

## Project Document

**Project Title: Support to strengthen the rule of law in Kosovo<sup>1</sup>**

### UN Kosovo Team Common Development Plan Outcome(s):

#### Outcome 1.1

Central institutions provide a stronger normative base and legislative framework for social inclusion.

#### Outcome 2.1.

Institutions responsible for delivering public services and social justice are accountable and responsive to rights holders.

#### Outcome 4.1.

Institutions and industry act more effectively to mitigate environmental damage.

**Expected KPAP Outcome(s):** "By 2015, rule of law institutions are more efficient, transparent, gender responsive and accountable".

### Expected Output(s):

A more timely and accurate administration of justice throughout the justice system in Kosovo, moving Kosovo closer to full realization of rule of law and European integration.

**Implementing Agencies:** United Nations Development Programme (UNDP)

#### Brief Description

Rule of Law and Access to Justice are among the main political conditions for Kosovo to be embraced in the European agenda underpinned by the EU policy for the Western Balkans, namely the Stabilization and Association Process (SAP), as almost all instruments under the SAP are now open to Kosovo. This process calls for ensuring that courts and prosecution offices are effective, independent, accountable and impartial, and free from political influence. In full support of Kosovo's EU aspirations this intervention aims at further supporting the rule of law sector in Kosovo in strengthening and ensuring an independent and effective justice system that is able to protect and promote human rights standards, thus ensuring better access to justice for all citizens. The intervention is ultimately in regard to support the full and rigorous implementation of secondary legislation as well as primary legislation and the importance of this, by the staff active in the justice system. The intervention will be undertaken with both gender and as support well as marginalised and vulnerable people applied in a cross cutting manner as applicable.

Programme Period: 1 October 2014 to 31 December 2017

Project title: Support to strengthen the rule of law in Kosovo  
Atlas Award ID: 00084098  
Start date: 1 October 2014  
End Date: 31 December 2017  
PAC Meeting Date  
Management Arrangement: DEX

Total resources required 4,300,000USD  
Total allocated resources: 500,000.00USD

- Regular
- Other:
  - Donor
  - Donor

Agreed by: Mr. Andrew Russell, Resident Representative: \_\_\_\_\_

<sup>1</sup>References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999)

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## I. SITUATION ANALYSIS

### 1.1 Situation in Kosovo

Kosovo made considerable progress with regard to stabilization and building its democratic institutions; however challenges remain with regard to the efficiency of the institutions, corruption being one of the more significant obstacles for efficient and timely implementation of rule of law in Kosovo. Kosovo is still struggling with its economy, facing problems attracting foreign investment as well as to reduce high unemployment rates (over 40%).

Fifteen years after the conflict, Kosovo's population remains a divided society along ethnic lines with parallel "government" structures in place, including for justice and security.

Integration towards, and eventual membership in the EU is a central aspiration of the current political leadership in Kosovo as this is an aspiration shared with a majority of the society. Kosovo has been undertaking significant efforts towards European integration. The completion of the negotiation of the Stabilisation and Association Agreement (SAA) for Kosovo with the EU and its entry into force as of July 2014 is a milestone on Kosovo's European integration path. The SAA provides for enhanced political dialogue and closer trade integration; including opening EU markets to Kosovo's industrial and agricultural products and new forms of cooperation.<sup>2</sup>

However, following the elections in June 2014 there has been an increasingly polarised political environment and Kosovo has come to a situation of political deadlock causing delays in central and local government and related institutions.

### 1.2 Progress and challenges with regard to strengthening the rule of law

One of the challenges facing the development of Kosovo is an effective and efficient rule of law system. Without robust and well-established rule of law, Kosovo's path to European integration, as well as economic and social development, is severely hampered. Currently Kosovo is working towards meeting EU-requirements on several fronts, both short and medium term, as specified in the EC Progress Report 2014.

Currently the legal framework in Kosovo is sufficient to ensure, in theory, an adequate implementation of justice respecting all applicable human rights instruments in force; however it is a lack of timely, efficient and comprehensive implementation across the justice institutions that hinders full implementation of rule of law in Kosovo. In so far as EU integration and the current legal framework are concerned there is still work to be done in order to ensure that the framework is in compliance with the EU Acquis. Thus, overarching recommendations of the 2012 Feasibility Study for Kosovo<sup>3</sup> are harmonization of legislation and an efficient implementation of the existing legal framework. Moreover, the Constitution of Kosovo requires that judicial practice complies adequately with the ECHR requirements and follows closely the European Convention on Human Rights (ECHR) case-law.

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<sup>2</sup>Kosovo, 2014 Progress Report, European Commission, 8 October 2014,

<sup>3</sup> COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on a Feasibility Study for a Stabilization and Association Agreement between the European Union and Kosovo. The 2012 Feasibility study for Kosovo represented the first step towards the start of negotiations of a Stabilisation and Association Agreement (SAA) between the European Union and Kosovo; the SSA in turn being one of the first steps towards EU integration. In order for the SSA to be successfully concluded Kosovo needs to meet EU standards in the eight other priority areas identified in the feasibility study.

With support of international partners, Kosovo had success in drafting and implementing a new court organization in 2013 that will support a more timely and transparent delivery of justice by the judiciary. The vetting process undertaken during the years 2009 to 2011 in order to ensure a higher level of professionalism of judges and prosecutors is to be considered as an improvement as a notable increase in professionalism was perceived within the Judiciary and the Chief Prosecutor.

A concerted effort led by the EULEX Rule of Law Mission in Kosovo<sup>4</sup> to build an independent and effective judiciary, develop the capacity of Kosovo's legal professionals and apply internationally recognized standards has reaped some rewards. In April 2014, Kosovo agreed to the new mandate for EULEX until June 2016. Under the new EULEX mandate all rule of law institutions are headed by Kosovo officials. EULEX judges and prosecutors are embedded in Kosovo institutions and mixed panels are in principle composed of a majority of Kosovo judges, with a Kosovo judge presiding. It should be noted that a EULEX judge does not take on new cases, except in exceptional circumstances.

The EC Progress report for 2014 outlines progress and remaining challenges with regard to accountability and efficiency within the justice system as well as access to justice:

- With regard to accountability, both the Kosovo Judicial Council (KJC) and the Kosovo Prosecutorial Council (KPC) adopted regulations on the performance evaluation of judges and prosecutors, including on the disciplinary committee of the judicial council. However, more needs to be done to ensure the functioning and accountability of the judiciary. In order to ensure full implementation of the laws on the judicial and prosecutorial councils, both councils still need to adopt several pieces of implementing legislation. The laws on courts, the state prosecutor, the judicial council and the prosecutorial council, also need to be harmonised to address inconsistencies on issues such as dismissal, appointment, transfer, disciplinary system and procedures for the review of decisions taken by the councils. Implementation of regulations on performance and evaluation and on disciplinary procedures is important, as are transparent and merit based nomination and selection criteria. The disciplinary system for judges and prosecutors needs to be aligned to international standards. Transparent and merit-based recruitment and evaluation of judges and prosecutors, as well as a properly functioning disciplinary mechanism, are important steps towards improving the functioning of the judiciary.
- In regards to efficiency, the backlog of cases remains a problem. The courts are not implementing the KJC instruction on the prioritisation of backlog cases. At the end of 2013, the courts completed 419 422 cases leaving 466 255 cases pending (a clearing rate of 80.3%). The judicial council adopted a new strategy to reduce the backlog of cases. The KPC increased the number of positions for local prosecutors in the special prosecution office by three to a total of 1818, of which 12 are filled. A local special prosecutor is the acting head of the office, while EULEX prosecutors only take on new investigations in exceptional circumstances.
- With regard to access to justice and alternative dispute resolution, mediation centres have had a positive impact, since the number of cases referred to mediation centres increased considerably in the past year. During the period between September 2013 to March 2014, 699 cases were referred to mediation, compared to 104 in the same period a year before. The same applies to the

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<sup>4</sup> EULEX supports Kosovo on its path to a greater European integration in the rule of law area. EULEX's skills and expertise are being used to support the key EU aims in the visa liberalization process, the Feasibility Study and the Pristina-Belgrade Dialogue. EULEX also supports the Structured Dialogue on the rule of law, led by Brussels. EULEX continues to concentrate on the fight against corruption and works closely with local counterparts to achieve sustainability and EU best practices in Kosovo. EULEX prioritises the establishment of the rule of law in the north. Quick Facts: Mandate: until 14 June 2016; Head of Mission: Gabriele Meucci; Headquarters: Prishtinë/Priština; Kosovo; Staff: EULEX has a total of around 2,000 international and local staff; Budget: The annual budget is around 111 million Euros.

number of cases resolved, 350 compared to 38. Despite these positive figures the public awareness of mediation and mediation centres needs to be improved in order for all citizens in Kosovo to have the ability to consider mediation as an alternative dispute resolution mechanism. Currently there are 148 certified and licensed mediators, of which 47 are women and 99 are men. Minority communities are represented with two mediators from the Bosniac community, one from the Gorani community and one from the Turk community.

In order to ensure the free legal aid, the Agency for Free Legal Aid is established as crucial institution which carries out its functions independently from other public institutions. The Agency aims to functional system for free legal aid in civil, administrative, and criminal procedure by which it shall be ensured effective approach in justice for the citizens that have no sufficient financial means. Financial independence of the Agency remains a challenge. At the height of the Agency's operation there were 13 legal aid offices, of which eight legal aid offices previously were supported by UNDP. Due to a lack of commitment from the central level, eight legal aid offices had to be closed with the hope that once the political deadlock is solved, funding will be restored to these eight offices.

Kosovo also faces a challenge in the execution of verdicts in criminal cases. Not only does this prevent justice from being served, but it severely affects the credibility of the entire justice system of Kosovo. In the latest published statistics from the courts in Kosovo, the basic court efficiency during 2013 in completed cases in regard to executions of verdicts in criminal cases is set to 77.53%. In some individual courts this rate is much lower. There is a need to review the institutional chain responsible for ensuring that verdicts passed in criminal cases in the courts of Kosovo are executed, so as to make improvements and ensure a higher degree of efficiency.

