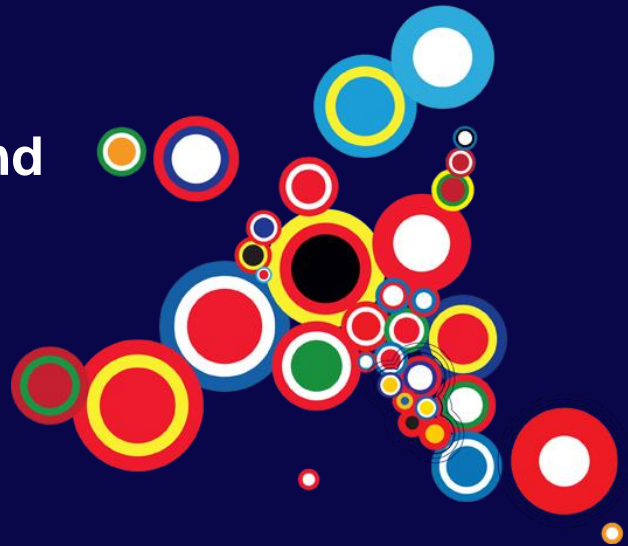




INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

KOSOVO* EU Support to Justice and Rule of Law



Action summary

This action aims at strengthening the judicial system in Kosovo and aligning its standards to the European ones and EU *acquis*. This will be achieved through strengthening the independence and impartiality, accountability, professionalism, quality, efficiency and transparency of the institutions in the justice sector. The action will support the overall justice sector management. Activities will be developed to support the institutions with a more efficient, effective, transparent and functional legal and institutional framework, capacity building and improved working conditions. In addition, the action will enhance access to justice for all citizens, with particular focus on women, vulnerable, marginalised and disadvantaged groups. Further, application of internationally recognised GRECO and MONEYVAL methodologies will strengthen Kosovo institutions in the fight against corruption and money laundering and terrorism in compliance with European standards.

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

Action Identification	
Action Programme Title	Annual Action Programme for Kosovo for the Year 2018
Action Title	EU Support to Justice and the Rule of Law
Action ID	IPA 2018 / 041245 / 03/ Kosovo/Justice and Rule of Law
Sector Information	
IPA II Sector	Rule of Law and Fundamental Rights Subsector: Justice
DAC Sector	15130 - Legal and judicial development
Budget	
Total cost	EUR 9 000 000 (+ CoE: EUR 250 000)
EU contribution	EUR 9 000 000
Budget line(s)	22.02 01 01
Management and Implementation	
Management mode	Direct management: EUR 7,000,000 Indirect management by Council of Europe: EUR 2,000,000 of IPA II contribution and EUR 250,000 of Council of Europe
<i>Direct management:</i> EU Delegation <i>Indirect management:</i> Other entrusted entity	European Union Office in Kosovo Council of Europe
Implementation responsibilities	European Union Office in Kosovo Council of Europe, Economic Crime Cooperation Division - DGI
Location	
Zone benefiting from the action	Kosovo
Specific implementation area(s)	Kosovo
Timeline	
Final date for concluding Financing Agreement(s) with IPA II beneficiary	At the latest by 31 December 2019
Final date for concluding delegation agreements under indirect management	At the latest by 31 December 2019
Final date for concluding procurement and grant contracts	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
Final date for operational implementation	6 years following the conclusion of the Financing Agreement

Final date for implementing the Financing Agreement	12 years following the conclusion of the Financing Agreement		
Policy objectives / Markers (DAC form)			
General policy objective	Not targeted	Significant objective	Main objective
Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	X
Aid to environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender equality (including Women In Development)	<input type="checkbox"/>	X	<input type="checkbox"/>
Trade Development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reproductive, Maternal, New born and child health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RIO Convention markers	Not targeted	Significant objective	Main objective
Biological diversity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Combat desertification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change mitigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change adaptation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LIST OF ABBREVIATIONS

AC	Anti-corruption
AML/CFT	Anti-Money Laundering/Combating the Financing of Terrorism
AMSCA	Agency for the management of Sequestrated and Confiscated Assets
CEPEJ	The European Commission for the Efficiency of Justice
CMIS	Case Management Information System
CSOs	Civil Society Organisations
DG NEAR	Directorate-General for Neighbourhood and Enlargement Negotiations
ERA	European Reform Agenda
EULEX	European Union Rule of Law Mission in Kosovo
FIU	Financial Intelligence Unit
FLAA	Free Legal Aid Agency
FRRLS	Functional Review of the Rule of Law Sector
GRECO	Group of States against Corruption
IFM	Institute for Forensic Medicine
IPA	Instrument for Pre-Accession Assistance
ISP	Indicative Strategy Paper
JA	Justice Academy
KA	Kosovo Anti-corruption Agency
KBA	Kosovo Bar Association
KCS	Kosovo Correctional Service
KJC	Kosovo Judicial Council
KPC	Kosovo Prosecutorial Council
KPS	Kosovo Probation Service
LGBTI	Lesbian, Gay, Bisexual, Transgender, Intersex
MoJ	Ministry of Justice
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
MTEF	Medium Term Expenditure Framework
NCCRS	National Centralised Criminal Recording System
NIPAC	National IPA Coordinator
PAGoDA	Pillar Assessed Grant or Delegation Agreement
PECK	Project against Economic Crime in Kosovo
SAA	Stabilisation and Association Agreement
SAEK	Support to Anti-corruption Efforts in Kosovo
SIMBAIT	management system for Correction Service
SPRK	Special Prosecution Office

1. RATIONALE

PROBLEM AND STAKEHOLDER ANALYSIS

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

EULEX's aim has been to assist and support the Kosovo authorities in the Rule of Law area, with a specific focus on police, customs and the judiciary. With the renewal of the mandate in 2018 EULEX will further phase-out and transfer its tasks in both the justice and home affairs sectors. The EU Office plays a key role in the implementation of the EU's substantial financial assistance to Kosovo. The European Union Special Representative (EUSR, at the same time the EU Head of Office) offers advice and support to Kosovo in the political process. The EUSR legal team is closely involved in supporting reforms related to the rule of law. Through the legal review mechanism, the EUSR provides coordinated advice on key legislation.

Justice reforms are supported also by a large number of other international partners who are important stakeholders to this action. These include the United States, Germany, the United Kingdom, Switzerland and Norway as well as the Council of Europe, UN bodies and the OSCE.

Overall, the legal framework has been put largely in place, but needs to be further harmonised and completed through the development of necessary sub-legal acts and other implementation related documents. As highlighted by different assessments, the efficiency of the justice sector institutions in Kosovo needs to be substantially improved and the division of competences among some of institutions needs to be further clarified. There is also a lack of proper structured reform management and coordinated assessments and evaluation of institutional capacities. Regular sectoral tracking of progress of reforms is lacking.

To address these problems the Kosovo institutions initiated in November 2016 a **Functional Review of the Rule of Law Sector (FRRLS)**. The process is led by Steering Committee, consisting of representatives of relevant rule of law institutions. The main goal of the FRRLS is to provide a detailed and comprehensive analysis of the rule of law sector and develop a Strategy on Rule of Law Sector by 2019.

A **key stakeholder** for the implementation of the action is the **Ministry of Justice**. The Ministry needs to strengthen capacities to develop, implement and monitor sector policies and to coordinate and facilitate overall the justice sector reforms. It needs to build efficient mechanisms to ensure fair and effective access to justice system for all and without discrimination.

The process of **legal drafting and approximation needs to be continuously improved**. The Ministry of Justice is the key institution in charge for guaranteeing the legislation in general is drafted properly, after thorough analysis and in a coherent manner. The Ministry needs to enhance its capacities to lead and support the process for drafting legislation for the entire Kosovo institutions as well as for **drafting and approximation of legislation for the justice sector**.

There are some key departments within the Ministry of Justice that are in a need of further development, especially **Kosovo Correctional Service (KCS) and Kosovo Probation Services (KPS)** as well as the **Institute for Forensic Medicine (IFM)**. Capacities in these institutions remain weak and need to be strengthened to manage and maintain their services based on internationally recognized standards and European best practices.

