

IPA 2013 Annual Programme

Support to the Rule of Law: 02 – 2013 / 02

1 IDENTIFICATION

Project Title	Support to the Rule of Law
CRIS Decision number	2013 / 024-216
Project no.	02
MIPD Sector Code	2. Justice and Home Affairs 1. Public Administration Reform
ELARG Statistical code	01.24
DAC Sector code	15113
Total cost (VAT excluded)¹	€7.4 million
EU contribution	€7.15 million
Management mode	Centralised. Part of Activity 3 will be implemented in Joint Management with UNICEF.
EU Delegation in charge	European Union Office in Kosovo *
Implementation management	European Union Office in Kosovo. Part of Activity 3 will be implemented by UNICEF in Joint Management.
Implementing modality	1 Twinning, 1 supplies, 2 services, 1 works contract, one Contribution Agreement with UNICEF.
Project implementation type	C01
Zone benefiting from the action(s)	Kosovo

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

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

2 RATIONALE

2.1 PROJECT CONTEXT: ISSUES TO BE TACKLED AND NEEDS ADDRESSED

Activity 1 – Support to Kosovo customs

Kosovo has achieved some progress in the modernization and development of its customs service. The enforcement of customs has improved, notably in the areas of the fight against smuggling and counterfeiting, but efforts need to be further enhanced. The customs service has made efforts to enforce Intellectual Property Rights (IPRs), goods have been seized (and in some cases destroyed) and significant fines were imposed. The overall capacity, however, remains insufficient and enforcement continues to be a challenge. In general, counterfeit products and piracy remain issues of concern in Kosovo.

Current human resources (HR) systems in Kosovo customs are weak in areas such as recruitment, retention, performance management, promotion, career progression, training, development, transfer, severance, dismissal, retirement, remuneration and working conditions. Kosovo Customs is not fully empowered to take decisions about structure, organization and internal resource allocation. Roles, responsibilities and links between the centre and regional offices are not always clear. HR requires strengthening in areas such as recruitment, retention, performance management, promotion, career progression, development, severance, dismissal, retirement, remuneration and working conditions. The use of independent monitoring bodies to review personnel management should be adopted, and the overall HR system should be enhanced by developing and installing a management information system (MIS) to link all HR policies. Good efforts have been made in Risk Management, but further embedding of techniques at border crossing points is necessary, with particular attention being paid to passenger traffic, further development of risk profiles for cargo and the process of feedback. Information collection and dissemination, internally and externally, is inefficient and ineffective.

The EULEX Strategic Review observes that the support provided by EULEX and international assistance projects has resulted in improved legislation, infrastructure, organization, management and operations. From an operational point of view, there has been good progress towards a customs service that is multi-ethnic, free from political interference, operating within a sound legal framework, cooperating with all actors. The strategic review concludes that in the technical field, Kosovo customs has reached a level that does not require EULEX support in its current form any longer. The remaining deficiencies relate mainly to issues that can be addressed at central management level and therefore, EULEX should focus monitoring, mentoring and advising activity on HQ level.

The proposed project aims to support Kosovo customs in creating a stable environment for trade and economy by balancing trade facilitation and measures against corruption, smuggling, counterfeiting and fiscal evasion. The project has two specific objectives which are closely interrelated. The first specific objective is to improve the HR system of Kosovo customs, specifically in the areas of recruitment, training and development, transfer, performance management, promotion, career progression, severance and dismissal. Strengthened administrative practices within the Kosovo customs will ensure more transparent HR processes and reduce the scope for corruption. The second objective is to support trade facilitation and law enforcement through increasing the capacities in the areas of

customs valuation, post audit control (PCA) and audit and supply-chain security. Despite some progress made in this area, valuation fraud still represents a major revenue loss. In addition, further improvements are necessary in the area of risk analysis, coordination and information exchange at national and international level and establish a secure and reliable system for recording and exchanging information related to illegal trade. A well applied post-clearance control system will lighten the workload of customs officers, decrease the costs in foreign trade which is caused by customs operations, contribute to facilitation of legal trade and help combating illegal trade and the grey economy.

Activity 2 – Support to Civil Code and Property Rights

Component 1: Civil Code

The legislation on civil matters regulates every aspect of the “living-together” in a society. Having a clear, functioning, effective and well balanced civil law regime is one of the essential and indispensable conditions for legal certainty and Rule of Law.

To date, Kosovo does not have a unified civil law, but pieces of legislation on individual civil matters that are scattered over a variety of laws that and lack an overall frame. Moreover, these laws stem from different periods which reflect different legal traditions: There are laws that have been adopted during the Yugoslav era, others have been devised by UNMIK, and thirdly there is legislation that has been drafted and endorsed by the Kosovo institutions since the declaration of independence. As a result, the same legal issues are dealt with in different legal acts and often in a conflicting manner. Some major pieces of legislation are missing and gaps need to be filled.

These conditions make it extremely difficult to apply the laws correctly as the practitioners currently have to analyse several pieces of legislation. If they are not aware of the fact that overlapping legislation is in existence, practitioners often apply a general norm instead of applying the correct more specific provision stated in a different law.

Component 2: Property Rights

As in other areas of legislation, laws addressing property issues derive from different periods in Kosovo’s history. Laws are scattered through several legal texts, regulate different aspects of property rights, and often refer to institutions which no longer exist. During the 1999 conflict, Serbian forces took a large percentage of the property documentation from Kosovo to Serbia. As a result, records of ownership or possession rights are not complete or reliable, and need to be reconstructed.

The 2009 OSCE Report Litigating Ownership of Immovable Property in Kosovo describes the problem as follows: “A jumble of laws, regulations, administrative instructions, court practices, and directives combine to create a complicated and seemingly impenetrable system for determining contests over immovable property ownership in Kosovo. At the highest level, international human rights standards affect property rights (...). The normative framework relating to immovable property should be streamlined and harmonized with internal laws and international human rights standards”. According to a 2004 USAID Assessment of Property Rights in Kosovo, “there is an urgent need to complete a detailed analysis of incompatible legislation and harmonize them into a single, understandable, and accessible property rights framework to give guidance to courts, attorneys, Municipal Cadastral Office (MCO) staff, planners, and others on the legally acceptable procedures for adjudicating property rights”.

The unsatisfactory state of property rights in Kosovo has the potential to create conflict not only between the dominant Kosovo Albanian majority and other communities, but also among members of the majority community itself.²

A coherent scheme of ownership and other real rights have yet to be clearly defined within the current legislative system. At present, basic provisions on rights to property are set forth in the Law on Basic Property Relations. It contains rules about rights to ownership, use, and transfer, but reflects clearly outdated concepts. For instance ownership exists over manmade objects like buildings and constructions but ownership rights to land are more complicated. However, only user rights are given for land that is socially owned but has a privately owned house on it, and the user rights transfer with any subsequent transfer of the house. Moreover, the possession of urban construction land is less than full ownership because the right to transfer all or part of the land only exists if the object is transferred as well and the rights to use and enjoy the land can be lost if the object ceases to exist. Over time, the legal interpretation of the rights of the possessors, including the procedures of expropriation, has accepted the bundle of rights attached to “possession” to closely resemble “ownership.”

Finally, within the framework of a weak regime regulating property rights the phenomenon of illegal construction has exploded across Kosovo in the last decade. Rural-urban migration, have also contributed to the problem. Homes - many unfinished - are constructed on public or agricultural land, or in cluttered fashion on the periphery of urban areas.

Activity 3 – Support to Juvenile Justice

According to the UN Common Approach on Justice for Children, “justice for children goes beyond juvenile justice – i.e. work with children in conflict with the law – to include all children going through justice systems, for whichever reason (victims, witnesses, care, custody, alleged offenders, etc.)”. The term ‘juvenile justice system’ refers to the particular system established to ensure that the rights of children in conflict with the law are protected.³ On the other hand, ‘justice for children’ refers to wider systems and processes that do include children in conflict with the law, but further considers other children in contact with justice systems, such as victims and witnesses, in criminal, civil, administrative procedures, military and international courts and informal justice mechanisms. ‘Justice for children’ focuses on making the general justice system child-sensitive. Lastly, the concept also refers to ensuring access to justice for children, which is the ability to obtain fair, timely and effective remedy for violations of rights. With the issuance of the UN Common Approach on Justice for Children, the Council of Europe’s Guidelines on Child Friendly Justice and the earlier UN Guidelines involving Justice for Victims and Witnesses, it became clear that while focusing reforms on children in conflict with the law is appropriate and justifiable, these broader issues still need to be addressed in Kosovo. A recent mapping and assessment of Kosovo’s child protection and justice for children system supported by the ongoing joint EU/UNICEF project on juvenile justice reforms also clearly highlighted this gap.

² Report by the International Centre for Transitional Justice in 2009.

³ This is in line for example with Article 40 of the UN Convention on the Rights of the Child, and the UN’s Committee on the Rights of the Child’s General Comment (No. 10) on Children’s Rights in Juvenile Justice (CRC/C/GC/10, 2007). In Kosovo it has been demonstrated that the juvenile justice system is in place and relatively functional (UNICEF, 2008; UNICEF 2010) (reference two UNICEF juvenile justice reports on JJ), which is also attributable to the ongoing EU-supported juvenile justice reform efforts.

The current phase two of the EU's support to juvenile justice reforms (financed under IPA 2009) focuses on reforming the existing juvenile justice system for children in conflict with the law as delineated by the Juvenile Justice Code (JJC). The third and final phase will consolidate achieved reforms for this category of children, while focusing on other categories of children who may also be in contact with the law and whose rights have hitherto not been specifically addressed.⁴

The project will help to ensure that children in contact and conflict with the law, including victims and witnesses, are treated by the justice system in line with European standards and the Child Rights Convention. The project will strengthen the legal framework and services to ensure the right to justice of different categories of children involved in different justice procedure, and will increase the accountability of service providers and key justice institutions. The government will have increased ability to monitor and report on justice for children reforms and key justice professionals will have improved capacities to enforce new legislation on justice for children. Under the project, the Ministry of Justice (MoJ) will establish a new open-facility for juveniles serving educational institutional measures as foreseen under the Juvenile Justice Code.

