

Government of the Republic of Kosovo

Ministry of Justice

Rule of Law Assistance Strategy in Kosovo

2016-2019

(Justice and Internal Affairs)

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1. ACRONYMS

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| AASCA | Agency for the Administration of Sequestered or Confiscated Assets |
| ACA | Anti-Corruption Agency |
| PAK | Privatisation Agency of Kosovo |
| KAPS | Kosovo Academy for Public Safety |
| EMA | Emergency Management Agency |
| AMRSB | Agency for Radiation and Nuclear Safety Management |
| FLAA | Free Legal Aid Agency |
| KPA | Kosovo Property Agency |
| KBRA | Kosovo Business Registration Agency |
| CRA | Civil Registration Agency |
| TAK | Tax Administration of Kosovo |
| WB | World Bank |
| EU | European Union |
| CEPEJ | European Commission for the Efficiency of Justice |
| CRC | Convention on the Rights of the Child |
| CSP | Country Strategy Paper |
| KC | Kosovo Customs |
| DPPA | Declaration of Mid-term Policy Priorities 2014-2016 |
| EULEX | European Union Rule of Law Mission in Kosovo |
| KAF | Kosovo Armed Forces |
| GIZ | Deutsche Gesellschaft für Internationale Zusammenarbeit |
| ICITAP | International Criminal Investigative Training Assistance Program |
| KJI | Kosovo Judicial Institute |
| IPA | Instrument for Pre-Accession Assistance |
| ISP | Institute for Spatial Planning |
| MTEF | Mid-Term Expenditure Framework 2015-2017 |
| EC | European Commission |
| KJC | Kosovo Judicial Council |
| CC | Criminal Code |
| KPC | Kosovo Prosecutorial Council |
| CPC | Criminal Procedure Code |
| MAFRD | Ministry of Agriculture, Forestry and Rural Development |
| MCSP | Multi Country Strategy Paper |
| MoJ | Ministry of Justice |
| MoF | Ministry of Finance |
| IBM | Integrated Border Management |
| MIA | Ministry of Internal Affairs |
| MLSW | Ministry of Labour and Social Welfare |
| SAA | Stabilisation Association Agreement |

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|---------------|--|
| FIU | Financial Intelligence Unit |
| OSCE | Organization for Security and Co-operation in Europe |
| KP | Kosovo Police |
| IEMS | Integrated Emergency Management System |
| KCS | Kosovo Correctional Service |
| KPS | Kosovo Probation Service |
| UNDP | United Nations Development Programme |
| UNICEF | United Nations Children's Fund |
| UNMIK | United Nations Mission in Kosovo |
| UNOPS | United Nations Office for Project Services |
| USAID | United States Agency for International Development |

2. GENERAL INTRODUCTION

A series of reforms for the consolidation of institutions and the state of Kosovo have taken place since the proclamation of independence. One of these reforms, and the most complex one is the Rule of Law sector in general, and the judiciary system in particular. It is known that the process of reforming and strengthening the Rule of Law sector in Kosovo has been complicated, when seen from the time aspect since the post-war period up to the proclamation of independence, and from Kosovo's independence to this date.

Since 1999 to 2008, the Rule of Law sector was led by UNMIK, whereas, since 2008 until now, it has been led by Kosovo institutions, with the exception of some limited executive responsibilities exercised by EULEX. Apart from these developments, the Rule of Law could not be extended appropriately in the northern part of Kosovo. This challenge has characterised the sector over the years, and as such it was addressed in the Kosovo-Serbia dialogue facilitated by the EU. Therefore, due to these changes, transfer of responsibilities and emergence of challenges, the desired level of progress in terms of strengthening this sector could not be achieved.

Similar to the other countries in the region, Kosovo also has a European perspective. In this context, Kosovo is going through two important European Integration (EI) processes. On one hand, negotiation of Stabilisation and Association Agreement (SAA), while on the other hand the EU visa liberalization process. In addition, the Kosovo institutions have been and still are direct beneficiaries of EU assistance under the Instrument for Pre-Accession (IPA) I and II for the period 2007-2020.

Rule of Law sector has been consistently supported by numerous bilateral and multilateral donors, besides the EU. The dynamics of the donors and Kosovo institutions did not always coincide and as a result the effects of assistance did not achieve the desired results. As part of these commitments, reforms in the justice system, internal affairs and access to justice have commenced. Reforms mainly involve development of policies and laws as well as establishment of institutional mechanisms for a better functioning of the Rule of Law in Kosovo. The Rule of Law Assistance Strategy 2016-2019, is addressed to all the donors who support this sector just as it provides to them an open possibility for cooperation with the Rule of Law institutions to support other projects that may not be covered by this strategy.

In order to cope with the dynamics of the European integration process, reforms in the Rule of Law sector need further international assistance. The assistance is primarily needed for improvement, advancement, and harmonization of policies and legislation, as well as further strengthening of institutional mechanisms in compliance with EU best practices. By noting necessity of further strengthening of the Rule of Law, Kosovo institutions are and will always be committed to utilize international assistance in the best way possible, as this will advance European integration processes, until full membership of Kosovo into EU. This journey will take a lot of efforts, resources, and state responsibilities.

3. PURPOSE

The Rule of Law Assistance Strategy in Kosovo 2016-2019, defines the approach of the Government of the Republic of Kosovo in defining international assistance programming over the years, donor coordination and cooperation mechanisms as well as priority measures in the line of strengthening the Rule of Law sector, particularly in justice and internal affairs.¹ **The overall objective** of this strategy is the improvement of the conditions for sustainable Rule of Law and, subsequently, advancement of European integration process through planning, programming, and improving the effectiveness of donor assistance in accordance with national strategic priorities.

This strategy is based on the national strategic priorities and mid-term objectives stemming from them, constituting thus the ground for development of projects to be funded by the donor community, excluding projects to be implemented exclusively by the respective budget of each institution. Contribution related to the implementation of reforms in the field of justice, internal affairs and access to justice, is a specific objective of this strategy. Therefore, this document will serve as a main instrument for linking donor contributions with national priorities in the field of justice and internal affairs.

Given the restructuring of the EU presence in the field of Rule of Law in Kosovo, namely the new mandate of EULEX, which will end on 15 June 2016, this strategy is based on the assumption that Kosovo institutions will have full responsibilities in the Rule of Law field after 2016. On 23 April 2014 the Kosovo Assembly adopted the Law on Ratification of the International Agreement between the Republic of Kosovo and the European Union on extending the restructured EULEX mandate until June 2016. Most certainly, following the end of EULEX mandate, financial assistance will be required, which would fill in the gaps and needs in the field of the Rule of Law in Kosovo. The purpose of this document is to create a sector strategy as required by EU policies, outlining main fields in the Rule of Law where assistance is mostly needed.

In addition, drafting of this strategy stems from meetings on Structural Dialogue on Rule of Law between the EU and the Rule of Law Institutions in Kosovo². However, this strategy enables all donors in the Rule of Law sector to offer their assistance in accordance with the Kosovo needs for development and advancement of this complex sector.

Criteria used to identify priorities for international assistance for the period 2016-2019 are as follows: project relevance and consistency with the drafted objectives in Government

¹ This Rule of Law Assistance Strategy in Kosovo includes areas of justice and internal affairs. The 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.

² See Conclusions of Rule of Law Structured Dialogue meeting, 16 January 2014

strategic papers; compliance with the most recent reforms and their contribution to the implementation of strategic and reforming objectives; coordination and consultation with key partners, including donor community, civil society, EU and other multilateral and bilateral donors priorities; synergy between projects; lessons learned, including experiences with successful and less successful projects; projects' potential to achieve concrete and tangible results; and, institutional capacity to absorb donor funds.

The document presents the priorities identified for foreign assistance for the period 2016-2019 in each field, and a series of measures by which these priorities are expected to be achieved. The envisaged measures are focused on improvement, promotion and harmonization of legal framework according to EU best practices, the implementation of sub-sector strategies, activities related to institutional building and enhancement, including capacity building in human resources, improvement of physical and IT infrastructure, improvement of inter-institutional, intra-agency and international cooperation as well as strengthening of civil society cooperation. These measures intend to serve as basis for identifying potential projects that could be financed by foreign assistance during 2016-2019.

This document, inter alia, includes necessary assistance for strengthening the Rule of Law in northern Kosovo, respectively capacity building of the law enforcement institutions in the northern part of the Republic of Kosovo, foreseen in the agreement reached between Kosovo and Serbia.

Implementation of this strategy will be monitored and evaluated on regular basis according to the needs and developments of the Rule of Law sector. In addition, the strategy will be reviewed on an annual basis in order to reflect the progress and results achieved, provided funds for priority projects, and new priority programs/projects.

4. METHODOLOGY

The drafting process of this strategy has been comprehensive, including the main Rule of Law institutions in Kosovo. A series of meetings with the Rule of Law institutions to provide the necessary data for drafting of this strategy took place during March - April 2014. In the absence of a previous strategy which would reflect progress, lessons learned and challenges for the future in the Rule of Law sector, all relevant strategic papers of Kosovo, EU and other international documents, as well as NGO analysis that assess the progress and challenges of the Rule of Law in Kosovo are reviewed.

Following the analysis of these documents, the Rule of Law institutions have presented their strategic projects up to 2016 and their needs for assistance for 2016 - 2019. All these initial findings were elaborated, analyzed and harmonized in workshops, working groups and in subsequent interviews with representatives of the main Rule of Law institutions in Kosovo, including civil society and international parties operating in Kosovo.

All the recommendations deriving from the inclusive consultative process with the relevant national and international actors of this sector are included in the final text of this document. Subsequently, projects coming out from this strategy are designed and prioritized based on the inclusive consultation, analysis of their strengths and weaknesses, their potential for synergy, as well as their effect on achieving concrete results in the Rule of Law sector, measured through realistic and well-defined indicators of this strategy.

All project-ideas designed in the Action Plan of this strategy are prioritized, budgeted and sequenced. Sequencing of Project Concept Notes is made in accordance with the absorbing capacities of Rule of Law institutions. Thus, the purpose of sequencing is that project-ideas have logical connection amongst them, so that their implementation is also accomplished in chronological order. All Project Concept Notes have approximate costs, which may change depending on needs and analysis.

Project Concept Notes in this strategy are comprehensive, allowing some or most of these project concept notes to be implemented through one or more specific projects.

5. ANALYTICAL BACKGROUND

Despite the progress achieved so far, Kosovo, as well as other countries in the region, continue to face difficulties in the Rule of Law sector, respectively significant deficiencies in the judicial system, internal affairs, and access to justice. Various international reports and National Strategic Papers highlight the need for proactive state commitment in improving the efficiency of the police, prosecution and judiciary in general, and preventing and fighting corruption and organized crime in particular.

Given the socio-political and economic development, EU relations and Kosovo's international image are substantially influenced by the progress made in the field of Rule of Law. The Government of the Republic of Kosovo, with the help of the EU and other international partners have taken important steps in reforming and strengthening the entire Rule of Law sector.

In accordance with the Kosovo's needs regarding the Rule of Law sector, and upon the request of Kosovo's institutions, on 9 December 2008 was established the European Union Rule of Law Mission in Kosovo (EULEX), marking thus the largest EU foreign civilian mission. Along with the progress achieved in the field of the Rule of Law, the EULEX mission was reconfigured in 2012, whereas its mandate was extended until June 2014. With this mandate, EULEX mission operates with two divisions: i) Executive Division which operates under executive mandate of this mission; and ii) Strengthening Division which focuses on monitoring, mentoring and advising Kosovo authorities.

Finally, taking into account the achieved progress by local institutions during this period, there was noted a need for review of the EU's presence in the Rule of Law field in Kosovo. As a result of an agreement between the EU and the Republic of Kosovo (2014) the EULEX mission in Kosovo has been extended for two more years, until 15 June 2016, with the restructured mandate, transferring a large number of responsibilities to local institutions. This is done in order to complete the cases under process and conduct a full transfer of responsibilities to local institutions.

Moreover, the agreement in question is envisaged for the establishment of a Special Court for the trial of persons potentially charged for alleged criminal offenses in the Council of Europe Report (CoE Report AS / Jur (2010) 46). The Special Court will have a seat in Kosovo and exercise trial activities under the jurisdiction of Kosovo, in accordance with the applicable laws. This court will function within the Justice system in Kosovo but will be managed by the EU mission in Kosovo.

Similar to other countries in the region, since the end of war until now, Kosovo has been the beneficiary of EU and other donors' assistance. However, given the complexity of the Rule of Law sector and the large number of projects in this sector, a greater effect and impact was expected. According to an assessment by the EU Court of Auditors, in 2012, it was stated that "the EU assistance in the field of Rule of Law has not been effective enough and, in general, the progress in the Rule of Law sector has been slow, especially in terms of fighting corruption and organized crime, mainly in the north of Kosovo" (EU Court of Auditors Special Report, 2012). Upon completion of the EU mission presence in the field of Rule of Law in Kosovo from 2016 onwards, Kosovo institutions consider that the EU assistance should focus on areas where Kosovo institutions will take over responsibilities from EULEX in Kosovo.

Regarding the European Integration process, the Government of the Republic of Kosovo, in May 2012, began the Structured Dialogue on the Rule of Law. This dialogue is the highest level forum and aims the following priority areas: i) the definition of priorities for reforms in the Rule of Law field; and ii) monitoring and regular assessment of Kosovo's progress towards meeting these priorities. Within the context of this forum, sub-committees on Justice and Internal Affairs have been established. Joint Board for Coordination in the field of the Rule of Law is also a lower level forum that coordinates joint actions between EULEX and the Kosovo institutions in the field of the Rule of Law and serves as a supporting forum for Structured Dialogue on the Rule of Law.

Since the proclamation of independence for Kosovo's, there has been an overall progress in drafting of policies and laws that are considerably in line with the EU best practices. However, the enforcement of legislation on preventing and fighting corruption and organized crime (including all types of serious crimes), as well as institutional capacity building in the field of the Rule of Law, continues to remain a challenge and an obstacle to the economic and social development of Kosovo. The Government of the Republic of Kosovo, supported by the international community is committed to improve the legal and institutional infrastructure in the Rule of Law and act with determination in preventing and fighting corruption and organized crime.

Following the analysis of overall situation and various documents, and a comprehensive consultation between all relevant actors in the Rule of Law sector, there were identified three main areas which need donor assistance for improvement. These areas are: **1) Justice matters; 2) Internal affairs; and 3) Issues of access to justice.**

5.1 JUSTICE MATTERS

Parallel with the improvement and advancement of the legal basis of the judicial and prosecutorial system, during the period 2008-2010, it was also carried out the **re-appointment of prosecutors and judges** with a permanent mandate. Following the adoption of the legal framework for judicial and prosecutorial system, on 1 January 2013, in Kosovo commenced the operation of a new structure of courts and prosecutors.

The new structure of Courts consists of Basic Courts, Court of Appeal and the Supreme Court, while relevant departments within the jurisdiction of the Basic Court have been established. Parallel to the judicial system, the new prosecutorial system started its operations on 1 January 2013 consisting of Basic Prosecutions, Appellate Prosecution, Special Prosecution and the Office of the Chief State Prosecutor. The key principles of this reform are independence, impartiality, efficiency and accountability. One year after the implementation of this legal framework, it was considered as needed to amend the judicial and prosecutorial system, due to the fact that practical implementation of this reform proved uneasy, and difficulties have been identified in legislative and organizational

aspects. Ministry of Justice, mandated to draft policies and legislation in the field of justice, has started the reviewing process of this framework.

The court and prosecutorial system need reinforcement with profiled judges and prosecutors. Justice Academy is expected to play a special role in this regard, in cooperation with the Kosovo Judicial Council (KJC) and Kosovo Prosecutorial Council (KPC), organizing special trainings in many specific areas. Further efforts are needed to finalize the selection process of judges and prosecutors, in staffing the remaining positions, especially for minorities, to which Kosovo legislation reserves a certain number of positions. Another remaining challenge is the integration of northern Kosovo Serbian judges and prosecutors in the Kosovo Justice System.

It is also necessary to strengthen the KPC and KJC (including **Career Institutes** of these institutions) which will improve the efficiency of prosecutors and performance of judges in their career advancement, and capacity building of judges and prosecutors in the field of fighting organized crime, corruption and other characteristic criminal offences. Moreover, it is necessary that mechanisms for monitoring performance of prosecutors by Chief Prosecutors, Judges and Presidents of the Courts be more active, in order to increase the efficiency and quality performance of their subordinates (prosecutors, judges and administrative staff).

Special attention is needed in strengthening the human and professional capacities in the Special Prosecution of the Republic of Kosovo (SPRK). Given that, the capacities of local prosecutors are limited to deal with serious crimes, SPRK falls under EULEX (previously under UNMIK) with its main focus in the area of corruption, war crimes, terrorism, organized crimes and financial crimes. Since the establishment of the Special Prosecution until now, it has been difficult to measure the level of capacity building for local staff of SPRK. Having in mind the gradual transfer of responsibilities to local prosecutors, the need for overall SPRK local staff capacity building is noted, particularly for profiling and specializing of prosecutors as well as ensuring the sustainability of SPRK.

Another challenge that has accompanied Kosovo's judiciary is the **number of pending cases**. In order to solve this problem, the KJC has drafted a strategy for reducing the pending cases, while the number of pending cases remains high. Also, the **execution of court rulings** has had limited progress. In order to increase trust in the judiciary, the judicial system should focus more on increasing efficiency in solving and executing judicial decisions within the norms defined by law. Backlog cases are a major obstacle to the efficiency of courts. Due to their age and change of factual situation, they require great professional dedication, which prevents resolving the acute and current cases. Therefore, urgent action is required to properly address this issue.

There is also a need for improvements regarding accountability of **judges and prosecutors**. Among others, despite the imposition of disciplinary measures against judges and prosecutors in 2012 and 2013, these did not result in any termination. In this regard, it is required that the disciplinary regulations of KPC and KJC against judges and prosecutors be improved, so that **disciplinary measures** and policies in fighting corruption in the judiciary produce concrete outcomes. In this regard, the establishment and capacity building of the Policy Analysis Units in KJC and KPC, professionalization of disciplinary committees and strengthening of the **Office of Disciplinary Counsel (ODC)** should have positive effects. This is particularly important because upon completion of the current mandate of EULEX Mission, there is no legal and practical possibility for these cases to be transferred to EULEX judges, respectively prosecutors.