Since 2012 the **Department for Free Legal Professions** has been established at the Ministry of Justice, being in charge of ensuring a proper functioning, monitoring and oversight of free legal professions. This is achieved through random inspections and provision of support and guidance, including adoption of the secondary legislation. Free Legal Professions have been established in Kosovo as extra-judiciary mechanisms in order to relieve the courts from their workload and also to introduce international best practice into the judiciary system. Institutional and human capacities of the Free Legal Professions need to be further enhanced.

There is a need to improve **witness protection** programs in the justice sector, including through an adequate legal base, training of judges and prosecutors, preparing and implement ICT audio-video conferencing systems in order to enable the provision of protected testimony from a remote site.

Capacities in the area of **International Legal Assistance** for relevant professionals need to be developed, as more and more cases have cross-border dimension (organised crime, cybercrime, money laundering, trafficking in arms, trafficking in human beings, terrorism, etc.).

The Free Legal Aid Agency (FLAA) responsible for offering **free legal aid** in Kosovo has so far established regional offices only in some regions; the overall legal and institutional set-up of the Agency has not yet been made sustainable.

On **Juvenile Justice**, a Juvenile Justice Code is in force. However, problems remain especially in regard to: i) the lack of services and prevention initiatives; ii) the limited capacity of Kosovo institutions to monitor and report on issues of justice for children and child protection; iii) the difficulties in implementation of the Juvenile Justice Code by the newly appointed judges and prosecutors and Training the staff of Lipjan/Lipljan Institution and the new educational centre in order to respect and guarantee the juvenile rights for the complaint as a right of hearing.

As per Constitution the judiciary institutions, the **Kosovo Judicial Council (KJC)**, the **Kosovo Prosecutorial Council (KPC)** and the **State Prosecutor** enjoy full independence from the executive. They are key stakeholders to this Action.

The KJC and KPC, established as two separate bodies only in 2011, are self-governing bodies to ensure the independence and impartiality of the judiciary. They are in charge of processes to recruit, propose, promote, transfer, reappoint and discipline judges and prosecutors. The State Prosecutor is the independent body with authority and responsibility for the prosecution of persons charged with committing criminal acts and other acts specified by law

In February 2016, Constitutional amendments provided for new composition of the **Kosovo Judicial Council (KJC)**. The amendment has further strengthened independence of the KJC. Everyday operations of both Councils need to be strengthened including overall management and administration of the judicial system in Kosovo and issues related to strategic planning, legal drafting, process management system, budgeting and financial management. Capacities of the administrative staff, especially the legal support staff in both Councils, need to be enhanced.

The efficiency and accountability of the KJC and KPC need to be improved. As highlighted by the Kosovo 2018 Report, codes of ethics are in place for judges, prosecutors and attorneys but their effective implementation remains weak. Disciplinary procedures are in place, but experience long delays and have proven inefficient. A new law on the disciplinary liability of judges and prosecutors providing for more robust disciplinary mechanisms with rigorous deadlines and clear division of powers and responsibilities is yet to be adopted. KJC and KPC need to further strengthen their capacities regarding evaluation of performance of judges and prosecutors. KJC needs to improve planning, drafting of policies and secondary legislation and implementation in line with the applicable legislation, and monitoring of court performance. Despite the relatively smooth first months of the integration of northern Kosovo Serbian judges and prosecutors in the Kosovo Justice System based on the Brussels' Justice Agreement Kosovo/Serbian language interpretation and translation, including translation of laws, remains a challenge.

The 2018 Kosovo Report also notes that further efforts are needed to address the weak coordination between the police, prosecutors and other players and to address the inadequate monitoring by the police and the courts of protection orders in cases of domestic violence.

Special attention is needed to substantially increase professional capacities in the State Prosecutor and especially in the **Special Prosecution Office (SPRK)**. SPRK until 2014 was under EULEX management. The Special Prosecution Office has consistently not been able to fill existing positions. Specialisation of staff through establishment of specialised departments within SPRK is yet to be done. Staff is in need of further training to build competence to deal with financial cases and economic crime, including procurement cases.

Further **improvements of physical and IT infrastructure** of courts and prosecution offices are needed. Courts lack sufficient security infrastructure to protect victims and witnesses. An IT system for case management in Courts and Prosecution Offices and a centralised criminal records system are being developed with support from Norway and EU respectively. KJC and the KPC need to increase the human

resources capacities of the IT Departments in order to provide adequate services based on international ICT Standards and best practices. The deployment of IT should be linked to a policy or strategy for change involving all stakeholders and should not be done in a piecemeal approach. The KJC ICT Strategy expired at the end of 2017 and has not yet been renewed. Knowledge and capacities for collecting, maintaining and sharing sex-disaggregated data also are needed.

The **Academy of Justice (AJ)** was established in January 2017 with an extended mandate after its transformation from the Judicial Institute. This has brought the need to strengthen the capacities of its leading staff to ensure an efficient management of the Academy. Training needs should be assessed as part of an in-depth annual evaluation of judges and prosecutors. The KPC and KJC should cooperate with the Academy of Justice in the development of professional training curricula and monitor the efficiency of training and its use in practice. Training curricula and methods used by the Academy need substantial further development. The number of support staff in the judiciary and prosecution needs to be increased, with an ensured gender balance in staff, (professional associates, legal officers, and spokes persons for the press) and their capacity strengthened by the Justice Academy. This will ensure the professional support for judges and prosecutors.

Kosovo has undertaken regulatory and institutional measures to fight **corruption, money laundering and financing of terrorism**. However, corruption is widespread and remains an issue of concern. Concerted efforts are needed to tackle this problem in a comprehensive and strategic manner. In the Transparency International (**TI**) Corruption Perceptions Index 2017 Kosovo scores at the relatively low level of 39 (out of 100). Kosovo has established institutions and legal mechanisms to fight corruption but should, among other efforts, increase the capacity of the SPRK, amend its legal framework (on the suspension and removal of public officials indicted for and convicted of corruption, on declarations of assets and on whistle-blowers) bringing it in line with European standards, and ensure that the financial reports and campaign disclosure reports of political parties are consistently published and audited, and that sanctions are applied for violations of relevant laws. More needs to be done to maximise the independence, accountability, professionalism and efficiency of the judiciary.

A number of **legal initiatives** are relevant in properly addressing anti-corruption (AC) and anti-money laundering/combating the financing of terrorism (AML/CFT) concerns and shortcomings. Concerning **repression**, some progress has been made on a track record for the investigation and prosecution of high-level cases, including final convictions. Progress was also made on the seizure of assets although final confiscations remain low. There is a lack of skills across agencies to conduct and follow through on financial investigations. **Kosovo needs to strengthen inter-institutional coordination and co-operation mechanism and bodies.**

In terms of **institutional framework**, the **Kosovo Anti-corruption Agency (KAA)** needs to be strengthened, its cooperation and data exchange with other institutions improved. In light of the new competencies related to the law on whistle-blowers protection that is under development additional resources will be required. Working rules and functioning mechanisms of the **Anti-corruption Council** chaired by the President of Kosovo need to be supported in order to improve coordination and raising awareness. At the institutions level, there is no inter-ministerial body/structure on corruption co-ordination efforts and implementation of policy measures across sectors.

The **Kosovo Police¹ (KP)** has established within the Investigation Department a Directorate for Economic Crime and Corruption Investigation (DECCI). DECCI deals with all types of economic/financial crimes and abuse of official duty.

An **Anti-corruption Task Force** composed of special prosecutors and 30 police investigators was set up in 2011 to investigate economic and financial crimes. As of beginning of 2016, the Chief State Prosecutor has set up a **new Anti-corruption and Economic Crime Unit within the Serious Crime Department of the Basic Court of Pristina.**

Judges are not specialised enough to deal with complex corruption, money laundering and terrorism-related cases and more training is needed. As of 2014 the office of the **National Coordinator for Combating Economic Crime (NCCEC)** promotes, coordinates, monitors and reports on quarterly basis activities

¹ KP is currently regulated by the Law No. 04/L-076 on Police, OG 4/2012, published on 19/03/2012.

regarding prevention, investigation, prosecution and adjudication of money laundering, financing of terrorism and tax evasion. There are difficulties and needs in collecting and properly reporting activities and statistics.