In essence, the main and overshadowing problem in the justice system in Kosovo is the implementation of the legal and institutional framework. More specifically it is the lack of a culture of institutional implementation of primary but primarily, secondary legislation. Combined this contributes to a large extent to some of the most acute problems mentioned above. In order to come to terms with this the local justice institutions must define the issues causing the lack of implementation. Then the justice institutions need to define clear and practical strategies that include how to begin addressing the issue of implementation and all the associated side effects. Based on the strategies a number of interventions can be formulated to provide practical solutions. Mainly this will be a question of training, basic education and most importantly a change in organizational culture; linked with career incentives for staff that follows the rules, as well as punitive measures in response to breach of procedures and the relevant code of conduct. It should once more be noted that the institutional system in place is already of such a quality that for the most parts, change is not warranted.

#### *Donor coordination in the rule of law sector*

In regard to international assistance and donor coordination in the rule of law sector, the Ministry of European Integration has assumed the function of coordinating development assistance to Kosovo in accordance with Regulation No. 04/2011 on donor coordination. The aim of the regulation is to increase the role of local institutions for the coordination of foreign aid, creating a system that ensures the effectiveness and transparency between the activities and priorities of the institutions of Kosovo and the donor community. According to the Regulation, relevant ministries are responsible for sub-sector coordination working groups. The Ministry of Justice should therefore lead a working-group/secretariat to review the donor assistance provided, identify priorities that need funding, support the implementation of strategies and action plans; as well as establish a clear and comprehensive mapping of current activities and projects. Currently the work of the established working group can be improved considerably as they no longer meet regularly and were unable to provide a comprehensive picture of needs as well as interventions in Kosovo. Furthermore, there have been voices within the Ministry advocating for a monitoring function so as to fully be aware of the needs as well as the progress made by interventions within the rule of law sector.

## *Multi-ethnic representation in the justice system and justice service delivery to minority groups*

The current situation in Kosovo in regard to multi-ethnic representation in the justice system as well as trust by the different groups of the society in the justice institutions can be described as challenging.

According to data collected by the OSCE, the problem that only a few non-majority members hold office in the justice system and the difficulty of recruiting prosecutors and judges from minority communities; is mostly due to ethnic distrust, as well as institutional challenges such as the non-acceptance of graduates from parallel universities and the lack of interested persons of the minority groups to take up office in the justice institutions. This leaves most minority communities underrepresented in courts and prosecution offices, at all levels.

There have been discussions in regard to how minority groups could be encouraged to study and later join the various justice institutions in Kosovo, but so far no concrete measures were undertaken. Issues such as lax to no use of the both official languages do not support the process of attracting more candidates of minority groups. Issues surrounding public trust among non-majority groups in justice institutions in Kosovo persist and should be on the forefront of all justice institutors to tackle and improve. The lack of trust in justice institutions is found also among the majority group; however the distrust within the minority groups is amplified due to ethnic tensions past and present, both unfounded and real.

The economic situation in Kosovo with low wages, unemployment and high prices contributes to the occurrence of corruption and nepotism within the justice institutions; both being direct threats and hindrance to the establishment of rule of law in Kosovo.

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## II. UNDP'S SUPPORT TO STRENGTHENING RULE OF LAW IN KOSOVO

### 2.1 UNDP's support to strengthening the rule of law in Kosovo since 2006

In 2006, the UNDP office in Kosovo in close consultation with the national institutions defined six targeted outcomes, one of which was to help establish effective judicial and policing institutions and contribute to personal security. In general, UNDP rule of law interventions focused on four main areas: addressing the legacy of conflict; improving human security; increasing access to justice for all; and delivering security and access to justice for women.

An outcome evaluation of the Rule of Law Programme 2007-2012 was undertaken to assess strategic relevance of the Programme and its performance in terms of effectiveness and efficiency as well to orient UNDP and its partners' for future rule of law assistance.

The main results since 2008, achieved with the support of UNDP's Rule of Law programming, include the establishment of the Constitutional Court, support to judicial education through the establishment of the KJC and the KPC, the establishment of an Agency for free legal aid, the introduction of a probation and a mediation service, as well as increased capacities of the Kosovo Police Service to address domestic violence and trafficking.

UNDP Kosovo continued the rule of law programming in 2013 and 2014, focusing mainly on access to justice of the most vulnerable. In 2013, a total of 2,852 legal cases were completed by the UNDP supported legal aid offices, which is over 50% increase since the year before. From January 2010 to November 2013, a total of 7152 people (33% women) used the services of the eight UNDP supported legal aid offices and the legal aid mobile clinic. With UNDP's support, the Mediation Commission established its Secretariat and three Mediation Centres. As a result, 764 clients (24% women) availed themselves of mediation services. UNDP Kosovo provided expert assistance to the Office of the National Coordinator

against Domestic Violence, the Office of the National Coordinator against Trafficking in Human Beings, the Kosovo Police (KP), Agency for Gender Equality within the Office of the Prime Minister, NGO run shelters as well as other relevant ministries and partners that are part of the Inter-Ministerial Working Groups on domestic violence and human trafficking. Interventions directly contributed to a more functional national led mechanism in place which prevents and combats domestic violence.

UNDP is a trusted partner for several justice institutions due to the fact that UNDP Kosovo works in close partnership with them and their counterparts. Current challenges within the field of rule of law include the low level of implementation, corruption and inefficiency of the judicial system, in particular with regard to the low level of enforcement of court decisions. Furthermore, the sustainability of the efforts and financial dependency of some of the new justice institutions supported presented a challenge. For example, despite assurances at very high political levels, the Agency for Free Legal Aid was not in a position to mobilize central funding for the legal aid offices supported by UNDP and consequently the offices were closed after completion of the UNDP project.

## 2.2 UNDP's Rule of Law programming portfolio – present and future

For 2011-2015 (UNDP Kosovo Programme Action Plan – KPAP), UNDP Kosovo confirmed the continuity of work towards the outcome on strengthening rule of law although in a modified version shifting to assist Kosovo's Rule of law institutions in becoming more efficient, transparent, gender responsive and accountable by 2015.

For the next phase of programming, based on the recommendations of the evaluations, efforts will strive to make relevant institutions deliver justice more efficiently and independently of central influence as well as corruption; furthermore it will also focus on assisting women as well as other vulnerable and marginalized groups. This is considered critical to inspiring confidence in citizens that they can and should take an active role in their Kosovo development, and easing Kosovo's path to European integration.

UNDP's rule of law portfolio is focusing on the following five components:

- 1) Policy development, planning and coordination on strengthening the rule of law;
- 2) Institutional strengthening and professionalization of justice actors;
- 3) Access to justice and justice service delivery (including women's access to justice);
- 4) Transitional Justice and dealing with the past; and
- 5) Community security.

This project "Support to strengthen the Rule of Law in Kosovo" focuses on the first three components.

The project is complementary to three other projects currently implemented by UNDP and its partners, namely:

- 1) Support to Transitional Justice in Kosovo (2014-2016) - implemented in collaboration with OHCHR and UN Women;
- 2) Support to Anti-Corruption Efforts in Kosovo (SAEK) (2013-2016) implemented in collaboration with UNODC; and
- 3) Freedom from Fear – Enhancing Community Safety in Kosovo (2013-2015) implemented in collaboration with UNMIK.

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## III. PROJECT STRATEGY

In accordance with the UNDP Kosovo Programme Action Plan, the component of UNDP's Rule of Law portfolio, the project will focus on three outputs:

**Output 1: Improved strategic planning, policy development and coordination in the rule of law sector in Kosovo under the leadership of the Ministry of Justice;**

**Output 2: Institutional capacities of judicial institutions strengthened and career development of legal actors improved; and**

**Output 3: Increased access to justice and justice service delivery.**

Hence the project will focus on the offer and demand side of justice. It will contribute to strengthening the coordination between the justice institutions and harmonize their strategic planning for increased efficiency with regard to the implementation of reforms and the new legal framework. Moreover the project will also provide specific institutional support to justice institutions in order to increase their capacities, efficiency and accountability. This support will be combined with efforts to revise the career development of legal actors with the aim of ensuring the introduction of a fully merit-based system with legal actors and practitioners with sufficient technical capacities to deliver justice service to the people of Kosovo in a transparent and efficient manner without any discrimination.

Finally, the demand side the project will focus on efforts to increase access to justice for Kosovo's population, through mediation but also the enforcement of verdicts in criminal cases.

#### *Guiding principles and cross-cutting issues*

The project will use the following guiding principles in the implementation and monitoring of the project. The principles build upon UNDP's global experience and work in Kosovo.

**National ownership:** The delivery of all assistance will be guided by the principle of local ownership. The activities will be implemented by the concerned institutions in Kosovo with the direct support of UNDP experts and partner stakeholders. Institutional change must be locally driven and owned, with UNDP and relevant partners providing support and guidance. Some of the institutional change needed is due to the adoption of EU standards. EU integration is the wish of the local institutions created through elections.

**Ensuring interventions do no harm and are conflict sensitive:** The project will ensure in all its interventions that it does not contribute or aggravate existing tensions and cleavages between different groups of Kosovo's society. The project will assess the priority groups to be targeted in terms of service delivery, will build the capacity of key implementing partners to comply with the 'Do No Harm principles', promote equal access to justice services and opportunities, ensure affirmative action where needed and support mainstreaming of elements for social cohesion and increased equality. In particular, the project will support increased representation of minorities in justice institutions, through support to their career development.

The project will also aim at increasing access to justice for non-majority ethnic groups in Kosovo, which according to the data collected by OSCE have less access to legal representation in court compared to Kosovo Albanians (30% as opposed to 38%).<sup>5</sup>

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<sup>5</sup> OSCE Mission in Kosovo, Justice Monitor, 1 January to 30 June 2014.

