kosovo Ministry of Internal Affairs. Together with the Mission’s legal system monitoring, security sector monitoring provides a comprehensive overview of human rights accountability in the justice and police sectors.

This project builds on previous EU assistance to the rule of law sector, particularly the following projects funded under the Instrument for Pre-Accession:

Name of project	Start End	Activities/results
IPA 2007-2009		
Legal education system reform	2009-2011	The overall objective of this twinning project is to strengthen the rule of law, ensure the independence and improve the efficiency of the judiciary in Kosovo by developing a sustainable legal education system and building up training capacities for law students, judges, prosecutors and advocates. The project aims to improve the capacity of the competent institutions to provide high-quality and sustainable legal education and training in compliance with European standards. Within the project, legal professionals will also be provided with compilations of applicable laws, published texts of court decisions and legal doctrine.
Standards for the Ministry of Justice	2009-2011	This Twinning project builds on the activities carried out under previous EAR projects. The overall objective of this project is to strengthen the administrative, policy making and legal drafting capacities within the Ministry of Justice and to reduce the backlog of cases in courts by setting up mechanisms for alternative dispute resolution, introducing arbitration proceedings and increasing the performance of the probation and correction services.
Asylum/migration/re-admission.	2009-2011	This Twinning project aims to enhance both the policy making skills in the Department for Citizenship, Asylum and Migration within the MIA and the practical handling of readmission/asylum cases (link to the housing facility under IPA 2007).
Supply for the Border and Boundary Police	2009-2010	An EU-compliant Border Management Information System is being set up that interconnects all border crossing points and regional command centres via a central system. Central, regional command and BCP databases have identical structures allowing seamless migration of data between databases, significant

		reduction of replication failures and enhanced scalability. Equipment (passport readers, vehicles, night-vision devices) will be procured to establish the authenticity of travel and other documents, detect metallic objects (weapons) carried on the person, identify suspected explosive or narcotic substances, examine vehicles, conduct observation and surveillance on the Green Border and establish a patrol's position on the Green Border (via GPS).
Improvement of the penitentiary system	2009-2011	The objective of the project is the construction of a high-security prison. The project aims to enable the Kosovo authorities to cope with a potential increase in convictions in the courts due to the readmission of a large number of persons with a criminal background from EU Member States, thus minimising the risk for public security associated with these persons.
Construction of the Palace of Justice building	2009-2012	After the July 2008 donor conference, funds have been allocated for the construction of a Palace of Justice building in or near Pristina. It will house a number of judicial institutions, including the district and municipal courts and prosecutorial office, the Kosovo Judicial Institute, the Kosovo Special Prosecutors Office, the Legal Aid Office and the Chamber of Advocates.
Strengthening the Kosovo Border and Boundary Police	2008-2010	This twinning project supports the Kosovo Border and Boundary Police with the aim of implementing integrated border management (IBM) policies, enhancing the efficiency of the flow of persons and goods through the borders, advancing adherence to EU human rights standards, fighting cross-border crime and enforcing laws related to the management of Kosovo's borders.
Support to the Anti-Corruption Agency	2008-2009	This EUR 1.0 million project is aimed at the development and enforcement of anti-corruption policies and a legal framework, in line with EU standards, together with increased public awareness, to effectively and systematically combat corruption in Kosovo's institutions.
Re-appointment of judges and prosecutors in Kosovo	2009-2010	The project objective is a onetime country-wide vetting and re-appointment process where all judges and prosecutors in Kosovo will be evaluated and selected based on merit, in terms of professional qualifications and experience, as well as professional and personal integrity.
Civil registration and unified address system	2010-2013	This project supports the Civil Registration Agency in the development of its functions and implementation of working processes with the aim to have all Kosovo citizens living in and outside Kosovo registered in the Registry Books and to develop one central register system to ensure the issuance of correct civil registration-related documents. It further assists Kosovo authorities in developing and implementing a unified address system for Kosovo with the goal of having an unambiguous address for all persons living in Kosovo.
Improved education in the public safety and security sectors	2010-2012	This twinning project aims to improve the basic and advanced training for police, customs, firefighters and penitentiary staff and will support the accreditation of the Kosovo Centre for Public Safety and Education, including setting up a higher education institution in line with the requirements of the Bologna process.

Integrated Ballistics Identification System (IBIS)	2010	The overall objective of this supply contract is to equip the Central Forensic Laboratory with the Integrated Ballistics Identification System (IBIS) that will help to improve the effectiveness of investigations and to contribute to reducing the backlog of cases in the Kosovo courts. Furthermore, the IBIS will enable the Forensic Laboratory to set up a database of all registered weapons and to exchange ballistic data with other law enforcement authorities.
Support to legal translators/interpreters and lawyer-linguists	2010-2012	The purpose of this project is to increase the efficiency and credibility of the administration, the justice system and the law enforcement authorities in Kosovo, by increasing the proficiency of legal translation/interpretation through the development of curricula and standards for translators/interpreters.
Juvenile justice	2010-2013	The overall objective of this project is to strengthen the rule of law in Kosovo through a better functioning and reformed juvenile justice system. In particular, it aims to ensure that children in conflict with the law, as well as victims and witnesses, are treated by the juvenile justice system in line with international and European standards. The project will be implemented by UNICEF.

### 3.7 Lessons learned

Although the overall impact achieved through previous assistance is satisfactory, a number of challenges remain: the large amounts of donor assistance delivered to some of the beneficiaries in the past were, due to insufficient absorption capacities, not always able to be used to the best possible extent. The simultaneous presence of several donors (in particular non-EU donors) with sometimes different agendas did not always lead to the necessary synergies. Also, the delivery of technical assistance through consultants, rather than civil servants, contributed to focusing on achieving short-term results rather than on sustainable capacity building.