The **Ministry of Finance (MoF)** has a role to promote managerial accountability and public internal financial control. The Ministry needs to strengthen capacities for monitoring and reporting progress on the implementation of relevant strategies and action plans.

The **Financial Intelligence Unit (FIU)** is a crucial part of the system of combating terrorism financing. However, it lacks the staff and resources to effectively tackle this phenomenon. Customs, FIU and the tax administration are responsible for monitoring and controlling the internal and cross-border/boundary flow of goods, materials and capital that might be involved in any form of organised crime. The FIU specifically assists with analysing and disseminating information on money laundering and terrorism financing and exchanges information with all law enforcement institutions. It also has the capacity to freeze suspicious financial transactions.

The **Central Bank of Kosovo (CBK)** is the prudential and AML/CFT supervisor and regulator of banks and financial institutions.

Civil Society Organisations (CSOs) need support for increasing their structural awareness and familiarity with aspects of good governance reforms and international processes as well as sound and constructive anti-corruption advocacy, awareness on money laundering and risks related to terrorist financing.

Kosovo is a member of the **World Bank** and the **International Monetary Fund** since 2009 and became full member of the **European Bank for Reconstruction and Development** in 2012. In 2013-2014 it became a member of the **Council of Europe Development Bank** and **Venice Commission**. A membership application to the **Egmont Group** of Financial Intelligence Units has been submitted since 2013 by the FIU-K and was concluded in February 2017. Kosovo is not a member of the Financial Action Task Force (FATF) neither any of the FATF-style regional bodies (e.g. MONEYVAL) nor of GRECO.

OUTLINE OF IPA II ASSISTANCE

The Action consist of two components; one to strengthen the overall performance of the justice sector and improve access to justice, and the other is to further build capacities for the fight against organised crime, corruption and terrorism.

As for the justice sector support, the aim is to strengthen inter-institutional cooperation of justice institutions to gradually develop a sectorial approach to policy planning as well as management and monitoring of the reforms in a comprehensive manner and in line with European standards and best practices. Capacities of relevant stakeholders to monitor and report on implementation of Council of Europe's Conventions and other relevant international and European instruments need to be further developed. Key stakeholders will be especially Ministry of Justice and key-departments in the Ministry as mentioned above, the Judicial and Prosecutorial Councils and the Courts and Prosecution offices, the Justice Academy.

Another key concern that has been highlighted has been the lack of proper application of the existing legal framework. To address this, the programme will continue to build capacities in the institutions targeted under this programme to better apply legislation and to develop and apply new legislation in areas where there are still regulatory gaps in view of Kosovo's European perspective. The Justice Academy will be further strengthened to develop and deliver jointly with the Councils programmes that will improve the professionalism and competence of justice professional and the quality of justice overall in Kosovo.

The weaknesses in the justice sector directly also affect access to justice, which remains a challenge overall but in particular for women and vulnerable, marginalised and unrepresented groups. The Action will aim to improve this situation by building the capacity of respective services to strengthen mechanisms of protection from domestic violence, support MoJ to increase the access to justice and legal aid mechanisms (including awareness of such mechanisms) especially for women, LGBTI persons, juveniles, children victims and witness of crime and persons from vulnerable and marginalised groups such as Roma, strengthen the free legal aid system, free legal professions (especially private bailiffs and mediation) and improve access to legislation and jurisprudence in non-majority official languages.

The Action will, through a cooperation with the relevant bodies of the Council of Europe, further strengthening implementation of Anti-Corruption (AC), Anti-Money Laundering / Combating the Financing of Terrorism (AML/CFT) and counterterrorism measures and their compliance with European standards. In

this regard, the proposed action will continue to build capacities in relevant Kosovo institutions in the application of internationally recognised GRECO and MONEYVAL methodologies. This will also involve further efforts to build functioning models of inter-institutional cooperation of the respective institutions in these particular areas.

RELEVANCE WITH THE IPA II STRATEGY PAPER AND OTHER KEY REFERENCES

As outlined above, the Action is fully in line with the **Indicative Strategy Paper for Kosovo 2014 – 2020 (ISP)**. The **Stabilisation and Association Agreement (SAA)** between the EU and Kosovo, which is an EU-only agreement that entered into force on 1st April 2016, lists as its first objective in article 1 *‘to support the efforts of Kosovo to strengthen democracy and the rule of law’*. The SAA contains an explicit commitment to “effectively prevent, investigate, prosecute and adjudicate organised crime, corruption and terrorism” and reinforce “Kosovo’s structures for combating and preventing criminal activities particularly organised crime, corruption and other forms of serious crime with a cross-border/boundary dimension”. Following the entry into force of the SAA a **European Reform Agenda (ERA)** was approved which identifies immediate and medium-term priorities in the area of rule of law directly relevant to the proposed action of strengthening justice sector institutions and the judiciary in particular as well the fight against organised crime and corruption.

According to the **Medium Term Expenditure Framework 2017-2019 (MTEF)** the justice sector aims at achieving an advanced legal system in compliance with international standards and best European practices. In addition, an independent and unique judiciary and prosecution should be developed to ensure rule of law, protection of rights, freedoms and property of Kosovo citizens. As legal security is an important factor in economic development effectiveness of justice sector institutions should be improved.

The 2018 Kosovo Report finds that Kosovo's **judicial system** is at an early stage and administration of justice is slow and inefficient, and that the judiciary is still vulnerable to undue political influence and rule of law institutions need sustained efforts to build up their capacities. Kosovo is at an early stage/has some **level of preparation in the fight against corruption, while it is at an early stage in the fight against organised crime. Additional efforts are needed in the area of fundamental rights** Implementation of human rights strategies and legislation is often undermined by inadequate financial and other resources, particularly at local level, limited political prioritisation and lack of coordination.

The Action is also in line with the Commission Strategy for the Western Balkans ("**A credible enlargement perspective for and enhanced EU engagement with the Western Balkans**"), launched by the European Commission in February 2018 and its flagship initiative for the rule of law.

The proposed action, with its integrated approach, will contribute to strengthening institutional capacities of involved stakeholders in the prevention and fight against corruption, enhancing effective implementation of anti-corruption measures and improving inter-agency cooperation, in combination with comprehensive assessments of the AC and AML/CFT frameworks vis-à-vis applicable international standards.

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

Kosovo institutions in the justice sector have benefitted from extensive and substantial support and assistance from the EU as a leading donor. The total allocation under IPA I for Rule of Law and Fundamental Rights amounts to approximately EUR 113 million and so far under IPA II, including 2017 to EUR 55 million. Human rights were promoted with several projects under the civil society facility and the European Instrument for Democracy and Human Rights.

Previous assistance has focused on key institutional reforms and capacity building of the various actors in the justice sector. Thus support was given to strengthen the administrative, policy making and legal drafting capacities within the Ministry of Justice and to reduce the backlog of cases in courts; the onetime Kosovo-wide vetting and re-appointment of judges and prosecutors was supported; international experts have supported the Constitutional Court; the Kosovo Judicial and Prosecutorial Councils were assisted with the purpose of creating an independent and impartial judiciary. Similarly, the areas of international legal cooperation, legal education, forensic medicine, execution of criminal sanctions, free legal professions and juvenile justice have also received support. Ongoing support also includes building a criminal records system (NCCR) and supporting the re-codification of a Civil Code for Kosovo. Areas in which the EU has been

involved should be supported under this action in order to sustain previously achieved results of complex reforms that cannot realistically be achieved in a short period of only a few years.

Support to the infrastructure of the judiciary has also contributed to better functioning of courts and other institutions. The Palace of Justice was constructed with EU funds of approximately EUR 30 million. It provides adequate premises to the justice institutions and frees important budget allocations previously used for the rent of justice buildings. A High Security Prison was constructed under IPA I at a value of approximately EUR 8,5 million. Work is ongoing for the construction of the Office building in North Mitrovica Detention Centre and for refurbishing two court buildings in South and North Mitrovica.