**Evidence based programming and measuring and capturing results:** The project will monitor results and demonstrate progress, even if incremental, and will embed systematic M&E approaches into all aspects of the project (e.g. baseline data collection, baseline assessments, capacity assessments of institutions, civil society, and access to justice profiles). The project will work with national and local authorities, civil society partners and development partners on drawing and analysing data and assessing progress and impact.

**Gender equality, women and youth empowerment:** A gender equality perspective will be mainstreamed throughout the project, through ensuring the collection and interpretation of sex / age disaggregated data and conducting gender analysis to better inform project design and implementation. The project will prioritize in particular women's access to justice services and women's participation and role (including decision making) in the rule of law architecture. It will specifically address:

- Seek to ensure that gender equality issues are incorporated into all relevant policies and legislation, and that justice institution and processes are equal and fair for both women and men;
- Advocate for increased participation of women and youth in the justice sector and in social integration policy-making and actions at the institutional level and support their active engagement in civil society;
- Ensure that policy and planning processes are consultative, participatory and actively encourage the involvement and decision making role of women, youth, and as well as marginalized and vulnerable groups, and that plans and services are sensitive to their specific needs;
- Ensure gender issues are fully incorporated in curricula and training materials that are developed;
- Ensure close co-ordination and collaboration with other UNDP and UN activities related to specific aspects of women's empowerment and gender issues; and
- Prioritize career development and capacity building for female judges, prosecutors and lawyers and support networks/platforms for their engagement in justice dialogue forums and coordination mechanisms.

**Human rights/human rights-based approach:** In addition to ensuring that the project is executed in full conformity with the international human rights standards, the project will actively promote human rights through a cross-cutting approach.

- Support state capacity to ensure that policies, laws and by-laws promote equality and are non-discriminatory and contain positive measures where considered critical;
- Monitor and advocate that justice services are available, affordable, accessible, and acceptable for all;
- Advocate voluntary, meaningful and effective participation and inclusion of, and outreach to minority and marginalized groups in the sector, including staffing and other forms of engagement;
- As with gender, advocate for human rights to be incorporated in legal curricula and training materials, as well as civic education initiatives; and
- Develop the capacity of citizens groups, special measures for marginalized groups and minorities as well as women in the justice sector, merit-based recruitment systems and coaching.



#### **IV. Project outputs:**

### **Output 1: Improved strategic planning, policy development and coordination in the rule of law sector in Kosovo under the leadership of the Ministry of Justice**

**Activity Result 1.1: The Ministry of Justice is effectively coordinating between national institutions in the rule of law sector**

UNDP assisted the Ministry of Justice (MoJ) in drafting their Rule of Law Assistance Strategy in Kosovo 2016-2019. The drafting of the Rule of Law Assistance Strategy in Kosovo 2016-2019 was initiated in order to ascertain what needs Kosovo would have in the field of justice and home affairs in the wake of EULEX departing in the middle of 2016. However, the Kosovo Government institutions then expanded the scope of this strategy. The strategy finally was drafted so as to include not only areas currently governed by EULEX, but also other areas within justice and home affairs. The strategy tries to define assistance programming, donor coordination and cooperation mechanisms, as well as priority measures.<sup>6</sup>

Building on this assistance, UNDP will support the Ministry of Justice to establish a fully functioning donor coordination body (working-group/secretariat) following to the current legal framework, by the end of 2015. This function shall have the ability to assess the rule of law situation on the ground, provide prudent/timely advice on how to use donor funding and on how to define future intervention within the rule of law-sector. UNDP will provide technical assistance to the structure and day to day operational requirements as well as outputs. Furthermore UNDP will in its role provide support to the Chair of the working-group/secretariat in its role as development coordinator.

**Activity Result 1.2: A sector-wide rule of law strategy for 2015-2019 is developed under the leadership of the MoJ**

While many of the justice institutions in Kosovo have designed their strategies, no sector-wide rule of law strategy exists in Kosovo. UNDP will support the elaboration of a well consulted, and relevant rule of law strategy for the years 2015 to 2020 under the leadership of the Ministry of Justice. The strategy shall facilitate European integration, as well as supporting a: transparent; timely; free from corruption; and political interference administration of justice in Kosovo that provides equal protection for all persons living in Kosovo.

The assistance will include support to preparatory studies and baseline collection for strategy, to the establishment of M&E system and a Rule of law sector performance framework. UNDP will also support the establishment of framework for collaboration with CSO's ensuring their participation in policy dialogue and development of the rule of law strategy. An expert will be deployed to the Ministry of Justice to provide mentoring with regard to the different steps for the design of the strategy.

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<sup>6</sup> This Rule of Law Assistance Strategy in Kosovo includes areas of justice and internal affairs. Main institutions in these two areas are: Ministry of Justice (MOJ), Ministry of Internal Affairs (MIA), Kosovo Police (KP), Kosovo Customs (KC), Kosovo Judicial Council (KJC), Courts, Kosovo Prosecutorial Council (KPC), Prosecutions, Kosovo Judicial Institute (KJI), Agency for Free Legal Aid (AFLA), Anti-Corruption Agency (ACA), etc. Within these institutions fall a number of subordinate institutions that are part of law and order in Kosovo.

## **Output 2: Institutional capacities of judicial institutions strengthened and career development of legal actors improved.**

### **Activity result 2.1: Kosovo Judicial Institute strategic planning capacities and institutional independence strengthened**

The Kosovo Judicial Institute (KJI) was created to support legal professionals with post degree training in legal matters as they are the only legally empowered institution for training of judges and prosecutors. While professional capacities exist with the KJI further support is required to allow this institution to achieve sustainability of its training programmes, with the final aim of transforming the KJI into a Justice Academy.

The initial legal education program of KJI is to increase practical skills of the candidates for future judges and prosecutors, through practical training at: the Institute; in courts; and prosecutor offices (through mentoring) as well as practical training in other justice system institutions.

The KJI support for promotion of professional skills and ethics is considered critical to legal education of judicial employees. Quality training is crucial for candidates of the Initial Legal Education Program (ILEP) that are aiming to become future judges or prosecutors as well as for the Continuous Legal Education Program (CLEP) participants.

UNDP has provided support to the KJI for several years. In the past UNDP achievements working with the KJI through the rule of law programme include the initial legal education programme spanning four generations, 123 were then appointed as judges and prosecutors out of 141 candidates. As well as support to continued legal education programme and organized 20 training sessions in civil and human rights law and capacity development for the staff.

While the KJI is already a well-established and functioning institution it needs further support to strengthen its institutional independence. In particular support is needed on the following: drafting the three year strategy document; further development of training methodology; developing the mentors' capacities; capacity development of the courts and prosecutors office administration staff; conducting a visit and a training in regional institutions of judiciary/ prosecution; and publication of the legal magazine of judges and prosecutors *Opinio Juris*.

Based on the longstanding partnership, the KJI requested UNDP support to draft and implement a three year strategy and strongly recommended UNDP as its main international long-term partner to strengthen the KJI's institutional abilities. KJI is in need of a strategy in order to provide more qualitative trainings and better coordinate their overall activities. The strategy will include such issues as the organization of trainings for both legal and non-legal staff within the judiciary and prosecutorial offices. KJI also requested support for the conduct an evaluation of the trainers and further professionalize the KJI training-programs. The KJI is obliged to draft a strategy and working plan in accordance with general guidelines set by the KJC and KPC.

### **Activity Result 2.2: Judicial/Bar Exam reformed**

The Ministry of Justice requested support from UNDP in the reform and restructuring of the Judicial Bar Exam to meet EU standards. The Judicial/Bar Exam, as a professional exam, is a prerequisite for all law graduates to obtain eligibility in extending their legal profession further, as judges, prosecutors or attorneys. In discussions with the candidates of the trainings for the Judicial/Bar Exam, concerns have been raised in regard to the preparatory materials.

Past achievements for UNDP through the rule of law project in regards to Judicial Bar Exam in 2009-2011 include; a comparative analyses in the region, elaboration of curriculum for the exam, drafting and printing the Manuel for Judicial/Bar exam in the Albanian and Serbian languages, organization of trainings for candidates for the bar exam (with translating into the Serbian language), and supporting the drafting of the law on the bar exam. The comparative analyses with the systems and procedures regarding bar exam in the region show differences in the organization of the Judicial/Bar Exam; the exam itself but also the preparatory steps. Furthermore, concerns were raised that the current procedure is not transparent and needs further reforms.

### **Activity Result 2.3: Judicial practices further harmonized**

The Constitution of Kosovo requires that judicial practice complies adequately with the European Convention on Human Rights (ECHR) requirements and follows closely the ECHR case-law. Measures taken at Court of Appeals level will also enable provision of effective domestic regular remedies, to strengthen the national legal order and to bring it closer to compliance with the ECHR and the legal practice. This can be done by providing guidelines and practical experiences to the lower courts, effecting on the court performance and efficiency while simultaneously increasing citizen's confidence in court decisions.

Legal practitioners continue interpreting civil and criminal laws and norms in varying degrees, thereby creating insecurity amongst the public. There is a need to improve the transparency of the legal system by clarifying and unifying judicial practice through the publication of guidelines on the implementation of certain laws in the Basic courts and thus assist the practitioners in their daily work. Through the harmonization of practices, the public's confidence in the judicial system will be increased and the existing and new legislation will be better understood by legal professionals.

Basic Courts are the court of first instance comprised of seven geographic areas in Kosovo. The Court of Appeals is established as the second instance court with territorial jurisdiction throughout Kosovo, with the main seat in Pristina. The composition of the Court of Appeals reflects the ethnic diversity of Kosovo and the international principles of gender equality. Decisions of the Court of Appeals are public documents. The Kosovo Judicial Council shall ensure the publication of decisions of the Court of Appeals. Such decisions, at a minimum, shall be published on the website of the Kosovo Judicial Council.