#### 4. Indicative budget (amounts in EUR million)

			TOTAL EXP.	SOURCES OF FUNDING								
				IPA EU CONTRIBUTION		BENEFICIARY CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	%(2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)
Activity 1 - Support to KJC/KPC			2.2	2.0	91	0.2	9	0.2				
Contract 1.1 Service	X		2.0	2.0	100							
Contract 1.2 Supply		X	0.2			0.2	100	0.2				
Activity 2 - Fight against THB and DV			2.1	1.8	86	0.3	14	0.3				
Contract 2.1 Service	X		0.9	0.9	100							
Contract 2.2 Service		X	0.1	0.1	100							
Contract 2.3 Works		X	0.8	0.8	100							
Contract 2.4 Supply		X	0.3			0.3	100	0.3				
Activity 3 – Kosovo Forensic Psychiatry Institute			1.752	1.5	86	0.252	14	0.252				
Contract 3.1 Works		X	1.3	1.3	100							
Contract 3.2 Service	X		0.452	0.2	44	0.252	56	0.252				
Activity 4 – Intelligence Led Policing			2.0	2.0	100							
Contract 4.1 Supply		X	2.0	2.0	100							
Activity 5 – High Security Prison			7.5	5.0	67	2.5	33	2.5				
Contract 5.1 – Grant		X	5.0	5.0	100							
Contract 5.2 – Grant		X	2.5			2.5	100	2.5				
TOTAL IB			3.352	3.1	92.5	0.252	7.5					
TOTAL INV			12.2	9.2	75	3.0	25					
<b>TOTAL PROJECT</b>			<b>15.552</b>	<b>12.3</b>	<b>79</b>	<b>3.252</b>	<b>21</b>					

NOTE: Amounts net of VAT

(1) In the Activities column use 'X' to identify whether institution building (IB) or investment (INV).

(2) Expressed in % of the **total** expenditure (EXP) (column (a))

## 5. Indicative implementation schedule (periods broken down per quarter)

Contracts	Start of tendering	Signature of contract	Project completion
Contract 1.1 - Service	Q1 2011	Q2 2011	Q2 2014
Contract 2.1 - Service	Q2 2011	Q3 2011	Q2 2014
Contract 2.2-Service	Q2 2011	Q3 2011	Q2 2014
Contract 2.3 - Works	Q3 2011	Q4 2011	Q4 2013
Contract 3.1 - Works	Q1 2011	Q2 2011	Q2 2013
Contract 3.2 - Service	Q2 2011	Q3 2011	Q3 2014
Contract 4 - Supply	Q1 2011	Q2 2011	Q3 2012
Contract 5.1 - Grant	Q3 2011		

## 6. Cross-cutting issues

Human rights, and in particular minority rights and participation, as well as gender issues will be mainstreamed within all activities and project deliverables. Planning and policy development in the rule of law sector must encompass the protection of human rights and the fight against corruption, trafficking in human beings and discrimination.

### 6.1 Equal opportunities

The project will ensure that men and women have equal access to all project deliverables. Law No 2004/2 on Gender Equality in Kosovo provides for the equal participation of females and males ‘in legislative, executive and judicial bodies of all levels and in public institutions’. Under Article 3.2 of this Law, equal participation of females and males is achieved where the participation of the particular gender in an institution or body or at a level of authority is 40%.

### 6.2 Environment

The project is expected to be neutral in terms of environmental impact. The project’s infrastructure component will be consistent with environmental implications as set out in relevant Regulations pursuant to the Law on Environmental Protection. This project aims also to promote environmental improvements through energy savings by implementing energy efficiency measures in buildings, including the use of alternative sources of energy.

### 6.3 Minorities

Failure to integrate Kosovo’s minorities can lead to further violations of human rights. Therefore, this project will aim to contribute to the establishment of multi-ethnic representation in the institutions benefiting from the project, which will address the ethnic groups fairly and equitably under the law, as well as other marginalised groups.

## **ANNEXES**

- Annex I- Log frame in standard format
- Annex II- Amounts contracted and disbursed per quarter over the full duration of the programme
- Annex III- Description of institutional framework
- Annex IV - Reference to laws, regulations and strategic documents
- Annex V- Details per EU-funded contract



**ANNEX I: Logical framework matrix in standard format**

<b>LOGFRAME PLANNING MATRIX FOR Project Fiche</b>		<b>Programme name and number: Strengthening the rule of law</b>	
		<b>Contracting period expires:</b> Ref to section 1.10	<b>Disbursement period expires:</b> Ref to section 1.12
		Total budget EUR 15.552 million	IPA budget: EUR 12.3 million
<b>Overall objective</b>	<b>Objectively verifiable indicators</b>	<b>Sources of verification</b>	
Support the efforts of Kosovo authorities to enforce the rule of law by strengthening the judiciary, promoting integrity of institutions, fighting various forms of crime and aligning with and implementing the EU <i>acquis</i> .	Ability of the institutions to comply with the European Partnership and the EP Action Plan	European Commission progress reports	
<b>Project purpose</b>	<b>Objectively verifiable indicators</b>	<b>Sources of verification</b>	<b>Assumptions</b>
<p>1. Increase the independence and improve the performance of the judiciary by developing the performance, professionalism, independence and efficiency of the Kosovo Prosecutorial &amp; Judicial Councils.</p> <p>2. Strengthen institutions, procedures and systems to reduce trafficking and smuggling of human beings, and protect trafficked individuals and victims of domestic violence, in order to tackle organised crime in line with the national strategy on anti-trafficking.</p>	<ul style="list-style-type: none"> <li>• KPC established</li> <li>• The effectiveness of KJC is enhanced</li> <li>• KJC/KPC function more in line with EU standards and best practices</li> <li>• The ability of institutions to comply with the Partnership Action Plan of the European Union in respect of the justice and protecting the rights of victims components</li> </ul>	<ul style="list-style-type: none"> <li>• Publications and statistics of Ministry of Justice and other non-governmental and Parliament sources</li> <li>• European Commission Kosovo Progress Report</li> <li>• EULEX reports</li> <li>• Government reports</li> <li>• European Commission reports on Kosovo</li> <li>• Project reports</li> <li>• EULEX reports</li> <li>• KPC reports</li> <li>• KJC reports</li> </ul>	<ul style="list-style-type: none"> <li>• Adoption of the relevant legislation</li> <li>• Full commitment of the BC to work towards the achievements of the project objectives</li> <li>• Political will to establish and strengthen the institutions</li> <li>• Adequate budget allocated for the two institutions</li>   <li>• Coordination and cooperation mechanism put in place between MoJ and Ministry of Labour and Social Welfare.</li> <li>• Sufficient understanding between parties as to their respective roles and the extent of their authority</li> <li>• Adequate cooperation between all stakeholders</li> </ul>