Widening the perspective of reforms to include other categories of children will require reviewing overall legislation and practices to see how child victims and witnesses are treated by the justice system. Various (donor-supported) initiatives address different categories of victims, but do not provide specialized approaches for child victims⁵. While legislation exists to protect the rights of victims (e.g. Penal Code, Law on Domestic Violence), specialized approaches in line with European and international standards to ensure the rights of child victims and witnesses are lacking.⁶ Moreover, according to a report by the Department of Forensic Medicine, of all the completely documented cases of sexual assaults (100% female) during the period 2003-2008, 38% of cases were against girls under the age of 16.⁷ Those girls require special protection when questioned as victim-witnesses and special care.

Finally, in relation to educational and correctional services and their provision, it should be noted that not all measures and punishments stipulated in the Juvenile Justice Code are available in practice. For example, the following cannot be implemented because the institutional mechanisms do not exist: 'measures of committal to a disciplinary centre' (Art. 22), 'committal to an educational institution' (Art. 27), 'committal to an educational correctional institution' (Art. 28) and 'committal to a special care facility' (Art. 29). The lack of availability of measures in practice inevitably impacts on the extent to which judges are able to choose an appropriate and effective sentence that is "in the best interest of the child".

Therefore, the construction of an appropriate educational and correctional facility – as envisaged in this project – and training of staff that will work in this facility will not only contribute towards the full implementation of the relevant articles of the JJC, but will also

⁴ This need was identified by a recently completed mapping and assessment of Kosovo's child protection system conducted by the Council on Child Protection and Justice for Children (2012), *Mapping and Assessment of the Child Protection System in Kosovo*.

⁵ See Council on Child Protection and Justice for Children (2012), *Mapping and Assessment of the Child Protection System in Kosovo*, and Terre des hommes (2010) *Regional Report On the implementation of the UNICEF Guidelines for the Protection of the Rights of Child Victims of Trafficking in South Eastern Europe*.

⁶ See for example the Council of Europe *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* and *UN Guidelines on Justice in Matters Involving Child Victims and Witnesses*.

⁷ http://www.eulex-kosovo.eu/docs/justice/ompf/SUMMARY_STATS_REPORT-edited.pdf

ensure that children are provided with appropriate protection and assistance, supervision and educational and vocational training with the aim of their reintegration in society.

2.2 LINK WITH MIPD AND SECTOR STRATEGIES

The MIPD 2011 – 2013 states that ‘The first priority is to support Kosovo’s efforts towards further progress in establishing and consolidating the rule of law and towards improving the functioning and independence of its judiciary’. Moreover, the MIPD states the need to support Kosovo’s efforts to fight organized crime, corruption, money laundering and trafficking of human beings and drugs.

The activities of this project contribute towards the achievement of the key objectives defined in the Strategic Development Plan 2012 to 2016 of the Ministry of Justice that refers to the enhancement and strengthening of the overall rule of law in Kosovo.

Activity 1

The MIPD 2011-2013 highlights the need for “improving the performance of Kosovo’s public administration with a specific focus on creating an accountable and efficient public administration, able to meet the challenges of EU integration.”

The project is moreover linked to the *National Strategy against Organized Crime*, whose main objective is that Customs should develop the human capacities to prevent and combat organized crime as well as the development of electronic system of exchange of data in Customs; the *National Strategy against Drugs* wherein the responsible authorities (police, customs, prosecutors and courts) should increase their human capacities and professional knowledge, also the law enforcement authorities should increase cooperation and coordination for the purpose of prosecution and punishment of the misuse of drugs and precursors; *Strategy on IPR* combating piracy and counterfeiting, *Strategy on IBM* - further development of communication system within agency.

Activity 2

The project is linked to the Strategic Development Plan 2012- 2016 of the MoJ, which foresees as the first objective (out of five main objectives) the “Creation and advancing legal and institutional framework in view of the rule of law, in accordance with the priorities derived from the process of European integration”.

Activity 3

The MIPD 2011-2013 stresses the need to support Kosovo’s efforts to reduce the length of court proceedings and decrease the backlog of cases; to prepare the relevant legislation and supporting its implementation to protect vulnerable groups in the penitentiary system; to support the improvement of data management and exchange within and between law enforcement agencies; and develop sustainable training programmes. The proposed project will address these challenges. It will also contribute significantly to the implementation of the Juvenile Justice Code (JJC), and assist Kosovo in achieving one of the objectives of the Strategy of the Ministry of Justice for 2012-2016 and National Strategy and Action Plan on Child Rights for 2009-2013.

2.3 LINK WITH ACCESSION PARTNERSHIP (AP) / EUROPEAN PARTNERSHIP (EP) / STABILISATION AND ASSOCIATION AGREEMENT (SAA) / ANNUAL PROGRESS REPORT

Activity 1

The EC Progress Report 2011 highlights that enforcement of customs has improved, notably in the areas of the fight against smuggling and counterfeiting, but efforts need to be further enhanced. Furthermore, the EC Progress Report 2011 highlights that the Customs Service has made efforts to enforce IPRs, goods have been seized (and in some cases destroyed) and significant fines were imposed. The overall capacity, however, remains insufficient and enforcement continues to be a challenge. In general, counterfeit products and piracy remain issues of concern in Kosovo.

The EC Customs Blueprints Report 2011 highlights the following points:

- Current HR systems are weak in areas such as recruitment, retention, performance management, promotion, career progression, training, development, transfer, severance, dismissal, retirement, remuneration and working conditions.
- Kosovo Customs is not fully empowered to make decisions about structure, organization and internal resource allocation. Roles, responsibilities and links between the centre and regional offices are not always clear. HR requires strengthening in areas such as recruitment, retention, performance management, promotion, career progression, development, severance, dismissal, retirement, remuneration and working conditions. The use of independent monitoring bodies to review personnel management should be adopted, and the overall HR system should be enhanced by developing and installing a MIS to link all HR policies.
- Good efforts have been made in Risk Management, but further embedding of techniques at BCPs is necessary, with particular attention being paid to passenger traffic, further development of risk profiles for cargo and the process of feedback. Greater use of joint working is necessary, building upon the good practices developed thus far; it should become standard practice rather than an occasional event. Customs enforcement has a good foundation but still needs further development.
- Generally and internally within Kosovo customs information collection and dissemination is inefficient and ineffective. Computerized information, intelligence and documentation system (s) are not implemented, currently paper based solution.
- As far as IPR enforcement is concerned, there is only limited involvement from the anti-smuggling or intelligence staff.

Activity 2

The 2009 Progress Report highlighted that "the need to strengthen the legal framework is a key priority in the 2008 European partnership. Kosovo's legal system is a complex mix of different legal acts produced by the former Yugoslav administration before 1999, and successively by UNMIK and the Kosovo government since then, which leads to uncertainty".

The Kosovo 2011 Progress Report has highlighted as follows: “As regards property rights, there has been a mixed progress. A range of laws were adopted improving the legal framework (law on cadastre, amendments to the law on the establishment of the immovable property rights register, the law on taxes on immovable property, the law on allocation for use and exchange of immovable property of municipalities, and the law amending the law on expropriation). [...] Limited access to property, delayed property restitution proceedings and the scarcity of economic opportunities continue to be obstacles to sustainable returns. Overall, the weak implementation of the property-related legislation is the major obstacle to protecting and enforcing property rights”.

Activity 3

The 2011 Progress Report found that “access to justice for victims of trafficking, both children and women, needs to be improved”. Further on it states that “Protection of children’s rights has improved with the implementation of the Juvenile Code and its monitoring processes”. However, agencies protecting victims and investigating traffickers need to build up their capacities. School dropout rates, access to justice for children and forced begging and trafficking of children remain a concern. Awareness of these problems is low among the public and authorities. Facilities need to be adapted to the needs of juvenile offenders. Overall, child protection remains weak. Tangible efforts are needed to guarantee and enforce children’s rights.

The project will primarily contribute to two main components under the Political Criteria of the 2012 European Partnership Action Plan and the 2011 Progress Report: 1) *democracy and rule of law* and 2) *human rights and protection of minorities*. Lastly, the project will contribute significantly to the social welfare and juvenile justice components of the Strategy and Action Plan on Child Rights 2009-2013.

2.4 PROBLEM ANALYSIS

Activity 1 – Support to Kosovo Customs

Kosovo Customs is a young organisation in terms of experience and to fulfil its early needs for staff had to go through quick and massive recruitment process. Today it is clear that a good system of performance appraisal based on merit is lacking. Despite the fact that an appraisal system is built, the system does not ensure that officials can be promoted based on their good performance or demoted if they do not perform as expected. There is lack of identification of training needs and many officials attend trainings which may not be of high relevance for their current duties. The Training unit is not closely linked with personnel unit and people are transferred from one department to another, without clear identification of their capacity.

Current HR system in Kosovo Customs is weak in specific areas such as recruitment, training and development, transfer, performance management, promotion, career progression, severance and dismissal. Support for the HR department will aim improving the administrative practices within the Kosovo Customs ensuring more transparent HR processes and reducing scope for corruption

The identification of risks and threats is a subject of particular importance for customs, who face potentially conflicting aims of exercising strong controls while facilitating the speedy processing of legitimate trade. The conflict is minimised by the development and utilisation of

effective risk profiles. The success of this is shown by the decreasing proportion of imported consignments selected for examination which are bringing increasingly successful results, which is a positive feature for both effective use of Customs resources and for trade facilitation.

The law enforcement department of Kosovo Customs is using unsecured, diverse and technologically obsolete database systems and applications for management of business processes. Exchange of information within the law enforcement (LE) and border crossing points is either paper or e-mail based and due to several different data layers within LE the sharing of data in terms of entities (persons, means of transport and companies), operational information and data regarding seizures is very limited. The project will therefore support in the supply process of integrated law enforcement system and assist in the early stages of the usage of the system.