UNDP provided direct assistance to the Courts which improved the professional competency, development of court efficiency, and judicial practice, by designating an adviser from UNDP's Capacity Development Facility Project. However, it is necessary to provide support to the Court of Appeals of Kosovo and the judges' community in general, in harmonizing judicial practices, providing guidelines and precedence which will allow better governance of the rule of law and its practical application.

The complexity of the legal system, the heavy workload of the judges, the time pressure, and uncertainty as to which is the correct interpretation of the law, have produced a difficult situation. It is not unusual that Basic Courts and the Court of Appeals give a diverse answer to the same or similar legal question. Therefore it has been identified that there is a need for harmonization within legal practice. One of the functions of the Court of Appeals is to eliminate those discrepancies and set up a uniform interpretation. The working group will be established to organize working sessions with the judges of basic and appeals court to identify the issues and discuss challenges related to regular remedies, the which then will be addressed to Supreme Court, part of the efforts to harmonize judicial practices.

In addition working sessions will be organised with judges and prosecutors to discuss the challenges on implementation of the legislation.

### **Activity 2.4: Internship program for justice institutions institutionalised**

Given the reduced quality of legal education in Kosovo, the internship programme for new graduates has taken on a higher level of importance than would be the norm throughout Europe with similar programmes. Therefore there is a critical need to facilitate an internship programme for new graduates. The internship programme is important to build knowledge and practical skills with law graduates, and it is one of the required prerequisites towards the legal profession. Through engagement of 300 participants, with the support of UNDP, the internship programme is without a doubt a success story, however further support is needed for its institutionalization.

The internship programme will be supported by providing law graduates with an avenue to gain the practical experience needed to undertake and pass the judicial/bar examination. The internship programme is crucial part of the educational system for legal professionals in Kosovo. The KJC and the KPC have expressed a wish to establish a long term partnership with UNDP for the set-up and roll-out of the KJC internship programme. There is in particular a need to develop a curriculum for the internship program. This curriculum will help the law graduates to have comprehensive programme and get practical knowledge in judicial administration, civil, criminal, and administrative areas.

The activity will ensure that persons belonging to minority groups will also have access to the internship programme and that the curriculum will be available in all official languages.

### **Output 3: Increased access to justice and justice service provision**

#### **Activity Result 3.1: Mediation Commission fully institutionalised with strategy and state budget /Access to mediation ensured in all basic courts**

The Mediation Commission (MC)<sup>7</sup> was previously supported by UNDP and has requested further UNDP assistance. The work of the MC throughout Kosovo and mediation as an alternative dispute resolution mechanism was so far successful as it has helped to reduce the number of cases added to the backlog of cases in courts. It also increased access to justice for people in Kosovo. This was also recognized in the last EC progress report 2014. Past achievements for UNDP within the mediation commission through the Rule of Law and Advancing Gender Justice Project include the establishment of the Secretariat of Mediation Commission, the opening of three mediation offices: In Pristina, Gjakovë/Đakovica and Ferizaj/Uroševac, organized trainings for candidates for mediators as per the Law on Mediation, development of the strategy for an awareness raising campaign and organized various study tours contributing to train the mediators and staff from the MCMC. Claimants now directly approach the MC as a means to resolve their disputes. Due to the growing success of mediation and the positive effects it brings it is an important area for the UNDP for continued support.

Nevertheless, mediation is in the early stages of development in Kosovo, with certain difficulties in its proper functioning. This is partly due to the lack of experience in this area. Partly it is also due to the lack of infrastructure. The MoJ conducted an analysis of the implementation of the Law on Mediation. The findings show that the Law has a range of uncertainties and gaps. Most importantly in regard to: procedure; the scope of the Law; budgetary costs; and institutions providing mediation services. In the context of the revision of the court system<sup>8</sup> the requirement of the Law is to have the same number of mediation offices as basic courts (currently there are seven basic courts in Kosovo). Therefore the MoJ and the MC must plan for the opening of undefined number of additional mediation offices in the coming years. In addition, the mediation structures that were established in recent years require some more support in terms of the professional capacities of the staff. The MC requested the MoJ to give priority in

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<sup>7</sup> The Ministry of Justice (MoJ) established the Mediation Commission (MC). The MC is a body responsible for: developing policies regarding the use of mediation in Kosovo; oversight of the Code of professional ethics rules for mediators; issuing decisions as well as recommendations regulating the usage of mediation; drafting and keeping a registry for mediators; providing professional opinions in regard to mediation; organizing and conducting mediation-training; and providing the public with information about mediation as an alternate dispute resolution mechanism.

<sup>8</sup> A new Law on Courts is in effect as of January 2013.

amending the Law on Mediation with the aim to improve the enabling environment for the mediation services. The MoJ responded positively on this request. UNDP will assist the MoJ with expertise in order to enable then in drafting the new law. Support will also be provided to the secretariat of the MC, as well as the existing mediation-offices and organize a refreshment training for mediators will also be provided.

**Activity Result 3.2: Enhanced execution of verdicts in criminal cases throughout Kosovo, especially those related to sexual and gender based violence**

The insufficient rate of execution of criminal verdicts is a challenge that has for a long time been overlooked. It is an important issue to address as it has large ramifications not only for the victims of the crimes, but for the trust of the population as a whole in the justice system. As a first step, in the framework of this project, a comprehensive survey shall be undertaken. The survey shall look at why a number of criminal verdicts are not properly executed. After the survey a proposal for change to the national stakeholders<sup>9</sup> involved can be formulated.

The latest figures from KJC in 2013 state that the court efficiency in executing verdicts in criminal cases in Kosovo was at 77.53%. UNDP will support the local stakeholders involved in the process of execution-ofof criminal verdicts to initially conduct an assessment as to why the current system does not ensure higher efficiency. Special attention will be focused on whether there is a trend that non-execution of criminal verdicts affects one gender more than the other and the reasons. Based on the assessment, improvements will be undertaken in order to ensure enhanced efficiency, precision, transparency and accountability when executing verdicts in criminal cases throughout Kosovo. UNDP will support the stakeholders with expert knowledge in the fields of: execution of criminal verdict; multi-agency -business processes, -coordination and -cooperation. Target for 2015 is to increase court efficiency in executing verdicts in criminal cases to at least 85%. No single court shall be under 60%. The target for 2016 is 93%. No single court shall be under 75%. The target for 2017 is 98%. No single court shall be under 85%.

**Activity result 3.3: Outreach and communication plan of Agency for Free Legal Aid developed and implemented**

UNDP had supported the Agency for Free Legal Aid for several years. In recent years, the establishment of eight legal aid office was supported. With UNDP support, 2,852 legal cases were completed. However, after completion of the UNDP project, the Government was not in position to cover the costs for the legal aid offices and all eight of them had to be closed. While UNDP will continue to advocate for increased Government funds for the Free Legal Aid Agency in order to strengthen the independency and sustainability of this young institution, it will also continue to provide technical support to the Free Legal Aid Agency. In particular the technical support will focus in ensuring that free legal aid services are accessible to women and persons belonging to minority groups.

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## V. PARTNERSHIPS

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<sup>9</sup> The KJC; the courts; the Kosovo Police; and the Kosovo Correctional Service.

A wide range of donors are currently involved in providing Rule of Law assistance in Kosovo. The Ministry of Justice, in cooperation with all stakeholders in the Rule of law sector recently adopted the Assistance to the Strategy on Sector of Rule of Law in Kosovo 2016-2019, which was drafted with UNDP support. The Assistance strategy defines the approach of the Government to multi-year international assistance programming, donor coordination, cooperation mechanisms and priority measures to strengthen the rule of law sector with emphasis on justice and internal affairs. The general objective of the Strategy is to improve the conditions for sustainable rule of law and, resultantly, advance the European integration process through planning, programming and improvement of donor assistance effectiveness in line with national strategic priorities. This strategy is based on national strategic priorities and derivative mid-term objectives, which comprises the main basis for the development of suitable funding projects from the donor community, excluding projects to be executed from the budgets of each institution. The specific purpose of the strategy is to contribute to the implementation of reforms in the area of justice and internal affairs. Therefore, this document will be used as the main instrument to link donors' contribution to national priorities in the area of justice and internal affairs.

This project will be implemented in the framework of the Rule of law assistance strategy and UNDP will closely coordinate the support with partners.

## VI. RESULTS AND RESOURCES FRAMEWORK

Intended Outcome as stated in the Country Programme Results and Resource Framework:

*Assign a number to each outcome in the country programme (1, 2,...). to be completed*

Outcome indicators as stated in the Country Programme Results and Resources Framework, including baseline and targets:

To be completed

Applicable Outputs (from 2014-2017 Strategic Plan): Output 3.4. Functions, financing and capacity of rule of law institutions enabled, including to improve access to justice and redress

Partnership Strategy: to be completed

Project title and ID (ATLAS Award ID): Support to strengthen the rule of law in Kosovo

INTENDED OUTPUTS	OUTPUT TARGETS FOR (YEARS)	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS (In USD)
<p>Output 1: Improved strategic planning, policy development and coordination in the rule of law sector in Kosovo under the leadership of the Ministry of Justice</p> <p><u>Baseline 1.1:</u></p> <ul style="list-style-type: none"> <li>• Coordination by the MoJ only partly functioning</li> <li>• Overlap of support</li> <li>• Several strategies and inter-ministerial WGs exist, but not comprehensive RoL coordination mechanism</li> </ul>	<p><u>Target 2015</u> Sector-wide coordination group established with functioning Secretariat and AWP 2015 designed and implemented.</p> <p><u>Target 2016</u> M&amp;E framework for AWP/action plan of sector-wide coordination group developed</p> <p><u>Target 2017</u> Effective coordination ensured by MOJ</p>	<p><u>Activity Result 1.1:</u> The Ministry of Justice (MoJ) is effectively coordinating between national institutions in the rule of law sector.</p> <p>Indicative activities:</p> <p>1.1.1 Placement of experts to support planning and coordination at MoJ, KJC, KPJ etc.</p> <p>1.1.2 Setting up a working-group and secretariat for coordination</p> <p>1.1.3 Support regular meetings of WG</p> <p>1.1.4 Support development of annual work plan of WG</p> <p>1.1.5 Support development of M&amp;E system (performance indicators) for implementation of AWP</p> <p>1.1.6 Database for coordination established</p>	<p>UNDP and MoJ, MoIA, independent institutions</p>	<p>250,000.00 USD (BCPR Oct-Dec 2014 10.000) – Jan to Sept 2015 – 40,000.00) (BCPR total: 50,000.00)</p>