However, given the complexity of the justice sector and the large number of actions in this sector, a greater effect and impact was expected. Fragmentation of the assistance has been a challenge to the beneficiary institutions as well as the agencies and partners that implemented the difference programmes.

In order to overcome this, the proposed action has been designed jointly by representatives from key stakeholders targeted under this programme, namely Ministry of Justice, KJC, KPC, Justice Academy and also Free Legal Aid Agency. This should ensure from the very start a more comprehensive and coordinated approach to support the justice sector.

According to an assessment by the EU Court of Auditors, in 2012, it was stated that "the EU assistance in the field of Rule of Law has not been effective enough and, in general, the progress in the Rule of Law sector has been slow, especially in terms of fighting corruption and organized crime, mainly in the north of Kosovo" (**EU Court of Auditors Special Report, 2012**). Kosovo institutions consider that the EU assistance should also focus on areas where Kosovo institutions will take over responsibilities from EULEX in Kosovo.

The 2015 Final Report on **Thematic evaluation on IPA support to the fight against corruption**, that the overall performance of assistance related to efficiency and effectiveness has been satisfactory and that "the PECK /CoE project results has been instrumental in assessing the Kosovo status regarding GRECO and FATF standards in the fight against corruption and addressing them". The evaluation highlights that the "most important threats to achievement of the long-term results included: a lack of independence of the key investigation institutions (...); a lack of authority of institutions such as KAA and the Central Electoral Commission, and a lack of ownership among key institutions (...); ineffective cooperation between KAA and GPO related to the investigation of asset declaration."

The 2016 Report from Transparency International on Fighting corruption in the Western Balkans and Turkey: Priorities for Reform in its findings about Kosovo mentions the following: "Regardless of the legal and institutional set-up in place, anti-corruption, judicial and law enforcement bodies need to work closely together to be effective. Failure to cooperate can lead to political isolation, which makes such bodies both more susceptible to manipulation and less able to perform their functions. Unfortunately, the lack of institutional cooperation is a common feature of most of the beneficiaries in the region, albeit for different reasons."

2. INTERVENTION LOGIC

LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (*)	SOURCES OF VERIFICATION	
To reform the justice system in line with European and international standards	Worldwide Governance Indicators ¹ (WGI): Rule of Law and Control of Corruption Indexes Transparency International Corruption Perception Index (CPI)	Worldwide Governance Indicator reports Transparency International	
SPECIFIC OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (*)	SOURCES OF VERIFICATION	ASSUMPTIONS
<p>Specific Objective 1: To strengthen the independence and impartiality, accountability, professionalism, quality, efficiency and transparency of the institutions in the justice sector.</p> <p>Specific Objective 2: To improve access to justice, particularly for women and disadvantaged or marginalised groups.</p> <p>Specific Objective 3: To strengthen institutional capacities to counter corruption, money-laundering and terrorism in Kosovo in accordance with European standards</p>	<p>An inter-institutional justice sector coordination mechanism in place</p> <p>New Strategy on protection from domestic Violence elaborated and under implementation (following the one for the period 2016 to 2020)</p> <p>Level of compliance by Kosovo institutions with international standards in the anti-money laundering and combating the financing of terrorism area</p>	<p>KJC/KPC reports.</p> <p>New Strategy Document</p> <p>Assessment and compliance Reports on Kosovo modelled on GRECO and MONEYVAL methodologies</p>	<p>Kosovo authorities remain committed to the European path and relevant agreements, for example SAA implementation.</p> <p>Relevant justice sector institutions are committed to reforms and supported by the Kosovo institutions.</p> <p>Willingness of key institutions to cooperate and to implement recommendations developed through this Action.</p>

¹ The Worldwide Governance Indicators are available at: www.govindicators.org. The Worldwide Governance Indicators (WGI) are a research dataset summarizing the views on the quality of governance provided by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. These data are gathered from a number of survey institutes, think tanks, non-governmental organizations, international organizations, and private sector firms.

RESULTS	OBJECTIVELY VERIFIABLE INDICATORS (*)	SOURCES OF VERIFICATION	ASSUMPTIONS
Result 1 (SO1): Interinstitutional coordination mechanism established for the justice sector and legal and institutional framework brought more in line with European standards and practices in a coordinated effective process.	An inter-institutional justice sector coordination mechanism in place	Reports from justice sector management body, prepared by Ministry of Justice	Continuous high-level commitment from the Kosovo institutions to the intern-institutional working group in charge of the functional review of the rule of law sector.
Result 2 (SO1): Independence, impartiality, accountability and professionalism and efficiency of justice sector professionals improved.	Number of court rooms supplied with security, audio recording, video conferencing and simultaneous translation equipment	KJC Reports KJC statistical reports	Continuous political dialogue with all main interlocutors. Continuous policy dialogue and budget analysis on needs to sustain achieved results will be key to ensure proper funds allocations to ensure the funding the action plan and key stakeholders.
Result 3 (SO2): Conditions to guarantee better access to justice for all citizens, with particular focus on women, vulnerable, marginalised and unrepresented groups are put in place.	Number of rooms renovated for interviewing juveniles, defendants with special needs, victims and protected witnesses in courts and prosecution offices	Action reports	Kosovo institutions allocates necessary human, operational and budgetary resources.
Result 4² (SO3): Better implementation of Anti-Corruption (AC), Anti-Money Laundering / Combating the Financing of Terrorism (AML/CFT)	Number of reviewed, updated and developed inter-agency Standard Operating	Action implementation report and official documents (Readiness of beneficiaries to fully and regularly report,

² It should be noted that at further stages of finalisation of Description of Action (DoA) and conclusion of the indirect management delegation agreement between EU and Council of Europe the Overall Result 4 will be broken down into four (4) Expected Results as follows and their underlying activities:

- (1) Available and measured level of compliance and effectiveness of Anti-Corruption (AC) and Anti-Money Laundering / Combating the Financing of Terrorism (AML/CFT) regulatory framework with European standards;
- (2) Identified and assessed risks on corruption, money laundering and terrorism (including its financing) are addressed through appropriate policies and actions;
- (3) Strengthened interagency coordination and cooperation mechanisms; and

<p>and counterterrorism measures and their compliance with European standards.</p>	<p>Procedures (SOPs), manuals and guidelines in the economic crime area.</p>	<p>SOPs, manuals, guidelines) by respective institutions cooperating in the fight against organised crime</p>	<p>exchange information and provide/receive feedback Sufficient absorption capacity of stakeholders to be fully involved in action activities Availability and quality of baseline data Sustainability of all administrative and reform oriented actions is ensured</p>
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(4) Strengthened implementation of AC, AML/CFT and counterterrorism preventative and enforcement measures.

DESCRIPTION OF ACTIVITIES

The action will be implemented through 2 components:

- 1) EU / Kosovo Justice Sector Programme: A grant under direct management by the EU Office identified through a call for proposals from European Union Member State administrations or mandated bodies, to achieve results 1 – 3; and
- 2) Project Against Economic Crime Phase III (PECK III): Indirect management, with the Council of Europe, to achieve result 4.

Please refer to section 3. **Implementation Arrangements** for more detail.