<p>3. Improve the treatment of mentally ill offenders by establishing a proper Forensic Psychiatry Institute.</p>	<ul style="list-style-type: none"> <li>• KFPI in place with high standard of security</li> <li>• Expertise provided within KFPI and mandatory treatment within KFPI provided for a number of cases</li> <li>• Number of repeat offences committed by mentally ill persons decreased by 2015</li> </ul>	<ul style="list-style-type: none"> <li>• MoJ reports</li> <li>• EULEX reports</li> <li>• MSLW reports</li> <li>• ACDEI reports</li> <li>• Strategy implementation reports of the MIA</li> <li>• European Commission Progress Report</li> <li>• Reports from KFPI</li> <li>• CPT reports</li> <li>• MoJ statistics</li> <li>• KJC statistics</li> <li>• MIA statistics</li> <li>• MoH statistics</li> <li>• EULEX reports</li> </ul>	<ul style="list-style-type: none"> <li>• Political will to increase public safety</li> <li>• Creation of an interdepartmental working group for project implementation</li> <li>• Co-financing available</li> <li>• Land identified. Property issues clarified and allocated</li> <li>• Appropriate legal framework remains in place in order to facilitate proper functioning of forensic psychiatry</li> </ul>
<p>4. Strengthen performance capability and improve the services of the Kosovo Police by implementing the intelligence-led policing concept and establishing a uniform intelligence information system.</p>	<ul style="list-style-type: none"> <li>• KP uses intelligence data at strategic, operational management and tactical levels</li> <li>• KP able to exchange technical information on matters related to protection and crime prevention</li> <li>• KP officers trained and able to use the upgraded databases</li> </ul>	<ul style="list-style-type: none"> <li>• Kosovo Police Annual Report</li> <li>• Ministry of Internal Affairs Annual Report</li> <li>• European Commission Progress Report</li> <li>• EULEX assessment reports</li> <li>• OSCE assessment reports</li> <li>• KP data analysis reports</li> <li>• Europol reports</li> <li>• Relevant statistics</li> </ul>	<ul style="list-style-type: none"> <li>• Successful implementation of the concept for implementation of ILP at Kosovo Police</li> <li>• KP/EULEX action plan on implementation of intelligence-led policing fully implemented</li> <li>• EULEX closely monitors and advises the KP</li> <li>• Envisaged legislation enacted (SOPs redrafted, necessary legislation reviewed, amended and introduced)</li> <li>• Good cooperation among relevant stakeholders</li> <li>• High level of retention of trained/qualified KP personnel ensured</li> </ul>
<p>5. Enable Kosovo authorities to cope with a potential increase in convictions, also related to the readmission of persons with a criminal background from EU</p>	<ul style="list-style-type: none"> <li>• Numbers of detention places available</li> <li>• Number of successful escapes reduced</li> </ul>		<ul style="list-style-type: none"> <li>• Feasibility study available</li> <li>• Co-financing has been made available</li> </ul>

<p>MS, and improve public safety by appropriately accommodating an increased number of high-risk inmates.</p>		<ul style="list-style-type: none"> <li>• Implementation reports</li> <li>• MoJ statistics</li> <li>• EULEX reports</li> <li>• European Commission reports</li> </ul>	
<b>Results</b>	<b>Objectively verifiable indicators</b>	<b>Sources of verification</b>	<b>Assumptions</b>
<p>1. a. The structure and efficiency of KPC-KJC strengthened, allowing the institutions to effectively perform their tasks. b. Appropriate strategy, statute, procedures, regulations/secondary legislation and structures in place. c. A transparent system of evaluation of the professional capacity of judges and prosecutors is in place. d. KPC-KJC are equipped with in-house resource centre provided with selected literature, including EU law and case-law and online access to relevant databases. e. A criminal records database is set up, preferably linked to the existing CMIS, with restricted access, in compliance with data protection standards.</p>	<ul style="list-style-type: none"> <li>• Internal rules of KJC and KPC are put into operation</li> <li>• Statute of KJC/KPC is functional</li> <li>• Secondary legislation/sublegal acts are adopted</li> <li>• Planning strategy for both institutions is adopted</li> <li>• Increased number of inspections and evaluations carried out per year by KJC/KPC</li> <li>• All KPC and KJC staff in charge of evaluation process are trained in evaluation procedures</li> <li>• The resource centre within KPC-KJC contains relevant books, subscriptions to journals, official gazette, court decisions</li> <li>• End users have online access to relevant databases</li> <li>• Criminal records database is in place and used</li> </ul>	<ul style="list-style-type: none"> <li>• KJC-KPC reports</li> <li>• EULEX reports</li> <li>• Courts' statistics</li> <li>• CMIS data</li> <li>• Specific surveys</li> <li>• Project publications and distribution list, reports on organised events, study visits</li> <li>• Project implementation and evaluation reports</li> <li>• Technical specifications</li> </ul>	<ul style="list-style-type: none"> <li>• Adoption of the package of four laws</li> <li>• Budget for the two institutions secured</li> <li>• Political will to ensure authority and independence of KJC/KLC</li> <li>• Cooperation between KJC-KPC and MoJ</li> <li>• Trained people remain in service</li> <li>• Cooperation and teamwork of the different actors</li> <li>• Financing available</li> <li>• Cooperation and coordination with KJI</li> <li>• Coordination with EU-LER project</li> </ul>