<p><u>Indicator 1.1:</u></p> <ul style="list-style-type: none"> <li>Functioning coordination led the Ministry of Justice (MoJ) with participation of all relevant institutions and ministries</li> <li>Internal structure for sector-wide coordination in MoJ (with participation of other relevant Ministries and independent institutions) set up</li> <li>Bi-monthly meetings held</li> <li>AWP 2016 designed and implemented by coordination group</li> </ul>		<p><b>1.1.7</b> Creation of a working-group/secretariat for donor coordination through the Ministry of Justice-</p>	
<p><u>Baseline 1.2:</u></p> <ul style="list-style-type: none"> <li>No sector-wide RoL strategy exists</li> <li>Several independent institutions (KPC, KJC etc. have strategies in place</li> <li>No framework for collaboration with CSOs and their inclusion in policy dialogue exists</li> </ul> <p><u>Indicator 1.2:</u></p> <ul style="list-style-type: none"> <li>A sector wide rule of law</li> </ul>	<p><u>Target 2015</u> Baseline collection completed and Rule of law strategy is developed through a consultative and inclusive process</p> <p><u>Target 2016</u> Implementation of rule of law strategy started</p> <p><u>Target 2017</u> Harmonised management data system</p>	<p><u>Activity Result 1.2:</u> A sector-wide rule of law strategy for 2015-2019 is developed under the leadership of the MoJ</p> <p>Indicative activities:</p> <p>1.2.1 Support preparatory studies and baseline collection for strategy</p> <p>1.2.2 Support establishment of M&amp;E system and performance indicators / establish a RoL sector performance framework</p>	<p>UNDP and Ministry of Justice, other relevant ministries and independent governmental institutions</p> <p>50,000.00 USD (BCPR – Jan to Aug 2015 – 30,000.00) (BCPR total: 30,000.00)</p>



<p>strategy for 2015-2020 is implemented under leadership of MoJ with a solid M&amp;E framework</p> <ul style="list-style-type: none"> <li>% increase of citizen participation in RoL reform process</li> </ul>	<p>functioning in all institutions</p>	<p>1.2.3 Support and capacity building for strategic planning through deployment of experts</p> <p>1.2.4 Support the set-up of harmonized database in all institutions of the RoL sector</p> <p>1.2.5 Support the establishment of framework for collaboration with CSO ensuring their participation in policy dialogue</p>	<p>2,000,000.00 USD (BCPR -- Sep to Dec 2014 70,000) (BCPR -- Jan to December 2015 40,000.00) <b>total:</b> <b>(BCPR 110,000.00)</b></p>
<p><u>Output 2: Institutional capacities of judicial institutions strengthened and career development of legal actors improved.</u></p> <p><u>Baseline 2.1:</u></p> <ul style="list-style-type: none"> <li>KJI well established but lacks strategic plan</li> <li>% of KJI graduates of initial programme are women</li> <li>% of KJI graduates of initial programme are persons belonging to ethnic minority groups</li> <li>1591 out of the 1647 administrative staff of the Courts lacks related training.</li> </ul>	<p><u>Target 2015</u> Three year strategy for KJI and developed implementation started</p> <p><u>Target 2016</u> First graduation of non-judiciary staff from KJI</p>	<p><u>Activity result 2.1: Kosovo Judicial Institute (KJI)' strategic planning capacities and institutional independence strengthened</u></p> <p>indicative activities:</p> <p>2.1.1 Support to development and implementation of three-year strategy.</p> <p>2.1.2 Support and development of initial training program</p> <p>2.1.3 Support to continuous legal education program</p> <p>2.1.4 Support to training curricula for non-judiciary staff</p> <p>2.1.5 Deployment of an expert to KJI</p>	<p>UNDP and the Kosovo Judicial Institute</p>

<p><u>Indicator 2.1:</u></p> <ul style="list-style-type: none"> <li>• % increase of intake of women for initial training programme</li> <li>• % increase of intake of persons belonging to ethnic minority groups</li> <li>• GoK covers gradually increasing (10% increase per year) the annual budget of KJI</li> </ul>	<p><u>Target 2017</u> Transformation from KJI to Judicial Academy started</p>	<p>2.1.6 Support transformation from KJI to Judicial Academy</p>	<p>UNDP and Ministry of Justice</p>	<p>500,000.00USD (BCPR – Jan to Dec 2015 – 1,40,000.00) (BCPR total: 40. 000.00)</p>
<p><u>Baseline 2.2:</u></p> <ul style="list-style-type: none"> <li>• Bar Exam procedure lacks transparency</li> <li>• Bar Exam is not harmonized with European standards</li> </ul> <p><u>Indicator 2.2:</u></p> <ul style="list-style-type: none"> <li>• Bar exam procedures are fully transparent and accessible to all minority groups in Kosovo</li> <li>• % Increase of person who successfully passed the exam.</li> </ul>	<p><u>Target 2015</u> Judicial Bar exam Reform initiated and new Manual published</p> <p><u>Target 2016</u> Reform of Judicial Bar exam completed</p> <p><u>Target 2017</u> Reform of Judicial Bar exam implemented</p>	<p><u>Activity Result 2.2: Judicial/Bar Exam reformed</u></p> <p>Indicative activities:</p> <p>2.2.1 Coordination with members of the Judicial/Bar Exam Committee, discussing improvement possibilities in the Exam procedures, based on their experience;</p> <p>2.2.2 Design the curriculum and modalities of the Exam;</p> <p>2.2.3 Organize Judicial/Bar Exam trainings;</p> <p>2.2.4 Drafting and publishing the new Judicial/Bar Exam Manual to reflect changes since 2008.</p>	<p>UNDP and Ministry of Justice</p>	<p>500,000.00USD (BCPR – Jan to Dec 2015 – 1,40,000.00) (BCPR total: 40. 000.00)</p>

<ul style="list-style-type: none"> <li>• % increase of female lawyers and % increase of lawyers from ethnic minority</li> </ul>			
<p><u>Baseline 2.3:</u></p> <ul style="list-style-type: none"> <li>• Basic Courts judges and Court of Appeal lack valid strategies.</li> <li>• Basic Courts judges and Court of Appeal lack bulletins</li> <li>• Basic Courts judges and Court of Appeal lack library</li> </ul> <p><u>Indicator 2.3:</u></p> <ul style="list-style-type: none"> <li>• % Increase in court efficiency as a result of harmonized legal practice</li> <li>• % increase of trust in basic courts</li> </ul>	<p><u>Target 2015</u> Legal practices harmonized, increasing court efficiency (% of court efficiency)</p> <p><u>Target 2016</u> Legal practices harmonized, increasing court efficiency (% of court efficiency)</p> <p><u>Target 2017</u> Legal practices harmonized, increasing court efficiency (% of court efficiency)</p>	<p><u>Activity Result 2.3: Judicial practices further harmonized</u></p> <p>Indicative activities:</p> <p>2.3.1 Organize regular working session with Basic Courts judges and Court of Appeal for discussions on the legal practices from the field of civil and criminal law.</p> <p>2.3.2 Organize working session with judges and prosecutors,</p> <p>2.3.3 Support the functionalization of a library for the Court of Appeals</p> <p>2.3.4 Draft a regulation on Web publication/anonymization on judgments.</p>	<p>500,000 USD</p> <p>(BCPR – Jan to Dec 2015 – 20,000.00) (BCPR total: 20,000.00)</p>

<p><u>Baseline 2.4:</u></p> <ul style="list-style-type: none"> <li>• xxx (current success rate bar exam)</li> <li>• % women</li> <li>• % national minorities</li> </ul> <p><u>Indicator 2.4:</u></p> <ul style="list-style-type: none"> <li>• Success rate for candidates at the Judicial/Bar Exam is increased by 20 %</li> <li>• At least 50% women</li> <li>• At least 10% belonging to national minorities</li> </ul>	<p><u>Target 2015</u></p> <p>Success rate for candidates at the Judicial/Bar Exam is increased by 10 %</p> <p><u>Target 2016</u></p> <p>Success rate for candidates at the Judicial/Bar Exam is increased by 15 %</p> <p><u>Target 2017</u></p> <p>Success rate for candidates at the Judicial/Bar Exam is increased by 20 %</p>	<p><u>Activity 2.4: Internship program for justice institutions institutionalised</u></p> <p>Indicative activities:</p> <p>4.1 Provision of financial aid (monthly stipend) to the interns, making sure that both women and men as well as persons belonging to ethnic minorities are selected</p> <p>4.2 Organization of trainings for interns.</p> <p>4.3 Draft the curriculum for the internship programme</p>	<p>200,000 USD</p> <p>(BCPR – Sep to Dec 2014 – 10,000.00)</p> <p>(BCPR – Jan to Aug 2015 – 40,000.00)</p> <p>(BCPR total: 50,000.00)</p>
<p>Output 3: Increased access to justice and justice service provision.</p> <p><u>Baseline 3.1:</u></p> <ul style="list-style-type: none"> <li>• 446.254 Number of cases pending in Basics Courts in 2013.</li> <li>• Court efficiency at 79.64% as of Jan 2014</li> </ul>	<p><u>Target 2015</u></p> <p>All relevant mediators, judges, prosecutors and attorneys trained at the end of 2016.</p> <p><u>Target 2016</u></p> <p>Preparation of amendments to the current Law on mediation supported</p> <p><u>Target 2017</u></p>	<p><u>Activity Result 3.1: Mediation Commission fully institutionalised with strategy and state budget</u></p> <p>Indicative activities:</p> <p>3.1.1 Higher skill amongst certified mediators and judges, prosecutors and attorneys in regard to mediation.</p> <p>3.1.2 Organize "refreshment" professional training for certified mediators and for relevant justice sector on basic and advanced mediation, anti-</p>	<p>500,000 USD</p> <p>(BCPR – Oct to Dec 2014 of 20,00.00)</p> <p>(BCPR – Jan to December 2015 – 80,000.00)</p> <p>(BCPR total: 100,000.00)</p>