Activity 2 –Support to Civil Code and Property Rights

Component 1: Civil Code

Kosovo's legal system is a complex mix of different legal acts produced by the former Yugoslav administration before 1999, and successively by UNMIK and the Kosovo government since then, which leads to uncertainty. Moreover, existing regulations in civil-legal matters are often not satisfactory and there is a clear need to harmonize Kosovo's civil law with the EU *acquis*.

Since unifying and harmonising the existing legislation and adding missing pieces into one civil code is an ambitious aim, a comprehensive approach is needed. This will have to take into account Kosovo's legal culture and cultural identity on the one hand and introduce the necessary and desirable innovations that have developed meanwhile in the field of civil law on a European and on Member States' national levels.

This will be achieved by employing local legal professional potential, as well as enlisting notable international experts. In addition to the international experts other stakeholders such as NGOs would be involved into this process as necessary.

Starting from the current state of legislation and taking into account established case law and other judicial practice, the fields that will be incorporated into the civil code will include the classic areas of civil law, as for example: institutes of the general part of civil law; property law with ownership issues being the central institution of the social and legal order and property rights resulting from easement, the law on mortgage; the law on obligations; the law on inheritance; the family law, as well as other subjects closely related to classic civil rights. More specifically, the civil law codification will encompass the following laws: Law on Obligation, Laws on Family, Laws on Inheritance, Law on Mortgage, Laws related to Mediation and Arbitration, laws related to property rights (i.e. 2008 Law on Property Rights, 2012 Law on Obligatory Relationship);

Component 2: Property Rights

In 1999, Kosovo started the economic transition process, including the reinstating of land records. Under the earlier regime, all urban land (construction land) and land occupied by socially owned enterprises (SOEs) was regarded as socially owned and only user rights were permitted.

At present, there is not uniform implementation of the property right's regime, both at level of courts but also at level of municipalities (main reference is made to municipal community officer). Moreover, from the legislative point of view, the property law regime in Kosovo is fundamentally flawed. At present, at the court level the clarification of rights to land and buildings is proceeding on a case-by-case basis, relying on the cases assembled by private attorneys and presented to courts for adjudication. This work is painfully expensive, in large part due to the confused legal framework inherited from the Yugoslav State, modified and regulated by the regulations and decisions of the United Nations Interim Administration Mission in Kosovo (UNMIK).

Kosovo requires a legal framework that protects property rights. Intervention is necessary both in terms of improving the current legislative framework, including secondary legislation, and building mechanisms to efficiently implement and administer rights related to property. No donor has worked in this area so far in a comprehensive matter, although a few of them are dealing with certain issues separately and in isolation (i.e. World Bank work with the Cadastre). However, the most crucial, immediate (and long-term) solutions require finalizing and harmonizing the property law regime.

A USAID assessment of 2004 describes the challenge as follows: "Decision makers must identify and locate relevant laws and issue decisions on an ad hoc basis, often using outdated source material. In the case of court proceedings, private lawyers provide legislative references for judges, risking a biased decision since the judge likely only receives references to legislation that is in favour of the lawyer's client".

The above described situation has negative consequences for other spheres of public administration such as the revenues/taxes collection and urban planning. Due to unclear property rights, in the last decade in particular, the phenomenon of illegal construction has exploded across Kosovo. Rural-urban migration has also contributed to the problem. Illegal construction and property seizures have prompted a number of people involved in illegal activities to attempt to legalize their situation by obtaining documents confirming their ownership rights through the new institutions established after 1999. Consequently evidentiary rules that address the admissibility and weight of evidence should be developed.

To summarise, there are several important long-term challenges which need to be addressed in a sustained and systematic way, to ensure protection of property.

The project will contribute to a modern and harmonised legal framework on property, by addressing the following aspects:

- The regime (registration, purchase/selling, privatisation/transfer possession into ownership) of socially owned properties (enterprises and apartments) and the legislative link with the privatisation' process;
- The regime of construction/agricultural of land;
- The regime of expropriation and privatisation of private land;
- Particular rights attached to properties (i.e. use of the properties as a financial collateral);
- The conditions for transferring possession into ownership;

- Procedures for judges to administer and weigh evidences and to recognize ownership claims;
- The need to ensure coherence and consistency in the application of laws and regulations;
- The need to support property valuation and taxation to raise revenues for local government and discourage the holding of under-productive land and properties;
- The issue of restitution and compensation of property unjustly expropriated shall be regulated once a clear policy decision has been made.

For this purpose, a thorough and comprehensive legal analysis of the current property legislation and a subsequent gap analysis is needed, which will guide the overall reform of the property rights sector. This analysis will build on a partial snap shot of assessments in this area (mainly done by USAID, OSCE and GIZ) and it will seek complementarity with initiatives promoted by other donor (i.e. World Bank project on the KCA).

Such a reform will be assisted by the production of an overall “*White Paper – National Strategy on Property Rights*” which shall include a comprehensive analysis of existing problems over property rights and suggest which model shall be adopted by Kosovo government to reform this sector. The “*White Paper – National Strategy on Property Rights*” shall then formulate and implement broader property policies to ensure the full functioning of land and property markets.

It should be noted that this project should be followed by a follow-up phase that will ensure the implementation of the above.

Activity 3

The project will help to address four key gaps in relation to children in contact with the law:

1. Implementation of JJC: The JJC was revised in 2010 and the ongoing appointment of new judges and prosecutors has had a positive impact in the overall efforts to build the capacity of the judiciary in the area of justice for children. The Law on Courts, which is foreseen to be implemented in 2013, is expected to further enhance the efficiency of the judiciary. The JJC provides a strong legal framework for children in conflict with the law in line with EU and international standards. A key gap of ongoing juvenile justice reforms is the lack of a specialized open-facility in line with the JJC requirements. Currently, juveniles sentenced with educational institutional measures are in fact residing in a closed facility, which is of critical concern. This will be addressed by the new project through the construction of the facility itself and capacity building for the staff to be placed in the new facility. By constructing such a facility and providing the appropriate training to staff, the correctional service of Kosovo will complete its institutional and legal infrastructure as stipulated in the applied legislation. Building of education and correction institutional measures facility will not only encourage young people who are sentenced to such punishments and measures to take responsibility for their action in a suitable environment but will also ensure that they are provided with appropriate protection and assistance, supervision and educational and vocational training with the aim to reintegrate them with society and prevent recidivism.

The project will also build on earlier capacity building initiatives targeting various justices for children professionals, focusing on the MoJ, judicial and prosecutorial councils (KJC, KPC), Kosovo Judicial Institute (KJI) and other relevant stakeholders. These initiatives will improve the implementation of legal provisions and will have a positive influence on reducing the length of court proceedings and decreasing the backlog of cases.

2. Limited capacity of government to monitor and report on justice for children and child protection issues and to prioritize related actions: While the preponderance of available strategies and action plans is acknowledged, their implementation, especially at the local level, remains minimal and there is no coordinated monitoring framework that is user-friendly. Furthermore, given the overall weak data management system, it is difficult to populate monitoring frameworks and to agree on which indicators to monitor. Building on the previous project and UNICEF's on-going support to strengthen national data management systems, the new project will pilot the new juvenile justice indicators within the overall monitoring system implemented by the Child Protection and Justice for Children Council (CPJCC), to monitor and report on reforms. The Council was established at the end of 2011 and is chaired by the Prime Minister's advisory office on good governance, human rights and gender (AOGG) and co-chaired by the MOJ and Ministry of Labour and Social Welfare (MLSW).

3. Weak legislative and policy framework for justice for children: While the legal framework is in place for children in conflict with the law, a significant gap exists in terms of a legal and policy framework for other categories of children, such as victims and witnesses of crime. These provisions are scattered and not specifically aimed at children. This makes it difficult for all justice professionals to work with all categories of children in line with European and international standards.⁸ For example, while the Law on Domestic Violence provides for prevention, protection and reintegration services for victims of violence, it does not obligate relevant institutions to provide specialized protection and re-integration services for child victims and witnesses, which is required according to international standards. While specialized institutions exist for juveniles in conflict with the law, this is not the case for other categories of children in contact with the law.

4. Lack of prevention and family-based services and initiatives: The decentralization of social services has negatively affected the quality of social services at the community and municipal levels. This has implications for efforts to prevent juvenile delinquency and to protect children at risk of violence and abuse in homes and schools. Such risks are linked to children and adolescents engaging in behaviour that can lead to being in conflict with the law. In particular, specific social services are required to prevent children in conflict with the law under the penal age of 14 from re-offending before they reach the penal age. The project will support municipalities to plan, budget for and implement appropriate justice for children and relevant protection services and to improve coordination between multiple local stakeholders. Main stakeholders include local municipal officials, police, municipal courts, schools, children themselves and NGOs.

2.5 LINKED ACTIVITIES AND DONOR COORDINATION

⁸ See for example *UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime* adopted by the UN Economic and Social Council in 2005 and the *Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice* adopted in 2010.

Overall donor coordination is the responsibility of Ministry of European Integration, which hosts regular meetings of thematic sub-working groups, as a means to coordinate donor project implementation and planning in various sectors.

Activity 1

Since 1999 the EU has provided support to the customs administrations in a wide range of areas (CAFAO 1999-2007, TACTA 2008 – 2009, EU-CTA 2009 -2011). Since 2008, customs has also been supported by the European Union Rule of Law mission (EULEX).

This project complements and builds upon the activities implemented by the previous projects and ensures synergies with EULEX support. EULEX activities have been reconfigured as of 15 June 2012 and the mission activities have been downsized and more focus is put on supporting the wider EU agenda. Therefore, the project will have a crucial role in ensuring that the Kosovo customs will remain on its reform and modernisation path.

The last EU Customs Blueprint exercise was conducted in December 2010 and results published in September 2011. This Blueprint report provided benchmarks against shortfalls in operational capacity as well as areas that need improvements. This Customs Blueprint serves as an important guide in planning the activities and measures necessary for Kosovo customs to achieve its goals towards closer compliance with EU standards and also highlights the areas where further assistance would be useful.

