

ANNEX 1

to the Commission Implementing Decision on the financing of the annual action plan in favour of Kosovo* for 2022

Action Document for EU for Fundamental Rights

ANNUAL ACTION PLAN

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation, and annual and multiannual action plans and measures in the sense of Article 9 of IPA III Regulation and Article 23 of NDICI - Global Europe Regulation.

1. SYNOPSIS

1.1. Action Summary Table

Title	EU for Fundamental Rights Annual Action Plan in favour of Kosovo* for 2022
OPSYS	ACT-61329
Basic Act	Financed under the Instrument for Pre-accession Assistance (IPA III)
Team Europe Initiative	No
Zone benefiting from the action	The action shall be carried out in Kosovo
Programming document	IPA III Programming Framework
PRIORITY AREAS AND SECTOR INFORMATION	
Window and thematic priority	Window 1: Rule of Law, Security and Migration Thematic Priority 5: Fundamental Rights

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

Sustainable Development Goals (SDGs)	SDG 10. Reduce Inequalities SDG 1. No poverty SDG16. Promote peaceful and inclusive societies for sustainable development			
DAC code(s)	15220 – Civilian peace-building, conflict prevention and resolution (50%) 15130 - Legal and judicial development (20%) 15160 – Human rights (30%)			
Main Delivery Channel @	47066 - International Organization for Migration (IOM) 47138 - Council of Europe (CoE)			
Markers (from DAC form)	General policy objective @	Not targeted	Significant objective	Principal objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and women's and girl's empowerment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, maternal, new-born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with Disabilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nutrition	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers @	Not targeted	Significant objective	Principal objective
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Internal markers	Policy objectives	Not targeted	Significant objective
Connectivity		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Digitalisation		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Migration		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COVID-19		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BUDGET INFORMATION				

Amounts concerned	<p>Budget line: 15.020101.01</p> <p>JAD.1034885</p> <p>Total estimated cost: EUR 8 880 000</p> <p>Total amount of EU budget contribution: EUR 6 800 000</p> <p>This action is co-financed in joint co-financing by:</p> <p>Ministry of Communities and Returns for an amount of EUR 2 000 000; and</p> <p>Council of Europe for an amount of EUR 80 000.</p>
MANAGEMENT AND IMPLEMENTATION	
Implementation modalities (type of financing and management mode)	<p>Project Modality</p> <p>Indirect Management with the entity(ies) to be selected in accordance with the criteria set out in section 4.3.1</p>
Relevant priorities and flagships from Economic and Investment Plan for the Western Balkans [only for the Western Balkans]	<p>Priorities: Rule of Law, fundamental rights and democracy</p>
Final Date for conclusion of Financing Agreement	<p>At the latest by 31 December 2023</p>
Final date for concluding contribution / delegation agreements, procurement and grant contracts	<p>3 years following the date of conclusion of the Financing Agreement, with the exception of cases listed under Article 114(2) of the Financial Regulation</p>
Indicative operational implementation period	<p>72 months following the conclusion of the Financing Agreement</p>
Final date for implementing the Financing Agreement	<p>12 years following the conclusion of the Financing Agreement</p>

1.2. Summary of the Action

The overall objective of this Action is to contribute to a stable multi-ethnic society with an effective and accountable justice system. The specific objectives are i) to support public and non-governmental

actors in Kosovo in implementing a sustainable, gender sensitive return and reintegration of up to 260 displaced families to Kosovo and ii) to facilitate the judges, prosecutors and lawyers to obtain knowledge on European Human Rights standards and the EU *acquis*, including gender equality *acquis*.

The Action focuses on support to non-majority communities to return and reintegrate into Kosovo. Although a multi-ethnic society, Kosovo lacks a common vision shared by all communities. While there are positive examples of peaceful cohabitation among ethnic groups, ongoing violations of the rights and interests of non-majority communities and divisive historical and political narratives continue to hinder the potential for trust and for progress in inter-ethnic dialogue and reconciliation at the community level.

Despite the above challenges, more than twenty years after the 1999 conflict displaced minority families continue to show interest to return to their place of origin as they still live in difficult living conditions in displacement. It is estimated that some 100,000 displaced people of Kosovo origin are currently in Serbia, Montenegro and North Macedonia. Additionally, some 16,000 Internally Displaced Persons (IDPs) live in private accommodation and collective centres, still waiting for a durable solution inside Kosovo.

According to prior consultations with stakeholders, there is a profound interest among judges, prosecutors, lawyers, law students and professors in tailor-made trainings and courses in various rule of law thematic areas (Access to justice for women; Anti-discrimination; Rights to a fair trial; Children rights; Family Law; Freedom of expression). Relevant thematic areas (up to six courses) will be chosen according to the priority areas of the beneficiaries.