<ul style="list-style-type: none"> <li>2940 cases added to the backlog of cases in 2013.</li> </ul> <p><u>Indicator 3.1:</u></p> <ul style="list-style-type: none"> <li>5 % Decrease in the number of cases contributing to the backlog of court cases.</li> <li>5 % increase in court efficiency</li> <li>at least 50 % of women benefit from mediation services</li> <li>at least 10% of persons belonging to national minorities benefit from mediation services</li> </ul>	<p>All relevant Commission members trained at the end of 2015.</p> <p>Mediation recognized as an alternative way to resolve issues between parties should reach:</p> <ol style="list-style-type: none"> <li>25% in 2015;</li> <li>35% in 2016; and</li> <li>55% in 2017.</li> </ol>	<p>discrimination and gender equality.</p> <p>3.1.3 Organize ongoing professional training for judges, prosecutors and attorneys on cases referral.</p> <p>3.1.4 Provide continuous support to the Secretariat and already established mediation centres in Prishtine/Pristina, Gjakova/Djakovica and Ferizaj/Urosevac.</p> <p>3.1.5 Support the amendment to the Law on Mediation.</p> <p>3.1.6 Increase individual, professional capacities of Mediation Commission members for development policies regarding the mediation domain.</p> <p>3.1.7 Support development of strategy and action plan on public awareness</p> <p>3.1.8 Support the Mediation Commission to communicate the awareness strategy effectively with all relevant stakeholders.</p>	<p>UNDP and the Kosovo Judicial Council (KJC);</p> <p>200,000.00 USD</p> <p>(BCPR – Jan to Dec 2015 – 20,000.00)</p> <p>(BCPR total: 20,000.00)</p>
<p><u>Baseline 3.2:</u></p> <ul style="list-style-type: none"> <li>The basic court efficiency as of Jan 2014 in execution of verdicts in criminal cases is 79.64%.</li> <li>446.254 Number of cases pending in Basics Courts</li> </ul> <p><u>Indicator 3.2:</u></p>	<p>Target:</p> <p>2015: increase to 85%.</p> <p>2016: increase to 93%.</p> <p>2017: increase to 98%</p>	<p><b>Activity Result 3.2: Enhanced execution of verdicts in criminal cases throughout Kosovo, especially those related to sexual and gender based violence</b></p> <p>3.2.1_Review of current procedures and behaviour of all actors involved in the chain of executing verdicts in criminal cases, identify procedural shortcomings</p>	<p>UNDP and the Kosovo Judicial Council (KJC);</p> <p>200,000.00 USD</p> <p>(BCPR – Jan to Dec 2015 – 20,000.00)</p> <p>(BCPR total: 20,000.00)</p>

<ul style="list-style-type: none"> <li>• Increase to 98% of executions of verdicts in criminal cases</li> <li>• 50 % decrease in the backlog of court cases.</li> </ul>		<p>and types of crime which receive lower or higher execution of verdicts</p> <p>3.2.2 Amend and improve the procedures to ensure implementation of relevant primary and secondary legislation in regard to the execution of verdicts in criminal cases.</p> <p>3.2.3 Assessment and adjustment of newly implemented strategies to ensure implementation is successful and efficient.</p>		
<p><u>Baseline 3.3</u></p> <ul style="list-style-type: none"> <li>• 8 out of 13 legal aid offices closed in 2014</li> <li>• high demand for legal aid services in certain regions</li> <li>• only 30 % of women represented in court (OSCE data)</li> <li>• only 30% of non-Kosovo Albanians represented in court</li> </ul> <p><u>Indicators 3.3</u></p> <ul style="list-style-type: none"> <li>• % increase of women beneficiaries</li> <li>• % increase of persons belonging to minorities beneficiaries</li> </ul>	<p><u>Target 2015</u> Outreach and communication plan developed and telephone hotline set up</p> <p><u>Target 2016</u> Outreach communication and plan implemented % increase of services</p> <p><u>Target 2017</u> % increase of services</p>	<p><u>Activity result 3.3: Outreach and communication plan of Agency for Free Legal Aid developed and implemented</u></p> <p>Indicative activities:</p> <p>3.3.1 Support the development of outreach and communication plan</p> <p>3.3.2 Support set up of telephone hotline</p> <p>3.3.3 Support specific legal aid service delivery for minorities and women through specific training to Free Legal Aid Staff</p>	Agency Free Legal Aid and UNDP	100,000.00USD
TOTAL				4,300,000USD

## VII. ANNUAL WORK PLAN

Project No. and Title: 00084098 RULE OF LAW PROJECT – SUPPORT TO STRENGTHENING ROL IN KOSOVO  
Year: 2015

EXPECTED OUTPUTS <i>And baseline, indicators including annual targets</i>	PLANNED ACTIVITIES <i>List activity results and associated actions</i>	TIMEFRAME				RESPONSIBLE PARTY	PLANNED BUDGET	
		Q1	Q2	Q3	Q4		Funding Source	Budget Description Amount 2015
Output 1 Improved planning and coordination in the rule of law sector in Kosovo.  <u>Baseline 1.1:</u> Partly functioning donor coordination by the Ministry of Justice.	<u>1.1. Activity Result:</u> Support to a functioning donor coordination mechanism for rule of law assistance by the Ministry of Justice  <u>1.1.1 Action:</u> Support MoJ in creating a Secretariat for donor coordination					Ministry of Justice designated staff with Project Experts. UNDP	(BCPR – Jan to Dec 2015 – 40,000.00)	40.000 USD
<u>Indicators 1.1:</u> Functioning donor coordination within the Ministry of Justice that has the ability to assess the situation on the ground, give prudent advice on how to use donor funding and provide advice on how to define future intervention within the rule of law sector.	<u>1.1.2 Action:</u> Support the MoJ in organizing quarterly meeting with the relevant partners.  <u>1.2. Activity Result:</u> Improved functioning of the coordination body which results in better coordination of various rule of law programmes in Kosovo	X	X	X	X			
<u>Baseline 1.2:</u> No rule of law strategy currently being drafted or in place for the Ministry of Justice.		X	X	X	X			

<p><u>Indicators 1.2:</u> A well consulted, and relevant rule of law strategy for the years 2015 to 2020 is adopted by the Ministry of Justice.</p>	<p><u>1.2.1 Action</u> Draft proposal for how donor coordination should be carried out in the Ministry of Justice within the frame of the current legislation.</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>Ministry of Justice designated staff with Project Experts. UNDP</p>	<p>(BCPR – Jan to Aug 2015 – 30,000.00)</p>	<p>30,000 USD</p>
	<p><u>1.2.2 Action</u> Implement the proposal for how donor coordination should be carried out in the Ministry of Justice within the frame of the current legislation.</p>									
	<p><u>1.2.3 Action</u> Evaluation of how the implemented proposal for donor coordination in the Ministry of Justice functions and any adjustments needed.</p>									
	<p><u>1.2.4 Action</u> Continues support for donor coordination in the Ministry of Justice.</p>									
	<p><u>1.3. Activity Result:</u> Ministry of Justice to draft and adopt a Rule of Law Strategy for 2015-2020</p>									



