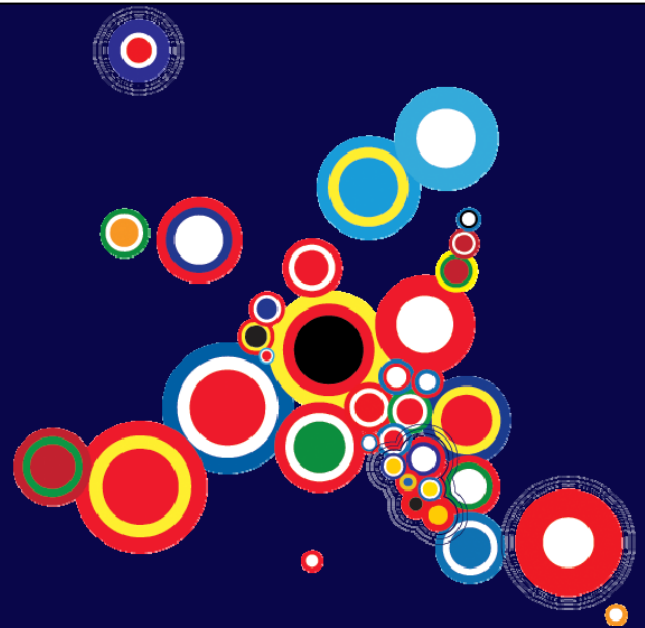




INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

Kosovo*

Further Support to Judicial
Reform in Kosovo



Action summary

This action represents the European Union's and the Government of Kosovo's continued efforts to contribute towards the improvement of the independence, effectiveness, accountability and impartiality of the justice system and to successfully complete the reform process of the Judiciary in line with EU *acquis*. The specific objectives of this action are to provide a stable, sustainable and centralised system for registration and management of criminal records, likewise reforming the regulatory framework on property rights and codification of civil law provisions. Furthermore this action foresees to further strengthen the legal and institutional framework of the penitentiary system and improve correction and probation services. Lastly, further support will be provided to legal forensic services and the field of Protection of Personal Data in Kosovo.

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

Action Identification	
Action Programme Title	2015 Annual Action Programme for Kosovo
Action Title	Further Support to Judicial Reform in Kosovo
Action ID	IPA 2015/038065.3/Kosovo/ Further Support to Judicial Reform in Kosovo
Sector Information	
IPA II Sector	Rule of Law and Fundamental Rights
DAC Sector	15130
Budget	
Total cost	EUR 11 000 000
EU contribution	100%
Management and Implementation	
Method of implementation	Direct management
EU Delegation	European Union Office in Kosovo (EUO)
Implementation responsibilities	European Union Office in Kosovo (EUO)
Location	
Zone benefiting from the action	Kosovo
Specific implementation area(s)	Kosovo
Timeline	
Deadline for conclusion of the Financing Agreement	31 December 2016
Contracting deadline	3 years after the conclusion of the FA
End of operational implementation period	6 years after the conclusion of the FA

1. RATIONALE

PROBLEM AND STAKEHOLDER ANALYSIS

Since Kosovo was placed under UN administration (United Nations Interim Administration Mission in Kosovo -UNMIK) on 10 June 1999 (UNSCR 1244/1999), a series of important reforms for the consolidation of the Kosovo institutions have taken place. This was followed by the launch of the European Union Rule of Law Mission in Kosovo (EULEX) in February 2008.

EULEX aim is to assist and support the Kosovo authorities in the Rule of Law area, with a specific focus on police, customs and the judiciary. One of the most complex reforms is the Rule of Law sector in general, and the judiciary system in particular. The renewed EULEX mandates increasingly focuses on judiciary and police and less on customs. It also foresees the gradual handover of responsibilities from EULEX to the Kosovo authorities. This process is accompanied by financial assistance from the EU as documented in the Rule of Law Assistance Strategy. Developments in the area of Rule of Law necessitate additional financial and/or technical assistance beyond the current EULEX mandate that will end in June 2016. The 2015 IPA programme will support, *inter alia*, the planned phasing out of EULEX in 2016 both in the justice and home affairs sectors.

Kosovo authorities have made a substantial political commitment to the extension of the EULEX's mandate and agreed to establish a specialist court to adjudicate findings of the Special Investigative Task Force. To complete this process, Kosovo needs to adopt the necessary legislative changes, including to its constitution. The Structured Dialogue on the Rule of Law continued to support this process.

Kosovo's judicial structures adapted well to the 2013 structural reform of the judiciary which was enacted through the 2013 package of laws, namely Law on Courts, Law on State Prosecutor, Law on the Kosovo Judicial Council (KJC) and the Law on the Kosovo Prosecutorial Council (KPC). This structural reform was followed by significant procedural changes that were stipulated within the new Criminal Code and the Criminal Procedure Code that entered into force in parallel. The reforms were undertaken in order to establish independent institutions and their relevant bodies. Kosovo has started to address partly this issue but according to the Progress Report 2014 more needs to be done to ensure the functioning and accountability of the judiciary. Meeting of EU standards and best practices requires the establishment of an independent, efficient and accountable judiciary.

In that context, in May 2015 the laws on courts, state prosecutor, KJC and KPC have been amended and partly harmonised to ensure a transparent and merit-based recruitment and evaluation of judges and prosecutors, as well as a properly functioning disciplinary mechanism. In order to support this process, budget for both Councils increased in 2015 compared to the previous year. In 2014, the budget for KJC was EUR 20.8 million, and for KPC EUR 6.8 million whereas for 2015 the budget for KJC will be EUR 21,2 million and for KPC EUR 7,1 million. The adoption of the amended laws is one of the criteria required by the Visa Liberalisation Dialogue. Moreover, gender equality in appointments will need to be respected in accordance to the Kosovo Constitution Article 104 (2) 2 and the composition of the judiciary shall reflect the ethnic diversity of Kosovo and internationally recognised principles of gender equality.

Kosovo's legal framework in the area of civil law and property rights is a complex mix of legal acts adopted in different historic periods based on different legal traditions with internal consistency and continuity. Kosovo legislation on civil matters consists of several laws adopted before and after 17 February 2008. The Government, under the lead of the Ministry of Justice, and with the assistance of an ongoing EU funded project, has started drafting a comprehensive Civil Code in line with EU *acquis*. The civil code is planned to include the property and other related rights, obligations, family and inheritance law provisions. Once a draft has been agreed and adopted, further legislation needs to be harmonised and secondary legislation drafted. Moreover, implementation needs to be prepared by properly training law practitioners and raising awareness among a wide ranges of civil law users.

The Ministry of Justice (MoJ) has finalised the first phase of the criminal justice review report, and the second phase of the review has been initiated and is currently ongoing. It is meant to review structures, legislation and its implementation and propose further improvements.