The Action will contribute to SDGs 10, 1 and 16. It will also contribute to civilian peace-building, conflict prevention and resolution as well as legal and judicial development. The Action is also aligned with the Kosovo Programme for Gender Equality 2020 – 2024, Specific Objective 1.2 “Increasing Employment of Women and Girls”, within Strategic Objective 1: “Creating equal opportunities to contribute and benefit from inclusive economic empowerment and improvement social welfare”. Finally this action will contribute to the implementation of the EU Gender Action Plan III (GAP III)¹.

The principle DAC and internal marker for this Action is participation development and good governance and significant marker is the gender equality and women’s and girl’s empowerment.

2. RATIONALE

2.1. Context

Area of support 1: EU-Return and Reintegration in Kosovo phase VI (RRK VI)

¹ SWD(2020) 284 final, 25.11.2020

More than twenty years after the 1999 conflict, Displaced Persons in the Region (DPRs) continue to show interest to return to their place of origin as they still continue to live in difficult living conditions in displacement. Municipal Offices for Communities and Return report increased interest. It is estimated that some 4,688² displaced people of Kosovo origin that are interested to return are currently in Serbia, Montenegro and North Macedonia. Additionally, some 16,000³ Internally Displaced Persons (IDPs) live in private accommodation, still waiting for a durable solution inside Kosovo. Additionally, 53 families of Roma, Ashkali and Egyptian returnees from North Macedonia, with 189 members, still struggle to integrate. As no durable solution was provided to date, they depend on a rental scheme provided by the Ministry of Communities and Return and soon will have no means to cover their rent.

Implementing an effective and meaningful return and reintegration policy for Displaced Persons in the Region and Internally Displaced Persons continue to be a challenging task for the authorities and institutions in Kosovo despite increased political will at the highest level of the government and among individual municipalities. In addition to broader local and regional political context, the displaced persons and families returning to Kosovo face a number of systemic challenges, like claiming ownership to land and property. Roma, Ashkali and Egyptian displaced persons and families lack proper civil registration and personal documentation that limit their right to owning land and property as well as accessing crucial social services, such as education, healthcare, and employment opportunities. On the other hand, safety and security as well as quality of education in the Serbian language are the leading concerns for the return of Kosovo Serbs displaced families. Women and girls may face double or triple discrimination.

This Action will be directly linked with the Ministry's Draft Strategy for Protection and Promotion of the Rights of the Communities and their Members 2021-2025 (expected to be approved soon). The Action is also aligned with the Kosovo Programme for Gender Equality 2020 – 2024, Specific Objective 1.2 "Increasing Employment of Women and Girls".

This Action will be directly linked to the IPA III thematic priority 5: Fundamental Rights and is fully in line with the EU's Western Balkans Strategy, namely the first concrete flagship initiative: Rule of law, fundamental rights, governance. Under this flagship the strategy puts special emphasis in "Decisive efforts needed to protect minorities and fight discrimination, notably against the Roma – for whom social inclusion should be more robustly promoted". The European Commission Report for Kosovo 2021⁴ called for significant efforts to create the conditions for a truly multi-ethnic society.

This proposed action is a continuation and part of the larger programme jointly funded by the EU and the Ministry of Communities and Return under IPA 2007, 2008, 2010, 2012 and 2016. In total, more than 1,300 minority community families were facilitated to return under the IPA I and IPA II assistance.

Area of support 2: Support to Legal Professions in Kosovo - LINK

The action aims at increasing the ability of legal professionals to effectively and coherently apply European human rights standards and enhancing knowledge and practical skills of future legal professionals in law students. In Kosovo, by virtue of Article 22 of its Constitution, the European

² UNHCR Kosovo Statistical Overview, June 2021

³ Ibid.

⁴ SWD(2021) 292 final/2, 19.10.2021

Convention on Human Rights is directly applicable and, in case of conflict, have priority over the provisions of laws and other acts of public institutions. Moreover, Article 53 of the Constitution stipulates that human rights and fundamental freedoms shall be interpreted consistently with the jurisprudence of the European Court of Human Rights. Additionally, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) are also directly applicable through Article 22 of the Constitution. Also, this action is in line with the European Reform Agenda (ERA) II, section 1.3. Improvement of the fundamental rights and freedoms. The action will complement and will be in close coordination with Human Rights Education for Legal Professionals regional to avoid overlapping and to increase complementarity and effectiveness of the Support to Legal Professions in Kosovo project.

The action is in line with Kosovo's draft Program for the Protection and Promotion of Human Rights (2021-2025) and the Action Plan (2021-2023). These documents are not yet adopted.