So far, the **enhancement of professional support for judges and prosecutors** was not sufficiently addressed. Mechanisms for professional internship and employment of professional staff require deeper attention. Profiles of professional associates need to be strengthened. This ensures the professional background for judges and prosecutors. Therefore, early involvement of students through legal practice and engagement of candidates for professional exams, through internship, would have a significant effect on educational practitioners and relieving effect for courts and prosecutors. Judges and prosecutors performance depends significantly on their professional commitment.

Administrative staff in Courts and Prosecutions has not reached the desired level of skills, therefore it is also an obstacle to efficient case management. Moreover, the number of administrative staff is insufficient to deal with the organizational challenges of courts and prosecutions. Therefore, increasing the number of staff and their training regarding exercise of managerial responsibilities and their training on use of electronic applications requires special attention.

Starting from 2011, Kosovo has made significant steps regarding the development of independent justice professions. **Notary** has started the work for the first time in Kosovo. The licensing of several generations of notaries has been completed. However, notary services should be professionally enhanced as well. Creation of electronic data integration for notary system would help the exchange and communication of data between notaries.

In 2011, the **mediation profession** was functionalized as an extrajudicial dispute resolving procedure. The future possibility of integrating mediation as a mandatory institute for some types of disputes remains to be assessed. The main challenges of this profession are enhancement of authority through professionalism, as well as trust in the institution impartiality.

Arbitrage is a new profession, and deals with the dispute resolution. This free profession also remains at the early stages of development, and therefore it must be strengthened. Resolving commercial disputes through arbitration will greatly disburden Kosovo judiciary.

Since 2014, the profession of **Private Enforcement Agents** has begun. The first generation of private enforcement agents is licensed. However, this profession is in its early stages of establishment and development as a free legal profession. Therefore, seeing the level of enforceability of cases in courts, functioning of private enforcement agents should take place as soon as possible, in order to increase the enforceability of court rulings. The challenges of this profession are interacting with the courts, Private Enforcement Agent practical training, organization and oversight of the profession.

In 2013, the **Bankruptcy Administrator** profession was also established. First Administrators are licensed while numerous sub-legal acts are adopted. However, the Basic Court, Department of Economic Affairs has not created sufficient capacity to handle bankruptcy cases. Like other free professions, a professional improvement of Bankruptcy Administrators, training of judges for handling bankruptcy cases and completion of sub-legal acts remains a challenge.

Bar profession represents one of the most consolidated professions in Kosovo in the Rule of Law sector. However, capacity building and transparency within the Kosovo Chamber of Advocates (KCA), strengthening professional oversight and disciplinary bodies within the KCA and equal access to the KCA membership, establishment of programs for continuous training and profiling of advocates are challenges and key to reforms of this profession. Finally, the creation of an electronic system for data integration in the advocacy system would help exchange data and communication between lawyers.

Thus, from what was said above it can be said that shared obstacles for strengthening of free professions are: professionalism of practitioners of these professions, adoption of sub-legal acts, and oversight of these professions, organization in associations and professional chambers and capacity enhancement in courts. Another aspect to consider is the harmonization of legislation that would regulate the harmonization of free professions' actions with courts. Considering the fact that university studies in Kosovo do not provide sufficient practical professional preparation, post-graduate occupational training needs and professional exams for justice free professions as well as continued education should be assessed.

Also, in the area of **improving physical and IT infrastructure** of courts and prosecutions, symbolic improvements have been noted. Construction of courts and prosecutions facilities

in the entire territory of Kosovo is more than necessary to ensure proper functioning within these institutions. Then, the establishment of a performance measurement system of prosecutors and their staff from KPC, in empirical terms is an achievement in this regard. There is no such system in the KJC which will enable monitoring of daily activities of judges and court staff.

In 2013, the project Case Management and Information System (CMIS) sponsored by the Norwegian Government has started, and at the second phase of this project the establishment of CMIS in courts and prosecutions will take place. Given that, the previous initiative of CMIS installation has not been successful, KJC and KPC are committed to connect courts and prosecutions through this project. Meanwhile, it is necessary that other IT aspects regarding other Rule of Law institutions are be addressed through an integration and interoperability IT strategy for entire Rule of Law sector.

In this regard, it is necessary to continue with the support plans to create performance indicators for courts and prosecutions as well as monitoring and control of work standards within the courts and prosecution, through the establishment and capacity building of Policy and Analysis Units at KJC and KPC. This includes the need to improve IT and physical infrastructure of courts and prosecutions in northern Kosovo. In general, courts and prosecutions lack an advanced IT system for case management. Establishment of this system and the digital connection between the police, prosecutions and courts will significantly increase the performance and efficiency of the judiciary in general. Installation of the IT infrastructure should be accompanied by staff training for system use, as well as the hiring of IT administrators.

Kosovo Judicial Institute (KJI), according to its mandate, provides training for judges and prosecutors. Meanwhile, the new system of criminal justice, including legislation for courts and prosecution offices has increased the need for additional resources, in both financial and personnel. However, this institution lacks continuous training programs that will help judges and prosecutors in their specialization and profiling in various fields, e.g. organized crime, money laundering, fighting the informal economy, financial and cyber crime and other characteristic criminal offences. This is true because these functions have been primarily the responsibility of the international missions (most recently EULEX). The Government of Kosovo, with the aim of enhancing the quality of legal education and in line with justice system reforms, has decided to establish the Justice Academy, transforming KJI into a specialized training academy.

In addition to its primary mission for organizing the training of judges and prosecutors, the **Justice Academy** will provide new opportunities for the training organization of free legal professions, professional court associates and preparations for the bar exam candidates. The Academy, inter alia, is expected to address the requirement for profiling/specialization

of judges and prosecutors by creating general introductory programs for specific and constant characteristic areas (especially areas where EULEX exercised exclusive executive responsibilities). Law on Academy is in the final stage, and the Academy is expected to be established in 2015.

In support of justice system legal education, special attention must be given to **reforming the Law Faculty (LF) of the University of Prishtina (UP)**. The reforming would create conditions for profiling students for different fields, not only the justice system but also internal affairs. Establishment of curriculum and study programs by best international practices will significantly facilitate the work of LF students to be involved in the judicial system. Reforming of the LF-UP will have positive chain effects in other counterpart faculties in Kosovo.

Regarding the proper functionality of the justice system, there are two issues which have not been sufficiently addressed so far. First, the **administration of judicial and prosecutorial system** still operates **under the Civil Service Law**; and secondly, the issue of **personal safety for judges, prosecutors and police officers** still lacks legal basis that would regulate this issue according to the international practices. Regarding the first issue, the administration of courts and prosecution offices and administration of the Secretariat of the KJC and KPC operate under the **Law on Civil Service**, while presidents of Courts and chief prosecutors have limited control over their administrative staff as a result of different lines of communication provided by the Law on justice and Law on civil service.

Therefore, the administrative staff of courts and prosecutions should enter a special category by not being subject to law on civil service and regulations of this law. This will lead to more efficient work of prosecution offices and courts (including Secretariats of KJC and KPC). In order to make these changes, initially, a comprehensive assessment is required which will identify the need for independence of the judicial administrative staff from the civil service. This process should be well coordinated with the Ministry of Justice, afterwards with the respective Parliamentary Committees in order to make the necessary legal changes.

Another aspect of the Rule of Law that requires added attention by Kosovo's institutions is the **Civil Justice**. Kosovo is in the preliminary stage of drafting the **Civil Code**, the drafting and adoption which will contribute to further improvement in the performance of the judicial system in Kosovo and will assist profiling of judges and lawyers in this regard. Many aspects, which by the Code of Juvenile Justice could not be adjusted properly (e.g. alimony, adoption of children), could be addressed by the creation of a system of civil justice according to the law and EU best practices. Other aspects of civil law, such as the commercial right and property issues have significant delays as a result of an underdeveloped civil justice. This certainly creates an obstacle to the socio-economic development of the country.

Property issue is also a specific area, for the solution of which, since the end of war, there have never been adequate policies. Kosovo still lacks a strategy regarding property issues, and this hinders resolution of various property issues at the national level. Also, Institutional mechanisms in this area are not properly coordinated, and there is no institution that creates property issue policies, and there is a lack of human and financial capacities to regulate these issues. Meanwhile, property issues have already been put as one of the priorities for the coming years to be addressed along with civil matters and drafting of the Civil Code.

With regard to international cooperation, despite the will of the Kosovo institutions and numerous initiatives taken, the Kosovo justice system has been limited to participation or membership in initiatives/regional and international organizations. Since Kosovo is not a member of the Council of Europe, it could not be a member of the **CEPEJ (European Commission for the Efficiency of Justice)** within the Council of Europe, which deals with improving the efficiency and functioning of justice in member states and improving the implementation of instruments adopted by the Council of Europe. Although there has been progress in deepening bilateral cooperation, not being member in regional and international initiatives is an obstacle to the development of the justice system.

5.2. INTERNAL AFFAIRS

Although there are a number of adopted laws and established institutions, the general legal framework related to internal affairs is complex, especially in preventing and fighting **corruption and organized crime**. These two phenomena challenge the economic development and integration of Kosovo in international mechanisms, especially in the EU.

Currently, all serious cases are handled in cooperation with EULEX, while the internal affairs sector, although under reforming, needs to be more efficient and effective in preventing and fighting corruption and organized crime when the EULEX mission ends. Moreover, the need to increase the efficiency and effectiveness of law enforcement institutions of Kosovo is confirmed in many international reports in general, and those of the EU in particular. Increasing the efficiency and effectiveness of law enforcement institutions would improve the public perception of these institutions, and would increase the capacities in handling complex crimes even when EULEX will no longer be present in Kosovo.

Regarding policies and legislation, Kosovo has taken a number of important steps in **preventing and fighting corruption**, implementing the necessary elements of the legal framework, including the adoption of the law on extended powers, law on confiscation of

illegally obtained property, the law on declaration of assets, the law on prevention of conflicts of interest in the exercise of public functions, law on protection of informants, law on public procurement and law on financing of political parties. Law on Prevention of Conflict of Interest needs relevant reporting obligations since currently the conflict of interest cases continue to not be reported. The sanctions provided by the law on declaration of assets, and the law on conflict of interest are quite symbolic, and these above mentioned laws should provide compelling and proportionate sanctions.

Besides the legal basis, the Kosovo Assembly adopted the **Anti-Corruption Strategy and Action Plan 2013-2017** in February 2013. The current legal framework has sufficiently strong provisions in order to bring tangible results in this area.

In institutional terms, Kosovo established the Anti-Corruption Agency (ACA) in 2006. ACA is the main institution for monitoring the implementation of the Law on Prevention of Conflict of Interest in the Exercise of Public Functions and the Law on Declaration of Assets of Public Officials, as well as the Anti-corruption Strategy and Action Plan. The ACA also deals with the processing of individual complaints for possible corruption cases and is obliged to notify other authorities such as police and prosecution in case grounds for further investigation are found. In the context of efforts to prevent and fight corruption, in February 2012, the President of Kosovo established the National Anti-Corruption Council. The purpose of establishing this Council is to improve coordination and increase awareness among all bodies and institutions involved in the fight against corruption.

In order to increase efforts to prevent and fight corruption, on 26 February 2010, with a Government decision, within the Kosovo Special Prosecutor, was established the Anti-Corruption Task Force which is composed of prosecutors (from Kosovo and EULEX) and police investigators. The purpose of establishing this Task Force is to investigate the economic and financial crimes. Meanwhile, in the context of this mechanism, the Kosovo Police has also established a Directorate against Economic Crime and Corruption. Moreover, inspection departments have been established in many authorities and institutions, with the aim of addressing and monitoring the situation regarding corruption and/or criminal behaviour within the organization.

Although, in general, Kosovo has sufficient elements set up in the legal framework for preventing and fighting corruption, and also has the relevant institutions, in practical terms, the fight against corruption and organized crime of all kinds remains a challenge for Kosovo authorities. This issue should be viewed from two aspects, in terms of internal institutional fighting the institutional strengthening of internal mechanisms of relevant institutions is required, while on the other hand, upon taking responsibilities currently exercised by EULEX, an additional need is noted, among other things, for further profiling

of judges and prosecutors. Behind the weak outcomes in preventing and fighting corruption, there are three main reasons, firstly, this strategy lacks the binding force that will oblige the institutions to take their responsibilities, secondly, it is related to the institutional organization and remains complicated for addressing this complex area, and thirdly, due to the lack of ownership by all stakeholders responsible for the implementation of this strategy.

Kosovo Police (KP) has had positive developments to date, in terms of capacity building. KP, in collaboration with the other law enforcement institutions, has made progress, although not on a desired level, regarding capacity building for preventing and fighting all forms of crime, with particular emphasis on organized crime and corruption. In addition, progress has been made in establishing international cooperation, especially the regional and beyond, including those with international security agencies. In this context, KP has been part of many international operations for the prevention and fighting of organized crime. However, considering the trends of development and sophistication of tools and forms of committing criminal offenses, it requires strengthening and specialization of staff to fight negative phenomena.

In May 2012, KP drafted and approved the Strategy and Action Plan 2012-2016 "Community Policing". Based on this document, the sector breakdown is envisaged according to the prescribed criteria, i.e. number of population, number of cases, and some other factors. So far, there are 133 sectors in 40 police stations. In addition, Kosovo Police adopted Intelligence Led Policing Strategy 2013-2017, as an important foundation for proactive investigations, such as preventing and fighting of organized crime; trafficking in human beings; trafficking of narcotics; economic crimes and corruption; and terrorism.

However, for investigation of complex criminal offences, except the need for capacity building, a genuine commitment against corruption and organized crime and better cooperation between law enforcement and judiciary authorities is needed. Therefore, in this respect the level of cooperation should increase, which will help improve the prevention and fighting of corruption and organized crime, as required by the **Strategic Plan for Inter-Institutional Cooperation in the Fight against Organized Crime and Corruption 2013-2015**. In relations to complex crime investigations, KP needs constant capacity building as well as equipment with necessary tools and equipments in order to cope with this complex issue.

Therefore, since the Kosovo institutions aspire to fulfil the obligations arising from the Stabilisation and Association process, it requires an increase of efforts in investigating and prosecuting corruption cases and improve the reliability of the statistics in fighting

corruption and organized crime, thus, **the creation and adequate management of criminal offenses data registry according to the EU best practices.**

In terms of policies for **prevention and fighting terrorism and organized crime** a range of strategies are drafted, such as:

- Strategy Against Organized Crime 2012- 2017,
- Strategy Against Narcotics 2012- 2017,
- Strategy Against Terrorism and Action Plan 2012- 2017,
- National Strategy on Prevention of Crime and Action Plan 2013 – 2017,
- Strategic Plan for Inter-Institutional Cooperation in the Fight against Organized Crime and Corruption 2013-2015,
- Strategy on Integrated Border Management 2013-2018,
- National Small Arms and Light Weapons Control and Collection Strategy 2013 – 2017,
- National Strategy against Forgery 2012-2017,
- National Strategy on Migration 2012-2017,
- National Strategy against Trafficking in Human Beings 2011-2014,
- National Strategy Against Narcotics 2012-2017,
- National Strategy on Prevention and Fighting of Informal Economy, Money Laundry, Financing of Terrorism, and Financial Crimes 2014-2018.

Although there are a range of designed strategies, a greater commitment is required from all the relevant actors for the practical implementation of these strategies, by creating appropriate institutional mechanisms and providing budgetary resources for the implementation of strategies. In the strategic aspect, in the future, the number of strategies should be decreased to a minimum, by developing more comprehensive and sector strategies.

An integral part of institutions for preventing and fighting organized crime is the **Agency for the Administration of Sequestered and Confiscated Assets (AASCA)**, thus completing the institutional structure in fighting crime. Despite the progress so far in management of sequestered or confiscated assets, the agency faces difficulties in implementing the law on AASCA. This is because of the existence of several conflicting issues between the Law on the Administration of Sequestered or Confiscated Assets, the Criminal Code (CC) and the Criminal Procedure Code (CPC), which require solutions.

Among others, the law governing AASCA is responsible for **assisting in the execution** of a decision for sequestering or confiscating of assets at the request of the competent authority, while at the same time PPC obliges AASCA to **execute** court decisions. Thus, in general, it is noted that the criminal justice legislation needs further upgrading. Also, the prosecutors and the courts create confusion regarding the interpretation and terminology related to "Sequestration" and "Confiscation". Practice has shown that there are few

prosecutors or judges who have a clear understanding of the process of administering sequestrated/confiscated assets. To some extent, this includes AASCA staff.

Another aspect which should be given special importance is the need for deeper **interagency cooperation** with AASCA. The Law on Management of Sequestered or Confiscated Assets gives only basic provisions for the administration of sequestrated and confiscated assets. Assistance in strengthening the institutional and human capacity in preventing and fighting corruption and organized crime would help in this regard.

There have been investments in physical infrastructure of **the Kosovo Correctional Service (KCS)**, especially in the construction of the High Security Prison (HSP), a co-investment of the Government of Kosovo and the EU. Regarding human resources working in the KCS, upon infrastructural growth of this service there is a need to increase and strengthen human capacities. One of the biggest challenges for KCS remains the adequate categorization of prisoners, a problem which is expected to be addressed upon functioning of the High Security Prison (HSP). The assistance to address these needs is already being given to KCS through UNOPS project for HSP, and also from 1.7 Euros million EU project, in support of KCS and Kosovo Probation Service (KPS).

However, further assistance is needed in the area of interagency cooperation and gathering and analysing the data, which would include the establishment of an operational centre for management and monitoring of data, then establishment of an electronic system for KPS. The possibility of joining KCS and KPS is also being considered.

Protection of witnesses is one of the most important aspects of Kosovo in the field of Rule of Law. In July 2011 was adopted the Law on **Witness Protection**. The implementation of this law remains a challenge for Kosovo`s institutions, taking into account the lack of necessary infrastructure and expertise in ensuring effective protection of witnesses. Witness protection has been a challenge that has regularly followed Kosovo since UNMIK time until today. Kosovo`s institutions jointly with EULEX created an effective system for the witnesses protection. Given the sensitivity of this issues and the timeliness, an ongoing support for witness protection programs is required.

The dialogue with the EU on visa liberalization represents an area of high interest for Kosovo institutions, an area where extremely great work was conducted. Meanwhile, Kosovo's institutions have worked in two directions regarding **visas**. Since July 2013, Kosovo has started applying a visa regime for foreign citizens. Due to this reason, basic legislation, secondary legislation and standard operating procedures for issuing visas at border crossing points are issued. To meet the requirements arising from this process, Kosovo has taken a number of measures not only in policy drafting, but also in providing the necessary legal, institutional and physical infrastructure.