Activity 2

Related activities include the following projects and donors:

The IPA 2009 project to support the establishment of a secure and functional Civil Registration Agency.

The IPA 2012 Twinning project “Enhanced law approximation and coherence of the legal framework” which aims to improve the legal framework of Kosovo by improving the coherence of the legislative framework for the justice sector and by enhancing the approximation of laws with the EU acquis in the area of justice.

Activities implemented by GIZ in the sector of property rights:

OSCE is involved in the protection and promotion of the right to property and housing right mainly through advocacy activities. OSCE also provides some assistance during lawmaking and implementation of the legislation. OSCE conducts raising awareness and capacity building activities aimed at empowering duty holders and right bearers in the effective realization of property and housing rights.

Activities implemented by GIZ in the sector of property rights:

At present, GIZ has one person working in the field of land management/cadastre within the framework of a project commissioned by German Federal Ministry for Economic Cooperation and Development.

World Bank Project “Real Estate Cadastre and Registration Project”:

The objective of this project is to help develop Kosovo's land and property markets and to improve tenure security. The project addresses a range of issues by: (i) supporting the improvement of the capacity of Municipal Cadastre Office (MCOs) to deliver services by rehabilitating the MCOs and carrying out systematic registration in the Kosovo Cadastre Land Information System (KCLIS); (ii) financing the establishment and maintenance of a Continuous Operating Reference Network (CORN) to provide a single source of reference points to surveyors; (iii) supporting institutional reform by upgrading the legal and normative framework and promoting greater financial self-sufficiency for the Kosovo Cadastre Agency (KCA); and (iv) training for KCA and MCO managers and staff, the project coordination office, private surveyors, and other key stakeholders in management, planning, legal, technical, and administrative subjects.

USAID Assessment in Property related field:

USAID is assessing the existing property law situation in Kosovo, with the main focus on Business Property Law in order to provide both an assessment of and potential design of a property law support program to be implemented by USAID/Kosovo. The intention of USAID is to: develop, improve and implement the function of the Cadastre, pledge and mortgage registries. Of particular importance will be to analyse how the current property rights regime affects human rights in general but women rights in particular. Therefore, work in this area needs to address gender issues as well. The aim of this assessment is to identify potential solutions and interventions, with a focus on the economic development implication of property rights.

Activity 3

There are several donor supported initiatives indirectly addressing issues related to child protection and justice for children. These include the IPA 2010 project 'Strengthening institutions in the fight against trafficking in human beings and domestic violence', UNDP's Women's Safety and Security Initiative, which focuses on domestic violence and the UNKT's Joint Programme on Domestic Violence and Gender-based Violence in 3 municipalities funded by the Finnish government. In some way, they each address the justice issues related to child victims and witnesses.

However, the only initiative concretely addressing the best interests of children in regard to child protection and justice for children in a multi-sectoral manner, is the project jointly financed by EU and UNICEF to support juvenile justice reforms, focusing on children in conflict with the law. Phase I and Phase II of the project 'Support to the Juvenile Justice reform' have involved all relevant actors involved in this field.

2.6 LESSONS LEARNED

Activity 1

After a number of technical assistance projects, it is proposed to change the implementation modality to a twinning. Twinning projects use best practices of EU public administration and build on a partnership with representatives of European civil service. Twinning contracts also open a perspective for the beneficiary administration to improve their work and make steps towards progress; it improves credibility of Kosovo administration abroad and in the home country.

Activity 2

Activities of the project should be closely coordinated with EULEX and other relevant donors, within the MoJ and should be built on results already achieved.

Activity 3

The first two phases of the projects achieved various results that form the basis for the third and final phase.

Juvenile justice related legislation and its implementation:

It is important to recognize that the significant backlog of juvenile cases in the courts makes it extremely difficult to assess overall trends in juvenile crime. However, data from Probation Service shows indicative improvements, such as the number of alternative measures that have increased from 64 in 2007 to 455 in 2011 (see below table). This shows the improved understanding by Prosecutors of the Juvenile Justice Code, e.g. to divert young people from the criminal justice system and decrease the number of imposed detention/imprisonment sentences for juveniles as much as possible.

Type of alternative measures or punishments for juveniles	Year				
	2007	2008	2009	2010	2011
Diversions Measures	64	225	190	241	455
Education Measures	169	162	284	352	313
Alternative Sentences	74	64	90	33	29
After Care Programme					12
Total	307	451	564	626	809

Furthermore, 12 young people participated in the newly established after care programme supported by the current project. During the currently implemented project, these 12 juveniles who left the correctional facility and benefited from socio-economic reintegration programmes, will be given the opportunity of employment and benefit from different services, aiming at their re-socialization and prevention of recidivism.

However, data management in the juvenile justice sector requires further improvement in terms of monitoring recidivism or the rate at which children in conflict with the law return to engaging in criminal offenses. In this sense, the current project installed the database that aims at spreading the impact of the support to Probation Services of Kosovo and improved their capacities to develop, implement and revise existing probation related programmes based on evidence of the executed measures and sentences.

Furthermore, the installed database will use the juvenile justice indicators to contribute to the following: (i) ensuring that children in conflict with the law are treated according to their best interest and that their rights are respected; (ii) increased efficiency of the administration and oversight, hence accountability, of relevant bodies that develop and implement the juvenile justice system; and (iii) improved policy/law formulation, strategic planning and implementation as well the impact measurement and monitoring. The envisaged project will

build on this activity by ensuring that this database is integrated in the overall judiciary information system, including police and courts.

Kosovo police within the justice for children system:

The current project has established child friendly interview rooms in seven police regional stations. The project is about to develop guidelines for usage of these rooms and train individual police officers on appropriate service provision. The aim is to develop a curriculum for basic and advanced level training for police officers that will deal with children and juveniles. Similarly, in-service training programmes will be established for the Kosovo Chamber of Advocates, Kosovo Judicial Institute and the Probation Service of Kosovo. This capacity building should continue in phase III but with a greater focus on the Kosovo Police through on the job trainings, Kosovo Chamber of Advocates and targeted trainings for specialised lawyers, and KJI as the responsible institution where the training curriculum for judges and prosecutors will be established. Existing training programmes should be further monitored and improved.

Policy making in the area of justice for children:

During the current phase of the joint EU/UNICEF project, two key policy initiatives were taken in the area of child protection and justice for children. The first was the mapping and assessment of Kosovo's child protection system, which includes child justice issues. The mapping was conducted in a participatory manner with key counterparts from both central and local level. Key findings included the need to establish local and central level coordination mechanisms; strengthening the legal framework in treating all categories of children in contact with the law; drafting of standard inter-sectoral referral protocols for different categories of children; and the need to specialize judges at district court level. The current phase has already started in addressing these issues and the envisaged project will take the recommendations further.

As a result of the assessment, the Prime Minister recognized the importance of viewing the child protection system holistically instead of only by separate categories of children and therefore established the Council on Child Protection and Justice for Children.⁹ The Prime Minister's Advisory Office on Good Governance, Human Rights and Gender (AOGG) chairs the Council, and the Ministry of Justice and Ministry of Labour and Social Welfare serve as co-chairs. The Council is comprised of around 25 members, including several ministries and civil society members, and is supported through the current project. For the first time a platform exists within the government where child protection and justice issues pertaining to all categories of children can be discussed and addressed at the technical level. The primary role of the Council is to:

1. Define the priorities and measures needed for improving the situation in relation to child protection and justice for children;
2. Monitor the application of legal provision related to child protection and justice for children;
3. Facilitate and monitor policy implementation, programs and other approved measures concerning child protection and justice for children at the central and local level.

⁹ Decision No. 09/34, 25.08.2011.

The Council has approved internal regulations and established an initial work plan for ensuring its functionality within its first year. Furthermore, it was fully engaged in the *Mapping and Assessment of Kosovo's Child Protection System*, which was recently completed. The Council reports to the Prime Minister and Inter-ministerial Committee on Child Rights and therefore fulfils the need for establishing a central level coordination body in child protection and justice for children, as recommended by the above mentioned mapping and assessment.

The current IPA project has supported the Council through the provision of expertise, for example with regards to the organisation of Council meetings and reporting. The Council requires needs further support in order to function as an appropriate monitoring, reporting, advocacy and evaluation mechanism in the field of justice for children and child protection, in line with EU and international standards. This is why phase III of the project puts a strong focus on continuous support to the Council.

Municipalities' roles and responsibilities in justice for children system:

In terms of municipal level services in the field of justice for children, the current project supports six task forces led by the NGO 'Terres des Hommes'. The task forces are comprised of all relevant stakeholders at the municipal level that deal with juvenile justice such as police, municipal relevant departments, NGOs active in this field the respective municipality, centre for social work, municipal human rights officer and others. The task forces are an effective, child-centered model for promoting a coordinated approach to referring and managing cases of children at risk or in conflict with the law under the minimum age of prosecution. Recognizing that these children are often also victims requiring prevention and support services, the categories that the Task Forces manage were expanded to include victims of abuse, neglect and exploitation. Such exposures may in some cases also predict behaviour that can bring children in conflict with the law. The envisaged project will aim at institutionalising these task forces in these six municipalities that can be used further as a best practise for all other municipalities in Kosovo. To this end, further capacity building and awareness raising will be needed with relevant authorities in order to ensure sustainable functioning of these task forces.

The current phase II of the project does not have a significant prevention component but rather targets this field through its activities in the municipalities in a very limited manner. The current project targets psychologists/pedagogues in primary schools in several municipalities in Kosovo. In addition, the current project also aims at improving the teaching methods of teachers themselves in order to prevent possible juvenile delinquency cases. This professional staff is part of municipal level task forces supported by the project. The envisaged third phase will have a specific component on prevention efforts aimed at the municipal level to cover this gap in Kosovo. International and EU practices show that by establishing functional prevention programmes and mechanisms, rates of juvenile crimes inevitably decrease.