2.2. Problem Analysis

Area of support 1: EU-Return and Reintegration in Kosovo phase VI (RRK VI)

Short problem analysis

Many displaced persons from non-majority communities (particularly from Roma, Ashkali and Egyptian communities) wishing to return to Kosovo face serious challenges doing so as they lack official papers, housing solutions, and land and/or property rights. Women in particular have very limited access to property ownership. Despite the willingness to resolve the issue of displacement, the return and reintegration of displaced persons remains a challenge for Kosovo institutions. One of the main barriers is the government funding gap to finance the returns of all families unable or unwilling to integrate in their area of displacement and in need of durable solutions in Kosovo.

In addition, there is a strong need to increase the capacity of central and municipal authorities' involvement in the process of promoting and supporting voluntary returns and reintegration of ethnic minorities of Kosovo origin (through all stages of the return process i.e. inter-ethnic dialogue activities, beneficiary selection, housing reconstruction, physical return and community development initiatives), particularly for the Ministry and those municipalities which have already shown high dedication and commitment towards return and reintegration of minority communities.

Identification of main stakeholders

The Ministry of Communities and Return of Kosovo government is the main stakeholder of this project. The Ministry is mandated to develop guidance, promote as well as implement legislation for the protection of the communities and the creation of conditions for return. While the Ministry continues to expand its capacities, budgetary constraints remain a challenge. The Municipal Offices for Community and Return (MOCRs) will also be involved, particularly at the field level addressing return locations, inter-ethnic dialogue facilitation and the immediate needs of the communities they serve. There is a considerable lack of technical and human capacities, lack of established coordination and cooperation mechanisms between authorities concerned to sufficiently and appropriately support and facilitate returns and reintegration of non-majority communities.

Apart from the implementing partner International Organisation for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) will be involved. Community leaders and associations representing displaced persons, as well as Roma, Ashkali and Egyptian women's organisations will also be associated, as will organisations specialising in vocational training, business

development and addressing gender-based violence towards providing comprehensive support services and of course the final beneficiaries.

Area of support 2: Support to Legal Professions in Kosovo - LINK

Short problem analysis

There is no coherent approach to human rights training on the application of the European Convention on Human Rights in Kosovo. There is also a lack of related materials tailored to the needs of legal professionals. The necessary precondition for achieving a uniform interpretation and effective implementation of human rights is that all legal practitioners (judges, lawyers and prosecutors) are familiar with the European human rights standards and can apply them in concrete situations.

There is a particular need for advancing professional capacities in fighting domestic violence and other forms of gender-based violence. Gender-based violence, including domestic and sexual violence, remain widespread in Kosovo, and the institutional response is weak. The legal system faces several challenges in combating it including weak inter-institutional cooperation, lack of trust in justice institutions, underreporting by victims, insufficient confidentiality, victim blaming, and attempts to reconcile the victim with the perpetrator.

Identification of main stakeholders

The Kosovo Justice Academy, the Kosovo Bar Association, the University of Pristina and the University of Mitrovica Law Faculties are all key stakeholders. The direct beneficiaries of the action are legal professionals (judges, prosecutors and lawyers) and future legal professionals represented by law students and law professors. Other stakeholders include institutions that ensure gender equality, namely the Agency for Gender Equality that has responsibilities for the implementation of the Kosovo Program for Gender Equality and the forthcoming new strategy on domestic violence and gender equality officers in all of the aforementioned institutions.

3. DESCRIPTION OF THE ACTION

3.1. Intervention Logic

The overall impact of this Action is to contribute to a stable multi-ethnic society with an effective and accountable justice system.

The outcome of this action are:

Outcome 1) to support public and non-governmental actors in Kosovo in implementing a sustainable, gender sensitive return and reintegration of up to 260 displaced families to Kosovo;

Outcome 2) to facilitate the judges, prosecutors and lawyers to obtain knowledge on European Human Rights standards and the EU *acquis*, including gender equality *acquis*.

The Outputs to be delivered by this action contributing to the corresponding Specific Objectives (Outcomes) are:

Output 1.1 - The return of up to 260 displaced families (at least 20% women led households), based on a free and well-informed decision facilitated through the construction and repair of family dwellings and related community infrastructure at return sites;

Output 2.1 - Training, including on gender equality *acquis*, of at least 250 judges, 125 prosecutors and 375 lawyers, 300 law students and 40 law professors (at least 90% succeeded in the final exam and were certified)

3.2. Indicative Activities

Activities related to **Output 1.1:**

Technical assistance and support (training, on-the-job assistance, coaching) to the Ministry of Communities and Return and to municipal authorities, particularly Municipal Offices for Communities and Returns.