<p><b>Output 2:</b> Institutional capacities of judicial and legal actors strengthened to uphold the rule of law in Kosovo.</p> <p><u>Indicator 1:</u> A further development and strengthening of educational programs for staff within judiciary offices.</p> <p><u>Baseline 2.1:</u> Administrative staff of the Courts lacks related training.</p>	<p><u>1.3.1 Action:</u> Assess the current and future needs for rule of law within the Ministry of Justice are of responsibility.</p> <p><u>1.3.2 Action:</u> Draft rule of law strategy and consult with all relevant stakeholders.</p> <p><u>1.3.3 Action:</u> Adopt and implement rule of law strategy.</p>	<p>X</p> <p>X</p> <p>X</p>	<p>X</p>	<p>X</p>	<p>Kosovo Judicial Institute, KJC, UNDP</p>	<p>(BCPR – Sep to Dec 2014 70,000)</p> <p>(BCPR – Jan to Dec 2015 40,000)</p>	<p>40,000 USD</p>
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<p><u>Indicator 2:</u> Decrease in the backlog of court cases.</p> <p><u>Baseline 2.2:</u> 446.254 Number of cases pending in Basics Courts</p>	<p>(2015-2018) Strategic Plan</p> <p><u>2.1.4. Action:</u> Organize a Training of KJI Trainers</p> <p><u>2.1.5. Action:</u> Translation, design and publication of the legal magazine of judges and prosecutors (legal professionals)</p> <p><u>2.1.6. Action:</u> Organizing the graduation ceremony for Initial Legal Education programme</p> <p><u>2.1.7. Action:</u> Organizing a roundtable for KJI staff about developing a surveys and organizing a process of Training Need Assessment</p> <p><u>2.1.8. Activity action</u> Organizing a workshop to asses training needs and draft first version of training program for period of time July - December 2015</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>			<p>Kosovo Judicial Institute, KJC, UNDP</p>			
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<p><u>Baseline 2.2:</u></p> <ul style="list-style-type: none"> <li>Bar Exam procedure lacks transparency</li> <li>Bar Exam is not harmonized with European standards</li> </ul> <p>Indicator 2.2:</p> <ul style="list-style-type: none"> <li>Bar exam procedures are fully transparent and accessible to all minority groups in Kosovo</li> <li>% Increase of person who successfully passed the exam.</li> </ul>	<p><u>2.2. Activity Result:</u> Judicial Bar Exam is fully reformed</p> <p><u>2.2.1 Action:</u> Coordination of the members of the Judicial/Bar Exam Committee, discussing improvement possibilities in the Exam procedures, based on their experience. X</p> <p><u>2.2.2 Action:</u> Design the Curriculum and modalities of the exam. X</p> <p><u>2.2.3 Action:</u> Create Online application for the Judicial/Bar Exam X</p> <p><u>2.2.4 Action:</u> Drafting and publishing the new Judicial/Bar Exam Manual to reflect changes since 2008 X</p>		<p>Ministry of Justice UNDP</p> <p>Ministry of Justice UNDP</p>	<p>(BCPR -- Jan to Dec 2015 40,000)</p>		<p>40,000 USD</p>
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<p><u>Baseline 2.3:</u> Basic Courts judges and Court of Appeal lack</p> <p>Basic Courts judges and Court of Appeal lack library</p>	<p><u>Indicator 2.3:</u> 5% increase in court efficiency as a result of harmonized legal practice</p> <p>5% increase of trust in basic courts</p>	<p><u>Target:</u> Legal practices harmonized, increasing court efficiency (% of court efficiency)</p>	<p><u>2.3. Activity Result:</u> Legal Practice harmonized, increasing court efficiency</p> <p><u>2.3.1. Action :</u> Organize regular working session with Basic Courts judges and Court of Appeal for discussions on the legal practices from the field of civil and criminal law.</p> <p><u>2.3.2.Action:</u> Create a procedure, practice and webpage for the Court of Appeal to publish all of their court decisions in an electronic format enabling searches on key words in the decisions.</p> <p><u>2.3.3.Action :</u> Draft a regulation on Web publication/ anonymization on judgments.</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p>	<p>KJC, KCP and UNDP</p>	<p>(BCPR – Jan to June 2015 – 20,000.00)</p>	<p>20,000.00 USD</p>
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<p><u>Baseline 2.4:</u></p> <ul style="list-style-type: none"> <li>xxx (current success rate bar exam)</li> <li>%women</li> <li>% national minorities</li> </ul> <p><u>Indicator 2.4:</u></p> <ul style="list-style-type: none"> <li>Success rate for candidates at the Judicial/Bar Exam is increased by 20 %</li> <li>At least 50% women</li> <li>At least 10% belonging to national minorities</li> </ul>	<p><u>2.4. Activity Result:</u> Internship program for justice institutions institutionalised</p> <p>Indicative activities:</p> <p><u>2.4.1 Action:</u> Provision of financial aid (monthly stipend) to the interns, making sure that both women and men as well as persons belonging to ethnic minorities are selected</p> <p><u>2.4.2 Action:</u> Draft the curriculum for the internship programme</p> <p><u>2.4.3 Action:</u> Organization of trainings on different topics such as: Human Rights and European Law, with a special emphasis on the CEDAW.</p> <p><u>2.5 Activity Result:</u> Improvement of administrative staff at Kosovo Judicial Institute</p> <p><u>2.5.1 Action:</u> Assessment and development of a comprehensive training program of judicial and prosecutorial support staff</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>KJC, KJP and UNDP</p>	<p>(BCPR –Jan to Dec 2015 50,000.00)</p>	<p>50,000.00 USD</p>
					<p>KJC , UNDP</p>	<p>BCPR –Jan to June 2015 20,000.00)</p>	<p>20,000.00USD</p>	

<p><b>Output 3: Increased access to justice and justice service provision.</b></p> <p><u>Baseline 3.1:</u></p> <ul style="list-style-type: none"> <li>446.254 Number of cases pending in Basics Courts in 2013.</li> <li>Court efficiency at 79.64% as of Jan 2014</li> <li>2940 cases added to the backlog of cases in 2013.</li> </ul>	<p><u>3.1 Activity Result:</u> Higher skill amongst certified mediators and judges, prosecutors and attorneys in regard to mediation. Mediation system functionalized and regionalized throughout Kosovo.</p> <p><u>3.1.1 Action:</u> Organize ongoing professional training for certified mediators and for relevant justice sector on basic and advanced mediation, anti-discrimination and gender equality.</p> <p><u>3.1.2 Action:</u> Organize ongoing professional training for judges, prosecutors and attorneys on cases referral.</p> <p><u>3.1.3 Action:</u> Provide continuous support to already established Secretariat and mediation centers in Prishtine/Pristina, Gjakova/Djakovica and Ferizaj/Urosevac.</p> <p><u>3.1.4 Action:</u> Supporting the drafting process and working group for the amendments to the current Law on</p>	<p>X</p>	<p>X</p>	<p>(BCPR –Jan to Dec 2015 80,000.00)</p>	<p>Ministry of Justice, Mediation Commission, UNDP</p>	<p>MoJ, Mediation Commission, UNDP</p>	<p>80,000,00USD</p>
<p><u>Indicator 3.1:</u></p> <ul style="list-style-type: none"> <li>5 % Decrease in the number of cases contributing to the backlog of court cases.</li> <li>5 % increase in court efficiency</li> <li>at least 50 % of women benefit from mediation services</li> <li>at least 10% of persons belonging to national minorities benefit from mediation services</li> </ul>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>

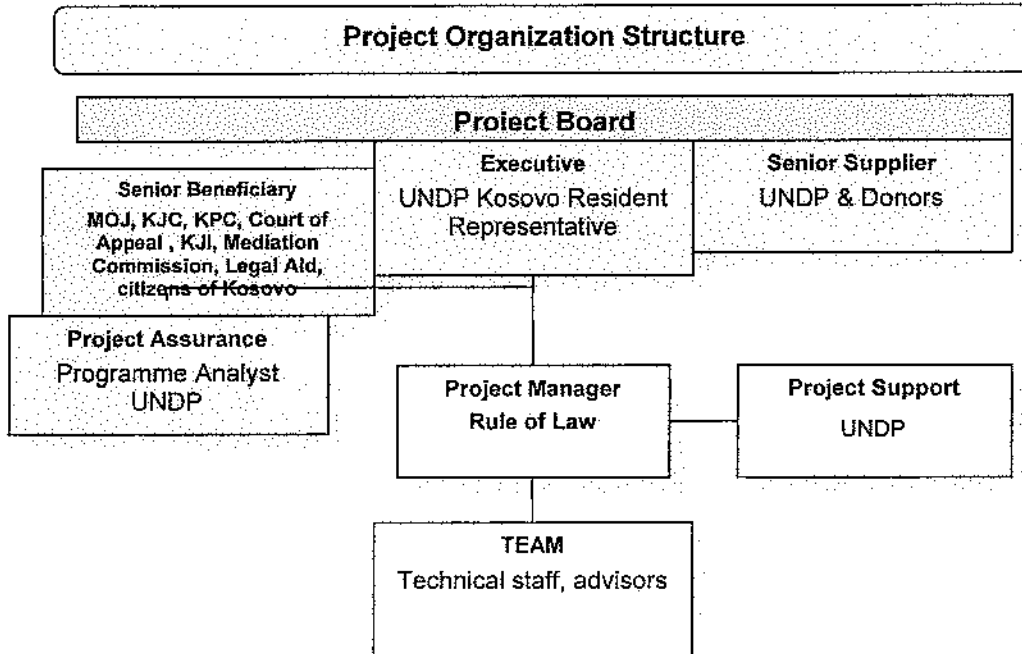
<p>Indicator 3.2: Increase the % of executions of verdicts in criminal cases</p> <p>Baseline 3.2 :</p> <p>The basic court efficiency in 2013 in execution of verdicts in criminal cases is 77.53%.</p>	<p>Mediation.</p> <p><u>3.2 Activity Result:</u> Enhanced execution of verdicts in criminal cases throughout Kosovo, especially those related to sexual and gender based violence</p>						10,000.00USD
<p>Baseline 3.2 :</p> <p>The basic court efficiency in 2013 in execution of verdicts in criminal cases is 77.53%.</p> <p>Indicator3. 2.:</p> <p>Decrease in the backlog of court cases.</p> <p>Baseline 3.2:</p> <p>446.254 Number of cases pending in Basics Courts</p> <p>Indicator 1: A further and strengthening of educational programs for staff within judiciary offices.</p> <p>Baseline 1.1: 1591 administrative staff of the Courts lacks related training.</p>	<p>X</p> <p><u>3.2.1.Action:</u> _Review of current procedures and behaviour of all actors involved in the chain of executing verdicts in criminal cases, identify procedural shortcomings and types of crime which receive lower or higher execution of verdicts.</p> <p><u>3.2.2.Action :</u> _Amend and improve the procedures to ensure implementation of relevant primary and secondary legislation in regard to the execution of verdicts in criminal cases.</p> <p><u>3.3.3.Action:</u> _Assessment and adjustment of newly implemented strategies to ensure implementation is successful and efficient.</p>	X	X	KJC , UNDP			
		X	X				
		X	X				

Staff and Office	\$ 100,000.00
Total Budget for activities	\$ 310,000.00
Communication 1 %	\$ 4,200.00
Total Budget for 2015	\$414,200.00



The project will be implemented over a three-year period by UNDP under the direct and local implementation modality. UNDP will establish, manage and administer the utilisation of project funds received through cost sharing arrangement as per the role and regulation of DIM. To ensure coordination among main stakeholders and effective, efficient and transparent utilisation of the inputs made available to the project, a Project Board is established.

The management structure described in the following chart is specifically designed to manage the project to its conclusion, and it consists of roles and responsibilities that bring together the various interests and skills involved in, and required by, the project.