Component 1) EU/ Kosovo Justice Sector Programme

Main activities pertaining to Result 1: The inter-institutional coordination mechanism and legal and institutional framework for the justice sector are brought more in line with European standards and practices in a coordinated effective process

1. **Support the establishment and management of a functional inter-institutional coordination mechanism in charge of the design, implementation and management of the reforms in a coordinated, structured, participatory and transparent process.** This inter-institutional mechanism will be composed of representatives of all the institutions of the justice sector and will lead the reforms in the justice sector. It will monitor the sector strategy for the justice sector as developed through the FRRLS.
2. **Strengthen the capacities of MoJ, KJC, KPC and JA for overall management of the judiciary including strategic planning, process management system, sex-disaggregated data management, capacity development, budgeting and financial management, performance monitoring, tracking implementation of decisions, polices and strategies, reporting and public relations.** There is a need to build and enhance capacities in the above mentioned areas so that actors of the justice sector are better able to perform and fulfil their legal obligations.
3. **Support the reorganisation of the Ministry of Justice as a follow up of the functional review and sector strategy to better reflect its responsibilities and relations with other justice system institutions.** It is expected that the Functional Review of Rule of Law Sector will recommend the reorganisation of the Ministry of Justice and the drafting of a Development Plan for the Ministry of Justice.
4. **Support the capacities for policy and legal drafting and approximation of legislation in the MoJ, KJC and KPC.** The legal department in the MoJ should be able to contribute to the improvement of legislation by endorsing standard rules for the drafting of legislation by other agencies, monitor and improve all legislation that is drafted by other institutions, thus ensuring harmonisation of all legislation in Kosovo. Capacities for drafting policy and legislation in KJC and KPC needs to be further strengthened.
5. **Continue improving legislation in the justice sector in line with the European standards and monitor its implementation.** The MoJ should be able to constantly monitor the implementation of legislation in the justice sector, analyse the need for intervention and draft policy documents leading to legal intervention. In particular, the MoJ should monitor and make sure all main Codes are in place, in particular the Civil Code which is under development, and take steps to complement them with the necessary secondary legislation for proper implementation. In this respect the MoJ shall work closely with the EUSR LRM to apply the EU *Acquis* standards to the legislative priorities specified in the GoK Legislative Programme
6. **Strengthen the capacities of relevant justice institutions responsible for international legal cooperation in criminal and civil matters.** International judicial cooperation is equally important in the criminal field and the civil field. In the criminal field, this cooperation makes criminal investigation and prosecution more effective. But also in the civil field, many cases are facilitated through the international cooperation and effective implementation of the conventions and agreements to which Kosovo is or will become a party. Therefore capacities of the MoJ, prosecution offices, especially the State Prosecutor and courts should be strengthened. In this respect cooperation and coordination with the EUSR shall be guaranteed.

7. **Strengthen capacities of relevant justice institutions to monitor and report on implementation of Council of Europe's Conventions and other relevant international and European instruments.** Kosovo has benefited from almost two decades of the recommendations of various Council of Europe monitoring bodies and has to develop further its capacity to monitor and report on implementation of the recommendations from these bodies. These activities will be closely linked with the second component (PECK III) with regard to AC, AML/CFT and counterterrorism measures.

Main activities pertaining to Result 2: Independence, impartiality, accountability and professionalism and efficiency of justice sector professionals improved

1. **Consolidating the status of judges and prosecutors in line with European standards and strengthen the capacities of the KJC and KPC and their permanent and ad hoc committees and their supporting staff.** This activity aims at strengthening the mechanisms within the KJC and KPC that ensure the independence and impartiality, accountability, professionalism and competence and transparency of the judiciary. It should build mechanisms for monitoring of implementation of policies, strategies and decisions of KJC/KPC. This Activity will support further work on consolidating the system of recruitment, appointment, transfer, promotion, performance evaluation, disciplinary measures and improving gender equality in the overall system.
2. **Strengthen the capacities of the Justice Academy to plan and manage the capacity development process for recently appointed judges and prosecutors as well as judges, prosecutors and administrative staff of courts and prosecution offices on duty.** The Academy aims to further develop its initial training programme for the newly appointed judges and prosecutors through the preparation of contemporary curricula, including the evaluation of the programme and of the participants in the training. Similarly, the Academy needs to strengthen its continuous training programme, through different mechanisms developed by the JA, also based on requests of the KJC and KPC, keeping and processing of sex-disaggregated data as well as evaluation of the impact of the training in the work of judges and prosecutors. All these capacities should also be oriented towards the organisation of trainings for the administrative staff in courts and prosecution offices and for free legal professions.
3. **Strengthen capacities of MoJ, KJC and KPC to assess, plan and regularly improve the physical ICT infrastructure, strengthen capacities of human resources and assure the interoperability of CMIS, SIMBA and NCCRS with other ICT systems and guarantee sustainability of NCCSR in compliance with ECRIS standards.** ICT infrastructure should include complementary supply of equipment in order to make the system fully functional. Capacities in KJC and KPC should be strengthened to ensure full implementation of CMIS mainly by increasing staff capacities in ICT Departments in KJC and KPC, by ensuring the necessary hardware for CMIS and by ensuring the interoperability of the above systems.
4. **Strengthen the witness protection system and the protection of juveniles and women in the Courts and Prosecution offices by supplying at least one big court room in each of the Basic Courts with audio recording systems, video conferencing, simultaneous translation equipment and appropriate security measures and building capacities for the users and managers of these system.** These court rooms would also make it possible to give or hear testimonies from protected witnesses or minors through audio or video. Procedures for recording testimonies will be harmonized with police to avoid re-traumatization.
5. **Improve the system of judiciary archive and support the establishment of the Central Judiciary Archive.** The legal framework regulating the archiving of files in the court and prosecution offices after the end of a case should be streamlined, administrative and technical requirements for the establishment of a Central Judiciary Archive should be developed
6. **Support the review of the legal and technical framework of the system for the execution of criminal sentences, by strengthening the administration and management of the Correctional and Probation services, strengthening human resource capacities in these institutions, while guaranteeing respect for human rights, with special focusing on juveniles and rehabilitating perpetrators of gender-based violence.** Assess the legal framework and the institutional capacities for the execution of criminal sentences and take the necessary measures focusing on strengthening of human

resource capacities with the purpose of guaranteeing respect for human rights and the rights of juveniles. Improve systems and procedures for rehabilitating perpetrators of gender-based violence.

7. **Further strengthen capacities of the Forensic Medicine Institute** Capacity building of the staff will continue, especially, but not limited to treating persons who suffered domestic and sexual violence.

Main activities pertaining to Result 3: Conditions to guarantee better access to justice for all citizens, with particular focus on women, vulnerable, marginalised and unrepresented groups are put in place

1. **Assess and support the implementation of the National Strategy and Action Plan on the Protection From Domestic Violence (2016-2020) and further develop a follow-up strategy on protection from domestic violence.** Under this Activity the Deputy Minister of Justice, as National Coordinator against domestic violence, and its secretariat, will receive support to strengthen its leading role in assessing the level of implementation of the Strategy and development and implementation of a new Strategy for protection from domestic violence. Special focus will be given to strengthen capacities for a sensitive approach to victims of domestic and sexual violence through establishing improved protocols, curricula, and institutionalized training for the Forensic Medicine Institute, police, prosecutors, judges, probations, and corrections, including on inter-institutional cooperation.
2. **Strengthening capacities of the Agency of the Free Legal Aid (FLA), which is responsible for organizing and providing free legal aid.** The free legal aid system is under development and faces many challenges. The purpose is to contribute in the process of institutional development and strengthening of professional capacities.
3. **Provide capacity building to free legal professions to improve service provision.** Free legal professions are still in a process of professional consolidation and will need further support, especially mediation system.
4. **Improve access to legislation and jurisprudence in non-majority official languages through strengthened cooperation with language commissioner.** Review and support building a system that would ensure that legislation in the justice sector and jurisprudence is available in non-majority official languages.
5. **Assess and improve physical infrastructure needs in facilities for interviewing juveniles, defendants with special needs, victims and protected witnesses in courts and prosecution offices.** Minor infrastructure investments in court and prosecution offices to provide more appropriate facilities for interviewing juveniles and defendants with special needs, e.g victims of domestic violence.

Component 2: Project Against Economic Crime Phase III (PECK III)

Main activities pertaining to Result 4: Better implementation of Anti-Corruption (AC), Anti-Money Laundering / Combating the Financing of Terrorism (AML/CFT) and counterterrorism measures and their compliance with European standards

1. **Drafting and publication of compliance assessment reports on the level of compliance and effectiveness of applicable regulations and practices with European and international standards in the AC and AML/CFT areas.** Also a cross-cutting review of regulatory and institutional framework on counterterrorism will be introduced. As Kosovo does not participate in any AC or AML/CFT international monitoring bodies, the advantages of the Council of Europe model (i.e. backing up monitoring by technical cooperation) should be continuously employed.
2. **Building capacities to identify and assess risks on corruption, money laundering and terrorism (including its financing) and address these risks through appropriate policies and actions.** Streamline policy, institutional and operational mechanisms in relation to risk assessment and management in economic crime area.
3. **Upgrade information sharing systems and capacities for the domestic mechanisms concerning economic crime-related offences and tracing of assets** in order to strengthen interagency coordination and cooperation mechanisms in a sustainable manner.
4. **Support the implementation of AC, AML/CFT and counterterrorism preventative and enforcement measures.** This activity will include the following: a) Legislative proposals to make

Kosovo legislation and sub-legal acts compliant with the applicable European and international standards; b) Enhancing capacities of authorities to design and implement corruption and money laundering prevention measures; c) Strengthening domestic capacities to detect, investigate, prosecute and adjudicate respective crimes, particularly in terms of implementing relevant AC and AML/CFT assessment recommendations; d) Increasing domestic capacities regarding financial intelligence techniques; e) Strengthening domestic capacities for designing mechanisms and implementing measures on targeted financial sanctions; f) Increasing public awareness and participation in preventing corruption and money laundering.