<p>2.</p> <p>a. Environment-building strand: Standards and procedures are in place for the establishment of a national coordination system to assist victims of violence and trafficking.</p> <p>b. Environment-building strand: The general public is more aware of the risks of trafficking/domestic violence, and victims are informed about existing remedies and services.</p> <p>c. Remedial strand: Safe house is established in accordance with EU standards.</p> <p>d. Responsive strand: A functioning scheme for reintegration of victims is in place.</p> <p>e. Responsive strand: A scheme for legal and psychological assistance to victims is set up.</p> <p>f. Responsive strand: Efficiency of repressive measures against trafficking and domestic violence is enhanced.</p> <p>3.</p>	<ul style="list-style-type: none"> <li>• Policy/legislation instruments are in place and standard operating procedures are designed and implemented</li> <li>• Integrated model designed for prevention and victim assistance, protection and reintegration</li> <li>• MOUs are signed to ensure proper coordination</li> <li>• Results of the survey on public awareness</li> <li>• Number of awareness campaigns conducted</li> <li>• Design and construction plan are prepared and implemented</li> <li>• A strategy and an Action Plan for economic reintegration in place</li> <li>• Staff of legal aid office are trained</li> <li>• Specialisation in the field included in training plan of KJI and police academy (synergy with EU-LER)</li> <li>• Number of investigations of trafficking/domestic violence increased by 15%</li> </ul> <ul style="list-style-type: none"> <li>• Design and construction</li> </ul>	<ul style="list-style-type: none"> <li>• Project implementation report</li> <li>• Provisional and final acceptance certificates</li> <li>• Site visit reports</li> <li>• Project survey</li> <li>• EULEX reports</li> <li>• EC reports</li> <li>• Statistics from MoJ reports</li> <li>• Ministry of Health reports</li> <li>• KJC report</li> <li>• Statistics on victims of trafficking referred by SHTQNJ and accommodated in the temporary safe house</li> <li>• Data on statements made by victims of trafficking in District Courts</li> <li>• Statistics on safe house and partners, for services provided during the repatriation procedure</li> <li>• Reports of the legal aid offices</li> <li>• Awareness-raising material produced within the project</li> <li>• Project reports</li> <li>• OSCE reports on human rights</li> <li>• Other ministerial and international stakeholders' monitoring reports</li> <li>• Rules of procedure of relevant ministries and stakeholders (actors) for the implementation of the law</li> </ul>	<ul style="list-style-type: none"> <li>• Land acquisition is properly dealt with by the beneficiary before project starts</li> <li>• Coordination and cooperation mechanism put in place between Ministry of Justice and Ministry of Labour and Social Welfare</li> <li>• Sufficient understanding between parties as to their respective roles and the extent of their authority</li> <li>• Adequate cooperation between all stakeholders</li> <li>• Strong commitment of all stakeholders</li> <li>• Involvement of KIPA, police academy and KJI in the development and implementation of the training scheme</li> <li>• Co-financing available</li> <li>• Participation of staff in training activities</li> <li>• Educational institutions, centres for social work, victim advocates, and non-governmental organisations are involved in the system</li> </ul>
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<p>Component A:</p> <p>a. KPFI is established</p> <p>b. Forensic psychiatric unit of 12 beds for forensic examination is set up in accordance with EU standards</p> <p>c. Forensic psychiatric unit of 24 beds for mandatory forensic treatment is set up in accordance with EU standards</p> <p>Component B:</p> <p>a. Different forensic psychiatric units are organisationally set up and fully functioning</p> <p>b. Forensic psychiatric unit of 12 beds</p> <p>c. Forensic psychiatric unit of 24 beds for mandatory forensic treatment</p> <p>d. Mobile forensic psychiatric services for provision of expertise and follow-up of mandatory treatment cases</p> <p>e. Capacities of staff including clinical and ambulatory forensic psychiatry staff enhanced and in line with EU forensic care standards/best practices</p> <p>f. Quality assurance system set-up for mobile and clinical forensic psychiatry</p> <p>4. Component A managed by</p>	<p>plan are prepared and implemented</p> <ul style="list-style-type: none"> <li>• Adequate number of health staff and correctional service staff working</li> <li>• Standards and procedures for forensic psychiatric clinical and expertise services including for mobile units are in place</li> <li>• Expertise and mandatory treatment appropriately provided within KFPI in a number of cases</li> <li>• Curriculum for staff is designed and applied</li> <li>• Number of staff trained and coached (approx. 40)</li> <li>• Number of audits performed</li> <li>• Benchmarks used for individual and team performance are in place</li> <li>• Continuous professional education plans at institutional and personal level</li> </ul> <ul style="list-style-type: none"> <li>• ILP programme implemented</li> <li>• KP able to exchange technical information on matters related to protection</li> </ul>	<ul style="list-style-type: none"> <li>• Project implementation report</li> <li>• Provisional and final acceptance certificates</li> <li>• Site visit reports</li> <li>• KFPI reports</li> <li>• Treatment protocols</li> <li>• Curricula</li> <li>• Training records</li> <li>• Results of examination</li> <li>• Attendance list of trainees</li> <li>• Audit reports</li> <li>• Personnel records</li> <li>• Evaluation reports</li> </ul>	<ul style="list-style-type: none"> <li>• Coordination and cooperation mechanism put in place between the judicial and health system</li> <li>• Sufficient understanding between parties as to their respective roles and the extent of their authority</li> <li>• Adequate cooperation between all stakeholders</li> <li>• Land acquisition is properly dealt with by the beneficiary before project starts</li> <li>• Willingness of each party to improve communication and information system</li> <li>• Strong commitment of all stakeholders, such as the police, correctional and probation service, social welfare and health services</li> <li>• Involvement of KIPA in the development and implementation of the training scheme</li> <li>• Budget allocation for continuous training activities</li> <li>• Participation of staff in training activities</li> </ul>