Regarding **visa liberalization** process, in institutional aspect, progress has been made in the security system of Kosovo, among others: 1) harmonization of national legislation with the EU one; 2) establishment of the National Centre for Border Management in 2013; 3) functionality of the new IT system for Border Management System (BMS); 4) establishment of the Reintegration Department within the MIA. Certainly, the establishment of this institutional framework was preceded by the development of appropriate legislation according to EU best practices regarding the Rule of Law field.

However, there is still a need for donors, especially the EU, to assist local institutions in the following areas: i) the drafting of secondary legislation and standard operating procedures for improvement of efficiency and effectiveness of the National Centre for Border Management; ii) strengthening of its professional capacity and related institutions; and iii) improving professional capacities for Reintegration Department. Capacity increase of these sectors through donor assistance should be accompanied by increase of state budget in this regard.

Migration and asylum is one of the difficulties Kosovo faces. Although a series of laws and strategic papers have been enacted directly and indirectly to this area, in practical terms, the state of Kosovo continues to face this challenge which must be addressed more seriously to meet the obligations arising from the European Integration process.

Recently, the **National Strategy for Prevention and Fighting of Informal Economy, Money Laundering, Financing of Terrorism, and Financial Crimes 2014-2018** has been issued, as well as the Law on Prevention of Money Laundering and Terrorism Financing has been amended. Despite the above developments, the informal economy, money laundering, terrorism financing, financial and cyber crimes still remain problems to be addressed through further capacity building and through more efficient interagency and international cooperation.

The need of capacity building and lack of local expertise is another aspect that diminishes the effects of efforts to prevent and fight the informal economy, money laundering, terrorism financing and financial and cyber crimes. Lack of experience and capacity in this sector is evident not only within the Financial Intelligence Unit, which operates under the Ministry of Finance (MoF), but also with the police, courts and prosecution offices and other institutions that deal with this serious issue.

Also in the field of trainings, Kosovo Judicial Institute (KJI) and Kosovo Academy for Public Safety (KAPS) have no advanced programs for the abovementioned issues regarding the provision of adequate trainings for prosecutors and judges, respectively to law enforcement agencies in Kosovo. Therefore, this is an area that requires foreign assistance for a programmatic approach on these issues, focusing on human capacity building.

Like other countries in the region, Kosovo is no exception regarding the **drug problem**. EU 2013 Progress Report stated that "Kosovo continues to be a drug transit and storing country, mainly heroin, involving local organized groups." Therefore, combined investigations in this field against narcotics trafficking or possession are required. In this regard, Kosovo's institutional capacities should be improved and strengthened just like the regional cooperation needs to be strengthened.

Regarding capacity building programs for staff of law enforcement agencies, which are provided by the **Kosovo Academy for Public Safety (KAPS) in Vushtri**, it is worth mentioning that there has been progress. However, KAPS still lacks the necessary physical (advanced technical equipments) and professional capacities to provide specialized programs in the field of preventing and fighting organized crime, money laundering, trafficking in human beings, terrorism, smuggling of drugs, medicines, and other aspects that affect not only Kosovo, but also the region and beyond.

In terms of physical infrastructure (facilities) of law agencies, there is still work to be done, especially in the renovation/construction of new border crossing points and police stations with all the necessary equipments. In this regard, the physical infrastructure in northern Kosovo should be mentioned which needs improvement in all its dimensions.

Data digitalization within justice institutions and internal affairs is one of the main challenges in strengthening the Rule of Law. Kosovo Border Police is in its first steps to build its IT system for border management. This IT system is expected to expand in the future by linking, except Civil Registry Agency (CRA) software databases, also the prosecution, courts, customs, Ministry of Foreign Affairs (Visa Section), Ministry of Internal Affairs (migration and asylum) and if necessary, other relevant institutions. Establishment and integration of these software networks, except increasing efficiency and control of these institutions, would also provide conditions for establishment of a criminal database registry according to the EU best practices.

Despite the legal and policy base, **emergency management sector** needs further improvement and advancement. According to the recommendations derived from the Strategic Security Sector review process, some of the main issues to be addressed are: lack of capacity of Kosovo Police in crowd and violent protests management, nonexistence of an operational centre for emergency situation management, low capacity of the Emergency Management Agency (EMA) for taking over responsibilities from Kosovo Armed Forces (KAF) and the difficulties in management of hazardous substances.

Cooperation of Law enforcement institutions with the **various Parliamentary Committees** is also an issue that requires attention. Strengthening of Parliamentary committees' oversight is more than necessary to be successful in designing and implementing appropriate policies for preventing and fighting corruption and organized

crime of all kinds. The assistance to the Rule of Law field should include as many Parliamentary Committees by reinforcing the cooperation between the three powers (legislative, executive and judiciary) for certain necessary issues, by improving the quality of laws developed and by reinforcing their implementation.

Effective regional and international cooperation is a prerequisite for prevention and fighting crimes of international and regional character. Although Kosovo institutions are interested in consistent development of regional and international cooperation on bilateral matters, it still remains one of the main difficulties. The cooperation with EUROJUST, EUROPOL, FRONTEX, the European Council, and other institutions remains limited, there are positive steps in this regard, and considering that there is a bilateral cooperation through deployment of Police liaison officers and professional collaboration.

5.3. ISSUES OF ACCESS TO JUSTICE

Kosovo, under its Constitution, is known as bilingual and multiethnic state. In this context, justice institutions have made significant steps, though it still needs to provide access to justice for all ethnic groups in Kosovo. Regarding the employment of minorities in the judicial and prosecutorial system, it is worth mentioning that the number of minorities is increasing. Moreover, Justice Institutions are obliged to provide **adequate court interpreters and translators** in order to enable equal access for all citizens not only to courts and prosecutions. This issue is not addressed properly, despite earlier initiatives which have proved unsuccessful. Therefore, ensuring adequate court interpreters and translators remains a challenge.

In general, a progress has been noted in the area of access to justice, especially in the development of primary and secondary legislation on legal aid system, human rights, children's rights, property rights, media, etc. Meanwhile, one of the main challenges in this process is the improvement of existing legislation enforcement. Also, the responsibilities of the structures involved in protecting, promoting, implementing and reporting on issues of human rights and of property should be clarified, as well as ensuring financial independence of public media.

Access to justice has been hampered in northern Kosovo since the end of war. This is one of the main challenges of the justice system in Kosovo, including internal affairs. Considering the progress of talks between Kosovo and Serbia, the situation is expected to improve in this regard in the coming years, which will contribute to the further unification and consolidation of the Rule of Law in the entire country. Also, the implementation of the provisions of the new Criminal Code (CC) and the Criminal Procedure Code (CPC) still poses difficulties to both, implementers and citizens.

Taking into account the time of entry into force of the Codes, it is deemed that the relevant institutions are not yet fully familiar with the CC and CPC, and other relevant laws are not yet fully harmonized with them. Moreover, citizens need to be informed and aware of the new system of courts and prosecution offices. In the new Law on Courts, inter alia, there will be provisions that envisage publication of court rulings, which contribute to increasing the courts' transparency. In general, the start of implementation of new judicial and prosecutorial system has posed difficulties not only to prosecutors and staff towards citizens, and vice versa. All these aspects need to be addressed through development of a communication strategy for the entire justice system.

Legal aid system in Kosovo is still under development and needs further upgrading to ensure access to justice for all citizens of Kosovo. Physical infrastructure of Free Legal Aid Agency (FLAA) remains a major challenge. Therefore, it requires cooperation improvement of this agency with other institutions in order to facilitate citizens' access to legal aid system.

In recent years, Kosovo society is facing some difficulties which should be addressed in the upcoming years. These difficulties are: **domestic violence, violence against children, children's limited access to justice, trafficking in human beings and many other aspects of social consequences**. In general, the regulatory framework for addressing these issues is still incomplete. By drafting of the Civil Code, many children issues such as child alimony, inheritance and adoption issues will be regulated properly. Harmonization of the Juvenile Justice Code and Civil Code which are to be drafted in the upcoming years, will significantly improve children's access to justice.

Regarding **Juvenile Justice**, the Government of the Republic of Kosovo has incorporated the Convention on the Rights of the Child into its Constitution. In accordance with this, the Juvenile Justice Code is issued. However, problems remain, especially in the following aspects: i) the lack of services and prevention initiatives; ii) the limited capacity of government to monitor and report on issues of justice for children and child protection; iii) the difficulties of implementation of the Juvenile Justice Code by the newly appointed judges and prosecutors. Although, Juvenile Justice is now seen as a priority, it needs further capacity building to avoid the aforementioned difficulties.

Integration of north into Kosovo's Rule of Law remains one of the **mega-challenges** of Kosovo institutions. In this regard, improvement of infrastructure of courts, prosecution offices, police (including border police), customs, Food Agency and other fields related to the Rule of Law sector is required. It is important to note that the integration of north into Kosovo's institutional hierarchy is utmost priority for Kosovo institutions, which are strongly committed to integration, unification and consolidation of the Rule of Law in its entirety throughout Kosovo.

Commitment of civil society in strengthening the Rule of Law remains limited, because the approach of the Civil Society in the development of the Rule of Law institutions is limited. Moreover, civil society in Kosovo is still not enough profiled on specifics of Rule of Law, and civil society-institutions cooperation needs further improvement. Although, a strategy for cooperation with civil society is drafted, further assistance is still needed. Especially to contribute to the further specialization and profiling of civil society actors in the Rule of Law, then on further developing their capacities for monitoring and advocacy, as well as providing better opportunities of cooperation between civil society and the public institutions for issues of public interest.

In order to improve access to justice, the Rule of Law institutions, except policies, adequate legislation and effective institutional mechanisms should have a communication strategy that will involve all stakeholders, including the three powers (legislative, executive, and judiciary) civil society and media. This will significantly improve inter-institutional and intra-agency cooperation with civil society and media in general, in order to facilitate the access and well-informing of Kosovo citizens over the justice system.

6. LINKAGE TO STRATEGIC PAPERS

This strategy is drafted in full compliance with a range of EU and Kosovo`s strategic papers listed below:

6.1 Linkage to the Declaration of Medium-Term Policy Priorities (DMTPP) 2014-2016 and the Mid-Term Expenditure Framework (MTEF) 2014-2016

Declaration of Medium-Term Priority Policy (DMTPP) establishes the framework of policies and projects which the Government of the Republic of Kosovo plans to implement during the next mid-term period 2014-2016. This paper is the primary mechanism which guides the Government in budget planning and directing other budgetary resources for the next three year period. Whereas, the Mid-Term Expenditure Framework (MTEF) 2014-2016 is the main document that interlinks the government policies and priorities with the country's budget plan. Good governance and strengthening of the Rule of Law is one of the four main areas of DMTPP and MTEF 2014-2016. Therefore, this strategy complies with the main planning and budget documents of the Government of the Republic of Kosovo, thus DMTPP and MTEF.

6.2. Linkage to National Strategy for European Integration – Kosovo 2020

In the context of National Strategy for European Integration, the achieved success in the area of the Rule of Law is reaffirmed, mainly in legal developments and establishment of institutional mechanisms, including the judiciary reform and other areas, as it emphasises

the need for further strengthening of the Rule of Law in its entirety. Therefore, according to this strategy, Kosovo shall establish an effective Rule of Law system by 2020.

6.3. Linkage to the Multi Country Strategy Paper (*EU-Multi Country Strategy Paper*)

This paper emphasizes the need of Western Balkan countries for comprehensive, transparent and ambitious reforms in the field of justice with the aim of ensuring an independent, impartial, efficient and accountable judiciary. In addition, this paper highlights the need for coordination of efforts to create a solid framework for preventing and fighting corruption and organized crime, which remain a serious concern for enlargement countries. According to this paper, enlargement countries, regarding the local reforms should work hard in the regional aspect to prevent and fight these negative phenomena. Thus, this support strategy is in line with the abovementioned EU document.

6.4 Linkage to EU Enlargement Strategy and Main Challenges 2012-2013

EU strategy for enlargement clearly stresses the need to strengthen the Rule of Law and Good Governance as key areas in the process of EU enlargement. Due to these reasons, during membership negotiations, the chapters on the Rule of Law, and not only these chapters will be opened in the beginning of the process and will be closed at the end, in order to ensure that reforms are sustainable and irreversible.

6.5 Linkage to Country Strategy Paper

As in the above papers, this paper also emphasizes the need to improve the Rule of Law in Kosovo in general. According to this paper, an independent judiciary that functions in accordance with true democratic and professional standards is vital not only to strengthen the Rule of Law, for the immediate benefit of the public, but is also crucial for international cooperation and economic development, including encouragement of foreign investments. EU financial assistance through IPA II (2014-2020) is planned to support four specific objectives: i) support for political reforms; ii) support for economic, social and territorial development; iii) strengthening the capacity of the beneficiary country to meet its (future) obligations arising from EU membership by supporting alignment with EU legislation; and iv) strengthening regional integration and territorial cooperation.

Therefore, this assistance strategy is in line with this paper and considers all concerns and recommendations outlined in this strategy, including: i) challenges regarding independence, efficiency, accountability and impartiality of the judiciary; ii) problems with the execution of the judicial decision; iii) the large number of unsolved cases; iv) lack of reforms coordination and insufficient inter-institutional cooperation; v) the need for more effective implementation of anti-corruption legislation; vi) improving the capacity of the police and other institutions vis-a-vis complex criminal activities; vii) improving the fight against organized crime, trafficking in human beings, economic crimes, terrorism, etc.

6.6 Linkage to European Commission (CE) 2013 Progress Report on Kosovo

As in the previous Progress Reports, the 2013 Progress Report re-emphasizes the need to strengthen the Rule of Law in Kosovo in its entirety. In this report, almost all deficiencies of the Rule of Law in Kosovo are presented. Therefore, this strategy is completely in line with the findings of the 2013 Progress Report.

7. STRATEGIC APPROACH

Drafting of this strategy represents the first concrete step of the Government of the Republic of Kosovo toward the sector inclusion of the Rule of Law institutions. This strategic approach is in full compliance with the EU sector approach, required in all fields of administration of an aspirant country. This strategy will precede the strategy on the Rule of Law sector in Kosovo, which drafting is expected to be conducted after the adoption of this strategy.

The EU sector approach aims at ways of joint working of governments, donors and other stakeholders. Viewed in the practical terms, sector approach entails a sector strategy with several objectives, a sector program drafted by the partner country, in this case Kosovo (with the support of development partners), a medium-term financial framework for taking reforms and other needs, and a network of developing partners, which together with the partner country work to push forward the reforms.

Moreover, a sector wide approach is a process, aiming to increase government and national ownership on public sector policies and decisions on resource allocation within the sector, increase of coherence between policies, expenditures and results as well as the reduction of transaction costs.

Whereas a government has defined a sector and has adopted a single policy strategy with a budget and outcome, donor support is vital for the implementation of the strategy through technical assistance and support for physical and IT infrastructure. Regarding strategic planning, Kosovo's institutions have completed the mechanism for policy planning and coordination. In addition, progress was made in the aspect of document drafting, but there is still work to be done in reducing the number of strategies and their orientation according to the sectors.

In the series of enlargement policies, the European Union (EU) 2014-2020 budget has envisaged a substantial amount of funds to support the countries of the Western Balkans and Turkey, including Kosovo. The financial instrument that will include this period is IPA II. Therefore, if we refer to the EU policies 2014-2020 period, we would see that policy planning and budget projections for the beneficiary countries will be made according to the sector approach. The manner how the EU policy planning and budget projections 2014-2020 will be organized, among others will be based on these items:

- 1) **Continuation with the instrument** with the same levels of resources covering institutional and socio-economic development.
- 2) **Assistance oriented on needs** and characteristics of each country individually.
- 3) **Strengthening the sector approach** for donor coordination and orientation of investments to the private sector with a more coherent long-term planning process and strategic instrument.
- 4) **Introduction of multi-annual planning** to include the duration of the other multi-annual financial framework; through a mid-term review, and further development of the **multi-annual program**, as well as the transitional assistance actions and institutional development, together with a **better inclusion of beneficiaries in the programming**, led by better trained national authorities responsible for IPA coordination (see EU Regulation on IPA II).

Despite the progress achieved in the establishment of mechanisms for strategic planning and policy coordination in Kosovo, the Integrated Planning System (IPS = Integrated Planning System) is not yet installed. In addition, there are numerous strategies drafted which are not properly aligned with each other and have no sector approach.

Since 2013, the Government of Kosovo started to develop the Declaration of Medium Term Policy Priorities (DMTPP) as the main policy paper, preceding the Medium Term Expenditure Framework (MTEF) which links policies and budget projections. Kosovo institutions have already started issuing sector strategies. These strategies will help better allocation of donor's funds. The Sector Strategy for Assistance is the first of its kind in the field of Rule of Law in Kosovo.

8. VISION

Rule of Law guaranteed by the Constitution and laws of Kosovo, promotes fair, democratic, prosperous, and stable society.

9. MISSION

Continuation of comprehensive reforms in order to ensure effective Rule of Law in accordance with the EU best practices.

10. STRATEGIC OBJECTIVES

Three strategic objectives have been elaborated in order to include the key areas needed for improving the Rule of Law. This strategy includes horizontal and vertical aspects which cover key issues of justice, internal affairs and access to justice. These strategic objectives are: 1) Improvement of independence, efficiency, effectiveness, accountability, and impartiality of the justice system; 2) Improvement of prevention and fighting against corruption and organized crime, including trafficking in human beings and narcotics, economic crime and money laundering, weapon smuggling, cybercrime and terrorism; and 3) Improvement of access to justice.

10.1. Strategic Objective 1: Improvement of independence, efficiency, effectiveness, accountability and impartiality of justice system

For a more successful reform of judicial and prosecutorial system, Kosovo in the up-coming years should focus on: i) continuous improvement of independence, effectiveness, accountability, transparency and impartiality of the judiciary; ii) improvement and advancement of security and safety measures for judges, prosecutors, witnesses, complainants, and court personnel; iii) strengthening international legal cooperation in various judiciary matters; and iv) increase representation of judges and prosecutors from non-majority communities in accordance with the legal framework.