Construction or rehabilitation of up to 260 returnees` dwellings (individual, row houses or social housing), and assistance to municipal authorities in ensuring that all returnees have access to basic infrastructure, including water, electricity and sewage.

Support the voluntary return of up to 260 families to Kosovo, and the provision of standardised Return Packages (food, non-food, and household appliances).

Support the beneficiaries in obtaining civil status documentation as well as land and related documentation by working closely with Kosovo`s central and municipal authorities.

Support of re-integration and reconciliation (multi-ethnic dialogue) process.

Design and deliver tailor-made economic sustainability packages focused on skills development and income generation activities.

Activities related to **Output 2.1:**

Training on European Human Rights Standards for judges, prosecutors, lawyers, law students and law professors.

Training on European human rights standards and gender equality organised and obtained.

Capacity building activities, summer camps and schools for law students.

Internships and research grants for Master and/or PhD students.

3.3. Mainstreaming

Environmental Protection, Climate Change and Biodiversity

Environmental issues shall be actively mainstreamed throughout this Action. Project staff shall include a short-term environmental specialist to define environmental protection strategies, and to ensure close follow-up.

Care will be taken to ensure that, as far as possible, construction techniques and materials under the first area of support are environmentally friendly. Particular attention shall be given to the disposal of waste construction materials. Disaster resilience and risk prevention and management should be integrated in the planning, preparation and implementation of the Action.

As per previous phases, the programme will work with the respective municipal authorities to ensure that environmental considerations are taken into account. More specifically the rubble and waste produced from the construction works will be disposed of at the appropriate municipal waste management sites. Furthermore all houses constructed under this action will contain thermos-insulation and external façade to comply with energy efficiency measures as foreseen under the guidelines for implementation of the return process. Where necessary, the action shall provide the municipal engineers with field-based, on-the-job training about issues related to environmentally-friendly construction methods and other safeguards.

Gender equality and empowerment of women and girls

Under the first area of support, the action will build on the programme's previous phases and approach, which proved that women involvement result in more successful and sustainable returns.

Gender related issues shall be actively mainstreamed throughout the Action within all target institutions and organisations, activities, and measurable outputs. Similarly, to mainstream gender more widely and strategically, the Action will support central level institutions, namely the Ministry of Communities and Return, in ensuring a gender sensitive approach to return and reintegration programming is included within all relevant ministry strategies, programmes, and policy documents. Throughout the Action, decision making processes shall take place in full consultation with returning and receiving communities, including both men and women, and in particular women from minority communities.

In the income generation component, the Action will specifically prioritise women beneficiaries willing to engage in income generation activities as these more regularly tend to be invested in the household. This is particularly true in the more remote areas covered by the action. Furthermore, by accessing and operating in isolated areas too remote for financial institutions to access and monitor/service their loan portfolios the action provides a mechanism to better facilitate the participation of rural women in economic activities. The action will also take into account different gender needs when implementing the harmonised family assistance package. The potentially different needs of women and men in targeted communities will be considered. Monitoring and evaluation will include gender-disaggregated data.

Under the second area of support, specific information and awareness raising will enhance women's and men's understanding of the judicial system. As per the EU Gender Action Plan III, women's rights organisations will be key allies for this work, considering their expertise. Gender equality will be taken into consideration in the organisation of activities. The action will promote gender equality and a more active participation of women. Moreover, the Action will implement and mainstream gender into all its implemented activities, monitoring and reporting. The action will emphasise the need to address gender inequalities and its consequences through implementation of relevant courses (e.g. Women's access to justice and the EU Gender Equality *acquis*).

Human Rights

Area of support 1 endeavours to improve the socio-economic situation of minorities and vulnerable groups and to allow them to successfully and consciously exercise their right to return and to a durable solution. Throughout the action design and implementation, specific attention shall be paid to the needs of Roma, Ashkali and Egyptian communities. Tailored measures/positive actions shall be considered to counteract the high level of discrimination these communities are exposed to. A special approach will be used with Roma, Ashkali and Egyptian women who are among the most disadvantaged in Kosovo. The action targets human and anti-discrimination rights and the promotion of interethnic dialogue through various forms of interethnic exchanges and links.

Area of support 2 aims at strengthening the familiarity of the European Human Rights Standards of judges, Prosecutors and Lawyers. In particular the action will target the students and professors of the Law faculty to increase the knowledge toward European Human Rights Standards in order to increase the impact in two levels of the academic approach to the learning system of the law faculty.