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<p>EULEX: Mentor and advise Kosovo Police on the implementation of intelligence-led policing</p> <p>a. Intelligence-led policing methodology implemented by KP</p> <p>b. Improved intelligence-gathering culture among the KP</p> <p>c. Improved ability of the KP to plan proactive strategies and operations on the basis of the analysed intelligence data</p> <p>d. Better resources planning and more cost-effective policing</p> <p>e. Analytical capacities of KP officers strengthened</p> <p>f. Mechanism of Tasking and Coordination Group (especially analytical units) at local, regional and central levels strengthened</p> <p>Component B managed by ECLO: KP provided with IT equipment to support the implementation of intelligence-led policing</p> <p>a. An effective and reliable single system for the KP for collating, analysing and distributing intelligence data in place</p> <p>b. Retrievable data information available in a timely manner</p> <p>c. Kosovo Police Information System (KPIS) and Criminal Intelligence System (CIS) are</p>	<p>and crime prevention</p> <ul style="list-style-type: none"> <li>• All KP officers trained and able to use the upgraded databases</li> <li>• Mechanism of Tasking and Coordination Group at local, regional and central levels fully operational</li> <li>• Secured and effective IT systems in place</li> <li>• KPIS and CIS fully operational as secured database systems</li> <li>• KPIS and CIS upgraded, commissioned, installed and functional</li> <li>• All staff provided with certified training</li> <li>• Accommodation built for</li> </ul>	<ul style="list-style-type: none"> <li>• Assessment report on the implementation of ILP at the KP</li> <li>• Project monitoring reports</li> <li>• Kosovo Police Annual Report</li> <li>• Ministry of Internal Affairs Annual Report</li> <li>• European Commission Progress Report</li> <li>• EULEX reports</li> <li>• KP data analysis</li> <li>• Europol reports</li> <li>• Relevant statistics</li> <li>• Mechanism of Tasking and Coordination Group reports</li> <li>• Training certifications</li> <li>• KPIS in place</li> <li>• CIS in place</li> </ul>	<ul style="list-style-type: none"> <li>• Successful implementation of the concept for implementation of ILP at Kosovo Police</li> <li>• MIA/KP fully committed to fulfil the necessary preconditions</li> <li>• Planned legislation enacted</li> <li>• Good cooperation offered by all stakeholders</li> <li>• High level of retention of trained/qualified KP personnel ensured</li> </ul>
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<p>in line with ILP standards</p> <p>d. KPIS and CIS access system is secured</p> <p>5. A high-security prison in Podujevo built with a particular focus on vocational training and reintegration, and put at the disposal of the Kosovo authorities</p>	<p>some 300 category A prisoners in Podujevo municipality</p> <ul style="list-style-type: none"> <li>• 80% of inmates benefit from measures that will facilitate their socio-economic reintegration</li> <li>• Zero successful escapes of category A prisoners</li> </ul>	<ul style="list-style-type: none"> <li>• MoJ statistics</li> <li>• MSLW statistics</li> <li>• Media reports</li> <li>• EULEX reports</li> </ul>	<ul style="list-style-type: none"> <li>• Feasibility study finalised</li> <li>• Co-financing has been made available for the IPA 2008 project</li> <li>• No other donors have been identified to contribute to the trust fund</li> </ul>
<b>Activities</b>	<b>Means</b>	<b>Costs</b>	<b>Assumptions</b>
<p>1. Support to the Kosovo Judicial and Prosecutorial Councils</p> <p>2. Support for the safe house and the fight against trafficking in human beings and domestic violence</p> <p>3. Establishment of the Kosovo Forensic Psychiatry Institute</p> <p>4. Support for the implementation of intelligence-led policing in the Kosovo Police</p> <p>5. Improvement of the penitentiary system in Kosovo</p>	<p>1. One service contract. Standard procedures will be applied.</p> <p>2. Two service contracts and at least one works contract.</p> <p>3. One service contract and at least one works contract.</p> <p>4. At least one supply contract.</p> <p>5. At least one grant contract (contribution agreement with UNOPS).</p>	<p><b>EUR 2.0 million and EUR 0.2 million co-financing</b></p> <p><b>EUR 1.8 million and EUR 0.3 million co-financing</b></p> <p><b>EUR 1.5 million and EUR 0.252 million co-financing</b></p> <p><b>EUR 2.0 million</b></p> <p><b>EUR 5 million and EUR 2.5 million co-financing</b></p>	<p>Beneficiaries commit to the project with regard to budget allocations and staff</p> <p>Key legislation in place</p> <p>Organisational structure of beneficiary has been decided upon</p> <p>Co-financing ensured</p> <p>Continued political support</p> <p>Participation of staff in the implementation of the project</p> <p>Staff trained kept in service</p> <p>Land acquisition is properly dealt with by the beneficiary before project starts</p> <p>All necessary permissions are provided by the relevant authorities</p> <p>Coordination and cooperation mechanism in place</p> <p>Sufficient understanding between parties as to their respective roles and the extent of their authority</p> <p>Ownership of beneficiaries</p> <p>Successful implementation of the intelligence-led policing concept by Kosovo Police</p>