According to the European Commission's Progress Report 2014, neither a case allocation nor case management IT systems exist, and there is not yet a centralised criminal record database, which hampers the efficiency of the judicial system. It further contributes to a lack of available gender-disaggregated data, including related to gender-based violence cases. Making available centralised, electronic, gender-disaggregated data with regard to judicial proceedings could also facilitate monitoring by CSOs.

The Kosovo Judicial Council (KJC) has started preparations to establish a National Centralised Criminal Record System (NCCR). There are around 250,000 non-expunged archived criminal records that would need to be entered into the centralised system and courts will need to apply the NCCR in their daily work. Clear recommendations have been adopted, with the assistance of the ongoing EU project, on further steps to be taken to increase the capacity of the KJC in the policy making process regarding the NCCR and establishment of an effective coordination mechanism of the responsible institutions and bodies. The KJC has developed the data base (based on ECRIS) that will contain all criminal records and will be made available to courts through web application. A relevant regulation has already been adopted and the Director of the NCCR has been appointed.

Specific to EULEX transition process is the area of forensic medicine. The Department of Forensic Medicine within the Ministry of Justice is co-headed by EULEX. Further capacity building and further equipment is required to develop a highly professional department.

Implementing legislation on the penitentiary and the prison system has been brought in line with EU standards. The first high security prison is in official use since May 2014. However, unjustified prolonged detention continues to be a challenge for the criminal justice system. Further effort is needed to strengthen the effective and efficient management of the correctional and probation services in accordance with the democratic and European Union standards.

Kosovo has developed a strong juvenile justice system over the past 8 years, aiming to treat children, boys and girls aged between 14 and 18 who are in conflict with the law in a way that respects their human rights. The necessary laws, procedures, institutions, and capacities are in place to handle these children in accordance with the relevant legal international standards. The impact of this reform is reflected in the compliant legal framework with International standards, the increase of use of alternative measures to detention, establishment of the conditions for specialisation of juvenile justice professionals, both women and men (with particular attention to specialised units in prosecutor, courts), enhancements of the education/training programme for all institutions involved in JJ system, strengthening the referral and protection mechanism etc. Access to justice for all children needs to feature strongly on the Rule of Law agenda that is being pursued by Kosovo.

Since the adoption of the Law on Personal Data Protection in 2010, responsible institutions have taken initiatives for implementing the law, supplying with necessary secondary legislation and handling every-day issues that have arisen regarding personal data and their protection. The Agency for the Protection of Personal Data, responsible for handling matters linked to personal data, has marked progress on building up its operational capacities and contributing to the legal framework on the matter. The agency is nevertheless in its initial phases of developing its professional and technical capacities, and therefore needs further support

RELEVANCE WITH THE IPA II STRATEGY PAPER AND OTHER KEY REFERENCES

Within the **Indicative Strategy Paper (2014-2020)**, direct reference is provided to Kosovo needs to “strengthen the independence, effectiveness, accountability and impartiality of its judiciary in particular. An independent judiciary working in line with proper democratic and professional standards is not only essential for establishing the rule of law for the immediate benefit of the public, but also for international cooperation and economic development, including attracting foreign investment”. The **ISP** summarises priorities and needs that need to be addressed with EU Assistance for the sub-sector of Judiciary, noting that IPA II will contribute to the creation of an accountable, independent and efficient judicial system; such system should be aligned to EU legislation and best practices. It will also contribute to enhance the capacities to prevent, investigate, prosecute and convict cases of organised crime and corruption.

Under Objectives, results, actions and indicators, **the ISP** underlines that IPA II will continue to provide assistance for the approximation of the legal system to EU standards through **capacity-building, advising**

and monitoring of judicial institutions. EU assistance will also support judicial education and training in all official Kosovo languages. Supporting Kosovo's economic development, competitiveness and growth in a comprehensive manner will also require support in the area of **civil justice**, whereas capital investment with a direct effect on access to courts, delivery of justice and independence and impartiality of the judiciary will also be considered. IPA II will also continue to support the **Kosovo correctional service** and to improve security in prisons and increasing safety of staff, prisoners and the general public. Further support will also be needed for vulnerable prisoners, the rehabilitation of offenders and prison administration.

The Indicative Strategy Paper (ISP) also states that "Reforms in the rule of law and fundamental rights sector are a key strategic priority for pre-accession assistance to Kosovo..". Fundamental Rights, that includes **data protection** in Article 8 of EU Charter of Fundamental Rights, are one of the main sub-sectors to be addressed by IPA II assistance, and therefore provides a direct link for data protection with strategic planning documents for Kosovo.

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

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

The EU enlargement strategy 2013-2014 clearly provides for the need to strengthen the rule of law and good governance, as the main areas in the EU enlargement process. For this reason, during the accession negotiations, rule of law and other chapters will be initiated in the very beginning of the process, and will be completed in the very end, to ensure that the reforms are sustainable and irreversible.

The EC Annual Progress Report for Kosovo 2014 states that there has been some progress in the judiciary sector. Although Kosovo has started to address some of the priorities, there are still serious concerns regarding the independence, accountability, impartiality and efficiency of judges and prosecutors. Other challenges include the preparations for the transition of responsibilities from EULEX to Kosovo, the integration of the judicial system in the north into the Kosovo institutional structures, as well as the need for specialisation and improved quality of performance. In the judiciary Kosovo needs to address the backlog, and, irrespective of public or political opinion, file indictments based on gathered admissible evidence and deliver well-reasoned judgments in a timely manner. Transparent and merit-based recruitment and evaluation of judges and prosecutors, as well as a properly functioning disciplinary mechanism, are important steps towards improving the functioning of the judiciary. Furthermore the EU's 2014 Progress Report for Kosovo has assessed the situation and actions regarding personal data protection. It has concluded that although there has been progress, Kosovo is still at an early stage when it comes to implementing provisions on personal data protection. The Report provides recommendation for Kosovo's institutions to facilitate the approximation process through addressing the personal data protection issues by stating that data sharing concerns, in particular in the law enforcement sector, need to be swiftly addressed.

SECTOR APPROACH ASSESSMENT

Kosovo does not have to date a comprehensive justice or rule of law sector strategy. Kosovo is planning to develop a justice strategy in the coming years which is likely to combine current scattered strategies under a more strategic frame. A sector approach has not yet been undertaken. Nonetheless, a number of complementary strategies have been adopted and are currently under implementation. The strategies described here below are the most relevant to the implementation of this Action.

Kosovo Government adopted **the Rule of Law Assistance Strategy in Kosovo 2016-2019**, which defines the approach of the Government of Kosovo in terms of international assistance programming over the years,

donor coordination and cooperation mechanisms as well as priority measures in the line of strengthening the rule of law sector, particularly in justice and internal affairs. The overall objective of this strategy is the improvement of the conditions for sustainable rule of law and, subsequently, advancement of European integration process through planning, programming, and improving the effectiveness of donor assistance in accordance with Kosovo's strategic priorities. Three main areas are identified in the strategy as areas that will need donor assistance for improvement: 1) Justice matters; 2) Internal affairs; and 3) Issues of access to justice. The actions foreseen in this action document are directly linked to the strategic areas 1) justice matters and 3) issues of access to justice.