The Project Board is responsible for taking decisions for the project when guidance is required by the Project Manager, including approval of project plans and revisions. The Project Board will include UNDP, the Ministry of Justice, Kosovo Judicial Council, and Kosovo Prosecutorial Council, relevant court officials, Mediation Commission, Appeals Court, Kosovo Judicial Institute. The Project Board would guide and oversee the project implementation, approve the operational strategy and standards, annual and quarterly work plans, review progress, ensure that required resources are committed, ensure management for development results assuring the evaluation process and performance improvement. This group will be consulted by the Project Manager for decisions when the tolerances (time and budget) have been exceeded. The Project Board shall meet biannually, with extraordinary meetings to be scheduled upon request of the stakeholders when deemed necessary. The Board shall make management decisions by consensus.

This group is constituted of the following functions:

- The Executive role will be held by the UNDP Kosovo Resident Representative
- The Senior Beneficiary includes the Ministry of Justice, President of the Kosovo Judicial Council and President of the Kosovo Prosecutorial Council, the President Court of Appeals and Director of Kosovo Judicial Institute, Agencies for free Legal Aid ensures the realization of the project results from the perspective of project beneficiaries.

- The Senior Supplier includes the UNDP and donors and represents the interests of those designing and developing the project deliverables and providing project resources. This role provides guidance regarding the technical feasibility of the project.

The project quality assurance function is the responsibility of each Project Board member, but will be delegated and carried out by the UNDP Programme Analyst. This responsibility covers objective and independent oversight and monitoring functions in order to ensure project milestones are appropriately managed and completed.

The Project Manager, appointed by UNDP, is responsible for day-to-day management and decision-making for the project. The Project Manager's prime responsibility is to ensure that the project produces the results outlined in the project document.

The project support role provides project administration, management and technical support to the Project Manager as required by the needs of the project and Project Manager.

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## VIII. MONITORING FRAMEWORK AND EVALUATION

In accordance with the programming policies and procedures outlined in the UNDP User Guide, the project will be monitored through the following:

### Within the annual cycle

- On a quarterly basis, a quality assessment shall record progress towards the completion of key results, based on quality criteria and methods captured in the Quality Management table below.
- An Issue Log shall be activated in Atlas and updated by the Project Manager to facilitate tracking and resolution of potential problems or requests for change.
- Based on the initial risk analysis submitted (see annex 1), a risk log shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation.
- Based on the above information recorded in Atlas, a Project Progress Reports (PPR) shall be submitted by the Project Manager to the Project Board through Project Assurance, using the agreed report format.
- a project Lesson-learned log shall be activated and regularly updated to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the Lessons-learned Report at the end of the project
- a Monitoring Schedule Plan shall be activated in Atlas and updated to track key management actions/events

### Annually

- **Annual Review Report.** An Annual Review Report shall be prepared by the Project Manager and shared with the Project Board ensuring that it contains inputs from all involved parties and lessons learned.
- **Annual Project Review.** Based on the above report, an annual project review shall be conducted during the fourth quarter of the year or soon after, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. In the last year, this review will be a final assessment. This review is driven by the Project Board and may involve other stakeholders as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.

## Quality Management for Project Activity Results

OUTPUT 1:		
Activity Result 1 (Atlas Activity ID)	Short title to be used for Atlas Activity ID	Start Date: End Date:
Purpose	What is the purpose of the activity?	
Description	Planned actions to produce the activity result.	
Quality Criteria <i>how/with what indicators the quality of the activity result will be measured?</i>	Quality Method <i>Means of verification. what method will be used to determine if quality criteria has been met?</i>	Date of Assessment <i>When will the assessment of quality be performed?</i>

## IX. ANNEXES

**Risk Analysis.** Use the standard Risk Log template. Please refer to the Deliverable Description of the Risk Log for instructions

**Agreements.** Any additional agreements, such as cost sharing agreements, project cooperation agreements signed with NGOs<sup>10</sup> (where the NGO is designated as the "executing entity") should be attached.

**Terms of Reference:** TOR for key project personnel should be developed and attached

**Capacity Assessment:** Results of capacity assessments of Implementing Partner (including HACT Micro Assessment)

**Special Clauses.** In case of government cost-sharing through the project which is not within the CPAP, the following clauses should be included:

1. The schedule of payments and UNDP bank account details.
2. The value of the payment, if made in a currency other than United States dollars, shall be determined by applying the United Nations operational rate of exchange in effect on the date of payment. Should there be a change in the United Nations operational rate of exchange prior to the full utilization by the UNDP of the payment, the value of the balance of funds still held at that time will be adjusted accordingly. If, in such a case, a loss in the value of the balance of funds is recorded, UNDP shall inform the Government with a view to determining whether any further financing could be provided by the

<sup>10</sup> For GEF projects, the agreement with any NGO pre-selected to be the main contractor should include the rationale for having pre-selected that NGO.

Government. Should such further financing not be available, the assistance to be provided to the project may be reduced, suspended or terminated by UNDP.

3. The above schedule of payments takes into account the requirement that the payments shall be made in advance of the implementation of planned activities. It may be amended to be consistent with the progress of project delivery.

4. UNDP shall receive and administer the payment in accordance with the regulations, rules and directives of UNDP.

5. All financial accounts and statements shall be expressed in United States dollars.

6. If unforeseen increases in expenditures or commitments are expected or realized (whether owing to inflationary factors, fluctuation in exchange rates or unforeseen contingencies), UNDP shall submit to the government on a timely basis a supplementary estimate showing the further financing that will be necessary. The Government shall use its best endeavours to obtain the additional funds required.

7. If the payments referred above are not received in accordance with the payment schedule, or if the additional financing required in accordance with paragraph 1 above is not forthcoming from the Government or other sources, the assistance to be provided to the project under this Agreement may be reduced, suspended or terminated by UNDP.

8. Any interest income attributable to the contribution shall be credited to UNDP Account and shall be utilized in accordance with established UNDP procedures.

In accordance with the decisions and directives of UNDP's Executive Board:

The contribution shall be charged:

- (a) [...]cost recovery for the provision of general management support (GMS) by UNDP headquarters and country offices
- (b) Direct cost for implementation support services (ISS) provided by UNDP and/or an executing entity/implementing partner.

9. Ownership of equipment, supplies and other properties financed from the contribution shall vest in UNDP. Matters relating to the transfer of ownership by UNDP shall be determined in accordance with the relevant policies and procedures of UNDP.

10. The contribution shall be subject exclusively to the internal and external auditing procedures provided for in the financial regulations, rules and directives of UNDP."

The UNDP Rule of Law Programme is designed to meet the justice sector's capacity building needs. In particular, it aims to support the judicial education in Kosovo by focusing on three key areas:

- 1. Creation and implementation of mid to long term strategic planning for the key institutions within the justice sector;
- 2. capacity of legal professionals and
- 3. harmonization of legal practices in Kosovo in order to build knowledge and capacity in the judicial sector and ultimately strengthen the protection of human rights and rule of law in Kosovo.

**OFFLINE RISK LOG**

*(see Deliverable Description for the Risk Log regarding its purpose and use)*

<b>Project Title:</b> 2014 - 2017	<b>Support to strengthen the rule of law in Kosovo</b>	<b>Award ID:</b>	<b>Date:</b> July 25, 2014
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#	Description	Date Identified	Type	Impact & Probability Probability on a scale from 1 (low) to 5 (high) Impact on a scale from 1 (low) to 5 (high)	Countermeasures / Mngt response	Owner
1	Relations between Pristina and Belgrade and/or between K-Albanians and K-Serbs worsen leading to violence or instability	08.07.2014	Political	Partners become unwilling to discuss RoL, process stalls, project activities can't be implemented as planned. P=1; I=4	Project staff will remain alert to changes in the political environment and will use the project's flexible nature to adapt activities to partners' needs and sensitivities.	Project Bo
2	Change in central Kosovo institutions leads to new election/appointment in government institutions.	08.07.2014	Political	Capacity building would have to be restarted. Political commitment to project activities may decrease. P=3; I=4	Active lobbying efforts with new central Kosovo institutions.	Project Bo
3	Donor coordination body through Ministry of Justice is not functioning.	08.07.2014	Political	Rule of law programmes are not well coordinated and there is a lack of funding as well as a lack of implementation. P=4 I=3	Supporting the Ministry of Justice in the creation of this coordination body and ensuring certain capacities are met.	Project Ma
4	No rule of law strategy is drafted or in place for the Ministry of Justice	08.07.2014	Political	There would be a lack of coordination and visions for the MoJ which could lead to non-successful implementation of the project activities. P=1 I=4	Active lobbying measures as well as adequate support to MoJ.	Project Ma
5	Education reforms take much longer than anticipated to implement.	08.07.2014	Political	Many of the project outcomes are based on education reform and this could hinder implementation of the activities. P=2 P=4	Support MoJ and active lobbying of Kosovo institutions to ensure that reform education is implemented.	Project Ma
6	Ineffective co-ordination between institutions, organizations and authorities.	08.07.2014	Organizational	Lack of functioning co-ordination mechanisms between institutions, organizations and authorities may put obstacles to project implementation. P=3; I=3	One of the key activities of the program will be the to support the coordination of all relevant actors in the area of RoL	Project Ma

7	Lack of timely court decisions, lengthy court proceedings and current case backlog will hamper substantive access to justice	08.07.2014	Organizational	Support to implementation of the Law on Mediation under a complementary project for next two years will offset this to some extent.	Reform of the Law on Mediation	Project Ma
8	Continuation and sustainability of capacity building activities after project completion.	08.07.2014	Organizational	Once the project funding has come to an end, training activities will not be carried out further.	The project will provide full financial support to training activities in the initial stage and gradually decrease such support by requesting more financial contributions from its counterparts.	Project Ma
9	MoJ, KPC, KJC and KJI are not sufficiently committed to contribute to project objectives.	08.07.2014	Strategic Organizational	Project activities cannot be implemented in the expected format and might need to be adjusted accordingly	Strict selection of focal points which will drive the project activities and continued cooperation and communication with MoJ, KJC, KPC and KJI throughout project duration.	Project Ma
10	Poor leadership and lack of capacities of Kosovo Institutions		Strategic Organizational		Collective advocacy of all actors	Project Ma