In view of the complexity of the reforms and their dependence on political developments, the above list of activities is necessarily tentative and concrete activities should be aligned during the implementation to the needs of the sector.

RISKS

Risk	Level	Mitigation measures
<p>Functional review</p> <p>Failure to finalise the functional review of the justice sector in a proper inclusive and participatory process or failure to assess relevant elements, for example provide a proper gender analysis.</p>	Medium	Continuous high-level commitment from the Kosovo institutions to Kosovo's European perspective and continuous negotiations with members of the inter-institutional working group in charge of the functional review
<p>Sector strategy</p> <p>The development of a sector Strategy is delayed or the implementation and monitoring of the Sector Strategy is not properly managed. This will also depend on the finalisation of the functional review.</p>	Medium	Continuous policy dialogue with all main stakeholders, especially the Ministry of Justice.
<p>Non-approval of main laws linked to reforms in the justice sector</p>	Low	Continuous political dialogue with all main interlocutors.
<p>Ownership</p> <p>Previous experience of EU and other donors operating in the Justice sector has been that it is difficult to create ownership in Kosovo, which impacts negatively on commitment and sustainability</p>	Medium	The action has been designed in close consultation with a wide range of stakeholders to both identify what support would be most likely to be 'owned' and has focused support on the key functions of relevant institutions. The action includes mainly technical assistance to attempt to build capacity within institutions and increase ownership, commitment and participation of the senior staff from the targeted Institutions.
<p>Funding</p> <p>Most of the Action require co-funding from Kosovo and/or continuous funding from Kosovo's budget.</p>	Medium	Continuous policy dialogue and budget analysis on needs to sustain achieved results will be key to ensure proper funds allocations to ensure the funding the action plan and key stakeholders.

CONDITIONS FOR IMPLEMENTATION

The main conditions for the implementation of the Action are:

- Coordination and cooperation between the involved parties in the launching and implementation of the Action;
- Maintaining and improving the cooperation between the political and technical level;
- Maintaining political support to the Action.

Failure to comply with the requirements set out above may lead to a recovery of funds under this programme and/or the re-allocation of future funding.

The main assumptions for the implementation of the action are the following:

- Concrete finalisation of certain ongoing processes and initiatives, in particular, the functional review of the rule of law sector should give a detailed analysis of the shortcomings in the justice system that is fully owned by Kosovo institutions and key sector stakeholders and make it possible to develop a comprehensive and unified strategy for reforming the justice sector.
- A functional inter-institutional coordination mechanism in charge with the design, implementation management and monitoring of these reforms in a coordinated, structured, participatory and transparent process needs to be set up before or immediately at the start of the implementation of the Action.
- The further phasing out of EULEX and successful handing over of responsibilities to Kosovo justice system institutions can have an influence in implementation of the action.
- The implementation of some specific activities (especially in view of SAA and ERA requirements) can influence the implementation of the action as they are subject to the adoption and implementation of new or amended legislation covering prevention of conflict of interest, asset declaration, protection of whistleblowers, implementation of international sanctions and other rule of law initiatives.

3. IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

Overall sector reform coordination will be done through an inter-institutional mechanism for which Ministry of Justice is in a leading and facilitating role, ensuring on the one hand efficient and structured sector coordination while on the other hand complying with principles of independence of the judiciary institutions from the executive as provided by the Constitution. The Action under component 1) will support the sector coordination mechanism.

The implementation of the action under component 1) will be monitored through quarterly Steering Committee meetings with the participation of the relevant stakeholders from the institutions of the Judiciary (KJC, KPC, Justice Academy), Ministry of Justice, Free Legal Aid Agency and other relevant sector institutions, Management Team of the Action and the representatives of the EU Office. Relevant other programmes in the sector will be invited as observers to the Steering Committee. Participation of civil society will be considered.

For component 2), a Steering Committee will provide guidance and will play an active role in cooperation and coordination of activities. PSC will meet twice per year and *ad hoc* as required. Key local coordinators and main beneficiaries will be the Kosovo Anti-corruption Agency and the Financial Intelligence Unit. Target groups will include relevant key ministries (Ministry of Justice, Ministry of Internal Affairs, Ministry of Finance, Ministry of Public Administration and Ministry of Trade and Industry), other responsible institutions and structures and law enforcement agencies for AC and AML/CFT issues, prosecutors and judges, the financial sector and the industry, as well as the civil society.

Bearing in mind cross-cutting nature of both action components and activities, the donor community has important role especially with regard to EULEX, the EUSR Legal Team but also other international assistance implemented in related areas.

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

This Action will be implemented through:

Component 1: EU / Kosovo Justice Sector Programme, Result 1-3: A grant under direct management by the EU

Component 2: Project Against Economic Crime Phase III (PECK III), Result 4: The Action will be implemented through indirect management, following the conclusion of Delegation Agreement with the Council of Europe.

The action aims to embed and implement in the Kosovo legal framework the provisions of evolving international standards in the area of anti-corruption (AC), anti-money laundering and combating the financing of terrorism. The Council of Europe adopted standards on these issues, which are reflected in the EU *acquis*. Its expertise in this area together with its experience in advising candidate countries and potential candidates makes it the most suitable organisation to implement the action. Moreover, this action constitutes the third phase of a project successfully implemented by the Council of Europe in Kosovo.

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING (AND EVALUATION)

Under the component 1, Results 1-3, a quarterly Steering Committee will be set up to monitor the progress. At least monthly meetings with the EU Office and the Management Team of the Action will allow close monitoring of the implementation and ensure early response to challenges that may arise.

With regard to component 2, the daily management and reporting of specific activities of this part of action will be monitored by the EU Office and the Project Manager in Strasbourg. Monthly monitoring meetings with the EU Office will assess ongoing progress and identify potential difficulties. Periodical reports will be submitted to the EU Office in Kosovo outlining implemented activities and achieved results while annual narrative reports will provide a detailed summary of implemented activities and progress made in achieving action objectives, and will identify potential risks for the forthcoming period. A Steering Committee will provide guidance and will play an active role in cooperation and coordination of activities. PSC will meet twice a year and ad hoc as required.

Monthly meetings and joint work-planning between the operators leading the implementation of component 1 and component 2 will ensure proper coordination between the two components comprising these actions. In these coordination meetings also representatives of other ongoing EU funded actions under bilateral or regional programmes should be included. They should be organised and managed by the entity in charge of implementation of component 1) in coordination with the EU Office.

The Council of Europe will commission an external evaluation of the action three months prior to its scheduled end. The evaluators will be selected in consultation with the EU Office. The external evaluation will provide an assessment of the overall action progress from its start until the end against the objectives and indicators of achievement in line with the DG NEAR evaluation methodology.

The European Commission may carry out a mid-term, a final or an ex-post evaluation for this Action or its components via independent consultants, through a joint mission or via an implementing partner. In case a mid-term or final evaluation is not foreseen, the European Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner. The evaluations will be carried out as prescribed by the DG NEAR guidelines on linking planning/programming, monitoring and evaluation. The Action might be subject to external monitoring (result oriented monitoring) in line with the European Commission rules and procedures set in the Financing Agreement.

External monitoring through Result Oriented Monitoring (ROM) missions will assess progress of delivery of specific action results and towards achievement of action objectives.