**ANNEX II: Amounts (in EUR million) contracted and disbursed by quarter for the project**

<b>Contracted</b>	<b>2010 Q4</b>	<b>2011 Q1</b>	<b>2011 Q2</b>	<b>2011 Q3</b>	<b>2011 Q4</b>	<b>2012 Q1</b>	<b>2012 Q2</b>	<b>2012 Q3</b>	<b>2012 Q4</b>	<b>2013 Q1</b>	<b>2013 Q2</b>	<b>2013 Q3</b>	<b>2013 Q4</b>	<b>2014 Q1</b>	<b>2014 Q2</b>	<b>2014 Q3</b>	<b>2014 Q4</b>
Contract 1.1 Service			2.0														
Contract 2.1 Service				0.9													
Contract 2.2 Service				0.1													
Contract 2.3 Works					0.8												
Contract 3.1 Works			1.1														
Contract 3.2 Service				0.4													
Contract 4.1 Supply			2.0														
Contract 5.1 Grant				5.0													
<b>Total</b>			<b>5.1</b>	<b>9.0</b>	<b>12.3</b>												
<b>Disbursed</b>	<b>Q4</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
Contract 1.1 Service			0.4		0.3		0.3		0.3			0.5			0.2		
Contract 2.1 Service				0.2				0.3			0.2			0.2			
Contract 2.2 Service				0.1													
Contract 2.3 Works				0.24		0.2			0.2			0.16					
Contract 3.1 Works			0.3		0.3			0.3			0.2						
Contract 3.2 Service							0.1		0.1			0.1			0.1		
Contract 4.1 Supply			1.2					0.8									
Contract 5.1 Works				5.0													
<b>Total</b>			<b>1.9</b>	<b>7.44</b>	<b>8.04</b>	<b>8.24</b>	<b>8.64</b>	<b>10.04</b>	<b>10.64</b>	<b>10.64</b>	<b>11.04</b>	<b>11.8</b>	<b>11.8</b>	<b>12.0</b>	<b>12.3</b>		



### **Annex III: Description of institutional framework**

#### **Ministry of Justice**

The legal mandate of the Ministry of Justice (MoJ) is mainly based on UNMIK Regulations 2005/53 and 2006/26. A number of regulations and laws adopted by the Assembly of Kosovo before and after the declaration of independence, in particular those related to the Bar exam, notaries, mediation, legal aid, as well as the draft laws on courts, prosecutors, the KJC and the KPC have and will expand the Ministry's remit.

The Ministry is responsible for providing support services to the Office of the Public Prosecutor of Kosovo to ensure that the prosecutorial system functions effectively. In the meantime the Ministry, through the KJI, is responsible for providing training, including professional and vocational training, for prosecutors and organises qualifying examinations for prosecutors, lawyers (including trial attorneys) and other legal professionals. It is expected that, with the new legislation under preparation, the role of providing support services will be transferred to the KPC.

The Ministry was created in 2006 and is an amalgamation of structures from other ministries and UNMIK structures. Most of the departments were transferred without being adapted to the new status and are still functioning as before. Since its creation significant progress has been achieved, but a lot still needs to be done.

The MoJ has the following departments:

- Department of Legal Affairs
- Access to Justice Department
- Department of Missing Persons and Forensics (as well as the Forensic Institute operating separately)
- Correctional Service and Probation Service Department(s)
- Department of Central Administration.

There are some other units that are considered as departments although they have not been granted such status yet — such as the Litigation Department and Procurement Department, currently operating as Divisions under the Legal Affairs and Central Administration Departments respectively. In addition to the departments there are offices attached to the Permanent Secretary's Office, such as the Office for European Integration or the Public Information Office.

The Department of Access to Justice is responsible for the treatment of victims of crimes and the integration of minorities into the justice system. There are two main divisions in this Department, the Division for the Protection of the Victims of Crime and the Division for Judicial Integration. The main functions of this department are assisting minorities to access the justice system, and coordinating assistance to victims of violence and crime with the actual assistance provided by NGOs and other organisations. The MoJ does not perform a broader role of providing legal aid to all those who are in a need of legal services but cannot afford them (handicapped people, poor people, etc.).

The Division for Judicial Integration is well equipped and has 35 staff spread over 11 regional Court Liaison Offices. However, the services of these offices are not actually used by minorities.

The Division for Victims of Crime within the Department of Access to Justice is also well resourced. It has more than 40 staff working across 14 regional offices. They do not provide actual services,

except for maintaining one temporary safe house for victims, but coordinate the work of various NGOs.

Like its counterpart in many EU Member States, the Kosovo MoJ is responsible for correctional and probation policy and services. It performs these functions through the Correction Service, staffed with more than 1 700 employees (General Directorate: six detention centres, the Correctional Centre for Juveniles and Women, and one high-security prison with another one being planned) and the Probation Services, staffed with almost 70 employees (5 regional offices).

As to the setting-up of the Kosovo Forensic Psychiatric Institute, a Memorandum of Understanding between the Ministry of Justice and the Ministry of Health defines the respective roles and responsibilities of these two institutions concerning the delivery of services to mentally ill offenders.

### **Kosovo Judicial Council**

The mandate of the Kosovo Judicial Council (KJC) is the development and maintenance of an independent judicial system which will provide services impartially to all citizens and which will be functional in all aspects of its organisation and operation.

This is to afford all citizens access to justice, which should be fair and efficient. The KJC is responsible for an accountable court system operating to the highest standards of honesty, integrity, professionalism and transparency.

Following the endorsement of the Constitution of Kosovo, Chapter VII (Articles 102 to 108) of the Constitution defines the powers, responsibilities and functions of the judicial system in Kosovo, such as:

- i. General principles of the judicial system in Kosovo;
- ii. Organisation and jurisdiction of the courts;
- iii. The Kosovo Judicial Council, which is responsible for determining the administrative policies, and providing management oversight for all courts;
- iv. Setting policy, issuing rules and guidelines for the judiciary;
- v. Recruitment, training, appointment, evaluation, promotion, transfer and discipline of judges and non-judicial personnel;
- vi. Exercise of responsibilities in relation to the appointment, development and training of judges.

Kosovo has initiated the process of appointment of judges and prosecutors by the Independent Judicial Commission and the Prosecutorial Council of Kosovo as well as the drafting of laws for the KJC, the courts, the Prosecutorial Council and the Attorney of the State, which will enable courts and prosecutors in Kosovo to be organised and structured.

### **Ministry of Internal Affairs**

The Ministry of Internal Affairs (MIA) is a large multi-sector ministry. Its importance is underlined by the fact that its role and tasks are defined not simply at the level of laws, but even in a number of Articles of the Constitution of the Republic of Kosovo. The MIA is a new ministry established in December 2005. The process of establishment was followed by the transfer of competences not only from UNMIK, but also from the Ministry of Public Services (e.g. in the area of vehicle registration and driving licences). This process is not yet completed, since some of the functions are still to be transferred from UNMIK and the UNHCR (e.g. in the case of the refugee determination procedure).