3.4. Risks and Lessons Learned

Category	Risks	Likelihood (High/Medium/Low)	Impact (High/Medium/Low)	Mitigating measures
External environment	Risk 1 - Lack of positive attitude among the receiving communities towards returnee families.	M	H	Ongoing dialogues will be facilitated among the receiving community members in order to maintain and/or build inclusive communities, enhance social capital at a community level and thus facilitate the sustainable reintegration of the returnees.
Planning, processes and systems	Risk 2 - The Ministry of Communities and Return delays establishment of the appeals commission of the Ministry's Regulation 01/2018.	M	M	The action will support Ministry in establishing mechanisms to functionalise the Appeals Commission.
External	The Justice Academy does not coordinate with other donors in the capacity building/trainings and planning	M	M	Coordination and cooperation with the relevant stakeholders and the Justice Academy to avoid overlapping and also overcrowded trainings that make it impossible to follow the trainings

Lessons Learned:

Area of support 1: EU-Return and Reintegration in Kosovo phase VI (RRK VI)

This Action represents a continuation of the EU-Return and Reintegration in Kosovo Programme (fully partnered and jointly funded by the EU and the Ministry under IPA I and IPA II). The design of this action is built on the accumulated knowledge and lessons learned from previously implemented project phases. One of the main lessons learned from previous phases is that the Ministry still requires external support in the process of policy implementation in particular for facilitating the return of the displaced minority families.

A recent evaluation conducted for the programme emphasise that there is sufficient evidence that the Return and Reintegration in Kosovo Programme has created sufficient ownership of its achievements. This is demonstrated by the declared interest of the majority of Municipalities to continue such activities and by testimonies collected from direct beneficiaries of the Programme. The Programme has continued to promote durable models of voluntary return of minority populations by offering balanced community support and offering strategic policy and institutional assistance at both central and local levels. It helped the socio-economic re-integration of its beneficiaries through a variety of

individually tailored assistance models creating primarily conditions for suitable housing and, in some cases, managing securing of sustainable employment or business development, including women.

Displaced minority families require constant support throughout the process of physical relocation: from the identification of those with the strongest intention to return, through the provision of transportation and accommodation, to the (re)construction of houses and community infrastructure projects ensuring a sustainable return in dignity. Needs and priorities differ substantially among women, men, girls, and boys that have been displaced.

Area of support 2: Support to Legal Professions in Kosovo - LINK

There are a number of previous interventions by several donors in this field. Some lessons learned include a lack of commitment and co-operation of the beneficiaries mitigated by continuous dialogue between the project team and stakeholders for securing interest and cooperation. To date, there is a very crowded donor environment in the Rule of Law Sector in Kosovo with the most active donor partners being the EU, the United States, Germany, Norway, the United Kingdom, Switzerland and UN agencies. The EU is committed to ensure donor coordination closely with the Office of the Prime Minister. A pool of certified trainers has already been created at the Justice Academy from a previous intervention by the Council of Europe.

3.5. Indicative Logical Framework Matrix

Results	Results chain: Main expected results (maximum 10)	Indicators (at least one indicator per expected result)	Baselines (year)	Targets (year)	Sources of data (1 per indicator)	Assumptions
Impact	To contribute to a stable multi-ethnic society with an effective and accountable justice system.	Progress made towards meeting Copenhagen criteria			Commission Kosovo Report	<i>Not applicable</i>
Outcome 1	To support public and non-governmental actors in Kosovo in implementing a sustainable, gender sensitive return and reintegration of up to 260 displaced families to Kosovo	Number of minority families (displaced in the region) facilitated to return and reintegrate to Kosovo disaggregated by gender, ethnicity and age.	(2020) 1050 families	(2027) 1310 families	-Projects interim and final reports, -External evaluation reports	-The political and security situation remains stable in Kosovo. -Receiving communities demonstrate a positive attitude towards returnees. -Willingness of authorities (central and local) to cooperate.
Outcome 2	To facilitate the judges, prosecutors and lawyers to obtain knowledge on European Human Rights standards and the EU <i>acquis</i> , including gender equality <i>acquis</i> .	Number of the Judicial staff trained on European Human Rights standards, disaggregated by sex			Commission Kosovo Report	
Output 1.1 related to Outcome 1	Up to 260 displaced families returned to Kosovo.	% of occupancy by the returned families of the (re) constructed dwellings Number of community-based development projects involving both men and women from returning and receiving communities.	80% 60	90% 70	-Certificates of Completion -Municipal monitoring and evaluation reports	-Continued interest of beneficiaries in sustainable voluntary return and reintegration -Stability and security in the project areas prevails and allows the implementation of the programme
Output 2.1 related to outcome 2	250 judges, 125 prosecutors and 375 lawyers, 300 law students and 40 law professors trained. To be noted that at least 90% of the above succeeded in the final exam and were certified on human rights standards and	Number of a) Judges, b) prosecutors, c) lawyers and d) court staff trained with EU support on European Standards and EU <i>Acquis</i> , disaggregated by	2020 300	2025 900	Project reports; Pre-and post-tests; Project evaluation; Council of Europe Reports; Justice Academy reports; Evaluation sheets; Data gathered through project	Commitment of training institutions, courts and individuals Permission and willingness to cooperate from the universities

	EU <i>Acquis</i>	sex Number of students and law professors trained and certified after training on Council of Europe standards, disaggregated by sex				
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4. IMPLEMENTATION ARRANGEMENTS

4.1. Financing Agreement

In order to implement this action, it is envisaged to conclude a financing agreement with Kosovo.