Action monitoring and evaluation will be based on a periodic assessment of progress in delivering specified action results and achieving action objectives.

INDICATOR MEASUREMENT

Indicator	Baseline 2018	Target 2020	Final Target (2023)	Source of information
Worldwide Governance Indicators (WGI) Transparency International Corruption Perception Index (TI/CPI)	WGI 2016: Rule of Law -0.38 WGI Control of Corruption 2016: -0.42 TI/CPI 2017: 39/100	WGI: Rule of Law > -0.38 WGI Control of Corruption 2016: > -0.42 TI/CPI 2017: > 39/100	WGI: Rule of Law > -0.35 WGI Control of Corruption 2016: > -0.39 TI/CPI 2017: > 42/100	Worldwide Governance Indicators (WGI): Rule of Law and Control of Corruption Index reports Transparency International Corruption Perception Index reports
An inter-institutional justice sector coordination mechanism is in place.	Justice sector coordination mechanism not existent (2018)	Justice sector coordination mechanism formally established	Ministry of Justice on behalf of the sector management body provides structured monitoring of implementation of justice reforms	Reports from justice sector management body, prepared by Ministry of Justice
Number of court rooms supplied with security, audio recording, video conferencing and simultaneous translation equipment.	0 (2018)	3	7	KJC Reports
New Strategy on protection from domestic Violence elaborated and under implementation (following the one for the period 2016 to 2020)	0 (2018)	New Strategy drafted	New Strategy under implementation	Decision of Kosovo, Strategy document, implementation monitoring reports
Number of rooms renovated for interviewing juveniles, defendants with special needs, victims and protected witnesses in courts and prosecution offices	0	Assessment completed	Number of rooms in line with assessment recommendations renovated	Project reports
Level of compliance by Kosovo institutions with international standards in the anti-money laundering and combating the financing of terrorism area	0 (2018)	20% of compliance with 2018	>50% of compliance with 2018	Assessment and compliance Reports on Kosovo modelled on GRECO and MONEYVAL methodologies
Number of reviewed, updated and developed inter-agency Standard Operating Procedures (SOPs), manuals and guidelines in the economic crime area.	2	3	4	PECK Project and beneficiary institutions reports

5. SECTOR APPROACH ASSESSMENT

Kosovo is making considerable efforts in the justice sector and different institutions have developed a large number of strategic documents for specific reform areas, but the fragmentation of these strategies and policy initiatives has made it difficult to efficiently manage and monitor the justice sector reforms overall. The need for more coherent policy formulation is more than evident. Furthermore, the mechanisms for coordination and monitoring of the implementation of these policies need to be further reinforced, especially in view of obligations stemming from the SAA. Having in mind separation of powers, thus independent role of the judiciary, but at the same time the coordinating role of the Ministry of Justice, tools and mechanisms for appropriate coordination among Kosovo institutions in the Rule of Law (RoL) sector, need be substantially strengthened.

Also in the area of fighting against organised crime and corruption, a considerable number of Strategies are in place. Specific strategic policy documents and actions plans address anti-corruption, terrorism, preventing and fighting informal economy, money laundering, financing of terrorism and financial crimes. Some of these strategic documents are under revision. However, an overall approach to policy regulation is needed. This would allow for better coordination and more efficient implementation. Coordination between the sector institutions (which by nature of the sector are adversarial) needs to be developed with on the one hand clear leadership and on the other hand due respect and appreciation of the independence as provided by the Constitution.

The Functional Review of the Rule of Law sector has been launched by the Kosovo institutions with the aim to provide for an overall sector strategy and better coherence among the existing policies. This strategy can form a base to develop a sectorial implementation action plan, coordinated sector reform management and development of monitoring framework that enables tracking of progress from a sectorial perspective. With the launching of the Functional Review the Rule of Law Sector, the involved institutions have committed to implement reforms in future in a more efficient and coordinated process in line with the sector approach requirements based on an overall strategy.

There is a mid-term budget allocated to the sector institutions however without a real sector perspective for reasons outlined above.

The Ministry of Justice is also committed to lead the donor coordination process for the justice sector in collaboration with the Ministry of European Integration under the existing donor coordination architecture comprising of the annual High Level Forum, the Sector Working Group Rule of Law and Fundamental Rights and its Sub-Sector Working Groups on Justice, Home Affairs and Human Rights. At the High Level Forum in December 2017 Kosovo institutions and in particular the Minister of Justice re-affirmed their commitment to ensure more structured and regular donor coordination.

6. CROSS-CUTTING ISSUES

GENDER MAINSTREAMING

The Constitution “ensures gender equality as a fundamental value for the democratic development of the society, providing equal opportunities for both female and male participation in the political, economic, social, cultural and other areas of societal life” (Art. 7).

The roll-out of the reforms in the justice sector will be in line with Directive 2006/54/EC and the framework of gender justice (UN Convention on the Elimination of All Forms of Discrimination Against Women (Art. 22); the Law on Gender Equality (2015); the Recast EU Directive (2006/54/EC) on Equal Opportunities and Equal Treatment of women and men in employment and occupation; the Directive on Equal Treatment of Men and Women in the Access to and the Supply of Goods and Services (2004/113; the “Joint Staff Working Document on Gender Equality and Women’s Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020” (also known as the EU Gender Action Plan, “GAP”)).

Concerning the latter, this Action will contribute to Objective 7: “Girls and women free from all forms of violence against them (VAWG) both in the public and in the private sphere”. Moreover, the Action will contribute to and will involve reporting on the following GAP II indicators: any research on gender and access to justice (6.1.1); any improvement in quality and availability of sex-disaggregated/gender specific

statistics related to justice (6.1.2); any activities that involve building awareness of gender related to justice via the media (6.4.1); and the number of Human Rights Defenders (e.g., via women's CSOs) who have received support related to furthering access to justice (18.1).

Support will be provided for increasing the general gender capacity and skills of legal practitioners (legal staff, judges, lawyers, court personnel, external supporting court specialists, etc.) delivered by related professional and technical institutions. This will build the basis for subsequent gender mainstreaming and for absorbing the respectively relevant elements of the EU Gender Equality *acquis* in Kosovo's Justice Sector. Support will be continued for the harmonisation legislation, and transposition of Kosovo laws and sub-legal acts which particularly impact on women.

Institutional mechanisms in the justice system and the judiciary will be capacitated to monitor and guide progress towards greater gender equality, and for establishing gender indicators allowing for the monitoring of gendered impact of justice reform on women and men, in line with Kosovo's legislation, Eurostat standards, and EU Gender Action Plan II 2016-2020,.

Building on existing gender analysis, a gender-sensitive assessment of the justice sector will be conducted as integral part of justice sector reform, identifying and analysing gender inequalities and enabling the tailoring of appropriate actions across the reform process. Findings will inform and be addressed within the new Sector Strategy and Action Plan.

Among the general population and among women and marginalised groups in particular, familiarity with key principles of the rule of law, the concept of 'rights', legal literacy, and awareness of specific laws, e.g. on protection against discrimination and of the complaint mechanism, remains low. Specific information and awareness raising will be conducted, including targeted action for enhancing women's and men's understanding of the court system's commitment to equal justice under law. As per the EU GAP II, women's rights organizations will be key allies for this work, considering their expertise and existing relations with vulnerable groups.

The Law on Gender Equality under Article 3 and 5 foresees that a gender perspective and gender responsive budgeting should be reflected in all processes, planning, approval, implementation, monitoring and evaluation of legislation, policies or programs and budgets. Collection and submission of sex disaggregated data is a requirement for all institutions including bodies at legislative level, executive, judicial and other public institutions.

Gender equality will be taken into consideration in the organisation of action activities. The action will promote the requirements of gender equality and a more active participation of women who remain to a certain extent underrepresented. Moreover, the Action will implement and mainstream gender into all its implemented activities, monitoring and reporting.

EQUAL OPPORTUNITIES

During the implementation of the action, equal opportunities will be encouraged. Services and outputs produced by the action will conform to the relevant principles of equal opportunities and non-discrimination. Human resources, strategic plans and policies must promote contemporary human resource management practices that take into account gender equality and equal opportunities issues.