Overall, and in line with the UN Secretary General's guidelines for a common approach to justice for children, this project should be seen as an integral part of the overall judiciary reform in Kosovo rather than seeing it as a vertical and separate initiative from wider rule of law efforts aimed at improving only the juvenile justice system without acknowledging the frequent overlap between all categories in contact with the law and the professionals and institutions with responsibility towards them, such as the Kosovo Judicial Institute, Kosovo

Centre for Public Safety Education and Development and Kosovo Police, Kosovo Judicial Council, Kosovo Prosecutorial Council and other relevant stakeholders of rule of law in Kosovo.

3 DESCRIPTION

3.1 OVERALL OBJECTIVE OF THE PROJECT

The overall objective of the project is to strengthen the rule of law sector in Kosovo.

3.2 SPECIFIC OBJECTIVE(S) OF THE PROJECT

- To strengthen Kosovo customs' capacities in order to establish and implement an effective, efficient, fair and transparent HR system, thus supporting the reform and development process in accordance with EU standards.
- To strengthen the enforcement system and trade facilitation, Risk Management, Post Audit Control and supply chain security in the fight against smuggling, fiscal evasion, organized crime and counterfeiting.
- To support the Kosovo customs in providing fast and secure information and intelligence and in managing structured and unstructured information.
- To support Kosovo in establishing an updated and comprehensive Civil Code in line with EU acquis.
- To improve the overall coherence of the regulatory framework on property rights and hereby enhance the security of property rights in Kosovo.
- To enable the justice system in Kosovo to treat children in conflict and in contact with the law, including victims and witnesses, in line with the Convention on the Rights of the Child and European standards.

3.3 RESULTS

Activity 1 – Support to Kosovo customs

Component 1 – Support to Human Resources System

- 1.1 Identified needs of legal/administrative documentation and support in developing and implementing the legal framework.
- 1.2 The customs structure and functions within the structure are clearly defined and in compliance with the business strategy.
- 1.3 Improved quality of HR system and planning.
- 1.4 Developed functioning monitoring and evaluation system.
- 1.5 Developed incorporated system between personnel and training units.
- 1.6 Increased capacities to use the performance management system.

Component 2 – Trade facilitation and law enforcement

- 2.1 Enhanced quality of customs valuation and reduced scope for fraud.
- 2.2 Increased capacities in post-clearance control and audit.
- 2.3 Further developed authorised economic operator (AEO) programme.

Component 3 – Provision of an integrated law enforcement system

- 3.1 Centralized repository data management.
- 3.2 Developed system of analysis and feedback from controls.
- 3.3 Reporting and analysis services (data warehouse / business intelligence, analyst notebook, iBase etc.) in place.

Activity 2 – Support to Civil Code and Property Rights

Result 1: An updated and comprehensive Civil Code has been drafted in line with EU acquis

Result 2: The overall coherence of Kosovo legal framework on property rights is improved and in line with EU best practices, enhancing the security of property rights in Kosovo.

Activity 3 – Support to Juvenile Justice

Result 1: The government bodies at central and municipal level, in particular the Council for Child Protection and Justice for Children in the Prime Minister’s Office, has increased ownership of monitoring, reporting and coordination in justice for children and child protection system and the capacity to provide improved services for children in conflict/contact with the law;

Result 2: Legal framework strengthened to ensure justice for different categories of children in contact with the law;

Result 3: Key professionals and responsible institutions have the capacity to implement their respective mandates in the area of justice for children and relevant child protection;

Result 4: Juveniles involved in correctional and/or educational institutional measures are provided with the appropriate services in line with the Juvenile Justice Code and other relevant (European and international) standards.

3.4 MAIN ACTIVITIES

Activity 1 – Support to Kosovo customs

Component 1:

- 1.1 Evaluation of current legal/administrative documentation and the last organisational review and drafting of needed changes.
- 1.2 Evaluation of the roles and responsibilities of each function within the customs administration.
- 1.3 Preparation for future forecasting and planning system to predict and meet administration’s long-term objectives.

- 1.4 Develop procedures and guidelines and provide a monitoring system to ensure proper implementation of the performance and promotion.
- 1.5 Develop a system to ensure an appropriate balance of training delivered to each official necessary and ensuring the functioning of the training unit and required cooperation with the HR department.
- 1.6 Provide training to managers directly responsible for the performance management system.

Component 2:

- 2.1 Enhance the capacities for risk-profiling for customs valuation.
- 2.2 Support on developing and utilizing effective risk profiles in general.
- 2.3 Support drafting memorandum of understanding or similar instruments for improving the co-operation with National Agencies (TAK, police, FIU etc.).
- 2.4 Prepare annual audit plan and PCA manual and support in the implementation of post audit controls through on-the-job training.
- 2.5 Support on utilizing effective investigative techniques and post audit controls.
- 2.6 Support in drafting memorandum of understanding to implement regular national and international co-operation to enhance exchange of information.
- 2.7 Support the implementation of the Supply Chain Security Road Map.
- 2.8 Awareness raising to economic operators.

Component 3:

- 3.1. System requirements analysis.
- 3.2. Detailing the design for the selected solution.
- 3.3 Preparation of Law Enforcement Solution.
- 3.4. Solution Implementation.
- 3.5 Provide training to users.

Activity 2 – Support to Civil Code and Property Rights

Component 1

- 1.1 Provide technical support to the MoJ in collecting and reviewing the relevant laws within judiciary area;
- 1.2 Undertake a gap analysis to identify inconsistencies;
- 1.3 Provide advice on the simplification and harmonisation of existing civil legislation;
- 1.4 Ensure exchange between the relevant legal actors through appropriate means (i.e. workshops and round tables, study visits etc.);
- 1.5 Assist the MOJ in drafting concept/policy papers indicating the main parts/areas of the Civil Code;

- 1.6 Provide strategic advice and an overall methodology to draft the new Civil Code;
- 1.7 Assist the MoJ in formulating the relevant provisions and drafting the new Civil Code as one piece of legislation.

Component 2

- 2.1 Provide technical support to the MoJ and other relevant stakeholders to collect relevant laws in the area of property rights;
- 2.2 Undertake a gap analysis to identify inconsistencies;
- 2.3 Ensure exchange between the relevant legal actors through appropriate means (i.e. workshops and round tables, study visits etc.);
- 2.4 Assist PRC at PMO and MoJ in developing relevant operational rules in the field of property rights for coordination and cooperation with line ministries and other institutions;
- 2.5 Provide advice to PRC at PMO and MoJ on the simplification and harmonisation of existing property rights legislation;
- 2.6 Assist the MoJ in drafting of a concept/policy paper “White Paper – Kosovo Strategy on Property Rights” indicating the changes and amendments needed in the policy field
- 2.7 On the basis of the “Kosovo Strategy on Property Rights”, assist the MoJ and other stakeholders to produce a Kosovo Property Rights Action Plan;
- 2.8 Assist the MOJ and other stakeholders in the drafting of consistent legislation by formulating the relevant provisions.

Activity 3 – Support to Juvenile Justice

Activities to achieve result 1

The activities will focus on strengthening the capacity of the newly established multi-sectoral Council for Child Protection and Justice for Children in the Prime Minister’s Office on results and human rights based reporting and monitoring. Additional indicators will be developed through the envisaged project to address other categories of children in contact with the law. These will be included in the development of a monitoring and reporting matrix that the Council will use as part of a wider child rights monitoring framework currently being developed. In order to increase the public’s understanding and as a means to advocate for a strengthened legal framework on the new and broader concept of ‘justice for children’, a regional conference will be held to exchange lessons learned and experiences in this area.

In terms of municipal level service provision in the area of justice for children, activities will first focus on assessing the situation with regards to justice for children at the municipal level. This will form a baseline for developing a minimum package of services required for delivery at local levels in selected municipalities in justice for children and related child protection services, including prevention, re-integration and re-socialization. Specific focus will be given to prevention activities, which will be implemented through civil society organisations and mainly target primary and secondary schools in selected municipalities.

Considering that Task Forces on case management have been established and implemented at the local level through the current project in 6 municipalities, it will be important to ensure full ownership of municipal institutions in regards to sustainable functioning of these task forces. This will require both advocacy and capacity development activities in planning, budgeting, implementation and monitoring of services. The project will aim to ensure that the case management system is institutionalized as a government policy that will be implemented at the municipal level. Target municipalities will be selected based on ongoing reforms being implemented, including the Task Forces as service and coordination model, and other existing initiatives on justice for children. This activity will be closely coordinated with Centres for Social Work, educational institutions, civil society, courts, police and other relevant partners.

- 1.1 Further support to build the capacities of the Council for Child Protection and Justice for Children.
- 1.2 Assessment of the level of relevant services provided by municipal authorities in the field of justice for children.
- 1.3 Determine minimum standard of service provision in municipal level.
- 1.4 Institutionalisation of the Task force model in relation to case management within municipal governance structures, in cooperation with the civil society organisations.
- 1.5 Organisation of a regional conference on justice for children.

Activities to achieve Result 2

The activities will include a comprehensive review of all justice for children related legislation. This will help to strengthen the legislative framework to ensure that the rights of different categories of children in contact and conflict in the law are protected. The respective Legal Offices in the Prime Minister's Office and Ministry of Justice will be the key implementing partners. Furthermore, within this activity, assistance in drafting necessary secondary legislation and different procedural regulations is envisaged in coordination with relevant beneficiaries.

- 2.1 Review of relevant legislation
- 2.2 Drafting of secondary legislation

Activities to achieve Result 3

Previous capacity development initiatives in the area of juvenile justice, e.g. dealing with children in conflict with the law, focused on strengthening the capacity of key justice professionals. The new project will build on these achievements by expanding the scope of similar initiatives to focus on establishing new in-service training curricula for key institutions, while introducing the new concept of 'justice for children'. Kosovo Judicial Council (KJC), Kosovo Prosecution Council (KPC) and Kosovo Judicial Institute (KJI) will be key partners for implementing training programmes. The timing of these activities will have to be considered in line with suggested and significant legal reforms proposed under Result 2 and in line with curricula and training developments of three above-mentioned key partners.