In this context it is included the improvement, advancement and alignment of primary and secondary legislation of the judicial and prosecutorial system, in accordance with the EU best practices. Improvement of interagency cooperation, including the Parliamentary Committees, and digitalization of this cooperation, would increase and substantially improve the performance of justice system in general. The reform will include the entire legal system in Kosovo, starting from the Faculty of Law, Legal Education Training Institutions, Courts, Prosecutions and other institutions. Apart from above-mentioned aspects, donor assistance will contribute in strengthening institutional capacities for proper implementation of the regulatory framework in the entire justice system; and also facilitating membership in international and regional initiatives. Advanced programs for continuous development of the judiciary will be supported by donor contributions. Not only the justice institutions but also the institutions for law enforcement and free legal professions will benefit from these programs. Local staff will be prepared by these programmes, which will then provide training to other staff which has a multiple effect within their institutions. Considering the need for necessary physical and IT infrastructure it is expected donor's contribution to address this acute issue of the justice system.

Expected Outcomes:

- i. The legal framework of judicial and prosecutorial system improved, advanced and harmonized pursuant to EU best practices.*
- ii. Mechanisms which ensure the implementation of an impartial, effective, transparent, and accountable justice system, strengthened.*
- iii. Human resources capacities for the improvement of general performance of the justice system, strengthened.*
- iv. Physical and IT infrastructure, contributing, inter alia, on effective cooperation between institutions of justice, improved.*
- v. Free legal professions actions, harmonized, and mechanisms for their overseeing, strengthened.*

List of Project Concept Notes:

Detailed description of Project Concept Notes for achieving the abovementioned outcomes is presented below within the Action Plan. In order to achieve the expected outcomes in the most efficient manner, Project Concept Notes titles are listed in accordance to the priorities and sequencing logic, as follows:

- 1.1** Assistance to the Special Prosecution of the Republic of Kosovo
- 1.2** Strengthening capacities for policy and legislation drafting and monitoring their implementation
- 1.3** Strengthening of efficiency, accountability, and transparency of the judicial system in Kosovo
- 1.4** Assistance for Further Development of Free Legal Professions in Kosovo
- 1.5** Advancement of Legal Education
- 1.6** The Rule of Law Sector Strategy
- 1.7** Inclusive Strategy on the Information Technology (IT) and Interoperability
- 1.8** Improvement of Civil Justice
- 1.9** Improvement of Property Issues
- 1.10** Improvement of Physical Infrastructure in Justice System
- 1.11** Inclusive Review of Criminal Justice
- 1.12** Improvement of Capacities for Performance Measurement and Monitoring of the Work of Judges and Prosecutors
- 1.13** Legal Education 2: Support to Law Faculty
- 1.14** Improvement of international legal cooperation
- 1.15** Registration and Management of Criminal Records
- 1.16** Assistance to the Monitoring Mechanisms in Justice and Internal Affairs

10.2 Strategic Objective 2: Improving prevention and fighting of corruption and organized crime, including trafficking in human beings and narcotics, economic crime and money laundering, arms smuggling, and cybercrime and terrorism

Along with the efforts to improve the justice system in its entirety, the Government of Kosovo, together with donor's assistance, will continue with professional and technical capacity building in the area of preventing and fighting organized crime and other phenomena which affect our society. Within budgetary capabilities, the Government of Kosovo will provide necessary funds for co-financing different project/programs in the area of internal affairs.

Efforts will also be made to strengthen cooperation and continue the membership in various regional and international associations and initiatives that are intended to prevent, reduce and fight the phenomena of organized crime at the regional level. Improvement of cooperation in this regard will not be easy for Kosovo considering Kosovo's political difficulties, in particular in relation to Serbia, and the neutral stance of EU towards Kosovo's independence.

In order to progress with preventing and fighting corruption, the law enforcement institutions, judiciary and prosecution are required to have a proactive approach towards this negative phenomenon. Addressing corruption within the judiciary, police, prosecution offices, prisons, etc. and strengthening internal control and disciplinary mechanisms should be a priority for improving the public perception and building trust.

Therefore, in the upcoming years, institutional efforts should be structured, focused, and oriented towards concrete outcomes. This certainly requires commitment and additional resources to the entire chain of criminal prosecution. In this regard, donor assistance is necessary for improving institutional capacities in all Rule of Law institutions. Assistance should be focused mainly on: i) further consolidation and advancement of legislation for preventing and fighting corruption; ii) significant improvement of legislation enforcement in its entirety, by strengthening institutional mechanisms in internal affairs; iii) human and infrastructure capacity building; and iv) establishment of advanced programs for further development of human capacities in all Rule of Law institutions.

Similar to Strategic Objective 1, besides law enforcement agencies, justice institutions will also benefit from advanced programs for continuous development, when needed. Continuous development programs are necessary for law enforcement agencies and justice institutions in order to have a uniform approach during the enforcement of the legal framework. Local staff will be trained based on these programs, and afterwards they will provide trainings within their respective institutions. Considering the need for necessary

physical and IT infrastructure it is expected donor's contribution to address this immediate matter of law enforcement agencies.

Expected outcomes:

- i) *Legal framework for prevention and fight against organized crime and corruption, advanced and harmonized pursuant to EU's best practices.*
- ii) *Mechanisms ensuring efficient and effective implementation of the law in order to improve the general safety of the country against negative phenomena, strengthened.*
- iii) *Necessary infrastructure (physical, IT, equipments) for an effective and well-coordinated functioning of law enforcement agencies, improved.*
- iv) *Necessary capacities of human resources to prevent and fight against organized crime (including war crimes), high-level corruption, built.*
- v) *Kosovo's membership in regional and international mechanisms in the area of law enforcement, advanced.*

List of Project Concept Notes:

Detailed description of Project Concept Notes for achieving the abovementioned outcomes is presented below within the Action Plan. In order to achieve the expected outcomes in the most efficient manner, Project Concept Notes titles are listed in accordance to the priorities and sequencing logic, as follows:

- 2.1 Legal education 3: Strengthening of Kosovo Academy for Public Safety
- 2.2 Strengthening of Effective Management of Migration and Asylum in Kosovo
- 2.3 Preventing and Fighting Organized Crime, Corruption and other Serious Crimes
- 2.4 Increase Accountability and Preventing Misuse of Public Funds in Institutions of Kosovo
- 2.5 Improvement of Penitentiary System (Correctional and Probation Services)
- 2.6 Advancing Witness Protection
- 2.7 Improvement of Border Management IT System
- 2.8 Support Preventing and Fighting Complex Crimes (Financial and economic Crimes, Informal Economy, Cyber Crime, Money Laundering, Terrorism)
- 2.9 Advancing Forensic Services
- 2.10 Improving Emergency System
- 2.11 Prevention and Fight against Trafficking in Human Beings
- 2.12 Improvement of IT Infrastructure in Kosovo Police
- 2.13 Improvement of Kosovo Police physical infrastructure
- 2.14 Advancement of Customs services
- 2.15. Advancing the security of personal documents and protection of personal data

10.3. Strategic Objective 3: Improvement of access to justice

Improvement of access to justice is one of the priorities of the Rule of Law Institutions. In this regard, donors assistance will be focused in improving, advancing and harmonizing legislation pursuant to EU's best practices, making the justice system accessible to all citizens of Kosovo. Assistance will also focus in improving and advancing the legal aid system and integration of Northern part of Kosovo in the Rule of Law hierarchy of the country with an equal access to all citizens of Kosovo.

Regarding the juvenile justice, donor's assistance is expected to strengthen legal framework and services to ensure access to justice for different child categories, and promote the increase of accountability of service providers and key justice institutions. The government will have increased ability to monitor and report on child justice reforms, and key justice professionals will have improved the capacities to implement new legislation on juvenile justice. Other aspects expected to be addressed through this assistance are property issues and integration of the North into Kosovo's legal system.

Cooperation of the Rule of Law institutions with the civil society in monitoring policies, legislation and other institutional mechanisms is expected to be deepened in order to have the appropriate effects. Therefore, improvement of cooperation and intensified dialogue between law and order institutions and the civil society would be particularly important in the field of analysing policies and law on anti-corruption, organized crime, access to justice, implementation instruments and measures, and improvement of standards and strengthening of overseeing anti-corruption measures, etc. This will assist in strengthening the capacities of Kosovo's institution to effectively fight the phenomenon of corruption and continuous improvement of their performance in this regard. Projects will mainly be inter-institutional, to address the issues elaborated in the Project Concept Notes, listed within the Action Plan of this Strategy in this strategic objective, which as a result are inter-institutional projects.

Expected Outcomes:

- i) Legal framework to ensure access to justice for all citizens of Kosovo, improved, advanced and harmonized pursuant to EU best practices*
- ii) Legal mechanisms for access to justice in the entire territory of Kosovo, strengthened.*
- iii) Access of children and women to justice, improved.*
- iv) Justice system for the entire territory of Kosovo integrated, unified and consolidated.*
- v) Cooperation of Kosovo institutions with the civil society and media, strengthened.*

List of Project Concept Notes:

Detailed description of Project Concept Notes for achieving the abovementioned outcomes is presented below within the Action Plan. In order to achieve the expected outcomes in the

most efficient manner, Project Concept Notes titles are listed in accordance to the priorities and sequencing logic, as follows:

- 3.1 Improvement of monitoring and advocacy capacities of the civil society
- 3.2. Improvement of inter-institutional, intra-agency as well as media and civil society communication
- 3.3 Full implementation of the Human Rights Convention for the best interest of children
- 3.4 Preventing and fighting domestic violence
- 3.5 Prevention of violence in school
- 3.6 Assistance to child victims and witnesses of crime
- 3.7 Protection of children from sexual exploitation and abuse
- 3.8 Protection of child from violence
- 3.9 Support to translators, interpreters and legal linguists

Achieving the abovementioned outcomes with regard to the three strategic objectives depends highly from the donor contribution, considering that the implementation of this strategy depends almost entirely by the donor contributions, in addition to the commitment of local institutions to push forward the reforms. Projects/programs that will contribute in achieving the abovementioned outcomes will be the following: technical assistance and infrastructural projects (Facilities and IT).

11. ASSISTANCE PROGRAMMING

Since post-war period, there were a series of donations in the field of Rule of Law, which in most cases were not sufficiently coordinated; therefore their effect and impact could have been greater. Therefore, through this strategy, donor assistance is expected to be focused mainly in improving, advancing, harmonizing policies and legislation, further development of Rule of Law mechanisms, professional capacity building in the entire field of the Rule of Law, and improvement of physical and IT infrastructure, when appropriate.

The whole donor assistance will be planned in close cooperation with Rule of Law institutions starting from the programming, identification, formulation, financing, implementation, monitoring and assessment phase, since only in this way the benefit from assistance will be maximized, as the impact and effect of assistance in strengthening the Rule of Law will increase in its entirety. Compared to previous years, the Government of the Republic of Kosovo is committed, to significantly increase ownership during programming and donor coordination in this sector and implement projects/programs by making available all the necessary resources for all projects/programmes which will result from this strategy, and not only. Progress in the Rule of Law sector will improve, only by a

local proactive ownership, which, inter alia, will accelerate Kosovo's journey toward EU membership.

11.1. DONOR AND INTERNATIONAL MISSIONS CONTRIBUTION

Several donor and international missions who provide support in different areas are acting in Kosovo following the post-war period. The Rule of Law sector key donors are: EU, GIZ, OSCE, USAID, United Nations Implementing Agencies (UNDP, UNICEF, UNOPS, etc.), SWISS International Cooperation, Ministry of Foreign Affairs of Norway, ICITAP, etc.

11.1.1 EU

Kosovo Institutions are beneficiaries of EU assistance since 2000. Within the EU integration process, Kosovo is undergoing two important processes: i) Visa liberalisation process; and ii) negotiation of the Stabilisation and Association Agreement (SAA). The Rule of Law sector is part of both the abovementioned processes. Therefore, to fulfil the obligations deriving from the European Integration process, EU will support Kosovo Institutions in the context of successfully concluding the abovementioned processes and other following processes. Thus, EU assistance to the Rule of Law sector will mainly focus on fulfilling European standards in the area of justice and internal affairs, not excluding the improvement of physical infrastructure, where appropriate.

11.1.2. EULEX

EULEX mission provides support to the Rule of Law sector in Kosovo. Moreover, this mission is providing support with regard to visa liberalization process, Kosovo's European integration process, Kosovo-Serbia dialogue, and the structured dialogue on the Rule of Law. EULEX continues to focus on fighting corruption and organized crime as well as achieving sustainability for the Rule of Law institutions pursuant to the EU best practices.

11.1.3. GIZ

Until 2017, GIZ will mainly provide i) support to the Ministry of European Integration (MEI) to oversee the pre-accession process and implementation of the needs emerging from this process; ii) support to the judiciary and administration in fulfilling their responsibilities in the context of pre-accession; and iii) support to the Kosovo Parliamentary Commission on Budget and Finances to fulfil monitoring and legislative responsibilities in an efficient and competent manner.

11.1.4. MINISTRY OF FOREIGN AFFAIRS OF NORWAY

Within the support to the Institution's of Kosovo, the Ministry of Foreign Affairs of Norway is implementing the project on Case Management within Courts and Prosecutions for the period 2012-2017.

11.1.5. OSCE

The Organization for Security and Cooperation in Europe (OSCE), is working closely with the Government of the Republic of Kosovo and the society at different levels in terms of fighting trafficking in human beings. OSCE also supports the judicial system in order to ensure its independence, impartiality, and accountability. Moreover, this mission regularly monitors the work of the judiciary, prosecutors and advocates to identify whether their work is in line with international standards on human rights.

11.1.6. SWISS International Cooperation

SWISS International Cooperation is contributing through various projects such as: i) development and implementation of a functioning system of notaries; capacity building for prevention and fighting of corruption in order that institutions perform in a more efficient, transparent, and accountable manner, by considering gender aspects and strengthening of monitoring and overseeing mechanisms; iii) support to property issues; and iv) awareness campaign on irregular migration.

11.1.7. UNDP

Regarding Democratic Governance, UNDP's main objectives are to support: i) building of institutional and community capacities to provide access to justice for all, and promote justice for women; ii) continuous legal education for judges and strengthening the independence and effectiveness of the judiciary; iii) overcoming the challenges of institutions resulting from the European Integration process, particularly in the area of public administration reform and security; iv) institutional and civil society capacities to address domestic violence and trafficking in human beings; v) Kosovo's institutions to control the proliferation and circulation of small arms according to international standards; vi) anti-corruption efforts; and vii) transitional justice processes and dealing with the past.

11.1.8. UNICEF

Currently, UNICEF is contributing to the consolidation of reforms achieved associated to children that have violated the law, sanctioned by Juvenile Justice Code. In parallel, UNICEF will focus on other children who may also be in contact with the criminal justice system and whose rights are not properly specified. Following 2016, UNICEF's focus will be in following areas: i) integration of child access to justice in the Rule of Law agenda; ii) attention will be paid to issues of justice access, especially to marginalized children; iii) expansion of legal and paralegal professional group on child access to justice; iv) support to civil society and media in addressing child needs for access to justice; and v) further research on child access to justice.

11.1.9 UNOPS

UNOPS is the operational wing of United Nations affecting its partners in implementing assistances and development projects in global level. In Kosovo, UNOPS is active since 1999, assisting Kosovo institutions in achieving development and peace-building objectives. Within the judicial system of Kosovo, UNOPS supported the establishment of an independent judicial and prosecutorial system by managing the process of re-appointment of judges and prosecutors; a process co-funded by EU and USAID, ended in 2010. In addition, construction of the High Security Prison financed by EU and the Government of Kosovo is managed by UNOPS. UNOPS supported other projects, such as the civil census in 2011, projects associated to environment, good governance, demining actions, healthcare, education, etc.

11.1.10. USAID

Regarding 2014-2018 period, USAID has planned further support to the Rule of Law sector in Kosovo. One of the Development Objectives of this strategy is the "Improvement of the Rule of Law and Governance in meeting citizens' needs". More specifically, assistance will be provided for a: i) more efficient, transparent, independent and accountable judiciary; ii) better administration of courts and judicial institutions; iii) capacity building of professionals in justice sector; and iv) improvement of legislation in key areas in order to have a better implementation.

11.1.11. ICITAP

International Criminal Investigative Training Assistance Program (ICITAP) is supporting the Ministry of Internal Affairs and Kosovo Police in their development, including the development of services for border and migration management, establishment of an integrated IT system to enable effective criminal investigations, police and prosecutors training in order to respond to organized and financial crime, and to support the strengthening of local communities in dealing with aspects of security and ethnic conflicts.

12. MONITORING, ASSESSMENT AND REPORTING

Monitoring and assessment are fundamental components in the implementation of a strategy and aim the measurement of the progress achieved. Ministry of Justice in close cooperation with the Ministry of Internal Affairs and the Ministry of European Integration will monitor on regular basis the implementation of this Strategy's Action Plan.

Unlike other strategies, implementation of this Strategy's Action Plan will depend on the orientation and donor contributions in the Rule of Law sector, specifically, from donor's contribution in the implementation of Project Concept Notes identified in the Action Plan of this Strategy. In ensuring proper monitoring of the action plan, indicators for monitoring the implementation of the strategy have been defined. These indicators will enable progress monitoring by noting the achievement level of the strategic objectives and implementation of activities from this Strategy.

Consistent monitoring and assessment of this strategy makes the Action Plan vibrant, and provides the implementers of this strategy with an overview enabling them to act timely and accordingly to the needs and challenges that the Rule of Law sector deals with currently and in the future. The Action Plan of this Strategy is built according to the Project Concept Notes, the progress of which will be regularly monitored in the annual meetings to be lead by the Ministry of Justice, in cooperation with the Ministry of European Integration and the Ministry of Internal Affairs.

Ministry of Justice (MoJ) will be responsible for monitoring and assessing this strategy. The Department for European Integration and Policy Coordination (DEIPC) of MoJ will gather data for projects in Rule of Law institutions and this data will be condensed in consolidated reports and presented at the annual meetings to be lead by MoJ. Other institutions will assign an officer responsible for monitoring and assessing the donor's projects in their respective institutions and for reporting to MoJ's DEIPC.

Responsible officials will deliver data to the DEIPC, while DEIPC will prepare a condensed and consolidated report, which the Minister of Justice will present in the annual meeting of the Rule of Law Institutions, in which, in addition to the Rule of Law institutions, donors who support the Rule of Law sector, civil society and media will attend the meeting. The data that the officers responsible will deliver to DEIPC should include the following: project progress in their respective institutions, effects, impacts, difficulties, lessons learned and recommendations. Responsible officials will also receive data from donors, which through their internal and external systems will monitor their funds throughout Kosovo's institutions. In order to have a proper monitoring of project implementation, the responsible officials within their respective institutions should attend regular meetings held by project management of different projects, which operate within their respective

institutions; also, they should have access to progress reports of all projects. This strategy is a vibrant document and will be reviewed and supplemented in annual basis.