Furthermore, Kosovo Prosecutorial Council is in the final stage of the approval of the **KPC Development Strategy 2015-2018**. KPC also is in process of drafting the *Regulation for communication with public and media*. This regulation describes the procedure of the communication between Prosecutorial system and the public, in order to increase the transparency and accountability of the KPC and foresees the protection of the system from the eligible interference in the prosecutorial system. The Regulation shall also incorporate a communication strategy when courts will refer to sensitive cases, such as of gender-based violence, vulnerable victims, and children in accordance to the Kosovo applicable law.

“Kosovo Judiciary Strategic Plan 2014-2019”. This Strategic Plan includes input from all sectors of the judicial system and represents a very necessary and useful tool for the strategic management of the Kosovo judiciary and was adopted in April 2014. Its mission is to develop and maintain an independent Kosovo judicial system that provides impartial judicial services to all and is functional in all organisational and operational aspects. This strategy also refers to the further developments related to the forensic medicine, as part of the Ministry of Justice mandate.

“National Backlog Reduction Strategy” The purpose of this document is to provide an overall strategic vision for addressing the backlog of cases (the Backlog) pending in Kosovo courts. This includes cases currently designated as ‘backlogged’ and those that will become ‘backlogged’ if timely actions are not taken to close/manage them. The Strategy currently defines the backlog as all pending cases filed prior to 2012, i.e. all pending cases filed up through 31 December 2011. In August 2013, there were approximately 142.000 cases designated as backlogged, including approximately 91.000 execution cases. Once the database is fully operational and the accuracy of data confirmed, the Council expects to define the backlog as "all the cases older than two years".

“Kosovo Judicial Council Information and Communication Technology 2012-2017 Strategy¹”: In order to proceed in an organised and systematic way with its ICT efforts in the future, KJC requested technical assistance of the EC TAIEX program and the Government of Norway in preparation of the ICT Strategy for the period 2012 – 2017. As a preparatory activity for development of the ICT Strategy, the past efforts and the current situation in regard of introduction of ICT in the Kosovo judiciary were summarised in the Assessment report. The ICT Strategy is a final output of a strategic planning process in which participated a KJC Work Group, representatives of EULEX and USAID projects. This ICT Strategy represents KJC’s plan how to approach introduction of ICT in the Kosovo judiciary for the period of the next five years.

The proposed activities under this Action are closely linked with the **Government program for 2015 -2018**. Core points of this programme are **good governance and strengthening of rule of law**. Aiming at setting the highest standards of good governance and strengthening the rule of law, the Government will focus on the following sectors: the judicial and prosecutorial system, strengthening of law enforcement, security policies, public administration reform and local governance. The Government will continue to support the reforms and capacity building in the judicial and prosecutorial systems in order to ensure complete independence and increase results-based operational efficiency. The Government will continue to support restructuring and reforming in order to increase efficiency in the courts and to reduce the number of outstanding cases. The Government will work to adapt the criminal law to the international best practices in order to fight corruption and other negative phenomena. These priorities are translated in the Kosovo Medium Term Expenditure Framework (MTEF) 2015 -2017.

¹ http://kgjk-ks.org/repository/docs/Kosovo-ICT-strategy_389023.pdf

The main objectives of the **Strategy on protection of the personal data 2014-2017** adopted by the Council of the National Agency for the Protection of Personal Data (NAPPD) are providing continuous supervision of the legitimacy of data processing, harmonisation of local legislation with EU in a field of personal data protection; development of capacities; increasing the awareness of the citizens regarding the protection of personal data and privacy; and cooperation with relevant institutions in a field of personal data protection. According to the adopted Strategy and the experience of the Agency, some of the sectors and activities (including direct marketing or the use of video surveillance cameras) show a satisfactory level of compliance. Other sectors which are processing a mass amount of sensitive information, such as the sectors of justice, telecoms and health sectors, need further attention.

In terms of **donor coordination**, the Ministry of European Integration (MEI) is responsible for the management, coordination and monitoring of Kosovo's approximation to the European Union by ensuring the drafting of policies, compliance of domestic legislation with the European Union acquis, financial assistance, public information and capacity building required for this process². A new Department of Development Assistance (DDA) was established within the MEI which has the responsibility to centrally coordinate, review and supervise the progress of the ongoing and planned donor assistance related to sector strategies, donor programmes and individual projects. It specifically coordinates the process of planning, programming and monitoring of IPA projects and offers support to the National IPA Coordinator³. The DDA also manages and maintains the database on donor coordination (Aid Management Platform)⁴ and offers trainings to line institutions on the subject. The Aid Management Platform is public and accessible for the public in which donors update their information and data quarterly.

The official donor coordination structures are: The High Level Forum (HLF) is the high senior donor coordination body chaired by the Minister of European Integration. On a more technical level, Sector Working Groups (SWG) and Sub-Sector Working Groups (SSWG)⁵ have been established. Members of SWGs are representatives of the relevant sector, representatives from the Ministry of European Integration, representatives of independent institutions from rule of law, and representatives of the donor community. In 2014 a new draft regulation on donor coordination was prepared and is yet to be approved by the Government of Kosovo. Donor coordination effectively takes place mainly on project level with the relevant donors, sometimes led by the partner organisations (such as the Kosovo Judicial Institute), sometimes more donor driven, e.g. in the case of property rights where the EU and the US funded programmes have drafted a common work plan to coordinate their activities. In addition, the EU funded actions in the area of rule of law are coordinated with EULEX and take account of recommendations and proposals.

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

Kosovo is requesting support through IPA funding in the areas relevant for EU approximation. This action document is thoroughly linked with previous IPA I assistance projects and will build on the results achieved.

The EU assistance through IPA I projects has supported Kosovo judiciary institutions such as Ministry of Justice (MoJ) and its Agencies, Kosovo Judicial and Prosecutorial Council (KJC and KPC), Kosovo courts, Kosovo Judicial Institute (KJI), Kosovo Special Prosecutor's Office, etc. on their efforts to reform the judiciary and have an accountable and efficient judicial system. In 2015, the infrastructure of the judiciary institutions was upgraded through the functionalisation of the Palace of Justice in Pristina, which was constructed with EU funds of approximately EUR 30 million. It provides adequate premises to the justice institutions and frees important budget allocations previously used for the rent of justice buildings. The MoJ was supported directly with two twinning projects "which aimed to improve the legal order by improving the coherence of the overall legislative framework and by enhancing the approximation with the EU acquis in the area of justice. The Forensics Department within MoJ is currently supported with a project aiming at

² Government Decision nr.6/121 on the Role of Ministry of European Integration, 22/04/2010

³ Regulation nr.32/2012 on internal organisation and systematisation of jobs in MIE, Article 18.

⁴ <http://public.amp-mei.net/>

⁵ Regulation No. 04/2011 On donor coordination

capacity building of its management and maintenance of a modern forensic system based on internationally recognised standards and best European practices.