The activities within this component will build on previous capacity building initiatives that targeted the Kosovo Chamber of Advocates and will continue to support this relevant institution in the overall chain of the justice for children system. The activities will also target municipal offices providing free legal aid to further strengthen their capacities as well.

This project will also target civil society organisation and will aim at mobilizing a wider coalition for justice for children, including the Assembly and key independent institutions, such as the Ombudsperson's Office.

- 3.1 Developing new in-service curricula for key institutions;
- 3.2 Further capacity-building within relevant institutions such as police, courts, prosecutors, Kosovo Chamber of Advocates, legal aid offices and others;
- 3.3 Support to civil society organisations in acting as advocates for proper implementation of justice for children

Activities to achieve Result 4

This component will focus on strengthening the capacity of the executing agencies (correctional services and probation services) to provide the mandated services under the Juvenile Justice Code for juveniles serving educational and correctional measures in an open facility. This will include the construction of a building, following a feasibility assessment. The project will develop and institutionalize related training curricula to ensure existing staff from the Kosovo Correctional Services that will be transferred to the facility will have the capacity to provide relevant and appropriate services.

The Ministry of Justice has given its concrete commitment for constructing the facility as well as developing the required human resources. MoJ has assigned a plot of land from its existing properties with a designated plot number.

- 4.1 Feasibility assessment for the educational/correctional facility
- 4.2 Construction of educational/correctional facility for juveniles
- 4.3 Training the staff of the Facility in implementing relevant measures foreseen in Juvenile Justice Code

3.5 ASSESSMENT OF PROJECT IMPACT, CATALYTIC EFFECT AND CROSS BORDER IMPACT (WHERE APPLICABLE)

The EU has been contributing to strengthening the rule of law in Kosovo for years. This project is a continuation and a consolidation of this support in order to improve the overall legal system and to increase the capacities of relevant institution bringing them closer to EU standards. Thus, the project strictly contributes to intermediate impacts as defined in MIPD priorities and MIPD sector objectives.

The whole project shall foster spill-over effects in particular in the area of property rights where a clear framework will have positive effects on other field such as in the economic development area or in the taxation regime.

It is evident that the project will have a wide range of target groups, including those active in the justice for children field. Starting from the judiciary, the project will also target police, correctional and probation services, education and social welfare institutions and all other relevant stakeholders and strengthen their capacities. The project will target directly the Council for Child Protection and Justice for Children that has a multi-disciplinary and multi-sectoral composition on its own. Therefore it is fully justified to assess that the project, through its activities, will have quite visible impact in the overall justice for children sector. By

strengthening the capacities of the relevant stakeholders, the project will also address the increased quality of service provision in relevant fields.

3.6 SUSTAINABILITY

The project will increase the efficiency and transparency of Kosovo's public administration and will therefore have a catalytic effect on the economy by helping to create a stable environment necessary to attract foreign and domestic investors thus contributing to the sustainable economy and protection of legitimate trade and society.

Through this project it can be anticipated that the complex reform in the field of juvenile justice in Kosovo, which started in 2008, will be consolidated and monitored.

Sustainability of the project's result will furthermore depend on a number of factors:

- The legislation drafted will be applied after the end of the project;
- The establishment of a monitoring system for implementation of the new Civil Code will ensure that focus will be maintained after the project's end
- Training materials developed will be used in future trainings
- Activities are aligned with the Ministry of Justice 2012 – 2016 strategy.
- High turnover of justice professionals, especially amongst judges and prosecutors presents a key challenge to maintain sustainable reforms. However, it is assumed that with the promulgation of the Law on Courts, this will be mitigated.

3.7 ASSUMPTIONS AND PRE-CONDITIONS¹⁰

- Continuous government commitment to the European integration process.
- Necessary policy decisions to initiate the drafting/revision of legislation are made in a timely fashion;
- Adequate budget is made available by the government of Kosovo to support the large overall aim of the project.
- Sufficient human resources allocated to achieve project outputs and the senior management committed to the necessary HR reforms.
- Effective communication and active participation of all stakeholders.
- Readiness to increase coordination with donors and to improve co-financing planning.
- Decision of the Kosovo government to entrust the MoJ with an expanded mandate over the revision of the Property rights regime;

¹⁰ Assumptions are external factors that have the potential to influence (or even determine) the success of a project but lie outside the control of the implementation managers. Such factors are sometimes referred to as risks or assumptions but the Commission requires that all risks shall be expressed as assumptions. Pre-conditions are requirements that must be met before the sector support can start.

- Assignment of staff from the side of the involved ministries and other stakeholders for the entire duration of the project;
- The Property Rights Coordinator has a clear mandate and according budget;
- Commitment of the MoJ to ensure active political support not only to the codification of the Civil Code, but to the overall reform process of the property rights regime.
- All relevant policy makers, service providers and justice professionals have a comprehensive understanding of the expanded concept of '*justice for children*'.
- At the municipal level, a pre-condition will be to gain the explicit collaboration of mayors and relevant departments to ensure full ownership of reforms at the local level.

4 IMPLEMENTATION ISSUES

Activity 1

The project will be implemented through one (1) twinning contract to support the Customs Administration (€1.75 million) and one (1) supply contract (€0.75 million) to purchase the software.

Activity 2

The project will be implemented through one service contract of €2 million.

Activity 3

In accordance with Article 53d of the Financial Regulation, part of the project will be implemented in joint management with UNICEF. To this end, the EU Office will sign a contribution agreement with UNICEF of €1.5 million. UNICEF will co-finance with €0.25 million.

UNICEF has been chosen as the implementing partner for this part of the project because it has already successfully implemented the earlier phases I and II of the project, thus knows the project in-depth, has established close cooperation with all stakeholders and is therefore best placed to also implement the third and final phase. Moreover, UNICEF has a quasi-monopoly position in Kosovo in the field of child protection given their longstanding involvement in this field in Kosovo and worldwide.

In addition, one works contract of € 1.0 million will be signed for the construction of the Facility.

The design and supervision for the works contract will be implemented through a service contract of €0.15 million.

4.1 INDICATIVE BUDGET

Indicative Project budget (amounts in EUR)

PROJECT TITLE			SOURCES OF FUNDING									
			TOTAL EXPENDITURE	IPA CONTRIBUTION		BENEFICIARY CONTRIBUTION					PRIVATE CONTRIBUTION	
	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			2.5	2.5	100							
contract 1.1 (Twinning)	X		1.75	1.75	100							
contract 2.1 (Supplies)		X	0.75	0.75	100							
Activity 2			2.0	2.0	100							
Contract 2.1 (Services)	X		2.0	2.0	100							
Activity 3			2.9	2.65	91						0.25	9
Contract 3.1 (Contribution Agreement)	X		1.5	1.5	86						0.25	14
Contract 3.2 (Services)	X		0.15	0.15	100							
Contract 3.3 (Works)		X	1.0	1.0	100							
TOTAL IB			5.65	5.4	96						0.25	04
TOTAL INV			1.75	1.75	100							
TOTAL PROJECT			7.4	7.15	97						0.25	3

NOTE: DO NOT MIX IB AND INV IN THE SAME ACTIVITY ROW. USE SEPARATE ROW

Amounts net of VAT

(1) In the Activity row, use "X" to identify whether IB or INV

(2) Expressed in % of the **Total** Expenditure (column (a))

4.2 INDICATIVE IMPLEMENTATION SCHEDULE (PERIODS BROKEN DOWN BY QUARTER)

Contracts	Start of Tendering/ Call for proposals	Signature of contract	Project Completion
Contract 1.1	Q2 2013	Q3 2013	Q3 2015
Contract 1.2	Q3 2013	Q4 2013	Q4 2014
Contract 2.1	Q3 2013	Q1 2014	Q1 2016
Contract 3.1	NA	Q1 2013	Q2 2016
Contract 3.2	Q2 2013	Q3 2013	Q4 2016
Contract 3.3	Q1 2014	Q2 2014	Q4 2015

4.3 CROSS CUTTING ISSUES

4.3.1 *Equal Opportunities and non discrimination*

Promoting a more diverse (gender and ethnic wise) workplace will be a strong element in strengthening the institutional capacity of both Customs Service of Kosovo. This project will ensure to address the barriers that prevent equal opportunities at the workplace. As equal opportunity is concerned main focus will be in making less traditional work-areas accessible to both genders.

4.3.2 *Environment and climate change*

This project is expected to have a neutral impact on the environment. The projects' operation will ensure environmental efficiency measures are respected including efficient use of resources and their recycling (e.g. paper recycling, recycling of printer toner etc).

Disaster resilience and risk prevention and management should be integrated in the planning, preparation and implementation of projects.

4.3.3 *Minorities and vulnerable groups*

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 marginalized groups.

4.3.4 *Civil Society/Stakeholders involvement*

Civil Society /Stakeholders involvement will be taken into consideration in all aspects of EU-funded activities 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 management of EU funds.