Since all actions of this strategy will be implemented by projects/programmes of donor community, particular attention should be paid to the comprehensiveness (including civil society) for the purpose of: i) projects/programs meeting objectives in their entirety, and ii) projects/programs implementation being properly coordinated with all donors in the Rule of Law sector. Concerning the latter, Ministry of European Integration (MEI) will play a key role in donor coordination in this sector.

At the end of strategy implementation an overall assessment will take place to check to what extent this strategy has contributed to strengthening the Rule of Law, what the outcomes, difficulties, impact, sustainability, lessons learned and recommendations are for future strategies. Based on the results of this comprehensive assessment, Kosovo's institutions and other donors will be able to plan and direct the assistance post-2019.

13. PROGRESS INDICATORS

The following indicators have been defined in order to monitor and assess the extent of implementation of this strategy:

1. Pending cases for more than a year per capita;
2. Cases treated by audit and anti-corruption institutions;
3. Number of pending cases and proceeded cases in the case management system per year;
4. Improving Kosovo`s ranking in the Corruption Perception Index by Transparency International;
5. Improvement of Kosovo`s current outcome in Global Integrity Report.
6. Increase of asset declaration by public officials;
7. Increase of confiscated, sequestered and frozen property in relation to corruption and organized crime/per capita - GRECO and Eurostat;
8. Number of pending cases of the judiciary, as a percentage of the total number of cases in the judicial system (%) CEPEJ of the Council of Europe;
9. Improvement of grading the Rule of Law (perception for the implementation of contracts, property rights, police, courts and probability for crime and violence) - the World Bank Institute.
10. Number of projects on technical assistance, physical and IT infrastructure successfully implemented;
11. Progress in the Rule of Law sector according to EU;
12. Different international and local assessment missions on specific Rule of Law areas
13. Improvement of indicators for the access level and financial affordability of justice (World Justice Project - if Kosovo is included in this index in the upcoming years);
14. Number of illegal immigrants captured, as a percentage of the population (from the administrative data);
15. Number of attempts for illegal border crossing per population;
16. Percentage of applications received on asylum (awards / applications - %) - UNHCR;
17. Percentage of the justice institutions staff as well as elected, appointed and promoted law enforcement staff in the functions of the Rule of Law based in objective and transparent criteria;
18. Percentage of cases assigned through the electronic system for allocation of cases;
19. Satisfaction of justice and law enforcement institutions regarding the content of programs for staff development and the quality of the training;
20. Allocation of requests for free legal aid provided by public authorities;

- 21.** Legislation improved, harmonized and advanced pursuant to EU best practices;
- 22.** Rule of Law system in the North of Kosovo consolidated and functional;
- 23.** Number of various programs for capacity building drafted and in use;
- 24.** Strategies on specific areas drafted and under implementation;
- 25.** Certification mechanisms (e.g. court translators and interpreters);

14. ASSUMPTIONS AND RISKS

Similar to any other strategy, this strategy also defines assumptions and risks which could potentially have a negative impact (even decisive impact) on achieving success during the implementation phase of the strategy.

Critical assumptions at strategic level objectives are:

- The Government of the Republic of Kosovo continues to support reforms in the justice system in its entirety.
- Political will to strengthen the Rule of Law sector.
- Rule of Law institutions are interested in participating proactively in the implementation of this strategy.
- If necessary, the Government of Kosovo provides co-financing for projects/programs of the donor community.
- Rule of Law institutions in Kosovo successfully implement their plans and objectives for 2014-2016 period, as a precondition for implementation of following projects of 2016-2019

Regarding risks that could adversely affect the implementation of this strategy, it should be emphasized that they mainly deal with:

- Limited technological capacities, and
- Inadequate human resources in Rule of Law institutions.

Therefore, the Rule of Law institutions during 2016-2019 are expected to take all necessary measures to minimize the abovementioned risks. However, actions to minimize the risk usually require additional costs, therefore these actions are not always easy to apply.

Moreover, minimizing the risk through avoidance of real problems may give faster results, however this avoidance is not always in the interest of eventual impact of this strategy. Therefore, due to the abovementioned reasons, the need for changes in the content of this strategy during its implementation will be considered.

15. SUSTAINABILITY

Implementation of the strategy is expected to ensure that the implementation of donor community projects and programs are in accordance with the priorities of the Rule of Law, and as such is sustainable. The Rule of Law institutions, with donor's support, will try to build their capacities that will continue to operate effectively even after the implementation of this strategy.

The need for capacity building, both in the area of human resources and in other areas, will be analyzed prior and during the implementation of the projects and programs. In order for this strategy to be sustainable, it is required that all Rule of Law institutions are included in all phases of drafting, implementing and monitoring of projects which are expected to derive from this strategy.

Regarding the use of information technology (IT), during implementation of the strategy, the following criteria will be considered: cost-efficiency, their applicability in the Rule of Law institutions, compliance with the legislation in force and existing technology and methods in use. This is considered essential and will make the difference between actual use and further development of achieved results.

Furthermore, it is necessary to install only technological equipment that can be used by the Rule of Law institutions in order to ensure that the software and other technological equipment purchased could be taken over and maintained by Rule of Law institutions. This provides that officials responsible of these institutions are trained by various projects and programs on the use of technological equipment and adapt them to the existing software.

The Rule of Law institutions are aware that in order to achieve the expectations of this strategy, close intra-agency and inter-institutional cooperation is required to further strengthen the Rule of Law sector in Kosovo. Moreover, the management of the Rule of Law institutions is expected to increase its commitment by improving the knowledge of their staff, strengthening internal communication and coordination in order to ensure effective policy decisions in the Rule of Law field. If the effects and impact of this strategy are sustainable, Kosovo will move forward with sound steps in its journey towards full EU membership.

16. ANNEXES

16.1 TABLE OF PROJECT CONCEPT NOTES ACCORDING TO PRIORITIES, BUDGET AND SEQUENCING

In the table below (see pages 52-53) the projects are presented according to their priority over the years. Some projects are expected to begin in 2014. It is important to clarify that if an EU project e.g. starts being programmed in 2014, then its implementation tentatively begins in 2016 and completion in 2018 (could be even longer). This form of programming is in accordance with the implementation timeframe of this strategy, 2016-2019. Not all donors have the same methodology and rules for programming their assistance. However, Kosovo's institutions will be flexible in this regard, by coordinating with the policies and projections of donor regarding time and funds allocation manner.

In the following table, the estimated costs of Project Concept Notes are presented, which depending on the circumstances and needs may change. It is important that each Project Concept Note should have thorough estimation regarding the needs of institutions and the financial necessary aspects prior to the implementation phase. Moreover, the sequencing of projects, enabling Kosovo institutions and donors to program and implement projects according to their necessary chronological flow, is presented.

| SO | Project Concept Note Titles | Costs | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|-----|--|-----------------|------|------|------|------|------|------|------|------|
| SO1 | 1.1 Assistance to the Special Prosecution of the Republic of Kosovo | 1 | | | | | | | | |
| SO1 | 1.2 Strengthening capacities for policy and legislation drafting and monitoring their implementation | 2 | | | | | | | | |
| SO1 | 1.3 Strengthening of efficiency, accountability, and transparency of the judicial system in Kosovo | 2 | | | | | | | | |
| SO1 | 1.4 Assistance for Further Development of Free Legal Professions in Kosovo | 1 | | | | | | | | |
| SO1 | 1.5 Advancement of Legal Education 1 | 1 | | | | | | | | |
| SO2 | 2.1 Legal education 3: Strengthening of Kosovo Academy for Public Safety | 1 | | | | | | | | |
| SO2 | 2.2. Strengthening of Effective Management of Migration and Asylum in Kosovo | 2.5 | | | | | | | | |
| SO2 | 1.6 The Rule of Law Sector Strategy | 2 | | | | | | | | |
| SO2 | 1.7 Inclusive Strategy on the Information Technology (IT) and Interoperability | 1 Phase I | | | | | | | | |
| SO1 | 1.8 Improvement of Civil Justice | 2 MEUR | | | | | | | | |
| SO1 | 1.9 Improvement of Property Issues | 1.5 | | | | | | | | |
| SO1 | 1.10 Improvement of Physical Infrastructure in Justice System | 7.5 Phase II | | | | | | | | |
| SO2 | 2.3a Preventing and Fighting Organized Crime, Corruption and other Serious Crimes | 2.5 Phase I | | | | | | | | |
| SO2 | 2.4 Increase Accountability and Preventing Misuse of Public Funds in Institutions of Kosovo | 2 | | | | | | | | |
| SO2 | 2.5a Improvement of Penitentiary System (Correctional and Probation Services) | 1.5 Phase I | | | | | | | | |
| SO2 | 2.6 Advancing Witness Protection | 0.7 | | | | | | | | |
| SO2 | 2.7a Improvement of Border Management IT System | 3 Phase I | | | | | | | | |
| SO2 | 2.8 Support on Preventing and Fighting Complex Crimes (Financial Crimes, Informal Economy, Cyber Crime, Money Laundering, Terrorism) | 2 | | | | | | | | |
| SO2 | 2.9 Advancing Forensic Services | 1.5 | | | | | | | | |
| SO2 | 2.15 Personal data protection and document security | 2 MEUR | | | | | | | | |
| SO3 | 3.1a Improvement of monitoring and advocacy capacities of the civil society | 0.8 Phase I | | | | | | | | |
| SO3 | 3.9 Support to translators, interpreters and legal linguists | 1 MEUR | | | | | | | | |
| SO1 | 1.7b Inclusive Strategy on the Information Technology (IT) and Interoperability | 2 Phase II | | | | | | | | |

| | | | | | | | | | | |
|-----|---|------------------|--|--|--|--|--|--|--|--|
| SO1 | 1.8b Improvement of Civil Justice | 2 Phase II | | | | | | | | |
| SO1 | 1.10b Improvement of Physical Infrastructure in Justice System | 7.5 Phase II | | | | | | | | |
| SO1 | 1.11a Inclusive Review of Criminal Justice | 2 Phase I | | | | | | | | |
| SO1 | 1.12 Improvement of Capacities for Performance Measurement and Monitoring of the Work of Judges and Prosecutors | 2 | | | | | | | | |
| SO1 | 1.13 Legal Education 2: Support to Law Faculty | 1.5 | | | | | | | | |
| SO1 | 1.14 Improvement of international legal cooperation | 0.8 | | | | | | | | |
| SO1 | 1.15 Registration and Management of Criminal Records | 2 | | | | | | | | |
| SO1 | 1.16 Assistance to the Monitoring Mechanisms in Justice and Internal Affairs | 2 | | | | | | | | |
| SO2 | 2.10a Improving Emergency System | 1 Phase I | | | | | | | | |
| SO2 | 2.7b Improvement of Border Management IT System | 2 Phase II | | | | | | | | |
| SO2 | 2.11a Prevention and Fight Against Trafficking in Human Beings | 1 Phase I | | | | | | | | |
| SO2 | 2.5b Improvement of Penitentiary System (Correctional and Probation Services) | 1.5 Phase II | | | | | | | | |
| SO2 | 2.12a Improvement of IT Infrastructure in Kosovo Police | 4 Phase I | | | | | | | | |
| SO2 | 2.13a Improvement of Kosovo Police physical infrastructure | 2 | | | | | | | | |
| SO3 | 3.1b Improvement of monitoring and advocacy capacities of the civil society | 0.8 Phase II | | | | | | | | |
| SO3 | 3.2. Improvement of inter-institutional, intra-agency as well as media and civil society communication | 1 | | | | | | | | |
| SO3 | 3.3 Full implementation of the Human Rights Convention for the best interest of children | 1 | | | | | | | | |
| SO3 | 3.4 Preventing and fighting domestic violence | 1 | | | | | | | | |
| SO3 | 3.5 Prevention of violence in school | 0.8 | | | | | | | | |
| SO2 | 2.14 Advancement of Customs services | 9 | | | | | | | | |
| SO2 | 2.12b Improvement of IT Infrastructure in Kosovo Police | 4 Phase II | | | | | | | | |
| SO2 | 2.3b Preventing and Fighting Organized Crime, Corruption and other Serious Crimes | 2.5 Phase II | | | | | | | | |
| SO3 | 3.1c Improvement of monitoring and advocacy capacities of the civil society | 0.8 Phase III | | | | | | | | |

| | | | | | | | | | | |
|-------------|---|--------------------------|--|--|--|--|--|--|--|--|
| SO3 | 3.6 Assistance to child victims and witnesses ³ of crime | 1 | | | | | | | | |
| SO3 | 3.7 Protection of children from sexual exploitation and abuse | 1 | | | | | | | | |
| SO3 | 3.8 Protection of child from violence | 1.5 | | | | | | | | |
| SO1 | 1.3b Inclusive review of the criminal justice | 2 Phase II | | | | | | | | |
| SO2 | 2.10 Improvement of Kosovo Police IT infrastructure | 5 Phase III | | | | | | | | |
| SO2 | 2.12c Prevention and Fight Against Trafficking in Human Beings | 1 Phase II | | | | | | | | |
| SO2 | 2.10b Improving Emergency System | 1 Phase II | | | | | | | | |
| Total cost: | | 107.2 MEUR (Million EUR) | | | | | | | | |

Explanation for the colours and abbreviations in the table

SO= Strategic objectives
MEUR= Million EUR

| | |
|--|--------------------------------|
| | Time of project programming |
| | Time of project implementation |

16.2. ACTION PLAN WITH PROJECT CONCEPT NOTES' DESCRIPTION

16.2.1 Project Concept Notes' description of Strategic Objective 1: Improvement of independence, efficiency, effectiveness, accountability and impartiality of the justice system.

The list of Project Concept Notes below presents the needs for assistance in the implementation of Strategic Objective 1, where Project Concept Notes are sorted by their priority. The implementation of these Project Concept Notes should precede and, at the same time, contribute to the creation of appropriate conditions for full implementation of other mentioned Project Concept Notes, which complement each other, focusing more on various specific aspects of the justice system, such as better functioning of the courts and prosecution offices, improvement of criminal and civil justice, improvement of human resources and legal education, improvement of physical and IT infrastructure in the justice system, etc.

In this strategy, Project Concept Notes are comprehensive, enabling some or the majority of these Project Concept Notes be implemented through one or more specific projects in numerous stages.

| | |
|--|--|
| Project Title: | 1.1. Assistance to the Special Prosecution of the Republic of Kosovo |
| Amount: | 1 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2014-2015 The year of beginning and ending of the implementation: 2016-2017 |
| Direct beneficiaries: | KPC, Special Prosecution Office, State Prosecutor |
| Overall objective | Support for strengthening the Rule of Law by advancing prosecutions and investigations regarding cases of corruption, organized crime, money laundering and complex crimes |
| Purpose: | Support for Special Prosecution of Kosovo |
| Description: | Within the Kosovo Prosecutorial System, there is the Special Prosecution Office of Kosovo (SPRK), which according to the law on SPRK has the authority to act within Basic Courts for criminal offenses in the entire territory of Kosovo. EULEX Mission leads this Prosecution Office. EULEX Prosecutors' competencies operating within SPRK are primarily defined in two legal documents: i) Law on the jurisdiction, case selection and case allocation of EULEX judges and prosecutors in Kosovo; and ii) Law on |

SPRK. EULEX prosecutors have a wide jurisdiction for a variety of criminal offenses set forth in the abovementioned laws.

Since the capacities of local prosecutors are limited to deal with serious crimes, SPRK is led by EULEX and its main focus is in the area of corruption, war crimes, terrorism, organized crimes and financial crimes. Since the establishment of the SPRK, it has been difficult to measure the level of local staff capacity building, part of SPRK. Knowing that the mandate of EULEX could end in 2016, it should be seen at the possibilities of facilitating the transition from EULEX to local prosecutors.

Considering additional responsibilities that local prosecutors need to assume within this Prosecution Office, it is important the preparation of local prosecutors for a successful transition of additional competences, a process which shall be supported by donor assistance. Donor assistance should be focused on the investigation of serious crimes, including financial crimes, cyber crimes, and corruption cases. Donor assistance should also support the police and the courts since they are interrelated in terms of the aforementioned offenses. Therefore, the possibility for provision of abroad studies for several prosecutors, judges, and police officers should be considered. This specialization process afterwards will have multiplying effects in better preparation of their peers.

Fighting high-level corruption offenses, organized crime, money laundering and terrorist financing, are priorities for the Government of Kosovo and the Kosovo prosecutorial system. Efficient fighting of such offenses requires commitment and mobilization, not only within the borders of Kosovo, but also the coordination and cooperation with countries in the region and beyond.

Exchange of experiences and practices between SPRK and prosecutions of the region, and the EU, will directly affect the improvement of the Special Prosecution's work quality as well as achieving concrete results in fighting the aforementioned criminal offenses. SPRK local prosecutor's training and specialization should be focused primarily on exchange visits in one of the EU member countries. These exchange visits will assist SPRK prosecutors on acquiring experience regarding management and administration of SPRK, as well as advancement of techniques during investigation, collection of information and evidence, improvement of cooperation with law enforcement agencies as well as international cooperation through exchange of information with the aim of fighting the characteristic criminal offences.

Apart from the abroad specialization, the Kosovo Judicial Institute (KJI)/Kosovo Judicial Academy (KJA) and Kosovo Academy for Public

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| | <p>Safety (KAPS) should develop ongoing training programs. In terms of various criminal acts, another aspect that should be taken into account is the continuation of SPRK cooperation with international counterparts. Also, in this field it is required assistance to prepare not only prosecutors but also their administrative staff for continued and strengthened cooperation with international counterparts. In addition to activities for transition of SPRK from EULEX to local staff, investment in SPRK facilities should be considered, due to the reason that SPRK lacks international standard facilities.</p> <p>Preparation of local staff to take over the leadership and management of SPRK will create conditions for a smooth transition of SPRK from EULEX to local staff. This will help to continue and increase the level of prevention, investigation, prosecution and punishment of aforementioned offenses. Progressing in this regard, shall contribute to reduce the level of all types of corruption and organized crime in Kosovo.</p> |
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| Project title: | 1.2 Strengthening capacities for policy and legislation drafting and monitoring their implementation |
| Amount: | 2 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2014-2015 The year of beginning and ending of the implementation: 2016-2017 |
| Direct beneficiaries: | MoJ, Assembly of Kosovo, KJC |
| Overall objective | Advancement of policy making and legislative process in the field of justice |
| Purpose | Strengthening capacities of the Ministry of Justice and the Kosovo Assembly in relation to policy and legislation in the Rule of Law sector |
| Description | <p>The mandate of the Ministry of Justice is to develop policies within its scope of responsibility, and to enable the preparation and implementation of legislation in the field of justice. One of the main objectives of the Ministry of Justice is to create and advance legal and institutional framework in view of the Rule of Law, in accordance with priorities that emerge from the European integration process.</p> <p>In the Ministry of Justice there is the Department of Legal Affairs. In this department is expected to operate the Legislation Enforcement Overseeing Division. One of the deficiencies of this department is the lack of law enforcement monitoring in the field of justice. There are several</p> |

international reports that indicate the implementation level of laws in the field of justice, while MoJ mechanisms in this regard remain limited.