4.2. Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 72 months from the date of entry into force of the financing agreement. Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

4.3. Methods of implementation

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures⁵.

4.3.1. Indirect Management with International organisation

Area of support 1: EU-Return and Reintegration in Kosovo phase VI (RRK VI)

Area of Support 1 may be implemented in indirect management by the International Organisation for Migration (IOM) which is an international pillar-assessed organisation. This choice is justified by the organisations' experience in similar project and in the same sector in Kosovo as well as in managing of complex multi-stakeholders projects.

The action will be carried out through a Contribution Agreement.

The envisaged entity has been selected using the following criteria:

The proposed procedure is based on the Financial Regulation (EU, Euratom) 2018/1046 Article 156 that refers to the Implementation of external actions through indirect management.

IOM is a longstanding partner of the Ministry for Communities and Return and the EU in the field of minority community rights. The involvement of IOM in this case is further justified considering:

- IOM presence and experience in Kosovo and the fact that they are implementing both the EU and MCR programme funds in the sector for Return and Reintegration in Kosovo (RRK) under IPA 2010, IPA 2012 and IPA 2016 programmes and Community Stabilisation Programme (CSP) under IPA 2009, IPA 2011, IPA 2014 and IPA 2018;

⁵ www.sanctionsmap.eu Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

- IOM involvement of facilitating the return of Roma, Ashkali and Egyptian families displaced in camps in North Macedonia and Montenegro;
- IOM's increased involvement in facilitation and support of the regional inter-governmental dialogue between Kosovo and Montenegro and North Macedonia respectively and
- IOM close cooperation with the Ministry for Communities and Return and concerned municipalities on all issues of return, re-integration and stabilisation of minority communities. The Ministry has enjoyed excellent relations with IOM throughout the implementation of joint projects ensuring programmatic coordination and maximisation of resources between the MCR and the EU funds.

If negotiations with the above-mentioned entity fail, that part of this action may be implemented in direct management in accordance with the implementation modalities identified in section 4.3.2

Area of support 2: Support to Legal Professions in Kosovo - LINK

The action may be implemented through a Contribution Agreement with the Council of Europe. This area of support will contribute to the overall objective of the Action (its impact) as well as Outcome 2, as specified in section 3 of this document.

The envisaged entity has been selected using the following criteria:

The Council of Europe adopted resolutions on issues related to the European Court for Human Rights (ECHR), which are reflected in the EU *acquis*. Its expertise in this area together with its experience in advising enlargement countries makes it the most suitable organisation to implement the action.

The action will improve protection and promotion of human rights at national level and prevention of human rights violations through measures in legal education. The key concern that is going to be addressed is the lack of proper understanding and awareness by current and future legal practitioners together with the lack of competences for correct implementation of ECHR standards and jurisprudence as requested by the Constitution, as well as their interplay with the EU *acquis* including the EU Charter of Fundamental Rights. Training activities will aim to cover the needs of judges, prosecutors and other legal practitioners alongside the needs of law professors and law students as future legal practitioners. Additional activities with the academic institutions will include establishment of Council of Europe corners in the Academy of Justice and in the University of Pristina.

The proposed procedure is based on the Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 Article 62 (1)(c)(ii) and Article 156 that refer to the Implementation of external actions through indirect management with International Organisations.

If negotiations with the above-mentioned entity fail, that part of this action may be implemented in direct management in accordance with the implementation modalities identified in section 4.3.2

4.3.2. Changes from indirect to direct management (and vice versa) mode due to exceptional circumstances (one alternative second option)

In exceptional circumstances and upon authorisation of the European Commission, changes from indirect to direct management mode (and vice versa) are possible, as well as other changes in the management and procurement modes. The selection criteria, for all outputs, used in case of direct management will include

operational capacity and access to expertise, as well as significant previous experience in the implementation of similar assistance in a similar sector.

4.4. Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

The Commission’s authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of this action impossible or exceedingly difficult (Article 28(10) NDICI-Global Europe Regulation).