Legal Education reform was supported with IPA 2008 and IPA 2011 projects which aimed to provide the basis for sustainable capacity building in the field of rule of law through a comprehensive reform of the higher legal education system in Kosovo, with a particular focus on teaching methodologies and developing KJI capacity to play its role in providing professionally trained personnel to be potentially appointed by KJC and KPC. The quality and professionalism still requires improvements and the Kosovo Judicial Institute should be strengthened with regard to their strategic planning and training provisions. Changes to the justice law package have been introduced also impacting on the initial training for judges and prosecutors, making it mandatory for all new appointees. In addition, the Government plans to transform the Kosovo Judicial Institute into a Justice Academy. Eventually, the university education will need to be upgraded. A new project is foreseen under IPA 2014 which contributes to the strengthening of free legal professions and legal education reforms to both decrease current backlog of court cases and increase legal enforcement of court decisions. Kosovo institutions are also benefiting from IPA 2011 project in the area of international legal cooperation.

Over the past 8 years, Kosovo has developed a strong juvenile justice system that aims to treat boys and girls aged between 14 and 18 who are in conflict with the law in a way that respects their human rights. The necessary laws, procedures, institutions, and capacities are in place to handle these children in accordance with the relevant legal international standards. The impact of this reform is reflected in the compliant legal framework with International standards, the increase of use of alternative measures to detention, establishment of the conditions for specialisation of juvenile justice professionals, (with particular attention to specialised units in prosecutor, courts), enhancements of the education/training programme for all institutions involved in juvenile justice system, strengthening the referral and protection mechanism etc. Juvenile Justice Reforms in Kosovo were also supported with IPA 2009 projects which sought to reduce the delinquency/crime rates among minors and reform the existing system for children in conflict with the law as defined by the Juvenile Justice Code. Under the IPA 2013 programme, juvenile justice is further supported through the construction of an educational/correctional facility for juveniles. The action foreseen under IPA 2015 will directly build on results achieved. Juvenile Justice Reforms in Kosovo were also supported with IPA 2009 project which sought to reduce the delinquency/crime rates among minors and reform the existing system for children in conflict with the law as delineated by the Juvenile Justice Code (JJC). With IPA 2013, Juvenile Justice is further supported with the Construction of educational/correctional facility for juveniles.

IPA assistance 2008 and 2010 was provided to the penitentiary system with the construction of a high security prison which allowed the appropriate of high-risk inmates and consequently increases public safety. It also enabled Kosovo authorities to handle the potential increase in convictions related to the readmission of persons with a criminal background from EU MS. Within IPA 2012, a twinning project is being implemented with Kosovo Correction and Probation Services as main stakeholders which aims to strengthen the effective and efficient management of correctional and probation services in Kosovo. Within IPA 2009 and 2010 annual programmes, legal translators/interpreters and legal linguists and Kosovo Judicial and Prosecutorial Councils were targeted. However, unjustified prolonged detention continues to be a challenge for the criminal justice system. Further effort is needed to strengthen the effective and efficient management of the correctional and probation services in accordance with the democratic and European Union standards. Such process has already started through the support of the EU funded project "Strengthening the Correctional and Probation Services in Kosovo". These are the first steps undertaken to strengthen the effective and efficient management of Correctional services (KCS) and Probation services (KPS) in Kosovo and to promote and improve the use of alternative sentences and conditional release for adults. While developing and implementing the next phases of the reform process in the penitentiary sector, unique needs of women and men (including of different ages and ethnicities) in rehabilitation should be considered.

Ongoing assistance is provided through IPA 2013 for drafting a *Civil Code and for enhancing property rights issues in Kosovo*, however further improvement of the civil justice/property rights and supplementary aid is required. The action foreseen will further harmonise legislation (including secondary legislation). In addition, practitioners and citizens will need to be made familiar with the new legislation and its application will be monitored.

Regarding data protection, TAIEX assistance was utilised in assisting the drafting of the Law on Data Protection in 2009-10 and in supporting the new NAPPD both in organisational matters and in reviewing further legislation. Since the adoption of the Law on Personal Data Protection in 2010, responsible institutions have taken initiatives for implementing the law, adopting necessary secondary legislation and handling every-day data protection issues. The Agency for the Protection of Personal Data has done progress on building up its operational capacities and contributing to the legal framework on the matter. Currently there is an ongoing technical assistance project supporting the Kosovo institutions in the field of protection of personal data with the aim to complete the legal and regulative framework for the proper implementation of the Law on Protection of Personal Data.

Nevertheless, the NAPPD needs further support to build its technical and professional capacities in order to handle cases of non-compliance by both public and private entities. Although activities have been initiated Kosovo institutions still have much work to do to achieve compliance of existing laws and personal data protection standards. This process has to continue further to other levels of governance, including the municipal level, to achieve full compliance with personal data protection standards. The new action will use the momentum in raising institutions' and citizen's awareness.

2. INTERVENTION LOGIC

LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS	SOURCES OF VERIFICATION	
Improve the standards of the Judiciary sector in Kosovo	<ul style="list-style-type: none"> - Judicial Independence score (Global Integrity Report) -Rule of Law score (WB) 	<ul style="list-style-type: none"> -Regular KJC/KPC, MoJ, NAPPD, Corrections and Probation services reports - EC annual progress report on Kosovo -Project progress reports - Conclusions of SAPD Justice, Freedom and Security meetings -Quarterly reports of implementation of respective Strategies 	
SPECIFIC OBJECTIVES	OBJECTIVELY VERIFIABLE INDICATORS	SOURCES OF VERIFICATION	ASSUMPTIONS
<p>To strengthen the independence, effectiveness, accountability and impartiality of the judiciary</p> <p>To improve the standards of the probation and penitentiary system in Kosovo</p> <p>To increase the compliance with and the implementation of the legislation on Data protection</p>	<ul style="list-style-type: none"> - Judicial Independence score (Global Integrity Report) - Rule of Law score (WB) 	<ul style="list-style-type: none"> -Regular KJC/KPC, MoJ/DFM, NAPPD, Corrections and Probation services reports - EC annual progress report on Kosovo -Project progress reports - Conclusions of SAPD Justice, Freedom and Security meetings -Quarterly reports of implementation of overall Strategies 	<ul style="list-style-type: none"> -The Government of Kosovo continues to support reforms in the rule of law sector and respective sub-sectors in its entirety. -Institutions and other stakeholders are willing and committed proactively participate in implementing these actions. -Both EU and Kosovo remains firm on the path towards EU approximation. -Security situation remains stable to allow normal project operations. -There is a continued coordinated effort between the central and municipal governments, and the international community engage in all actions supporting the rule of law sector.
RESULTS	OBJECTIVELY VERIFIABLE INDICATORS	SOURCES OF VERIFICATION	ASSUMPTIONS
<p>Result 1 : Establishment and functionalisation of NCCR under the Kosovo Judicial Council The completed policy and legal framework for the establishment and implementation of the NCCR will lead to the fully functional NCCR. All courts will be enabled to carry out their obligations and criminal records are introduced into the NCCR.</p> <p>Result 2: Civil Code is completed The relevant legislation is harmonised and implementing legislation drafted. Practitioners need to be fully trained and implementatio should be effectively monitored. Awareness among citizens regarding their rights under the new Civil Code is increased.</p>	<ul style="list-style-type: none"> - Percentage (%) of archived criminal data records is entered into the NCCR; (disaggregated by gender, ethnicity and other demographic information) - Percentage (%) of new criminal records entered into the NCCR -% increase of new legal acts identified, - % increase of reviewed and harmonised of civil code provisions, including to address specific cultural gender inequalities in Kosovo by first quarter of 2017; 	<ul style="list-style-type: none"> -Regular KJC/KPC, MoJ/DFM, NAPPD, FLA, Corrections and Probation services reports - EC annual progress report on Kosovo -Project progress reports - Conclusions of SAPD Justice, Freedom and Security meetings -Quarterly reports of implementation of overall Strategies 	<ul style="list-style-type: none"> - The home institution for the NCCR is set up including a plan for its funding - KJC is making available the NCCR to all courts -Relevant institutions benefiting from IPA assistance should be already sustainable, government funded and fully operational Close cooperation between various stakeholders to further strengthen the rule of law sector in Kosovo is established. Institutions benefiting have sufficient