The Ministry of Internal Affairs conducted a functional review between August 2008 and January 2009. In February 2007, the Government made the functional review and reorganisation of its

administrative structure a key objective of its newly published Public Administration Reform (PAR) Strategy and Action Plan.

The MIA's strategic plan for 2007-2010 defines its mission as 'to build, preserve and increase the safety of all citizens in Kosovo'.

In Kosovo, once the transfer of functions from UNMIK and other actors (e.g. the UNHCR) has been completed, the MIA will cover all major competencies which are found in ministries of internal affairs in the smaller EU Member States. These are:

preventing and combating crime; management of emergencies; population registration; citizenship issues; issue of identity cards, passports, citizenship documents, civil status documents, driving licences and vehicle registration documents; management of legal migration as well as dealing with illegal immigration; border control and border protection; asylum, subsidiary protection, temporary protection and refugee issues; and regulation of small arms, civil explosives, private security companies and civil aviation security.

### **Kosovo Police**

One of the key factors in preventing and protecting the public against all forms of crime is the constant development and enforcement of the rule of law in Kosovo, for which the Kosovo Police needs further investment and support.

The strategic goal of the Kosovo Police is the establishment, development and deployment of an effective police force, professionally trained, fully equipped, sustainable, appropriately staffed for effective functioning and capable of ensuring security and peace in Kosovo, in compliance with the principles of democratic policing.

Based on recommendations deriving from the functional review of the Kosovo Police and the EULEX six-monthly report, the organisational structure plan of the KP was finalised and approved by the Ministry of Internal Affairs on 22 January 2010.

The Kosovo Police is currently developing a Strategic Development Plan which is expected to be adopted in May 2010. This plan aims to strengthen the concept of intelligence-led policing and of community policing. The KP signed a Memorandum of Cooperation with EULEX on full access to all Kosovo Police databases, in conformity with the legal provisions and specifics of each database. The new salary system for the KP was approved in November 2009 and entered into force on 1 January 2010.

The Law Enforcement Policy Department within the MIA will be established in 2010. It will be in charge of policy analysis, development and coordination in the priority areas of public order and security, such as terrorism, human trafficking or drugs trafficking. It will also be responsible for oversight of the Kosovo Police, the Kosovo Police Inspectorate and the Centre for Education and Development.

Recently a decision was taken by the Director-General that the Regional Intelligence Units should fall under the immediate supervision of the Directorate for Criminal Analysis, set to become in future the hub of police intelligence and analysis. As a consequence, the Ministry of Internal Affairs has appointed the Assistant to the Director-General for the Fight against Crime as the National ILP Coordinator. The ILP Task Force and Task Groups are being established to work on the implementation of activities which are preconditions for achieving EU standards on intelligence-led policing.

#### **Annex IV: Reference to laws, regulations and strategic documents**

Link with Accession Partnership/national programmes for the adoption of the *acquis*/European Partnership/Stabilisation and Association Agreement

Along with the rest of the region, Kosovo is embracing the European agenda, underpinned by the EU policy for the Western Balkans, namely the Stabilisation and Association Process (SAP). Almost all instruments under the SAP are open to Kosovo. The SAP dialogue provides a high-level forum for policy and technical dialogue, supplemented by technical sectoral workshops.

The European Partnership calls for the following action:

- ensuring that courts and prosecution offices are effective, independent, accountable and impartial, and free from political influence;
- strengthening the prosecutor's office to ensure that it is able to comply with the principles of autonomy and impartiality. Continuing to strengthen the Special Prosecutor's Office. Implementing an efficient witness protection scheme;
- fully implementing an automated case management system in all courts and prosecution offices;
- reducing the backlog of cases and enforcing civil court decisions;
- further developing legal education and training, particularly for judges, prosecutors and administrative personnel. Strengthening the administrative capacity, coordination and effectiveness of the judiciary and all law enforcement agencies. Ensuring the viability of a comprehensive legal aid system;
- improving the functioning of the judiciary, guaranteeing its independence, accountability, professionalism and efficiency and ensuring that the career development and recruitment of judges and prosecutors is based on technical and professional criteria and free from political influence. Ensuring that the Constitutional Court functions properly;
- improving the effectiveness of crime investigations. Adopting and implementing legislation to establish the KPS and strengthening its investigative and internal control capacities. Strengthening its leadership;
- further strengthening local capacity in the organised crime directorate within the KPS;
- drafting and adopting a government programme to promote women's rights in Kosovo as well as implement the law on gender equality. Mainstreaming women's rights in all existing policies and legislation.

Link with the MIPD

The project has been designed on the basis of the objectives pursued under the Multi-annual Indicative Planning Document (MIPD) for the years 2009-2011 for Kosovo. The project supports its strategic choices. In particular, it addresses the following political objectives: (a) consolidating **the rule of law** by strengthening the judicial system and supporting police reform and the fight against corruption and organised crime, in close cooperation with the ESDP mission, to ensure a coordinated and mutually reinforcing approach; (b) enhancing Kosovo's capacities in areas related to **home affairs** and particularly policies related to money laundering, drug trafficking, and the fight against organised crime and terrorism.

### Link with the National Development Plan

The Medium-Term Expenditure Framework (MTEF) for the period 2010–2012 sets out an analysis of the macroeconomic environment of Kosovo which provides the basis for a statement of the strategic policy priorities as agreed by the Government. It also presents a summary of the essential fiscal envelope or baseline against which the range of Government policy priorities will be assessed for funding.