Ministry of Justice, respectively Department of Legal Affairs, has limited capacities in policy planning and analysis. Therefore, in the Law Enforcement Overseeing Division, a Planning and Analysis Unit should be established which will contribute significantly to the improvement and advancement of the MoJ's efforts in order to monitor local and international trends in terms of policy planning and analysis that would contribute to increasing the quality of laws.

Within KJC there is the Legal Affairs Department and the Unit for Analysis and Planning. This Project Concept Note should support KJC in order to increase its capacity in terms of legal issues as well as those for research and analysis.

Meanwhile, Kosovo's Assembly has a number of committees that deal with overseeing the work of the Executive and other independent bodies. Referring to the 2013 Progress Report in Kosovo is noted that *"Government overseeing should be improved, including monitoring the implementation of the committee's recommendations by ministries. The Assembly should improve the understanding of its role in overseeing the independent institutions and regulatory authorities. Therefore, adequate mechanisms should be established"*.

The MoJ and the Assembly must address the aspects of drafting legislation, policies and their enforcement. This will primarily help in increasing the quality of laws, harmonisation of laws with the *acquis*, and strengthening the capacity of law enforcement overseeing as one of the major challenges of justice institutions. An effective overseeing of the law would increase the level of law enforcement and would identify more precisely the needs for amending/supplementing the existing laws and the need for new laws.

Regarding the abovementioned reasons, this Project Concept Note is considered a priority. Its implementation would impact directly on several outcomes of the Strategic Objective 1, including improvement and harmonization of the judicial system legal framework, strengthening of mechanisms to ensure the implementation of an impartial, effective, transparent, accountable justice system, and increase human resource capacity. This Project Concept Note complements with other Project Concept Notes that emerge from this strategy. Especially those dealing with overseeing performance improvement of judicial and prosecutorial system; the advancement of legal education; review and improvement of criminal and civil justice.

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| Project title: | 1.3 Strengthening of efficiency, accountability, and transparency of the judicial system in Kosovo |
| Amount: | 2 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2014-2015 The year of beginning and ending of the implementation: 2016-2017 |
| Direct beneficiaries: | KPC, KJC, Courts, Prosecutions, KJI, etc. |
| Overall objective | Support to the Rule of Law through capacity building of KJC, KPC, State Prosecutor Office and the courts to ensure the independence, efficiency, quality, and accountability of the judicial system. |
| Purpose: | Increase of efficiency and quality of justice through better management of judicial system, improvement of mechanism for career development for judges and prosecutors, as well as increase of efficiency and quality of court proceedings. |
| Description: | <p>Law on Courts and Prosecutions, in force since January 2013, has restructured and significantly reformed the judicial and prosecutorial system in Kosovo. Also, there are bylaws issued regarding the functioning of judicial and prosecutorial system.</p> <p>Even though, there is already the new judicial and prosecutorial system, its practical functioning needs further improvement. Regarding the judiciary, in the EU Progress Report for Kosovo 2013 is stated: <i>“Kosovo must address the challenges from Feasibility Study...Judicial and Prosecutorial Council should firmly respond to attacks on people and judicial institutions... Kosovo must ensure efficient implementation of legislation”</i>.</p> <p>In order to properly address the aspects raised in the Progress Report, it is required assistance which should be focused on the following: improvement of KJC and KPC efficiency; effective implementation of a clear mechanism on career development for judges and prosecutors, for both Councils; increase efficiency/accountability of the new courts system; and enhance the effectiveness of the State Prosecutor's Office.</p> <p>Addressing the above aspects, the following actions will be taken: support improvement of both Councils management, strengthen the overall approach of Human Resources of judicial staff (Councils, Courts and Prosecution Office staff), support for KJC and KPC in managing the implementation of their strategic plans, support for KJC Secretariat in the development of judicial policy analysis, support for both Councils to</p> |

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| | <p>establish clear rules for transparency and public communication, upgrade managerial knowledge of KJC and KPC for achievement of best results for judges and prosecutors individual performance, improvement of disciplinary system on judges and prosecutors, support for judges and prosecutors career development, improvement of courts efficiency by reviewing the system for case allocation, etc.</p> <p>By addressing adequately the abovementioned aspects, it is expected that judicial and prosecutorial system will significantly improve in all aspects. In general, this will increase efficiency, effectiveness, transparency and accountability of judicial and prosecutorial system.</p> |
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| Project title: | 1.4 Assistance for Further Development of Free Legal Professions in Kosovo |
| Amount: | 1 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2014-2015 The year of beginning and ending of the implementation: 2016-2017 |
| Direct beneficiaries: | MoJ, Free Legal Profession Institutions |
| Overall objective | Support on strengthening free legal profession institutions of Kosovo |
| Purpose: | Strengthening of justice sector through capacity building of free legal professions through further development of Alternative Dispute Resolution and support for the notary system, Private Law Enforcement Agents and Advocates |
| Description: | <p>Kosovo courts have difficulties with the large number of pending cases and the small number of court ruling executions. In order to relieve the courts from their workload, and introduce international best practices, Kosovo institutions have taken a number of measures to reform the judiciary system, and created extra-judiciary mechanisms that regulate various specific areas.</p> <p>In the context of creating free legal professions, Kosovo institutions, in addition to the advocacy profession that exists from the past, have established several free legal professions such as; Notary, Mediation, Arbitration, Private Law Enforcement Agents and Bankruptcy Administrators. These professions are in the early stages of their development; therefore they are having difficulties in their proper</p> |

functioning, partially due to lack of experience in this regard and partially due to lack of necessary infrastructure for their further development.

The citizens' awareness on existence and importance of these free professions is still low, and as a result, people often refer to courts for issues that can be carried out by notary. On the other hand, the court awareness on importance of free profession existence still needs to be improved by referring cases to free legal professions.

The free professions are not strengthened due to lack of advanced programs for continued development of these professions, and lack of IT infrastructure to increase communication and efficiency between these professions.

In order to address the above issues, it is required support as follows: improving access to justice for disputants through the multi-door courthouse (related with the court) as well as Alternative Dispute Resolution model; reduction in court cases regarding civil, commercial, family, and work related cases; establishment of a new system for better functioning of Notaries and Private Law Enforcement Agents; strengthen administrative and managerial capacities of the KCA; increase of Advocates' practical knowledge in criminal and civil cases; continuous improvement of Advocates training; improvement of ethical standards and disciplinary measures for members of the bar exam, increase of Advocates performance; as well as public awareness on the existence and importance of free legal professions, excluding the Advocacy as an institution that exists from the past.

Strengthening of free legal professions would significantly increase their performance, relive the workload of courts, profile advocates in criminal and civil areas, increase citizens' awareness of the existence and importance of free professions, as well will increase the quality of free legal professions services. Support for free legal professions should continue until these professions reach international standards in their work.

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| Project title: | 1.5 Advancement of Legal Education 1 |
| Amount: | 1 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2014-2015 The year of beginning and ending of the implementation: 2016-2017 |
| Direct beneficiaries: | MoJ, Prosecutors, Judges, KJI, free legal professions, Judges and Prosecutors Association, etc. |
| Overall objective | Support for Kosovo institutions in strengthening the Rule of Law sector by supporting justice institutions in being more efficient and effective in their activities |
| Purpose: | Advancements of legal education mechanism on justice system and free professions |
| Description: | <p>Legal education on justice system is not yet advanced and harmonized. Judges and prosecutors, except appointment procedures, are subject only to the basic training. The same applies to advocates, who are subject to the bar exam, while there is no continuous training program. There was no training program provided to professional associates in relation to capacity building.</p> <p>Mainly with the help of donors, in Kosovo have been established some independent professions such as: Notaries, Arbitrators, Mediators, and Private Law Enforcement Agents. All of these actions were taken in order to relive the courts workload. While the enrolment exam and basic legal education programs differ in terms of understanding the scope of the implementation content, the process and safeguard measures themselves are not uniform for all professions.</p> <p>The legislative framework on courts and prosecution system does not harmonize actions with free legal professions. This often causes uncertainty and confusion on the ground of what are the responsibilities of the court and free professions.</p> <p>Cooperation between law enforcement agencies with courts and prosecution offices does not seem well covered by KJI. There is lack of joint training programs for Judges, Prosecutors, Advocates and Law Enforcement Agencies (depending on field). This aspect should be addressed in the future, since joint training programs would enhance institutional cooperation and coordination, as well as it would enable uniform access to the law for all institutions involved in the implementation of such legislation.</p> <p>Another aspect that needs addressing by KJI is the introductory training programs for Serbian judges and prosecutors awaiting appointment for</p> |

northern Kosovo. This would help in uniform enforcement of the law throughout Kosovo.

For advancement of justice system, there must be a high-level of professionalism and ethics of prosecutors, judges, and free legal professions. Ensuring uniformity of standards, basic and ongoing education will significantly strengthen the efficiency, professionalism, and quality of fair judgment.

To achieve high and uniform standards of legal education, should be taken the following steps: harmonization of legislation of justice system with free legal professions; institutionalization of training programs for judges and prosecutors; development of a training strategy with financial cost-effectiveness for professionals of justice in Kosovo; development of uniform standards of acceptance in the free legal professions; and training for practitioners of free legal professions that are related to the justice system in Kosovo.

In order to have an advanced mechanism of legal education, the management of enrolment exams and provision of basic and ongoing education programs shall be conducted by a sole institution that would enable development of unified standards for all professionals in the justice system, including: judges, prosecutors, professional associates and free legal profession practitioners.

Project Concept Note for the advancement of legal education will significantly affect the achievement of expected outcomes of this strategy, including: capacity building of human resources and improving the overall performance of the justice system; development of necessary human resources for prevention and fight against organized crime and corruption; and, harmonization and capacity building of free legal professions. This Project Concept Note will complement many other Project Concept Notes in this strategy regarding the improvement of efficiency and effectiveness of the justice system, the prevention and fighting of organized crime and corruption.

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| Project Title: | 1.6 The Rule of Law Sector Strategy |
| Amount: | 1 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2015-2016 The year of beginning and ending of the implementation: 2017-2018 |
| Direct beneficiaries: | Institutions of the Rule of Law Sector |
| Overall objective | Strengthening the Rule of Law in order to advance the European Integration process |
| Purpose: | Drafting of the Rule of Law Sector Strategy |
| Description: | <p>Rule of Law sector in Kosovo was complex since the post-war. The division of responsibilities between local authorities and the international community has hindered achievement of a unified and consolidated Rule of Law. Challenges in northern Kosovo have contributed in deepening the complexity of the sector. Subsequently, the Rule of Law sector has never had common policies on mid-term and long-term budgetary and policy projections with regard to further achievements in this sector.</p> <p>This Assistance Strategy will precede the drafting of a strategy for the Rule of Law Sector. Drafting of the sector strategy would assist Kosovo's institutions in improving the Rule of Law in Kosovo and advancing towards European integration process. The strategy will address all sector needs and challenges, which creates a safer environment for all citizens of Kosovo; it will create more favourable socio-economic conditions for development and encouragement of foreign investors to invest in Kosovo. This strategy will also advance Kosovo towards EU membership.</p> <p>The Rule of Law Sector Strategy is considered as an immediate priority for the success of proposed projects in this strategy. The drafting of the strategy would define detailed medium and long-term projections, and will play an important role in coordinating and determining other projects included in the strategy in a more detailed and successful way.</p> |

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| Project Title: | <p>1.7 Inclusive Strategy on the Information Technology (IT) and Interoperability</p> <p>This project concept note involves all aspects of IT Strategic Objective 1 and 2 of this strategy.</p> |
| Amount: | <p>1 MEUR (Phase I)</p> <p>2 MEUR (Phase II)</p> |
| Tentative deadline of programming and implementation: | <p>The year of beginning and ending of the programming: 2015-2016 The year of beginning and ending of the implementation: 2017-2018 (phase I)</p> <p>The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 (phase II)</p> |
| Direct beneficiaries: | Rule of Law Sector Institutions |
| Overall objective | Strengthening the Rule of Law by digitalizing the institutions and inter-institutional communication pursuant to the EU best practices |
| Purpose: | Improvement, advancement and integration of cooperation within and among Rule of Law sector institutions |
| Description: | <p>The Rule of Law sector lacks an inclusive IT strategy. Interventions in the IT field were mainly conducted separately in institutions, without the ability of linking and integrating IT systems. This was one of the main challenges hindering an efficient and effective communication of all Rule of Law institutions. The statistical data were never at the appropriate level.</p> <p>Some EU countries already have advanced IT systems, and are being extended effectively in the Rule of Law sector. Therefore, it is required to digitalize the Rule of Law sector in general. IT strategy will contribute significantly in this regard.</p> <p>Drafting and implementation of this strategy should initially identify all legal and institutional gaps in order to create a clear and non-ambiguous legal framework, and then assess the needs for IT equipment (hardware and software), level of human resources, and budgetary capabilities for implementation of IT strategy. IT and Interoperability Strategy would be the best and sole orientation for all IT projections expected to support the Rule of Law sector.</p> <p>In order for the justice and security institutions to be successful at their work, a deeper cooperation among all should be established; information exchange should be automated, and greater integration of the entire IT</p> |

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| | <p>structure should be done. In order to build an IT system according to the EU best practices, there should be carried out a feasibility study that would provide an accurate and comprehensive assessment for subsequent projects.</p> <p>IT strategy implementation effects will be multidimensional regarding the Rule of Law sector. Initially, cooperation within and among institutions should be digitalized, statistical data's would be credible, efficiency and effectiveness of the justice system and internal affairs sector will increase in general.</p> <p>Project Concept Note of the Inclusive IT strategy is considered to be of a special importance, and will complement other efforts for advancement of further inter-institutional cooperation, and improvement of efficiency and effectiveness of the Rule of Law sector in general. In order to achieve its goal, this Project Concept Note is expected to be realized after drafting the Rule of Law strategy and Inter-institutional and intra-agency communication strategy. On the other hand, this Project Concept Note will complement other IT Project Concept Notes in this strategy; such as, improvement of the IT Border Management System and Kosovo Police IT Infrastructure.</p> |
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| Project Title: | 1.8 Improvement of Civil Justice |
| Amount: | 1.5 MEUR (Phase I) 1.5 MEUR (Phase II) |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2015-2016 The year of beginning and ending of the implementation: 2017-2018 (phase I) The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 (phase II) |
| Direct beneficiaries: | MoJ, Courts, Advocates, etc. |
| Overall objective | Support for Kosovo institutions in strengthening the Rule of Law through advancing the civil justice system |
| Purpose: | Strengthening and advancing the civil justice pursuant to the EU best practices |
| Description: | The civil justice system in Kosovo still remains in its initial stages of establishment. In this regard, policies and legislation that will help the judicial system to be effective were absent. Civil justice cases are very |

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| | <p>complex, resolution of civil cases takes time, and parties are often dissatisfied with these prolongations.</p> <p>One of the main difficulties that the judiciary faces in terms of the civil justice is the lack of the Civil Code. Because of the absence of the Civil Code, it was almost impossible profiling and specializing judges and lawyers in this complex field. Many aspects related to property, inheritance, family rights in general, commercial rights, etc., could not be resolved in the best possible way and often there was great confusion in various court rulings.</p> <p>In order to reinforce this field, initially the current situation should be analyzed, amended, and supplemented with the current laws; also new legislation should be drafted. In accordance with all these the Civil Code should be drafted based on EU best practices.</p> <p>The issuance of the Civil Code and the harmonization of relevant laws in this Code would be a great progress for the civil justice in Kosovo, since civil matters would be resolved in conformity with the new code. Enforcement of civil-legal system will significantly increase the efficiency of the judiciary in adequate resolutions of civil cases. The new code will also help in profiling judges and advocates, greatly improve the business climate in Kosovo, and contribute in increasing citizen's trust in civil justice system. Since civil justice is insufficiently developed in Kosovo, donor assistance should continue in this field at least until 2020.</p> <p>A project funded by IPA 2013 will soon begin its implementation, aiming drafting of civil code. Consequently, this Project Concept Note should begin after completion of the aforementioned project of IPA 2013 in order to continue further improvement of civil justice. Simultaneously, these projects will complement other Project Concept Notes in reviewing overall functioning of other judicial system fields, same as Project Concept Note regarding criminal justice review.</p> |
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| Project Title: | 1.9 Improvement of Property Issues |
| Amount: | 1.5 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2015-2016 The year of beginning and ending of the implementation: 2017-2018 |
| Direct beneficiaries: | Kosovo Property Agency (KPA), Privatization Agency of Kosovo (PAK), Institute for Spatial Planning (ISP), Ministry of Agriculture, Forestry and |

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| | Rural Development (MAFRD), Kosovo Cadastral Agency (KCA), Kosovo Agency of Statistics (KAS), Ministry of Justice, etc. |
| Overall objective | Support for Kosovo institutions in strengthening the Rule of Law advancement on property sector. |
| Purpose: | Establishment of policies for regulating property issues in Kosovo, pursuant to the EU best practices. |
| Description: | <p>Property issues are still considered an obstacle to the overall economical development of Kosovo. The real estate market is facing so many challenges, starting from a significant number of cases that derived from the lack of a clear and functional system of managing property rights. Since the post-war period until now, Kosovo has never had clear policies and strategies that will properly address the property issues, and as a result, failure of solving property issues remains a challenge.</p> <p>Three executive agencies are present at the institutional level in Kosovo (Property Agency, Privatization Agency, and Cadastral Agency) that deal with property issues; however, none of them has a mandate to deal with property policies and property legislation. This confirms the fact that none of the agencies have dealt with property policy until now, while different institutions have dealt with drafting of legislation, depending on the current needs. In 2011 was established the office of the National Coordinator for Property Right, within the Office of the Prime Minister. However, it did not reach the intended purpose in terms of creating the mechanism for policy and law making which is coordinated and unified regarding the complexity of property issues in Kosovo.</p> <p>Proper specification of the property rights and well-documented registration of immovable properties have a primary importance in long-term projection and improvement of urban planning as well as in development of infrastructure, allowing space for implementation of state reforms.</p> <p>In order to be efficient, the property management system should ensure ownership and possession of property from the rightful owners, by serving the enforcement of sustainability of the real estate property sector, reduction of land disputes, facilitation of transactions regarding properties and good governance support. Unsuitable reality of immovable property in the country and concerns of stakeholders about property rights have increased the awareness on the importance of effectiveness and efficiency of institutions' reforms responsible for these issues.</p> <p>In order to address the property issues, an inclusive strategy for property issues should be drafted involving all institutions from central and local level as well as the civil society.</p> |

Property strategy should be focused on the following aspects:

- i) Regulating and harmonizing legislative framework for property as well as establishing institutional mechanisms that are efficient, well-functioning and undisputable;
- ii) Defining property types;
- iii) Defining property status;
- iv) Monitoring implementation of reforms with a greater involvement of stakeholders and civil society, thereby serving the increase of effectiveness of undertaken institutional initiatives;
- v) Increasing the number of court rulings related to property issues;
- vi) Increasing public trust through transparency and facilitation to data access, i.e. organizing public debates related to institutional consolidation, online services as means for transparency and facilitation to data access; and
- vii) Promoting the Property tax as a mean for efficient use of property

The positive effects of proper implementation of property strategy would be multidimensional. The positive effects would be in terms of doing business, and in this regard, Kosovo would improve its ranking in the World Bank's Doing Business Report, in the sector of property registration, obtaining construction permits, etc. This improvement in ranking will have positive effects on foreign investors who would be interested in investing in Kosovo. Other aspects that would be regulated are adequate property planning, completion of legalization process and illegal constructions, decrease of various property disputes and many other aspects related to this topic. Simultaneously, this will complement other projects arising from this strategy, i.e. enhancement of civil justice; improvement of access to justice; enhancement, improvement, and harmonization of legal framework of judicial system in general; and enforcement of mechanisms that ensure implementation of justice system that would be impartial, effective, transparent and accountable.