<p>Result 3: Correctional and Probation systems are improved, with particular attention to the implementation of alternative sentences The overall quality of the correction and probation services is improved, including prevention and reintegration programmes for all categories as well as the use of alternative punishments.</p> <p>Result 4: Capacities of DFM to manage cases in an independent way is improved. The overall capacities and expertise of DFM are strengthened, including in the fields of archaeology and anthropology and forensic bio-chemistry and biology services are established. The Toxicological Laboratory is ready to start with the accreditation process;</p> <p>Result 5: Capacities of NAPPD are increased and the Law on Protection of Personal Data is properly implemented Data protection legislation is completed, including in the areas of justice, health and telecommunication and the capacities of all relevant practitioners are increased. The public is made aware of their data protection rights.</p>	<p>-Percentage (%) of executing the alternative measures (sentence) increased; -Number of programs for re-socialisation and rehabilitation programmes for KCS and KPS increased;</p> <p>-Increased number of legal forensic services, data disaggregated by gender; -Number of medical legal expertise (including autopsies) increased</p> <p>- % of complaints processed, for which the NAPPD carried out on site inspections to check compliance with data protection provisions of data controllers and processors</p> <p>- Increased number of DPOs appointed in the public sector</p> <p>Increased number of complaints submitted to NAPPD (breaching the data protection principles)</p>		<p>inter-organisational support and there is accountability processes in place -Adequate and appropriate institutional and legal framework is in place</p> <p>-Pre-conditions are put in place by Kosovo Institutions, i.e. sufficient budget and human resources are made available from the Kosovo authorities to maintain any equipment funded under EU projects and ensure projects sustainability</p> <p>- Institutions benefiting are independent in conducting their activities</p> <p>-Sufficient budget is ensured to conduct its activities, supplemented by sufficient staff and technical capacities</p>
<p>ACTIVITIES</p>	<p>MEANS</p>	<p>OVERALL COST</p>	<p>ASSUMPTIONS</p>
<p><i>Activities to achieve Result 1: Establishment and implementation of NCCR</i></p> <p>Completion of structures, internal procedures and legal framework relating to the NCCR system; Completion of organisational and functional organigram of NCCR system; Support to the interoperability of the NCCR and data exchange with relevant institutions with full respect of data protection principles. Review of the system following the initial entry into force and provisions of recommendations for improvements.</p> <p>Development of an organisational structure of the permanent body, capacity building for the staff, Providing support for development of HR management (relating to the recruitment and selection of the staff, responsibilities, equipment, financing, etc.</p> <p>Assessing the measures taken by the KJC and Courts for improvement of their capacity for dealing with criminal record, including KJC's decisions, Regulations, Instructions; Reviewing and revision of SOPs; Reviewing of the Register and recommendations for further development; Capacity building through supporting staff in Courts and KJC's;</p> <p>Recruitment and training of a work force to enter the archived criminal records into the NCCR system; Trainings for the court and KJC staff in charge of feeding and maintaining NCCR database; Collection of gender disaggregated data</p> <p><i>Activities to achieve Result 2: Civil Code is completed</i></p> <p>Identify, review and harmonise with the Civil Code all civil law related legislation which has not been codified as part of the Civil Code; Draft primary and secondary legislation implementing the Civil Code; ensuring consideration of a gender perspective and implementation of international human rights standards guaranteed under Kosovo Constitution and CEDAW as directly applicable;</p> <p>Provide capacity building and training to the Kosovo legal community (judges, lawyers, notaries) and all</p>	<p>Result 1: Service and Supply Contracts Result 2: Service Contract Result 3. Twinning Contract Result 4. Service Contract Result 5. Twinning</p>	<p>EUR 11.0 million</p>	<p>- Relevant institutions benefiting from IPA assistance should be already sustainable, government funded and fully operational</p> <p>- Close cooperation between various stakeholders to further strengthen the role of law sector in Kosovo is established. Institutions benefiting have sufficient inter-organisational support and there is accountability processes in place</p> <p>- Adequate and appropriate institutional and legal framework is in place</p> <p>- Pre-conditions are put in place by Kosovo Institutions, i.e. sufficient budget and human resources are made available from the Kosovo authorities to maintain any equipment funded under EU projects and ensure projects sustainability</p> <p>- Institutions benefiting are independent in conducting their activities</p> <p>-Sufficient budget is ensured to conduct its activities, supplemented by sufficient staff and technical capacities</p>