4.5. Indicative Budget

Indicative Budget components	EU contribution (amount in EUR)	Indicative third-party contribution, in EUR
Outcome 1: to support public and non-governmental actors in Kosovo in implementing a sustainable, gender sensitive return and reintegration of up to 260 displaced families to Kosovo; ,composed of	6 000 000	2 000 000
<i>Indirect Management with IOM – cf. section 4.3.1</i>	<i>6 000 000</i>	<i>2 000 000⁶</i>
Outcome 2: to facilitate the judges, prosecutors and lawyers to obtain knowledge on European Human Rights standards and the EU <i>acquis</i> , including gender equality <i>acquis</i> .,composed of	800 000	80 000
<i>Indirect Management with CoE – cf. section 4.3.1</i>	<i>800 000</i>	<i>80 000⁷</i>
Evaluation – cf. section 5.4 Audit – cf. section 5.5	will be covered by another Decision	
Communication and visibility – cf. section 6	will be covered by another Decision	

⁶ Ministry of Communities and Returns

⁷ Council of Europe

Contingencies	N.A.	N.A,
Totals	6 800 000	2 080 000

4.6. Organisational Set-up and Responsibilities

Area of support 1: EU-Return and Reintegration in Kosovo phase VI (RRK VI)

At the central level, the main institutional stakeholders of the Action are the Ministry for Communities and Return and the European Union Office in Kosovo who will have the broad mandate for overseeing the Action. As implementing partner of the Action, IOM will oversee the daily operations and ensure the timely and prudent delivery of assistance to the beneficiaries.

A Project Steering Committee will be formed to guide programmatic decisions, comprising of the Ministry of Communities and Return, the EU Office in Kosovo, the implementing partner, and aforementioned stakeholders as deemed necessary during the inception phase of the specific Actions.

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The main stakeholders under this action are Kosovo Justice Academy, the Kosovo Bar Association, the University of Pristina and the University of Mitrovica law faculty.

The Council of Europe as implementer will oversee and implement the activities in the daily bases as foreseen. In close cooperation with the Academy of Justice and other donors will coordinate and avoid overlapping of the trainings under this area of support.

The implementation will be monitored through regular meetings with the contractor. The EU Office as the contracting authority and the beneficiary will ensure that services are delivered on time and in line with agreement and in proper quality. In addition, monitoring will be conducted through regular Steering Committee meetings.

4.7. Pre-conditions

For area of support 1 EU-Return and Reintegration in Kosovo phase VI (RRK VI) the main preconditions that are considered to be critical for the success of the Action include:

- Approval of the Ministry’s Draft Strategy for Protection and Promotion of the Rights of the Communities and their Members 2021-2025.
- Development and operationalisation of the Ministry’s database of returns as per Regulation on Returns no.01/2018
- Establishment and operationalisation of the appeals commission as per Regulation on Returns 01/2018.

5. PERFORMANCE MEASUREMENT

5.1. Monitoring and Reporting

Area of support 1: EU-Return and Reintegration in Kosovo phase VI (RRK VI)

The action foresees regular monitoring from the Ministry of Communities and Return and the EU Office in Kosovo through direct participation in the action approval committee as well as regular reporting provided by

the implementing agency. The action further foresees monitoring from the Results Oriented Monitoring (ROM) teams from the EU.

The implementing agency will be responsible for: regular monitoring of the programme beneficiaries to ensure that they are sufficiently supported and that regular contact is maintained in order to address any issues that might arise or to take remedial actions that may be required in order to ensure the successful return and reintegration of displaced beneficiary families.

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (Outputs and direct Outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality) and the partner's strategy, policy or reform action plan list (for budget support).

Action monitoring will be based on a periodic assessment of progress in delivering specified action results and achieving action objectives. The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

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The implementation of the activities under this action will be monitored from the implementing partner, stakeholders and the EU Office. The daily implementation of the activities will be monitored from the implementing partner as per their internal system and through the monitoring they will provide if the outputs, deliveries and schedules planned have been reached as foreseen.

Both areas of support foresee setting up a quarterly Steering Committee to monitor the progress of the project, agree on work plans and create a platform for bringing up any issues, which might arise throughout the implementation. The Steering Committee will be managed jointly by representatives from key beneficiary institutions and the implementing partner and invite representatives of key stakeholders, international partners working in this area and civil society as observers.

5.2. Evaluation

Having regard to the nature of the action, evaluations will be carried out for this action or any of the projects funded under it via independent consultants contracted by the Commission or via an implementing partner. The evaluations will be carried out for learning purposes, in particular with respect to the nature of facilities and interventions.

The Commission shall inform the implementing partner at least 1 (one) month in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities. The evaluation reports shall be shared with the partner country and other key stakeholders following the best practice of evaluation dissemination. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any

adjustments necessary, including, if indicated, the reorientation of the project. Evaluation services may be contracted under a framework contract.