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| Project Title: | 1.10 Improvement of Physical Infrastructure in Justice System |
| Amount: | 7.5 MEUR (Phase I) 7.5 MEUR (Phase II) |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2015-2016 The year of beginning and ending of the implementation: 2017-2018 (phase I) The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 (phase II) |
| Direct beneficiaries: | Courts, Prosecutions, KJC, KPC |
| Overall objective | Support for Kosovo institutions in strengthening the Rule of Law by supporting institutions of justice in general to be more efficient and effective in their activities |
| Purpose: | Improvement of justice system infrastructure |
| Description: | <p>Implementation of a new legislation package for justice system has begun in January 2013, including the Law on Courts, State Prosecution, KPC, KJC, Criminal Code (CC) and Criminal Procedure Code (CPC). The new legislation package has had new budget implications regarding physical infrastructure necessary for prosecutions and courts.</p> <p>The Palace of Justice is in its final phase of construction, and it will accommodate a good part of Prishtina prosecutions and courts; however, full accommodation of KPC, Special Prosecution, and KJC staff in this Palace seems to be impossible.</p> <p>So far, the infrastructure regarding witness protection is not properly addressed. Although, construction of Basic Court in Ferizaj and Gjakova will be completed in 2017 and 2018 respectively, in order to fulfil the physical infrastructure needs by 2020, construction of Basic Courts in the Municipality of Peja and Prizren is necessary.</p> <p>Construction and functionalization of a part of physical infrastructure is expected to be completed by donor contributions. More specifically, this includes, inter alia, also the need for construction of: a) two Basic Courts, in Peja and Prizren; b) Special Prosecution that requires special auxiliary infrastructure of interrogation rooms, special technical infrastructure, witness protection measures, etc.</p> <p>Improvement of courts and prosecutions physical infrastructure (including the needs in northern part of Kosovo) is of vital importance in</p> |

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| | order to improve the work conditions of courts and prosecutions. Improvement of this infrastructure will increase efficiency of KPC, KJC, prosecutions offices and courts. Improvement of this infrastructure will also increase the effect of other projects aiming improvement of legal basis, witness protection, IT infrastructure, etc. |
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| Project Title: | 1.11 Inclusive Review of Criminal Justice |
| Amount: | 2 MEUR (Phase I) 2 MEUR (Phase II) |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2015-2016 The year of beginning and ending of the implementation: 2017-2018 (phase I) The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 (phase II) |
| Direct beneficiaries: | MoJ, MIA, KPC, KJC, Courts, Prosecutions, KP, KC, Office of the Disciplinary Counsel, Association of Judges and Prosecutors, etc. |
| Overall objective | Improvement of the Rule of Law by supporting the justice system in being more efficient, effective, transparent, and accountable |
| Purpose: | Advancing the justice system in Kosovo pursuant to EU best practices |
| Description: | <p>Since January 2013, Kosovo has begun implementing a new system of justice (courts and prosecutions). Apart from the new system of courts and prosecutors, the implementation of the new Criminal Code and Criminal Procedure Code has begun. The operation of the new justice system has marked its first difficulties that are not adequately addressed in the new legislation. There are some aspects that are not properly adjusted: i.e. The functioning of the Office of Disciplinary Counsel, the Administrative Court, etc.</p> <p>Transition of re-structuring of courts and prosecutions has proved to be difficult not only within these institutions (i.e. the transfer of responsibility from one court to another or one prosecution to another, etc.), but also citizens' access to the new system.</p> <p>Other difficulties of conceptual aspects are associated with implementation of Criminal Code and Criminal Procedure Code by Justice and law enforcement institutions. Provisions of these codes are also not sufficiently clear for citizens. In general the Criminal Justice System has difficulties relating to incompliance of criminal justice legislations.</p> |

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| | <p>Criminal track records and their management is one issue that is still not properly addressed. This issue is expected to be addressed by creating a central system for managing criminal data and their monitoring.</p> <p>In general, this causes difficulties in strengthening and coordinating mechanisms for implementation of criminal justice, and the overall outcome is ineffectiveness in preventing and fighting criminal offences, especially organized crime and corruption of all kinds. In general, there are a number of aspects that should be addressed by supplementing, amending, and harmonizing legal package of criminal justice in its entirety.</p> <p>Due to this aspect, criminal justice system should be reviewed in order to advance justice system, prosecutorial system, and internal issues in their entirety. The review will include proposals for supplementing-amending the legislative framework of criminal justice, full independence of the Office of Disciplinary Counsel from KJC, establishment of administrative courts (if necessary), etc. Implementation of the above-mentioned actions will contribute in increasing the efficiency and effectiveness of the justice system.</p> <p>Inclusive Review of the Criminal Justice and the Rule of Law Sector Strategy is seen as an immediate priority. Apart from the reasons already mentioned above, successful implementation of other proposed projects, especially those that deal with fighting criminal offences, such as corruption and organized crime, this review is considered as a precursor and necessary. As such, this review will significantly affect the expected outcomes of this strategy for improvement and harmonization of legal framework of judicial and prosecutorial system and strengthening the mechanisms that ensure implementation of a justice system that will be impartial, effective, transparent, and accountable.</p> |
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| Project Title: | 1.12 Improvement of Capacities for Performance Measurement and Monitoring of the Work of Judges and Prosecutors |
| Amount: | 2 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2015-2016 The year of beginning and ending of the implementation: 2017-2018 |
| Direct beneficiaries: | Judges, Prosecutors, KPC, KJC |

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| Overall objective | Strengthening the Rule of Law in Kosovo by improving effectiveness and efficiency of the work of courts and prosecutions |
| Purpose: | Establishing monitoring mechanisms for work of judges and prosecutors and personnel of prosecution and courts |
| Description: | <p>Strengthening the efficiency, quality, and accountability of judges and prosecutors in performing their duties, requires the implementation of necessary mechanisms for monitoring of the work of courts, prosecution offices, and councils. Although the legal basis exists to some extent, for the moment there is lack of strict mechanism for disciplining of judges and prosecutors, control of work standards, performance indicators, etc.</p> <p>Regarding prosecutors, there is a need to establish a more efficient mechanism for more effective monitoring of prosecutors and chief prosecutors. Competencies of disciplinary commission and the one of performance evaluation are not clear. Disciplinary Commission deals also with professional assessment. For performance evaluation there is a need to amend the legal basis, and establish and review relevant regulations.</p> <p>KJC and KPC also need assistance for Policy and Analysis Unit, establish performance indicators of the courts (court tools), monitor and control work standards within the courts, establish better disciplinary mechanisms, etc.</p> <p>Improvement and creation of new monitoring mechanisms of work in judicial and prosecutorial system will significantly help in improvement of effectiveness and efficiency in the Rule of Law sector in general, and that of courts and prosecution offices in particular.</p> <p>Project Concept Note for improving the capacity for performance measurement and monitoring the work of judges and prosecutors, is considered of a special importance, along with other Project Concept Notes for advancement of legal education, use of information technology, and improvement of inter-institutional communication of the justice system. This will contribute and impact significantly in increasing the efficiency, quality, and accountability of judges and prosecutors subsequently will improve efficiency, effectiveness, accountability and impartiality of the entire justice system.</p> |

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| Project Title: | 1.13 Legal Education 2: Support to Law Faculty |
| Amount: | 1.5 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 |
| Direct beneficiaries: | Faculty of Law of University of Prishtina, Ministry of Education, Science and Technology, Ministry of Justice and the Justice Academy |
| Overall objective | Strengthening the Rule of Law by improving specific programs of law education |
| Purpose: | Further development and advancement of law education in Kosovo pursuant to the EU best practices |
| Description: | <p>Upon establishment of Justice Academy, and with an intention to profile judges and prosecutors in specific areas of the justice system, it would be necessary for the entire law education system to provide specialized and consistent curricula. In order for this to happen, it is necessary to harmonize the curricula between basic law studies (pertaining to Faculty of Law) and the Justice Academy programs.</p> <p>Reform of the curricula, by integrating more practical law subjects, would provide the possibility of profiling students during their studies, e.g. two years of general studies and two other years of profiling and specialization. This will help graduates to be closer to the profession of judge, prosecutor, and advocate; furthermore, will help introduce new staff in judicial or prosecutorial system.</p> <p>This project shall pay attention to the library of the Justice Academy. Enriching the library with necessary and relevant literature needed for training the judges and prosecutors. The library should be a part of Kosovo library network and have access to justice magazines.</p> <p>All this requires a purchase of a considerable number of books, trainings for librarian, functioning of a modern cataloguing system, IT system improvement, etc.</p> <p>A project for a modern library will significantly improve the basis of law education in Kosovo, and, this, among others, will have a positive effect in preparation and improvement of capacities of judges, prosecutors and researchers.</p> <p>Harmonization of basic level and high/applicable law curricula, will significantly improve the basis of law education in Kosovo, and, this, among others, will have a positive effect on the education system in</p> |

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| | <p>general, but especially in the justice system.</p> <p>Thus, the effects would be continuous, and in long-term plan, this law education basis will contribute significantly in improving the Rule of Law in its entirety.</p> |
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| Project Title: | 1.14 Improvement of international legal cooperation |
| Amount: | 0.8 MEUR |
| Tentative deadline of programming and implementation: | <p>The year of beginning and ending of the programming: 2015-2016</p> <p>The year of beginning and ending of the implementation: 2017-2018</p> |
| Direct beneficiaries: | MoJ, MIA, KJC, KPC, FIU, KP, KC, etc. |
| Overall objective | Strengthening the Rule of Law by improving international judicial cooperation with regional countries and beyond |
| Purpose: | Improvement and promotion of international cooperation in justice system and internal affairs |
| Description: | <p>Kosovo institutions have taken a series of measures to reform the Rule of Law sector according to EU best practices. In some aspects, concrete results were achieved (e.g. legislation), while in some other aspects further improvements are needed. Given the complex political environment (especially Kosovo-Serbia relations) in which Kosovo is, international cooperation remains a challenge that must be addressed continuously.</p> <p>Lack of active participation in various regional and international initiatives, has limited the opportunities of Kosovo to benefit and contribute in various issues such as prevention and fighting of organized crime in regional and international level. A part of the failure in preventing and fighting of all forms of international organized crime is related to the absence and inability of Kosovo to be part of various initiatives, networks, and/or international associations.</p> <p>In general, there are problems in the area of legal cooperation at the international level of both courts and prosecution. Among others, coordinators are assigned, whose capacities need to be strengthened.</p> <p>In order for Kosovo to make progress in terms of international cooperation it is required to review and harmonize the regulatory framework with EU best practices; assess the institutional, budget and</p> |

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| | <p>infrastructure capacities of the rule law sector institutions; identify the requirements and what can be improved in the upcoming years; and finally contribute in development of professional capacities of relevant institutions.</p> <p>Cooperation with various European organizations and mechanisms were not adequate because of the political context or neutrality towards Kosovo's status. This includes, CEPEJ, EUROJUST, EUROPOL and FRONTEX. Cooperation opportunities and projects shall be explored in order for Kosovo to benefit from these organizations and to improve its capacities for fighting organized crime, etc.</p> <p>It is very important to note that problems like organized crime are regional and international problems, and in order to improve Kosovo's performance in this regard it is needed an assistance for closer cooperation with these organizations. Therefore, membership of Kosovo in initiatives, networks, associations and various international bodies, would contribute significantly in preventing and fighting all kinds of regional and international organized crimes. Subsequently, this Project Concept Note for enhancing international legal cooperation will complement the efforts and other projects for building capacity and human resources in order to prevent and fight corruption and organized crimes, combating trafficking in human beings, increased interagency cooperation, etc.</p> |
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| Project Title: | 1.15 Registration and Management of Criminal Records |
| Amount: | 2 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 |
| Direct beneficiaries: | MoJ, KPC, KJC, MIA, KC, KP, KCS, KPS, etc. |
| Overall objective | Assistance for Kosovo institutions in strengthening the Rule of Law by enhancing criminal records management |
| Purpose: | Establishment of a centralized system for registration and management of criminal records |
| Description: | In the context of EU visa liberalization process, Kosovo institutions are making significant steps toward fulfilling the obligations that arise from |

this complex process. However, aspects such as: records and data management that deal with the criminal past of convicted persons in Kosovo or different countries, especially in EU, have not been addressed yet.

The criminal justice system in Kosovo does not have a mechanism that would deal with criminal records management and records of convicted persons. Criminal Procedure Code (CPC) Article 491 provides that the *“Criminal records and records of convicted persons shall be kept by the competent public entity in the field of judicial affairs. The manner of keeping the records shall be set forth in a bylaw.”* Although, CPC provides criminal records management, so far, there is no institution responsible for managing these criminal records.

Establishment of criminal records requires an administrative structure that is centralized, computerized, organized, and based on legislation. Establishment and functioning of this criminal records register may take between 18 months to 4 years. According to EU practices, the Ministry of Justice mainly manages criminal records register. In Kosovo, only KJC began to reflect in terms of criminal record register.

In order to be in line with EU practices, initially it should be clarified who is institutionally closer to criminal records; then clarify the obligations and responsibilities of various stakeholders in this process, who should work together to establish as fast as possible this highly important institution.

In order to help free movement as well as prevention and fight of international crime, exchange of criminal records, at European level is rapidly developing in the recent years. A criminal record register enables every person to verify his/her criminal past, and also helps prosecutions and courts to adapt their response to the defendants (e.g. recidivism or suspended sentence).

This Project Concept Note supplements and reinforces other Project Concept Notes related to improvement of international legal cooperation, inter-institutional and intra-agency communication, development of resources for prevention and fighting of organized crime, and improving the IT infrastructure.

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| Project Title: | 1.16. Assistance to the Monitoring Mechanisms in Justice and Internal Affairs |
| Amount: | 2 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 |
| Direct beneficiaries: | Kosovo Police Inspectorate, Kosovo Correctional Service Inspectorate, Office of Disciplinary Counsel, Customs Inspectorate and Sanitary, Veterinary and Phytosanitary Inspectorate |
| Overall objective | Contribute to strengthening of the Rule of Law in Kosovo by strengthening monitoring mechanisms pursuant to the EU best practices |
| Purpose: | Strengthening monitoring mechanisms in justice system and law enforcement agencies |
| Description: | <p>Within the Rule of Law institutions in Kosovo, there are several institutions dealing with monitoring of their respective institutions tasks. Within MIA, there is Kosovo Police Inspectorate (KPI) as an institution that deals with prevention, detection, documentation and investigation of criminal offenses committed by the Kosovo Police officers, regardless of rank and position in the exercise of its duty or while off duty.</p> <p>Since its establishment KPI has shown good results in terms of improving performance of police as well as prevention and fighting negative phenomena in Kosovo Police. However, any attempt to positively assess the efficiency and accountability in Kosovo Police requires a track record when disciplinary actions and other actions are taken within the Police.</p> <p>In this regard, KPI capacities should be developed regarding disciplinary measures and creation of track record system regarding disciplinary measures and other actions of police officers. Other aspects that should be taken into consideration are: organizational and operational review of KPI (if necessary), advancement of standard operating procedures, improvement of KPI cooperation with Kosovo Police and other relevant institutions.</p> <p>In the light of prison system reform in Kosovo, KCS Inspectorate is established within Kosovo Correctional Service (KCS). The purpose of the Inspectorate is to improve the performance of KCS by providing law enforcement in prisons by prison staff, respect the rights of prisoners according to international standards, and taking necessary disciplinary measures for failure to comply with the law. The focus of assistance to this</p> |

institution would be organizational and operational review of the institution, drafting of standard operating procedures according to EU best practices, drafting ongoing training programs for inspectors, and strengthening cooperation of this institution with other relevant institutions.

Within the judicial system in Kosovo, by the Law on KJC and KPC was established the Office of Disciplinary Counsel (ODC). This institution deals with cases of violation in performance of judges and prosecutors. ODC is responsible for: investigation of possible violations of judges and prosecutors as well as the presentation of data, and cases that violate disciplinary actions of Disciplinary Commissions of KJC and KPC.

Difficulties that ODC is dealing with are: Law on KJC and KPC do not contain clear rules for some procedural aspects (e.g. preliminary investigations, initiation of investigations, statutory limitations, objection of appeals, and tasks of ODC staff). Moreover, the law does not clearly define the content of 'violation' or 'disciplinary measures'.