The MTEF stresses that Kosovo operates with different legal systems in place. Legislation is not being implemented fully and the courts are undermined by a heavy backlog of cases. Legislation is not interpreted in a consistent manner by different judges. Investors require a stable and predictable legal environment. Kosovo commits to work in this direction in both the short and the long run. **Thus, the rule of law is seen by the Government as key to faster integration with Europe.**

### MTEF sector objectives in the field of law and order and the rule of law (Section 4.4):

#### Judiciary:

1. Drafting of laws and bringing them into line with current European standards in all areas, especially harmonisation with the Constitution.
2. Creation of legal options and conditions for an independently functioning prosecutorial and judicial system; greater efficiency in finding and identifying persons who went missing during the war.
3. Preventing trafficking of human beings and creating the conditions for the safe shelter of trafficking victims and reintegrating them into society.
4. Transferring new responsibilities and creating conditions for international cooperation in the field of extradition for those who have committed criminal acts and have been sentenced in other countries and for the extradition of non-Kosovo citizens to their respective countries.
5. Creating conditions and facilities in accordance with the European standards for protected witnesses and establishing high-security prisons for dangerous convicts and for the mentally retarded.
6. Establishing a strong legal and administrative framework for the organisation and functioning of the courts.
7. Developing and implementing effective procedures for the appointment, development, promotion and discipline of judges.
8. Establishing effective procedures and practices for managing the budget and finances in and for courts.
9. Creating an appropriate organisational structure and a set of policies and procedures for effective management of human resources, this being important for the functioning of the courts.
10. Eliminating backlog cases and timely resolving all identified cases in the courts.
11. Implementing and effectively using modern communication systems and information management.
12. Strengthening the capacity for research, analysis and statistical reporting in relation to court cases.
13. Establishing policies and procedures to ensure that judges and non-judicial staff will receive the necessary training to enable them to work more efficiently.
14. Developing and cultivating effective working relationships with other entities involved in the work of the courts, including participation in joint problem solving and policy development in the justice system.
15. Implementing the law aimed at combating and preventing crime and securing the life and property of citizens.

16. Observing and investigating serious criminal acts and the possibilities for combating information technology crimes.
17. Improving human capacity, in particular in terms of combating money laundering, investigating narcotics and the ability to combat corruption, organised crime and terrorism. Deploying the intelligence system at all levels, achieving the capacity necessary for legal eavesdropping of telecommunications.

## **Annex V: Details per EU-funded contract**

### Contracting arrangements:

Activity 1. Support to the Kosovo Judicial and Prosecutorial Councils

One service contract and at least one supply contract.

Activity 2. Support for the safe house and the fight against trafficking in human beings and domestic violence

One service contract and at least one works contract.

Activity 3. Establishment of the Kosovo Forensic Psychiatry Institute

One service contract and at least one works contract.

Activity 4. Support for the implementation of intelligence-led policing in the Kosovo Police

At least one supply contract.

Activity 5. Improvement of the penitentiary system in Kosovo

Contribution agreement with UNOPS (grant) without a call for proposals.

### Project management and administration

Activity 5 will be implemented by the European Commission by joint management with the United Nations Office for Project Services (UNOPS), following Article 53d of the Financial Regulation and the corresponding provisions of the Implementing Rules. To this end, the Commission will conclude Contribution Agreements with UNOPS.

Prisons must meet international standards, and proper construction to rigorous standards requires specialist designers. UNOPS has the skills and experience to design and manage construction of prisons suitable for post-conflict, disaster-stricken or developing environments. The UN Standard Minimum Rules for the Treatment of Prisoners has defined leading practices in the management of penal institutions. The layout and details of facilities should offer inmates and staff proper access to water, air, sanitation and light. Incorrectly designed prisons can increase hazards to staff, inmates and the greater community as well as reduce the possibility of rehabilitating inmates. UNOPS designs and constructs prisons that conform to these Standard Minimum Rules in the most difficult locations.

The UNOPS Physical Infrastructure Design Unit (PIDU) has extensive prison design expertise grounded in a comprehensive understanding of prison and detention issues.

The UNOPS portfolio includes: maximum, high, medium, and low security prisons, remand centers, juvenile/female detention centers and open/closed rehabilitation centers. UNOPS is currently involved in prison construction and refurbishment projects in Afghanistan, Guatemala, Liberia, Palestine, Somalia and Sudan.

In the High Security Prison, UNOPS will work under the direction of the Steering Committee and the general guidelines of the Donors. UNOPS functions shall include receipt and management of funding as well as implementation of components II, Construction and III, Supervision of Works, in support to HSP project activities.

As the Trust Fund Manager of the HSP Trust Fund, UNOPS will be responsible for the effective, transparent and efficient management of the HSP accounts as authorized by the Trust Fund Steering Committee.

To this end it is expected that the TFM will:

- Receive contributions from Donors that wish to provide financial support to the Fund, through signature of the respective Donor contribution agreement(s).
- Register HSP funds in a central database and maintain financial records to reflect transactions related to the Trust Fund.
- Subject to availability of funds, disburse such funds in accordance with the Steering Committee's instructions in accordance with the budget set out in the approved Project Document.
- Disburse funds or any additional costs of the task that the Steering Committee may decide to allocate.
- Maintain separate ledger accounts to reflect all advances from proceeds of contributions and of all expenditures paid from these contributions.
- Consolidate statements and reports, based on submissions provided to the TFM , and provide these to the Steering Committee and to each Donor that has contributed to the Fund Account.
- Provide final reporting, including notification that the Fund has been fully expended or has been wound up.
- Prepare annual budgets for presentation to the Steering Committee.
- Monitor expenditures to ensure that funding is spent for the intended purpose.
- Carry out auditing and monitoring & evaluation activities at the expense of the HSP Trust Fund as the case might be.
- Promptly suspend or cancel disbursements to any recipients of funds under the HSP Trust Fund in the event the Steering Committee notifies UNOPS of non-compliance with terms and conditions of such agreements and/or the abovementioned MoU;

The European Commission Liaison Office in Pristina will manage the procurement, implementation, quality control, reporting and coordination with EULEX and other donors. A Project Steering Committee will be responsible for the overall direction of the project and comprise representatives of the beneficiary institutions and the Commission 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 standard European Commission procedures.