<p>segments of public administration potentially involved in the implementation of the Civil Code, with a view to enhancing their skills and capacities in applying in practice the newly adopted Civil Code; specific trainings shall focus on women's right to inherit and avoidance of direct and indirect discrimination in inheritance cases.</p> <p>Start the process of monitoring the implementation of the Civil Code with a view to collecting, cataloguing and commenting, as well as disseminating, the leading case law resulting from its practical application by Kosovo courts. This shall include a gender analysis and involve consultations with civil society, including gender equality experts, towards involving them more in monitoring the implementation of the Civil Code.</p> <p>Create and broadcast a public service announcement in media that informs citizens of their rights under the new Civil Code; appear on televised and radio programs to speak about citizens' rights under the new Civil Code; involve civil society organisations in reaching out to women and men to increase their awareness about their rights under the new Civil Code.</p> <p>Activities to achieve Result 3: Correctional and Probation systems are improved, with particular attention to the implementation of alternative sentences</p> <p>Establish an operational centre for managing and monitoring data (disaggregated by gender) which will increase efficiency and effectiveness on prison management and of the probation service according to international best practices</p> <p>Develop and further strengthen the prevention and reintegration programme for young offenders in contact with justice system at central and local level.</p> <p>Further strengthen the application of restorative justice, Awareness Campaign for Prosecutors and Judges to increase the use of alternative sanctions/measures and management of caseload of girls and boys</p> <p>Provide programmes to women and men prisoners on a regional level for economic work and employment, agricultural activities, involving in private sector and civil society according to International Labour (ILO) Convention and international best practices.</p> <p>Activities to achieve Result 4: Capacities of Support to DFM to manage cases in an independent way is improved</p> <p>Further developing capacities and expertise of DFM in the field of archaeology and anthropology as well in the area of the missing persons,</p> <p>Conducting analysis of post-mortem examination, training of relevant DFM staff in the usage of the equipment in order to provide specific forensic medicine services,</p> <p>Start the preparations for the process of accreditation of Toxicological Laboratory, Functionalisation of laboratory, facilitating with specific training on usage of laboratory equipment, training of DFM staff, for providing this expertise.</p> <p>Activities to achieve Result 5: Capacities of Support to the NAPPD are increased and the Law on Protection of Personal Data is properly implemented</p> <p>Conducting analysis of the various sectorial legislations including the justice, health and telecommunication sector legal and regulative framework to enable full implementation of the Law on Protection of Personal Data; contribution to harmonisation of various sectorial legislation with the Law on Protection of Personal Data according to the EU Best practices;</p> <p>Conducting training needs assessment to increase the professional and technical capacities of NAPPD staff in particular, in handling sensitive data, as well as DPOs and Data Controllers through the establishment of the online training Academy and through the expansion of the training curriculum;</p>			
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Carry out awareness raising campaigns targeting each of the sensitive major target groups on data protection right by conducting information sessions (including roundtables) with major stakeholders including the sectors of justice, health, and telecom on how to better handle the personal data. Assisting NAPPD in promoting their online activities.

ADDITIONAL DESCRIPTION

The further expected **results** to be achieved, including through these actions are as follows: legislation is further enhanced to ensure the independence of the judiciary; professionalism is strengthened through more and better training for magistrates and court staff; the independence, efficiency, integrity and accountability of the judiciary are strengthened at all levels of the judicial system; the backlog of open cases is substantially reduced; improved enforcement of judicial rulings is ensured and consistency of jurisprudence is introduced and implemented; access to justice is improved; the penitentiary system complies with international standards, including specific treatment for different categories of detainees; completion and harmonisation of the legal and regulative framework to enable full implementation of the Law on Protection of Personal Data according to EU best practices.

Kosovo authorities, as a pre-condition, will ensure that sufficient budget and human resources are available to maintain any equipment funded under EU projects and ensure projects sustainability. More concretely, within the 2016 annual budget, within the Budget groups of Goods & Services' as well as 'Capital Investments' there will be sufficient allocation (at least 10% of the contract value) for maintenance of the equipment supplied through EU support. The individual allocations will be confirmed as soon as the Kosovo Government Budget for 2016 is adopted by the parliament (December 2015).

The following criteria will be considered for the use of information technology (IT) in the implementation of the strategy: cost-effectiveness, applicability to the rule of law institutions, compliance with the applicable legislation and with the policies of the Agency for Information Society and as well with existing technology and methods in use. This is essential and will make the difference between actual use and further development of achieved results. Furthermore, it is necessary to install the adequate technological devices that can be used by rule of law institutions, in order to ensure that software and other acquired technological devices can be used and maintained by the law institutions accordingly. Additionally, responsible officials of these institutions will need to be correctly trained to use these technological devices and software. Relevant institutions benefiting from IPA assistance should be already sustainable, government funded and fully operational.

Close interagency cooperation is required between various stakeholders to further strengthen the rule of law sector in Kosovo, namely between various law enforcement institutions such as the police and the prosecution service. Relevant information sharing needs to be strengthened. There is a significant need for the DFM professional staff to receive relevant specialised trainings, specifically in the field of forensic archaeology and anthropology. Furthermore the toxicology laboratory needs to use up to maximum the equipment and combined with the training that is to be received through the ongoing assistance, provide more efficient results in terms of needed forensic expertise. These assumptions are being addressed currently through the support of the EU IPA assistance and EULEX, but as they are complex, they will remain as medium or low risks for future IPA II support.

With regards to juvenile justice, there has not been the same level of effort to effectively protect boys and girls involved in justice processes as victims, witnesses or parties to civil and administrative proceedings. Access to justice for all children needs to feature strongly in the rule of law agenda that is being pursued by Kosovo. In addition, particular attention needs to be given to the re-socialisation and reintegration programs as well as for the boys and girls from families who are socially excluded, children with disabilities, and children from Roma, Ashkali and Egyptian communities. Additional efforts should be made to harmonise the existing legislation, strengthen inter-sectorial coordination, improve data management (including gender-disaggregated data), increase accountability of institutions and their staff, and ensure that the existing comprehensive legal and policy framework translates into tangible improvements in the lives of all children who come in contact with the law in Kosovo.

Potential risks may entail limited technological capacities, inadequate human resources and high turnover of staff. The process is disrupted by external developments (regional conflict, international financial crisis sufficient resources, both human and material resources). Additional risk is the lack and proper budget allocation and lack of consensus among community members in identifying priority areas of intervention.

Continuation of projects in the same area can create overdependence on external expertise and always allow room for further support and create risk on sustainability.

Mitigation measures: Planned activities shall ensure synergy with existing support provided by EU and other donors and should build upon the activities implemented by the previous projects. Implementing bodies and IPA II beneficiary institutions ought to coordinate closely with ongoing projects in the same area prior and during project implementation. Human and other capacity building needs should be analysed beforehand and during the implementation phases of activities. Alternative and innovative Information gathering techniques shall be encouraged which would provide a clear picture of the actual capacities.

In order for activities and results to be sustainable, all relevant IPA II beneficiary institutions must be involved in drafting and implementation stages of action documents and allow a bottom up approach. The security situation in Kosovo remains sufficiently stable to allow normal project operations. This can be traced back and be observed from previous assistance provided. Train the trainers will be the most suitable scheme for planned training activities foreseen by this document by emphasising on learning by doing method. This will create the means for the expertise to remain within the Kosovo institutions. The Kosovo Government should allocate and make available sufficient budget for planned activities and to fulfil pre-conditions prior to project deployment.

3. IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

Target IPA II beneficiaries:

- 1) The NCCR is a new body under the responsibility of the Kosovo Judicial Council and will be in charge of managing Kosovo's criminal records.
- 2) The Ministry of Justice is in the lead of the legislative processes for introducing the civil code and its property rights legislation. In order to implement the revised civil legislation once adopted and in force, all practitioners such as judges, advocates, students and others need to be fully trained to carry out the reform. Likewise, the public needs to be made aware of its rights and obligations.
- 3) The Kosovo Correctional and the Kosovo Probation Service within the Ministry of Justice are the lead institutions in corrections and probationary. With regard to probations and alternative punishment, non-governmental institutions will be strengthened in order to carry out their obligations.
- 4) The Department for Forensic Medicine under the Ministry of Justice is the target institution of the action in supporting the Kosovo forensic service.
- 5) The National Agency for the Protection of Personal Data (NAPPD) will be mainly targeted with the capacity building assistance. However, relevant data protection officers from government institutions and private companies will be included in order support an encompassing data protection system. Also, Kosovo citizens need to be made further aware of their rights.

Direct institutions and stakeholders involved in the management and implementation of this Action are: the Kosovo Judicial Council, the Kosovo Prosecutorial Council, the Ministry of Justice, the Department of Forensic Medicine (within MoJ), the Kosovo Correctional and Probation Services (within MoJ) and the National Agency for Protection of Personal Data. Other stakeholders involved in the process are the Ministry of European Integration, the Ministry of Finance, etc.

The European Union Office in Kosovo will manage the procurement, quality control and the implementation of the activities of this Action and can take remedial actions if and when needed. The contractor and its team leader will have the authority to run the project activities on a day-to-day basis under the supervision of the EU Office task manager. His/her primary responsibility shall be to ensure that the project produces the required outputs, to the required standards of quality and within the specified

constraints of time and cost. He/she shall develop project plans, direct the project team, produce inception, progress and final reports, manage risks, initiate corrective actions where necessary and administer the contract. The team leader, in the framework of project activities and reports, will also have to address the cross-cutting issues.

For each project a steering committee will be set up which is responsible for the overall management of the project and comprise of representatives from the IPA II beneficiary side, the EU Office and the Ministry of European Integration (MEI). All major decisions related to the overall implementation of the project will be decided and approved by the project steering committee. The project steering committee will be composed by all relevant stakeholders that are benefiting for the project and are relevant for this particular subject matter. Other line ministries and non-governmental actors will be invited to take part if and when discussions are related to their mandate. Monitoring will be performed centrally by the Commission. The project may be evaluated at the interim or ex-post stages under the supervision of the Commission's Evaluation Unit. The project may be audited by the Court of Auditors – in line with the standard European Commission procedures. The Action requires close donor coordination with all donor agencies involved in this particular field.

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

The total amount allocated for Further Support to Judicial Reform in Kosovo is EUR 11 million. EU Office in Kosovo is the Contracting authority for the proposed projects. This Action Document will be implemented by *Service, Supply* and *Technical Assistance* Contracts.

Result 1. Service and Supply Contracts. A number of institutions will be targeted in establishing a permanent body (structure) of the NCCR. Expertise is required to functionalise the NCCR which is a combination of judicial experience combined with information technology. Achieving the expected results may also include procurement of relevant equipment for digitalisation of criminal records, but also potential software development for which a service contract may be more appropriate. A supply contract is therefore the most appropriate implementation modality, along with the service contract for the design of the tender dossier and supervision of installation of the equipment.

Result 2. Service Contract. Both international and local expertise is required to implement this follow up action on civil code and property rights. This can be best provided through a service contract.

Result 3. Twinning. Due to the nature of the area of intervention being under the responsibility of public institutions, a twinning contract would be the most suitable to target the penitentiary system. Currently, Kosovo's correction and probation services are benefiting from an on-going twinning contract.

Result 4. Service Contract. As forensics services are provided through different bodies a service contract will be most suitable to gather relevant experts in a team providing capacity building.

Result 5. Twinning. Data protection field is currently benefiting from a service contract. Due to the specifics of the concerned area and the MS expertise and experience available, a twinning contract is the most suitable implementation modality.

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING (AND EVALUATION)

The Commission may carry out a mid-term, a final or an ex-post evaluation for this Action or its components via independent consultants, through a joint mission or via an implementing partner. In case a mid-term or final evaluation is not foreseen, the Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner. The evaluations will be carried out as prescribed by the DG NEAR guidelines for evaluations. In

addition, the Action might be subject to external monitoring in line with the EC rules and procedures set in the Financing Agreement. The evaluation shall include gender analysis as well.

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

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

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

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

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

INDICATOR MEASUREMENT

Indicator	Baseline (year)	Milestone 2017	Target 2020	Final Target (year)	Source of information
1. Percentage (%) of archived criminal data records is entered into the NCCR; (disaggregated by gender, ethnicity and other demographic information)	0 out of 250,000 archived records (2014)	25% entered into NCCR by second quarter of 2017	80% entered by first quarter of 2020		Annual reports from the Kosovo Judicial Council Statistics from NCCR
2. New criminal records are entered into the NCCR	n/a	100 % by second quarter 2017	100 %		Annual reports from the Kosovo Judicial Council Statistics from NCCR
3. Number of legal acts identified, reviewed and harmonised of civil code provisions, including to address specific cultural gender inequalities in Kosovo	140 primary laws are identified to be drafted and harmonised (2014)	25% increase of new legal acts by first quarter of 2017	legal framework as relevant to the codification of the Civil Code completed by 2020		Data are taken from EU founded Project “Supporting to Civil Code and Property Rights”
4. Percentage (%) of executing the alternative measures (sentence)	1216 cases(2013)	25% increase by first quarter of 2017	50% increase by 2020		Data are taken by the Annual Report of the Ministry of Justice
5. Number of re-socialisation and rehabilitation programmes for KCS and KPS, including gender specific programmes, i.e. number of women and men, girls and boys that benefit from these programs.	4 programmes for re- socialisation and rehabilitation(2014)	25% increase by first quarter of 2017	50% increase by 2020		Data are provided by KCS and KPS reports within MoJ
6. Increased number of legal forensic services, data disaggregated by gender	400 cases(2013)	25% increase by first quarter of 2017	50% increase by 2020		Data are taken by the Annual Report of the Ministry of Justice
7. Number of medical legal expertise (including autopsies)	5,000 (2014)	25% increase by 2017	40% increase by 2020		DFM annual reports

8. Increased number of the NAPPD on site inspections performed to check compliance with data protection provisions of data controllers and processors	116 for year 2014	20% increase of number of the NAPPD on site inspections	50% increase by 2020		NAPPD 2014 Annual report
9. Increased number of Data Protection Officers (DPOs) appointed in the public sector	250 for the Q1 2015	20% increase of DPOs appointed in the public sector	50% increase by 2020		DPO Register available on the NAPPD website NAPPD Annual reports
10. Increased number of complaints submitted to NAPPD (breaching the data protection principles)	123 for year 2014	20% increase of complaints submitted to NAPPD by second quarter of 2017	50% increase by 2020		NAPPD 2014 Annual report
11. Rule of Law Score (World Bank)	36.02(2013)	Increase to 38.70 by 2017	Increase to 40.50 by 2020		World Bank Rule of Law Annual Reports
12. Judicial Independence Score (Global Integrity)	68 (2011)	Increase to 72 by 2017	Increase to 80 by 2020		Global Integrity Report