In line with the EU diversity policy and Kosovo law, affirmative action measures will be employed for ensuring equal opportunities for women and men in professional life; and their equal participation and representation in decision-making at all levels. Further, the law on Gender Equality requires that equal representation under Article 5 should be ensured, defined as 50% participation for each gender.

Other factors, in addition to gender, that impact anti-corruption actions such as race, ethnicity, class, religion, education, economic status, sexual orientation, health, language, and geographical location, will be taken into account wherever possible.

MINORITIES AND VULNERABLE GROUPS

The interventions will be guided by SDG Goal 16 "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels". Special attention will be paid to support the strengthening of access to justice and legal aid

mechanisms with a view on safeguarding the rights, and enabling access to justice, of minority, vulnerable and marginalised groups, including children, LGBTI, the disabled, poor, rural, elderly, Roma, Ashkali and Egyptians, and particularly women among them, as well as of socially stigmatised groups such as drugs users, STD carriers, sex workers. The action will support and increase access to justice for minorities by improving access to legislation and jurisprudence in non-majority official languages.

The proposed action will, as far as is practicable, take the required steps to ensure that the internal policies, structure or operating procedures of the beneficiary will conform to policies protecting women and men from minorities and vulnerable groups, so they can fully exercise their rights granted by the Constitution and recognized by law.

Support will be provided for overcoming current shortcomings in the implementation of the legal aid legislation which hinder effective access to justice especially for vulnerable women and men in urban and rural locations, and with different socio-economic and cultural characteristics.

Special attention will be paid to the effective adoption of EU directives regarding procedural rights of victims and minors, and their gender-specific needs. With regard to juvenile justice, support will be provided for alignment of the legal and policy frameworks pertaining to juvenile justice with international norms and standards and the correct application of international juvenile justice standards.

ENGAGEMENT WITH CIVIL SOCIETY (AND IF RELEVANT OTHER STAKEHOLDERS)

NGOs have for long been advocates of human rights in Kosovo by monitoring Kosovo institutions' activities, reporting violations, campaigning for change, and providing legal assistance directly to citizens in need, particularly to women, and women and men of vulnerable, poor and marginalised groups such as Roma and other minorities or members of the LGBTI communities. Collaboration with women's networks, as well as lawyers' associations, and LGBTI groups as well as Roma civil society organisations will be crucial for understanding the realities of gender justice issues as well as the situation of Roma, in particular on the ground, for building legitimacy for the reform process. Women's rights groups and Roma NGOs networks can play an important role in raising awareness among women and men regarding their rights under the existing legal framework, as well as in monitoring and advocating for reforms.

Periodical meetings will be held with representatives of civil society and MoJ and other stakeholders regarding the reforms in the justice sector. Coordination will be secured with EU-funded actions implemented by civil society organizations in the justice sector (monitoring of judicial system, fight against corruption and re-use of assets confiscated to organized crime).

Civil Society engagement in the area of fighting corruption has always been an important part of the Council of Europe's approach in Kosovo. Under the PECK I and II actions the focus has been to capitalise on the existing knowledge and experience of civil society organisations and their approaches/concerns/proposals during on-site visits and referring to their findings in respective assessment reports. In addition, their role under PECK II action has been valuable during the implementation of technical assistance activities including *inter alia* risk assessment process, related assistance and support on protection of whistle-blowers, awareness raising, monitoring and advocacy activities.

The industry in the financial sector (commercial banks, micro-finance institutions, money or value transfer service providers, exchange bureaus), non-profit organisations, designated non-financial businesses and professions (lawyers, notaries, auditors, accountants, casinos, real estate agents, dealers in precious metals and stones and trust and company service providers) as well as professional associations (Kosovo Bar Association, Chamber of Notaries, Society of Certified Accountants and Auditors, etc.) will be important within the framework of the anti-money laundering and anti-corruption assessments.

PECK III will envisage a programme of outreach to the NGO sector with the purpose of mitigating terrorism financing risks and vulnerabilities in this sector.

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

The European Union has a longstanding commitment to address environmental concerns in its assistance programmes (as part of a wider commitment to sustainable development). The Action will not have a direct impact in the environment. Efficient fight against crimes in the environmental area will also benefit from a more efficient overall justice sector performance. During implementation, the Action will be delivered in the

most environmentally friendly possible way, including the recycling of paper, reduction of the use of plastic and generally avoidance of waste to the extent possible.

7. SUSTAINABILITY

As highlighted above in the lessons learned one of the most significant challenges to sustainability of support in the justice sector relate to the ownership and sustainability of the interventions and also to the political will to implement the reforms and follow up in a timely manner with the adoption of certain key legislation. Engagement in a structured and regular political and policy dialogue with main institutional stakeholders will be important. Close coordination with other EU and other international actors will require due attention and follow up. It is important to ensure that main actors will retain trained personnel - from the technical assistance - in key positions allowing them to improve and transfer knowledge gained from this action to other structures within the targeted institutions.

The Ministry of Justice and other relevant stakeholders should be made aware of budget and resource impact of proposed reform and provide sufficient budget and staff to ensure the effective use of capacities and maintenance of equipment supplied. Such efforts will be more sustainable if sector management is conducted in a more coordinated and better planned process, as envisioned with the functional review and setting up of a sector reform strategy.

The sustainability of the results will be also supported by closely following-up on Kosovo's implementation of needed and relevant reforms in economic crime area. The ongoing technical assistance to build up the capacity of the relevant institutions and to improve sector coordination will contribute to increased sustainability of the results of this action.

The focus in supporting anti-corruption and money laundering reforms in Kosovo, while assessing and benchmarking under the GRECO and MONEYVAL modelled mechanism/exercise will support and enhance the institutional capacities of the relevant Kosovo structures. It furthermore would allow peer dialogue and good practice exchange among professionals, practitioners and counterpart institutions with other beneficiaries.

All action activities and results will eventually lead to the setting up or strengthening of sustainable practices that will enable relevant responsible institutions and stakeholders to implement an effective credible policy, measures and instruments in economic crime area. The action also targets the setting up of a checks and balance mechanism for all institutions targeted in order to ensure efficient accountability.

8. COMMUNICATION AND VISIBILITY

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

All necessary measures will be taken to publicise the fact that the Action has received funding from the EU in line with the Communication and Visibility requirements in force. All stakeholders and implementing partners shall ensure the visibility of EU financial assistance provided through IPA II throughout all phases of the programme cycle. In addition activities conducted under this action will be regularly publicised through different available media channels.

Visibility and communication actions shall demonstrate how the intervention contributes to the agreed programme objectives. Actions shall be aimed at strengthening general public awareness and support of interventions financed and the objectives pursued. The actions shall aim at highlighting to the relevant target audiences the added value and impact of the EU's interventions and will promote transparency and accountability on the use of funds. The communication activities should enable the citizens of Kosovo to understand the direct benefit for themselves of the in part highly complex initiatives supported of the action for which professional and local outreach activities are required. Communication activities should be tailored to the communication needs of specific groups targeted under this action to ensure that different professions, but also the wider population (men, women, members of minority, disadvantaged and marginalised groups, and children) can properly understand the purpose and benefit of the EU support.

The Council of Europe will ensure adequate visibility of EC financing and of the results achieved under activities relating to component 4. Key results will be communicated to all institutional, non-institutional and other stakeholders. All reports and publications produced will be widely disseminated and published on the Council of Europe Economic Crime Cooperation Division's website (www.coe.int/corruption), and the section exclusively dedicated to the PECK action: www.coe.int/peck, together with action news, activities and other useful information.

All activities will adhere to the European Union requirements for visibility on EU-funded activities, as described in the Communication and Visibility requirements in force. Both grant beneficiaries will draw up a communication and visibility plan in the first months of implementation that will be finalised in cooperation with the cooperation and press sections of the EU Office. The grant beneficiaries will report against this plan as part of their regular reporting to the EU Office.

Specific communication activities shall include, but not be limited to, press releases and briefings, reports, seminars, workshops, events, publications, websites and use of other social media tools and any promotional items. Action related documents and deliverables will acknowledge that actions have been carried out with funding from the European Union by also displaying in an appropriate way the European Union logo.