ANNEXES

- 1. Log frame**
- 2. Description of Institutional Framework**
- 3. Reference list of relevant laws and regulations only where relevant**
- 4. Details per EU funded contract(*) where applicable:**
- 5. Project visibility activities**

ANNEX 1: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche		Project title and number	Strengthening the Rule of Law: 03 – 2013 / 02
		Contracting period expires three years after the conclusion of the Financing Agreement	Execution period expires two years after the final date for contracting
		Total budget	€7.4 million
		IPA budget:	€7.15 million
Overall objective	Objectively verifiable indicators (OVI)	Sources of Verification	
The overall objective of the project is to strengthen the rule of law sector in Kosovo.	<p>Positive evaluation of progress in the field of Customs.</p> <p>EPAP short- and medium-term priorities successfully implemented</p> <p>Progress Report recommendations successfully fulfilled.</p> <p>Customs Blueprint gaps successfully fulfilled</p> <p>Fact finding mission on Trade Agreement findings successfully fulfilled</p> <p>SAPD conclusions effectively addressed.</p>	<p>Annual Progress Reports</p> <p>Commission’s Customs Blueprints checklists</p> <p>Kosovo government inputs to the Progress Reports</p> <p>EPAP implementation reports</p> <p>Government strategy papers and policy documents.</p> <p>SAPD conclusions of Plenary meetings and meetings on Economy, Financial Issues and Statistics</p> <p>Findings from the fact finding mission on Trade Agreement with EU</p>	
Specific objective	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions

<p>- To strengthen Kosovo customs' capacities in order to establish an implement an effective, efficient, fair and transparent HR system, thus supporting the reform and development process in accordance with EU standards.</p> <p>- To strengthen the enforcement system and trade facilitation, Risk Management, Post Audit Control and supply chain security in the fight against smuggling, fiscal evasion, organized crime and counterfeiting.</p> <p>- To support the Kosovo customs in providing fast and secure information and intelligence and in managing structured and unstructured information</p> <p>- To support Kosovo in establishing an updated and comprehensive Civil Code in line with EU acquis;</p> <p>- To improve the overall coherence of the regulatory framework on property rights and hereby enhance the security of property rights in Kosovo.</p> <p>- To enable the justice system in Kosovo to treat children in conflict and in contact with the law, including victims and witnesses, in line with the Convention on the Rights of the Child and European standards.</p>	<p>Proper HR system in place including performance assessment system</p> <p>Strengthened administrative and operational capacities of HR</p> <p>Customs Blueprint gaps properly addressed and fulfilled.</p> <p>Improved quality of customs valuation and post clearance audit.</p> <p>Reduced scope for fraud.</p> <p>Strengthened operational capacities of enforcement.</p> <p>Adequate electronic system in place for storing and exchanging information within enforcement</p> <p>Customs Blueprint gaps properly addressed and fulfilled.</p>	<p>Commission's Customs Blueprint Gaps and Needs</p> <p>Business Strategy objectives</p> <p>Annual report of Kosovo Customs to the Ministry of Finance</p> <p>Commission's Customs Blueprint Gaps and Needs</p> <p>Business Strategy objectives</p> <p>Annual report of Kosovo Customs to the Ministry of Finance</p> <p>EPAP implementation reports</p>	<p>Continuous government commitment on European integration process and achievement of best EU practices.</p> <p>Sufficient human resources allocated to continue with knowledge dissemination.</p> <p>Senior directors engaged with the HR reforms.</p> <p>Continuous government and customs commitment on implementing project recommendations.</p> <p>Continuous commitment of stakeholders</p> <p>Sufficient human resources allocated to continue with knowledge dissemination.</p>
Results	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions

<p>Activity 1 – Support to Kosovo customs</p> <p><i>Component 1 – Support to Human Resources System</i></p> <ul style="list-style-type: none"> - Identified needs of legal/administrative documentation and support in developing and implementing the legal framework - The customs structure and functions within the structure are clearly defined and in compliance with the business strategy. - Improved quality of HR system and planning - Developed functioning monitoring and evaluation system - Developed incorporated system between personnel and training units - Increased capacities to use the performance management system. <p><i>Component 2 – Trade facilitation and law enforcement</i></p> <ul style="list-style-type: none"> - Enhanced quality of customs valuation and reduced scope for fraud - Increased capacities in post-clearance control and audit - Further developed Authorised Economic (AEO) Operator programme <p><i>Component 3 – Provision of an integrated law enforcement system</i></p> <ul style="list-style-type: none"> - Centralized repository Data Management - Developed system of analysis and feedback from controls - Reporting and Analysis services (Data Warehouse / Business Intelligence, Analyst Notebook, iBase etc.) in place. 	<p>Evaluation of HR system conducted.</p> <p>The roles and responsibilities of each function in compliance with the business strategy of the Administration in place.</p> <p>Job structures and grading within each functions of the Administration regularly audited to ensure fitness for purpose of each function.</p> <p>Planning system in place to meet administration’s long-term objectives.</p> <p>Improved delivery of trainings.</p> <p>Increased results in fight against smuggling, counterfeiting and tax evasion.</p> <p>Post-clearance control and audit practices improved. Increase co-operation between all controls departments.</p> <p>Systematic use of pre-arrival and pre-departure information.</p>	<p>Commission’s Customs Blueprint Gaps and Needs</p> <p>Business Strategy objectives</p> <p>Annual report of Kosovo Customs to the Ministry of Finance</p> <p>Feedback from capacity building activities</p> <p>Twinning Reports.</p>	<p>Stakeholder’s commitment to carry on HR reforms.</p> <p>Stability in legal status, functions, competencies and staff of Kosovo Customs during implementation.</p> <p>Effective communication and active participation of all stakeholders.</p>
<p>Activity 2 – Support to Civil Code and Property Rights</p> <p>Result 1: An updated and comprehensive Civil Code has been drafted in line with EU acquis</p> <p>Result 2: The overall coherence of Kosovo legal framework on property rights is improved and in line with EU best practices, enhancing the security of property rights in Kosovo.</p>	<p>Enhanced AEO programme.</p> <p>Integrated database for storing, profiling and exchanging secure and accurate information in place.</p>		

<p>Activity 3 – Support to Juvenile Justice</p> <p>Result 1: The government bodies at central and municipal level, in particular the Council for Child Protection and Justice for Children in the Prime Minister’s Office, has increased ownership of monitoring, reporting and coordination in justice for children and child protection system and the capacity to provide improved services for children in conflict/contact with the law;</p> <p>Result 2: Legal framework strengthened to ensure justice for different categories of children in contact with the law;</p> <p>Result 3: Key professionals and responsible institutions have the capacity to implement their respective mandates in the area of justice for children and relevant child protection;</p> <p>Result 4: Juveniles involved in correctional and/or educational institutional measures are provided with the appropriate services in line with the Juvenile Justice Code and other relevant (European and international) standards</p>			
Activities to achieve results	Means / contracts	Costs	Assumptions
<p>Activity 1 – Support to Kosovo customs</p> <p><i>Component 1:</i></p> <ul style="list-style-type: none"> - Evaluation of current legal/administrative documentation and the last organisational review and drafting of needed changes. - Evaluation of the roles and responsibilities of each function within the customs administration. - Preparation for future forecasting and planning system to predict and meet administration’s long-term objectives. - Develop procedures and guidelines and provide a monitoring system to ensure proper implementation of the performance and promotion. - Develop a system to ensure an appropriate balance of training delivered to each official necessary and ensuring the functioning of the training unit and required cooperation with the HR department. 	Twinning contract	€1.75 million	<p>Pro-active involvement in coordination between horizontal and sectorial strategies and action plans..</p> <p>Sufficient resources (both human and material resources) allocated to achieve project outputs and low turnover.</p> <p>Effective communication between all stakeholders.</p> <p>Twinning project will in principle built on the achievements achieved by previous projects.</p> <p>Readiness to actively participate in</p>

<ul style="list-style-type: none"> - Provide training to managers directly responsible for the performance management system. 			capacity building events.
<p><i>Component 2:</i></p> <ul style="list-style-type: none"> - Enhance the capacities for risk-profiling for customs valuation - Support on developing and utilizing effective risk profiles in general - Support drafting Memorandum of Understanding or similar instruments for improving the co-operation with National Agencies (TAK, Police, FIU etc.) - Prepare annual audit plan and PCA manual and support in the implementation of post audit controls through on-the job training; - Support on utilizing effective investigative techniques and post audit controls - Support in drafting Memorandum of Understanding to implement regular national and international co-operation to enhance exchange of information. - Support the implementation of the Supply Chain Security Road Map - Awareness raising to Economic Operators 			
<p><i>Component 3:</i></p> <ul style="list-style-type: none"> - Conduct system requirements analysis - Detailing the design for the selected solution - Preparation of Law Enforcement Solution - Solution Implementation - Provide training to users 	Supply contract	€0.75 million	
<p>Activity 2 – Support to Civil Code and Property Rights</p> <p><i>Component 1</i></p> <ul style="list-style-type: none"> - Provide technical support to the MoJ in collecting and reviewing the relevant laws within judiciary area; - Undertake a gap analysis to identify inconsistencies; - Provide advice on the simplification and harmonisation of 	one service contract	€2 million	

existing civil legislation;

- Ensure exchange between the relevant legal actors through appropriate means (i.e. workshops and round tables, study visits etc.);
- Assist the MOJ in drafting concept/policy papers indicating the main parts/areas of the Civil Code
- Provide strategic advice and an overall methodology to draft the new Civil Code;
- Assist the MoJ in formulating the relevant provisions and drafting the new Civil Code as one piece of legislation.

Component 2

- Provide technical support to the MoJ and other relevant stakeholders to collect relevant laws in the area of property rights;
- Undertake a gap analysis to identify inconsistencies;
- Ensure exchange between the relevant legal actors through appropriate means (i.e. workshops and round tables, study visits etc.);
- Assist PRC at PMO and MoJ in developing relevant operational rules in the field of property rights for coordination and cooperation with line ministries and other institutions;
- Provide advice to PRC at PMO and MoJ on the simplification and harmonisation of existing property rights legislation;
- Assist the MoJ in drafting of a concept/policy paper “White Paper – Kosovo Strategy on Property Rights” indicating the changes and amendments needed in the policy field
- On the basis of the “Kosovo Strategy on Property Rights”, assist the MoJ and other stakeholders to produce a Kosovo Property Rights Action Plan;
- Assist the MOJ and other stakeholders in the drafting of consistent legislation by formulating the relevant provisions.