5.3. Audit and Verifications

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

It is foreseen that audit services may be contracted [under a framework contract].

The European Commission may initiate expenditure verification of this action as part of regular annual audit exercises. In addition the European Union Office in Kosovo will perform on-the-spot checks as part of the regular interim payment arrangements.

6. COMMUNICATION AND VISIBILITY

Visibility of EU funding and communication about objectives and impact of Actions are a legal obligation for all Actions funded by the EU, as set out in the EU communication and visibility requirements in force.

In particular, the recipients of EU funding shall acknowledge the origin of the EU funding and ensure its proper visibility by:

- providing a statement highlighting the support received from the EU in a visible manner on all documents and communication material relating to the implementation of the funds, including on an official website and social media accounts, where these exist; and
- promoting the actions and their results by providing coherent, effective and proportionate targeted information to multiple audiences, including the media.

Visibility and communication measures shall be implemented, as relevant, by the national administrations (for instance, concerning the reforms linked to EU budget support), entrusted entities, contractors and grant beneficiaries. Appropriate contractual obligations shall be included, respectively, in financing agreements, delegation agreements, and procurement and grant contracts.

The measures shall be based on a specific Communication and Visibility Plan, established and implemented in line with the EU communication and visibility requirements in force. The plan shall include, inter alia, a communication narrative and master messages for the Action, customised for the various target audiences (stakeholders, civil society, general public, etc.)

Visibility and communication measures specific to this Action shall be complementary to the broader communication activities implemented directly by the European Commission services and/or the EU Delegations and Offices. The European Commission and the EU Delegations and Offices should be fully informed of the planning and implementation of the specific visibility and communication activities, notably with respect to the communication narrative and master messages.

7. SUSTAINABILITY

Area of support 1: EU-Return and Reintegration in Kosovo phase VI (RRK VI)

As the issue of return can be extremely sensitive to inter-ethnic relations between returning and receiving communities, particular attention will be paid regarding any incidents that could harm trustful relations between concerned communities. In this regard, the Action will work closely with municipalities and local

communities, and through the investment in small infrastructural projects that will benefit both returning and receiving communities have proved to be conducive for sound inter-ethnic relations contributing to the sustainability of returns and reintegration of minority communities.

A community-based approach through inter-ethnic dialogue and community reconciliation activities are key to sustainable return. In this regard the Go-and-See-Visits organised for the potential returnee beneficiaries to visit their places of origin and participate in de-briefing sessions chaired by municipal mayors, will aim at the promoting of inter-ethnic dialogue by ensuring the dialogue between the displaced people and receiving community, thus encourage tolerance and understanding between parties. In terms of the security of returnees, the government, through the police and judicial forces, must adequately react to any violations of rights, thus sending the positive message of safe return to all current and future returnees.

Previous phases of the EU-Return and Reintegration in Kosovo programme show that the comprehensive package of assistance including informed decision for return, provision of housing and land allocation, household appliances, food and non-food items, income generation and community development projects are crucial for successful and sustainable Action outcomes. The places of return are most often rural and employment possibilities therefore limited where the majority of returnees still rely on agriculture as the main source of income. Nevertheless, previous implemented return and reintegration programmes for minority communities have demonstrated several examples of well-articulated business plans which resulting in viable self-sustainability solutions for some of the returnees and their families.

Moreover, the Ministry for Communities and Return and Municipal Offices for Communities and Return are increasingly more competent to deal with return and reintegration issues. The Ministry remains committed to fulfilling its mandate regarding the return and resettlement of displaced communities and will be fully involved in the project promoting the Ministry's ownership and responsibility over the resettlement process, hence aiding sustainability of the Action using its available tools such as:

- The Ministry's Regulation for Return;
- The Ministry's Draft Strategy for Protection and Promotion of the Rights of the Communities and their Members 2021-2025; and,
- The Regional Initiative for Durable Solutions for Displaced Persons from Kosovo.

In addition, the Municipal Offices for Communities and Return and other municipal authorities are committed to allocate land (where possible and where required) for the construction of housing, and further assist during the implementation of the Action. Of particular importance for sustainability of the action is the involvement of municipal authorities in facilitating access to health, social services and education needs for resettled families.

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The outputs and outcomes achieved are likely to continue beyond its implementation period if the beneficiary counterparts demonstrate a high level of ownership during the implementation of the Action. The project aims to strengthen the institutional management capacities, but sustainable impact is dependent to availability of sufficient financial and human resources to be made available by the beneficiaries during and after the implementation and that they commit to provide for the operation and maintenance of the results once the Action is completed. Implementing partner and beneficiaries jointly undertake to analyse impact of cost of all reform initiatives proposed.