5. CROSS-CUTTING ISSUES

EQUAL OPPORTUNITIES AND GENDER MAINSTREAMING

Equal opportunity will be taken into account at all stages and aspects during the implementation of the project. This dimension is also reinforced in the European Partnership and the SAA Action Plan. In the implementation of the Project specific attention will be given to the need to reflecting gender balance and equal opportunities. The action will ensure mainstreaming of gender and minority issues both within the target institutions and the outputs (services provided by these institutions). Team of experts involved in the project must possess relevant skills to ensure effective mainstreaming of gender equality and minorities inclusion/participation. Equal participation and contribution of women and men in the consultative processes and in decision-making will be ensured. In this regard, equal participation of women and men will be reflected in the composition of project teams, Evaluation Committees and in the teams of experts in service contracts

Transparent and merit-based recruitment and evaluation of judges and prosecutors for both women and men should be promoted and respected. Making available centralised, electronic, gender-disaggregated data with regard to judicial proceedings will be encouraged. Cultural norms (including those that discriminate against women) that create resistance among prosecutors and judges in ensuring implementation of laws should be addressed and taken into account. Regarding the project on property rights, women's access to property should be effectively enforced and taken into consideration. Additionally the review of civil code should be gender-sensitive taking into account the political, social and cultural specifics of gender inequality in Kosovo and international standards related to gender equality. Furthermore, women and men likewise boys and girls specific needs should be taken into account when designing rehabilitation and re-socialisation programmes of prisoners within the corrections and probations services.

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

The project is of a purely technical nature of the does not have a direct impact on environment. However, during implementation of the project production of printed material will be kept to the strictest minimum. Any equipment instalment and other technical procurement and installation works will be consistent with Environmental implications as set out in relevant Regulations consistent with the Law on Environmental Protection. The actions will be delivered in the most environmentally friendly way possible, including the recycling of paper and the reduction of paper-based activities to the absolute minimum, including through distribution of project materials through internet and use of alternative ways.

In general, sector support through the interventions should be provided to activities and projects that have a very limited or indeed a potentially net positive environmental impact. In relation to Rio Marker on mitigation the activities of the action qualify as "significant" in that the equipment provided will help IPA II beneficiaries and their businesses to produces less greenhouse gasses, while the Rio Marker on adaptation is not targeted. Furthermore, the newer more technologically advanced equipment provided to the IPA II beneficiaries through the various actions is generally more efficient in terms of producing less waste materials and using less resources to operate and thus reducing the impact of the machinery on the environment.

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

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

Civil Society engagement in this sector is seen as very important. One of the focuses of different actions foreseen in this document will be to capitalise on the existing knowledge and experience of civil society organisations. There are number of civil society organisations that are active in monitoring the developments, progress and challenges of rule of law institutions in Kosovo. Many are also focused on monitoring justice institutions, correction and probation and in monitoring the efficiency and effectiveness of institutions in upholding the core human rights. Others focus on gender mainstreaming and furthering gender equality and they will be consulted to provide expertise and assistance.

Civil Society organisations and other stakeholders are already involved in the implementation of the strategies and action plans. Experience has shown that civil society organisations can play an integral part in enhancing supporting activities for the target groups. Each of the priority interventions shall seek to actively engage with and pursue cooperation with a wide range of civil society actors including civil society organisations and business associations and networks from the communities in order to identify in which ways they might benefit from the action outputs and support. Furthermore civil society actors and organisations will be able to provide input to the various interventions in order to address the various needs and concerns of their constituents.

In addition to the above, some of the watchdog and advocacy functions are foreseen to be addressed with the Civil Society Facility 2015, which foresees the following actions and will likely cover areas addressed within this Action Document:

- CSO Coalitions: 3 grants to strategic coalitions of at least 4 CSOs to support their networking and advocacy efforts with regards to one of the priority areas of the Indicative Strategy Paper for Kosovo (Democracy and Governance, Rule of Law and Fundamental Rights, Energy, Competitiveness and Innovation, Education, Employment and Social Policies or Agriculture and Rural Development)
- a sub-granting scheme to support CSOs in their efforts to feed into decision-making processes, and thereby enhance CSO capacities and experience related to internal governance structures, strategic planning, communication, financial management, results monitoring and impact evaluation, networking and coalition-building, and advocacy, notably focusing on grass-root organisations.
- Grant scheme to provide operating grants to CSOs to enable advocacy activities and enhance profilisation, networking and coalition-building.

MINORITIES AND VULNERABLE GROUPS

IPA II beneficiaries' staff will have to be appropriately informed to the principles of fair treatment of minorities in public sector employment policy and practice. The actions will respect the rights of any individuals, including minorities and vulnerable groups. Given the broad scope of the actions envisaged to be financed under this facility, there is the possibility to support sub-projects that directly deal with minorities and vulnerable groups. The events organised under this project will ensure targeting all the minority communities in Kosovo, through provision of translation and producing print, visual and audio material in local languages.

6. SUSTAINABILITY

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

All proposed activities under this document should ensure sustainability by creating achievements and sustainable results based on a tailor-made approach for Kosovo. The goal is to create know-how models within the respective institutions and staff. This means that results attained during the lifetime of a project should be preserved and further developed after the implementation of the project is ended. This would

generate an environment which continues the necessary developments needed to build a sustainable system. All activities shall focus on successful transfer of knowledge and advancement of internal capacities of Kosovo institutions. Special focus should be paid to the institutions ownership, inclusive leadership and the quality of communication, network and trust created. It would be of an added value if by the end of the proposed projects, sustainability plans would be developed in order to preserve best practices and experiences.

The actions foreseen in this document are part of broader reforms foreseen in the rule of laws sector in Kosovo. There are key priorities foreseen in strategic documents such as Rule of Law Assistance Strategy and the foreseen actions directly contribute towards achieving results in these priority areas.

All foreseen activities and results will eventually lead to the setting up or strengthening of sustainable practices that will enable relevant responsible institutions and stakeholders to implement an effective credible anti-corruption and anti-money laundering policy, anti – organised crime measures and instruments, reliable civil registry system, efficient forensic services as well as effective police reform process.

The Ministry of Justice, Ministry of Internal Affairs and all justice and law enforcement sector institutions in Kosovo have developed and matured over time a clear ownership of processes and actions implemented through IPA I assistance actions. The institutions have been supported through their various stages of development, both through EU funds as well as bilateral assistance, and full engagement in each step of implementation has proved the most effective sustainability strategy.

7. COMMUNICATION AND VISIBILITY

Communication and visibility will be given high importance during the implementation of the Action. The implementation of the communication activities shall be the responsibility of the IPA II beneficiary, and shall be funded from the amounts allocated to the Action.

All necessary measures will be taken to publicise the fact that the Action has received funding from the EU in line with the Communication and Visibility Manual for EU External Actions. Additional Visibility Guidelines developed by the Commission (DG NEAR) will have to be followed.

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

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

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