Activity 3 – Support to Juvenile Justice

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<p><i>Activities to achieve Result 1</i></p> <ul style="list-style-type: none"> - Further support to build the capacities of the Council for Child Protection and Justice for Children - Assessment of the level of relevant services provided by municipal authorities in the field of justice for children - Determine minimum standard of service provision in municipal level - Institutionalisation of the Task force model in relation to case management within municipal governance structures, in cooperation with the civil society organisations - Organisation of a regional conference on justice for children 	<p>contribution agreement with UNICEF</p> <p>UNICEF co-financing</p> <p>one works contract</p> <p>one service contract</p>	<p>€1.5 million</p> <p>€0.25 million</p> <p>€1.0 million</p> <p>€0.15 million</p>
<p>Activities to achieve Result 2</p> <ul style="list-style-type: none"> - Undertake a comprehensive review of all justice for children related legislation and strengthen the legislative framework to ensure that the rights of different categories of children in contact and conflict in the law are protected. 		

ANNEX 2: Description of Institutional Framework

Activity 1

On 12 December 2008 Customs Service UNMIK Customs became Kosovo Customs. The new Customs Code was adopted on 11 November 2008 by the Kosovo Assembly, this code enabled transition. Customs code is in line with European standards and among others has as objective the economic development of Kosovo.

Aside from customs duties that collected Customs collects also VAT and tax on excise. Besides the collection of revenues, Kosovo Customs protects society from smuggling of drugs and other prohibited goods by the prejudicial effect of economic crime and evasion in revenue.

Kosovo Customs has developed on the basis of EU standards and is funded entirely from Kosovo Consolidated Budget and currently has about 591 employees. It is also supported by the EU through the senior professional from EU customs authority.

The Customs Service has a broad mission, commencing from protection of the state, economy and citizens. Therefore, the mission of the Customs Service can be divided into two main categories:

1) Contribution to economic issues:

- The collection of customs duties: such as customs duty, value added tax; excise for the Kosovo Consolidated Budget.
- Control import and export, defend the economy; protection of trademarks and others.
- Trade statistics

2) Contribution to security:

- Fighting illegal activities
- Increased security presence at border crossings through; fighting border crime; fighting drug trafficking, etc.
- Protection of population and environment, prevention of smuggling weapons and explosive substances

Activity 2

There are a number of different stakeholders dealing with property related claims:

Kosovo Property Claims Commission (KPCC)

The Kosovo Property Claims Commission (KPCC) is the quasi-judicial decision-making body within the Kosovo Property Agency (KPA) which was established pursuant to UNMIK Regulation 2006/10 'On the Resolution of Claims Relating to Private Immoveable Property, including Agricultural and Commercial Property' (as amended). EULEX has deployed a total of 8 local and international staff to support the KPCC, including international Property Claims Commissioners.

The KPA/KPCC operates as a mass claims processing mechanism in the field of post-conflict property restitution with the objective of facilitating the exercise of property rights by persons displaced by the armed conflict in Kosovo in 1998-1999 irrespective of their ethnicity. Similar mass claims facilities have been created in other post-conflict situations, including in Bosnia. One of the aims of the EULEX mission is to support the resolution of conflict-related property claims in an equitable, objective

and transparent manner with due respect to applicable law. Article 1 of Protocol 1 to the European Convention on Human Rights confirms the basic human right to the enjoyment of possessions, including private property.

The mandate of the KPCC is to resolve conflict-related ownership and use rights claims with respect to private immovable property involving circumstances directly related to or resulting from the armed conflict that occurred between 27 February 1998 and 20 June 1999 where the claimant is not now able to exercise such property rights.

Claims involving property disputes unrelated to the 1998-1999 conflict fall outside of the mandate of the KPCC and will continue to be resolved through the local court system. Similarly, claims not involving private immovable property fall outside of the KPCC mandate.

The KPCC is authorized to confirm ownership and use rights claimed by parties, make orders for possession of the property, including eviction orders in relation to unlawful occupants, and grant, refuse or dismiss claims.

The KPCC conducts sessions every two months for the resolution of claims presented to it for adjudication by the Executive Secretariat of the KPA. KPCC decisions are subject to the right of appeal only to the Supreme Court of Kosovo, KPA Appeals Panel. The KPCC consists of two international Commissioners and one local Commissioner.

Kosovo Property Agency

UNMIK Regulation 2006/10 laid the foundation for the creation of a Supreme Court Appellate Panel for conflict-related property claims cases. The appellate Panel was supposed to be comprised of both international and local judges but was later suspended and the KPA Appeals Panel was established with the mandate to decide appeals against Kosovo Property Claims Commission (hereinafter KPCC) decisions responsible for the adjudication of claims received by the KPA. Two EULEX civil judges were deployed in November 2008, but the panel was not fully operational as it lacked its third Kosovo panel member. On 22 October 2010, a Kosovo Judge was appointed enabling the panel to perform the assigned executive function. Following this appointment, 8 cases were adjudicated in 2009; 9 cases in 2010, while in 2011 245 cases were registered, out of which 172 are adjudicated and 73 are still pending

Special Chamber of the Supreme Court (SCSC)

The legal basis for the establishment of the SCSC in its present form was the UNMIK Regulation 2008/4 amending UNMIK Regulation 2002/13, and UNMIK Administrative Direction 2008/6. The law envisaged mixed panels in two instances, namely first instance and appeal, with a majority of EULEX Judges on each panel. The new legal basis for the SCSC is the Kosovo Law on SCSC as adopted in 2011 (Law No.04/L-033, dated 31 August 2011).

The difficulties pertaining to the proper adjudication of often interethnic-related cases, that involve parties outside of Kosovo, require a sustained international assistance in this segment of the administration of justice in Kosovo. Many conflict-related cases

concerning property issues fall under the scope of the SCSC's jurisdiction. The Special Chamber has exclusive jurisdiction for all suits against the Trust Agency.

The SCSC has made vast progress in applying European Standards and Best European Practices. The first items on the agenda were the development and implementation of an operational system for the composition of panels of judges in first and second instance, and for a predetermined and objective system of case allocation among judges in a revolving manner, ensuring transparency, the right to a lawful Judge, and a fair balance of workload.

In accordance with the new SCSC-Law of Kosovo, there are five (5) international judges in the second instance, whilst only three (3) international judges in the first instance.

Property Rights Coordinator at the Prime Minister Office

Concerning the Property Rights Coordinator at the Prime Minister Office, main duties and responsibilities are the following:

Duties and responsibilities of property rights coordinator:

- Drafting of property-related policy;
- Advise the Prime Minister of Kosovo on property rights area;
- Coordinate the drafting and amending of property related legislation;
- Coordinate activities of public institutions that deal with property rights;
- Coordinate activities of public institutions in preparing strategic priorities of the government in property rights area and ensures that government strategic priorities are reflected in annual operational documents;
- Prepares annual report and other periodic reports upon Prime Minister's request on the performance and implementation of activities undertaken in property rights area;

Activity 3

Competences of the Ministry of Justice are based on the government Regulation no. 2/11 which defines the framework of the Ministry.

Kosovo Correctional Service functions on the basis of the Law on the execution of Criminal Sanctions

Kosovo Probation Services functions on the basis of the Law on the execution of Criminal Sanctions.

The Council on Child Protection and Justice for Children. The Prime Minister's Advisory Office on Good Governance, Human Rights and Gender (AOGG) chairs the Council, and the Ministry of Justice and Ministry of Labour and Social Welfare serve

as co-chairs. The Council is comprised of around 25 members, including several ministries and civil society members, and is supported through the current project.

Project Steering Committee for this project should be comprised by all relevant stakeholders, including AOGG, Ministry of Justice, , Ministry of Labour and Social Welfare, EU Office in Kosovo, UNICEF and other stakeholders identified during the inception phase of the project and as deemed necessary.

ANNEX 3: Reference list of relevant laws and regulations only where relevant

Activity 1

The new Kosovo Customs and Excise Code: LAW NO. 04/L-099 ON AMENDING AND SUPPLEMENTING CUSTOMS AND EXCISE CODE IN KOSOVO NO. 03/L-109

Kosovo Customs - STRATEGIC OPERATING FRAMEWORK (SOF) 2012-2014

Activity 2

The codification of civil laws will encompass *at minimum* (but not limited to) the following areas:

- Law on Obligation;
- Laws on Family;
- Laws on Inheritance;
- Law on Mortgage;
- Laws related to Mediation and Arbitration;
- Laws related to Property Rights.

Activity 3

- Juvenile Justice Code
- Kosovo Criminal Code;
- Kosovo Criminal Procedure Code
- Several sub-legal acts deriving from the juvenile justice code;
- Labour Law;
- Family Law
- Law on Family and Social Services

- Law on domestic violence
- Ministry of Justice's Strategic Development Plan for 2012-2016

ANNEX 4: Details per EU funded contract (*) where applicable:

Activity 1

The project will be implemented through one (1) twinning contract to support the Customs Administration and one (1) supply contract to purchase the software.

Standard twinning procedures are to be used. The Resident Twinning Advisor (RTA) is expected to be a senior civil servant from a similar institution of member. The RTA will be assisted by EU MS short and medium-term experts.

Activity 2

1 Service contract (€2.0 million) to be implemented over a period of 24 months.

Activity 3

Contract 3.1 (€1.5 million with €0.25 co-financing from UNICEF) will be implemented through a contribution agreement with UNICEF. The same implementation modality was successfully applied during phase I and II of the project, therefore the continuation of the cooperation with UNICEF and the same implementation modality is seen as a logical and most suitable option.

The project will be complemented by additional activities implemented by UNICEF in the field of child rights' protection as a regular mandate of this organisation. UNICEF Kosovo office has a quasi-monopoly position in Kosovo in the field of child protection, especially considering their longstanding involvement in this field in Kosovo and worldwide.

Contract 3.2 will be implemented through one service contract for a period of 36 months.

Contract 3.3 will be implemented through a works contract for a period of 18 months.

ANNEX 5: Project visibility activities

The European Union Office in Kosovo has developed clear visibility guidelines and ensures that all projects which are implemented in Kosovo are fully in line with these guidelines. Project visibility is also clearly stipulated in all contractual documents whereby the contractors/implementers are obliged to adhere to all EU visibility requirements.