Another difficulty is the lack of standard operating procedures and weak cooperation between courts and prosecutions with ODC. Therefore, in order to create an institution according to international practices, initially should be reviewed the legal base of ODC, organizational and operational review, capacity building, determining the procedures for election/ appointment of Prosecutors and Disciplinary Inspectors, improve cooperation with KJC, KPC, Courts and Prosecutions, and other relevant institutions.

Within Kosovo Customs, there is an inspection unit that deals with inspection of performance of customs officials at customs point, customs terminals, and other custom services. One of the main priorities of the Kosovo Customs are: development and advancement of mechanisms for prevention, detection, and investigation of cases of corruption, fraud, conflict of interest, and money laundering. Other priorities are also identification of suspicious corruption, investigation and bringing offenders to prosecution, as well as reduction of causes and risks of corruption in administration. External review of the internal processes is for identification, initiation and proceeding cases of corruption.

Within Food and Veterinary Agency (FVA), there is phytosanitary, sanitary and veterinary inspectorates. EU Progress Report for 2013 for Kosovo highlights the need for capacity building of veterinary, phytosanitary and sanitary control. Assistance should be focused in review of the organizational and operational aspects; drafting standard operating procedures, drafting programs for ongoing training; improvement of

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| | <p>inter-institutional cooperation with NGOs and the public.</p> <p>Enforcement of these monitoring mechanisms will contribute in improving overall performance of these institutions, reducing potential corruption within and beyond these institutions and increasing public trust in these institutions. This Project Concept Note includes elements of Strategic Objective 1 and 2.</p> |
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16.2.2 Description of Project Concept Notes for Strategic Objective 2:

Improvement in preventing and fighting corruption and organized crime, including trafficking of human beings and drugs, economic crime and money laundering, guns smuggling, cyber crime, and terrorism.

The list of Project Concept Notes below presents the needs for assistance in implementing the strategic objective 2, where Project Concept Notes are sorted out by priority. The implementation of these Project Concept Notes should be preceding and contribute to the creation of appropriate conditions for full implementation of other mentioned Project Concept Notes, which complement each other. The Project Concept Notes in this strategy are comprehensive, leaving open the possibility that some or most of these Project Concept Notes can be realized through one or more specific projects and in several stages.

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| Project Title: | 2.1 Legal education 3: Strengthening of Kosovo Academy for Public Safety |
| Amount: | 1 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2014-2015 The year of beginning and ending of the implementation: 2016-2017 |
| Direct beneficiaries: | MIA, KP, Police Inspectorate, KAPS, KC, KCS, EMA and other public safety institutions |
| Overall objective | Strengthening the Rule of Law by improving public safety system |
| Purpose: | Further improvements and development of public safety agencies pursuant to EU best practices |
| | The institutions of the Republic of Kosovo have taken a number of steps to reform public safety system. Besides creating the legal basis and establishment of law enforcement mechanisms, they need to building |

Description:

professional capacities and the necessary resources to ensure proper law enforcement from all law enforcement agencies.

Reforming and strengthening of public safety agencies is one of the main priorities related to public safety. More specifically, MIA policies aim at strengthening of Kosovo Academy for Public Safety as the key generator on providing various training and development programs of law enforcement agencies.

Law on Kosovo Academy for Public Safety (KAPS) defines this institution as responsible for providing training and higher education for all public safety institutions such as: Kosovo Police, Correctional Services, Probation Service, Customs, Emergency Management Agency, Police Inspectorate, etc.

So far the Kosovo Academy for Public Safety (KAPS) is providing training at various levels for all public safety officials. In order for KAPS to become a leading institution in capacity building of public safety officials, it is required that the abovementioned institution develop its program and training capacities to provide advanced training according to the needs and challenges that Kosovo's society is facing. Commencing of basic level studies (Bachelor) on different fields, would be necessary to qualify public safety officials. At the same time, it is also necessary to build research capacities of the Academy.

One of the aspects that should be addressed as a priority by KAPS is provision of introductory training programs to Serbian community members who will join the Kosovo Police, Kosovo Customs and other law enforcement institutions. Provision of adequate programs, would help the integration of Serbian community members in law enforcement agencies, and furthermore, it would enable a uniform approach to law enforcement throughout Kosovo territory.

Donor assistance should focus on creating advanced training, studies and research programs, including those on areas of organized crime, money laundry, cyber crime, financial crime, terrorism, drugs, informal economy and other negative forms, which could potentially have negative effects on Kosovo society.

Special emphasis should be given to the structure of local staff in order to ensure institutional sustainability of KAPS. Training, studies and research programs should be inclusive and should not exclude the possibility of involvement in these programs of judicial staff, in order to create a uniform and fully professional approach towards preventing and fighting negative phenomena. Considering that law enforcement institutions activities are closely related, there is a need for coordination and

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| | <p>cooperation regarding education of members of these institutions.</p> <p>Programmatic approach to public safety officials would have very positive effects, especially in the creation of professional staff, institutional advancement in service delivery to citizens, fulfilment of the criteria on the field of Rule of Law, required by the EU. A well-trained staff would increase the level of efficiency and effectiveness on preventing and fighting negative phenomena.</p> <p>Implementation of this project will directly impact on improving prevention and fight against organized crime and corruption, especially through development of necessary human resources on preventing and fighting of crime and corruption. As such, this project proposal is of a special importance and is in full compliance with other projects such as strengthening of financial intelligence and fight against cyber crime, prevention and fighting trafficking in human beings, improving forensic and emergency services, etc.</p> |
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| Project Title: | 2.2 Strengthening of Effective Management of Migration and Asylum in Kosovo |
| Amount: | 2.5 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2014-2015 The year of beginning and ending of the implementation: 2016-2017 |
| Direct beneficiaries: | MIA, KP |
| Overall objective | Support for Kosovo institutions in establishment of a more efficient mechanism on migration management in accordance with the EU acquis |
| Purpose: | Capacity building of existing institutions to achieve EU standards on migration and reintegration management of repatriated persons after re-admission |
| Description: | <p>Migration, a permanent process of movement of people, and the consistent increase of the number of migrants and problems associated with it, has made the migration to be the main focus in many countries of the world. Almost all countries, without exception, are facing challenges related to migration, regardless of being the country of origin, transit, or final destination.</p> <p>This increase of migrants was noticed even in Western Balkans, including the Republic of Kosovo, where a considerable increase of irregular migrants comes mainly from countries like: Afghanistan, Pakistan,</p> |

Bangladeshi, Algeria, Morocco, Congo, Syria, etc. This increase of migrants comes mainly through Turkey to Greece and then from Greece to Albania or Macedonia and continues towards other countries including the Republic of Kosovo (see National Migration Strategy and Action Plan 2013-2018, page 6).

In order to address the problem of migration and asylum, Republic of Kosovo has drafted, amended, changed, and approved several laws and by-laws, strategic papers, and other documents. It is worth mentioning among these; the Law on Asylum, Law on Foreigners, Law on Kosovo Citizenship, Strategy for Integrated Border Management, Strategy for Fighting of Trafficking with Humans Beings. Also there are amended numerous laws including the ones mentioned above and some other laws, among them; Law for Prevention and Fight of Trafficking in Human Beings, and Protection of the Victims of Trafficking.

Moreover, Kosovo has approved several strategic papers such as: National Strategy of the Republic of Kosovo for Reintegration of Repatriated Persons; National Strategy of the Republic of Kosovo and Action Plan against Organized Crime 2012-2017; National Strategy of the Republic of Kosovo on Crime Prevention and Action Plan 2009-2012; National Strategy of the Republic of Kosovo for Integrated Border Management 2012-2017; National Strategy and Action Plan on Trafficking of Human Beings 2011-2014.

Besides, the abovementioned, Kosovo has signed a number of bilateral agreements on readmission. The implementation of readmission agreements is an important factor for preventing and fighting irregular migration. Analysis of the implementation of readmission agreements clearly shows that this instrument contributes to strengthening of effective cooperation in the fight against irregular migration and facilitates the deportation of persons entering/staying illegally in the territory of one of the contracting parties.

As far as the practical terms, the issues of migration, asylum, and reintegration of repatriated persons remains a challenge for the Republic of Kosovo; since visa liberalization process with the EU, remains a challenge of Kosovo. In order to address properly this issue, assistance is needed on the following areas: inclusive assessment of the National Migration Strategy and Action Plan, improving the mechanism on information exchange, institutional capacity building, legal framework alignment with the EU acquis, strengthening institutions at both central and local level to plan and monitor the implementation of the integration process for repatriated, and raising of public awareness.

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| | <p>Adequate addressing of migration and asylum will significantly contribute to the prevention of irregular migration and promotion of regular migration, by advancing and facilitating legal migration. These actions simultaneously would turn migration into a positive factor on economic development, and would enable the inclusion of Kosovo in regional and international dialogue and cooperation, with the purpose of identification of common priorities and addressing common challenges. This aims strengthening of the bilateral and regional management of migration.</p> |
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| Project Title: | 2.3 Preventing and Fighting Organized Crime, Corruption and other Serious Crimes |
| Amount: | 2.5 M EURO (phase I) 2.5 M EURO (phase II) |
| Tentative deadline of programming and implementation: | <p>The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 (phase I)</p> <p>The year of beginning and ending of the programming: 2017-2018 The year of beginning and ending of the implementation: 2019-2020 (phase II)</p> |
| Direct beneficiaries: | MoJ, MIA, KJC, KPC, KJI, KAPS, KP, Kosovo Chamber of Advocates, Kosovo Assembly, FIU |
| Overall objective | Support for Kosovo institutions in strengthening the Rule of Law by supporting justice and law enforcement institutions in being more efficient and effective in their activities |
| Purpose: | Strengthening of inter-institutional cooperation, institutional mechanisms and human capacities in preventing and fighting corruption and organized crime |
| Description: | <p>Regarding the policy development and legislation, Rule of Law sector is enriched by a series of legislative measures to improve the justice system and law enforcement mechanisms. More specifically, there have been improvements in policymaking and legislation on preventing and fighting corruption and organized crime.</p> <p>Despite this progress, difficulties in institutional and inter-institutional cooperation are challenges that must be addressed. There is a lack of</p> |

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| | <p>profiling of judges, prosecutors, police, and correction services, associated with, specific areas dealing with the prevention and fighting of organized crime, corruption, money laundering, drugs, trafficking in human beings, and terrorism.</p> <p>Developing advanced programs for profiling of prosecutors, judges, police, correction service, etc, would convincingly help in preventing and fighting corruption and organized crime - this is because judges, prosecutors, police, correctional service would be profiled.</p> <p>Joint development programs for above categories, would contribute to improvement of inter-institutional cooperation to the abovementioned issues. The Kosovo Judicial Institute and Academy should develop these programs for Public Safety. Training of trainers programs should be organized, which in the mid-term and long-term would provide training without being dependent on donor contributions.</p> <p>This Project Concept Note is considered as an immediate priority for the implementation of the second strategic objective; therefore, it is ranked the first in accomplishment of this objective. It will affect implementation of several expected outcomes of this objective, including the strengthening of mechanisms that ensure efficient and effective implementation of the law, by increasing general safety of the country against negative phenomena and the development of the necessary human resources in preventing and fighting organised crime, high-level corruption, etc. At the same time, this Project Concept Note complements the other Project Concept Notes, such as inter - institutional cooperation, promotion of legal education, and also the following Project Concept Note for strengthening of accountability and prevention of misuse of public funds in Kosovo institutions.</p> |
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| Project Title: | 2.4 Increase Accountability and Preventing Misuse of Public Funds in Institutions of Kosovo |
| Amount: | 2 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2015-2016 The year of beginning and ending of the implementation: 2017-2018 |
| Direct beneficiaries: | MoJ, MIA, KJC, KPC, KJI, KAPS, KP, Ombudsman, etc. |

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| Overall objective | Support for Kosovo institutions in strengthening the Rule of Law by supporting all law enforcement institutions in being more efficient and effective in their activities |
| Purpose: | Strengthening of inter-institutional cooperation and human capacities in preventing and fighting corruption |
| Description: | <p>In terms of prevention of corruption in general, and monitoring and control of public finances in particular, apart from external control mechanisms, such as Parliamentary Committees on monitoring the respective institutions, the Office of the Auditor General (OAG), Public Procurement Bodies (PPB), and the Anti-Corruption Agency (ACA), the internal control mechanisms also plays an important role in controlling the relevant institutions on financial management, procurement and audit.</p> <p>Despite the existence of a good legal basis (Law on Public Financial Management, Law on Internal Audit, and the Law on Public Procurement) the segments within the financial control institutions, as internal audits, are facing challenges such as lack of full consolidation, small number of staff compared to the work load, etc. As a result, monitoring of expenditures and financial management in institutions is unsatisfactory and there are concerns related to the management of public procurement.</p> <p>There is a need on improvement on areas such as, methods of reviewing the bids, ambiguities in unit specifications during application and numerous difficulties in monitoring public procurement. Besides strengthening the external audit mechanisms (Office of the Auditor General, Anti-Corruption Agency, Procurement Review Body), assistance is needed in analyzing the existing capacities within the institutional mechanisms of oversight.</p> <p>Fighting and preventing misuse of public finances through further strengthening of internal mechanisms, such as Internal Audit Units, would further improve the public financial management, prevent misuse, and it would contribute in improving the Rule of Law in Kosovo.</p> <p>This Project Concept Note is considered as a priority in meeting the objective of improving the prevention and fight against corruption. Since other Project Concept Notes, that address the prevention and fight against corruption, are related to strengthening of external control mechanisms; focusing on internal control mechanisms in relevant institutions on financial management, procurement and audit, complements them, and also constitutes a new and necessary attempt to fight corruption from all directions.</p> |

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| Project Title: | 2.5 Improvement of Penitentiary System (Correctional and Probation Services) |
| Amount: | 1.5 MEUR (phase I) 1.5 MEUR (phase II) |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2015-2016 The year of beginning and ending of the implementation: 2017-2018 (phase I) The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 (phase II) |
| Direct beneficiaries: | MoJ, KCS, KPS |
| Overall objective | Support to institutions on strengthening the Rule of Law regarding the improvement of the penitentiary system |
| Purpose: | Strengthening and upgrading the system for execution of criminal sanctions pursuant to EU best practices |
| Description: | <p>Kosovo Correctional Service (KCS) was established immediately after the war, on 5th of November, 1999, initially by opening the Detention Centre in Prizren. Kosovo Correctional Service, in cooperation with all Justice partners and in constant adaptability with Kosovo laws, aims to correct and re-socialize prisoners respecting their fundamental rights regardless of race, language, and religion as well as providing a safe environment for staff, inmates, and society.</p> <p>Kosovo Probation Service (KPS) started operating on December 2002, initially under the authority of UNMIK, and in April 2006 KPS competencies were transferred to the Ministry of Justice. KPS responsibilities are, contribution to the reduction of crime, the reduction of recidivism rate, creating and enhancing security for society.</p> <p>In the context of criminal justice reform, in August 2013, entered into force the Law on Execution of Criminal Sanctions as a basis for operation of KPS and KCS. In compliance to this Law, KPS and KCS as law enforcement agencies, for their activities report directly to the Minister of Justice. These two law enforcement agencies have taken a number of measures to improve their performance in compliance with the new legislation.</p> <p>These institutions continue to face difficulties regarding working</p> |

conditions. KPS staff continues to operate in rented buildings and containers that are out of any security standard. The KPS staff will be accommodated in prosecutions facilities that will be located in different regions of Kosovo in the next 2-3 years.

To identify the needs of each agency individually, below is given appropriate descriptions:

KPS

In the context of reforms in the area of correctional and probation services, the Ministry of Justice has drafted the draft-law on Electronic Surveillance of Persons, whose movement is restricted upon the decision of the Court or of the Conditional Release Panel. This law will address one of the areas for which KPS requires donor support. This draft law was drafted and passed its first reading in the Assembly and is expected to be approved during this year, while its implementation most likely will begin in 2016. Implementation of this law has high costs, both in terms of electronic devices as well as training.

The purpose of the Law on Electronic Surveillance of Persons is to enhance public security and ensure effective execution of court rulings and those of Conditional Release Panel. In order to implement this law, Electronic Surveillance (ES) is needed, as a mechanism that ensures the implementation of decisions through real-time identification of a person's location. Implementation of ES will be conducted by the Probation Service, as the body responsible for the implementation of the ES. This implies the construction of an operation room, equipped with the system and the necessary devices, the purchase of electronic device for supervised persons, and adequate training programs for personnel of KPS for use and maintenance of devices. The Law on ES has taken into consideration EU and regional best practices.

Assistance on implementation of this law would help a lot in improving the Rule of Law in Kosovo by providing more efficient implementation of court rulings, as well as enabling a wider application of alternative punishments, and thus influencing the reduction of crime, reduction of recidivism rate, reduction of domestic violence, and generally creating and enhancing the security of society.

In order to have a consistency of trainings, it is necessary for the Agency of Public Safety (APS) to design continuous training programs that will not only train KPS staff but also other agencies staff related to activities of KPS. Kosovo Judicial Institute (KJI) provides training for judges and prosecutors, in the future, joint training programs will be developed, which will train judges, prosecutors, advocates, KPS and other institutions

to strengthen implementation of the law and to enhance cooperation and coordination between them.

KCS

KCS in compliance to the new Law on Execution of Criminal Sanctions has taken a series of measures in terms of reforming the correctional services; i.e. the selection manner of directors of the prisons has changed and it has brought difficulties in this field. KCS has made progress in terms of physical infrastructure, especially in the completion of the High Security Prison and allocation of funds for construction of correctional centres in Prishtina and Gjilan.

In the light of criminal justice reform, KCS work on the ground seems not to be easy, especially if we consider inter-institutional cooperation and coordination. This continues to be an obstacle on the progress on KCS performance. Therefore, the review of criminal justice is expected to have impact on KCS in its entirety.

In institutional terms, KCS medical services were transferred to the Ministry of Health. This transfer of responsibilities should be internally discussed to identify if something needs to be improved in this respect, in order to provide to the prisoners adequate medical assistance and treatment according to international practices and standards for treatment of prisoners.

Like most Rule of Law institutions, also KCS faces difficulties regarding statistical system. Therefore, digitalization of data and establishment of an operational centre for managing and monitoring data will increase efficiency and effectiveness on prison management according to international best practices.

In different EU countries (e.g. Sweden, Finland), similar institutions to KPS and KCS, operate under a common umbrella, the Ministry of Justice. In the context of criminal justice review, it is important to consider the option of including these two agencies under a common umbrella, given the fact that both institutions aim correction of persons who have violated the law.

In terms of capacity building of KCS, the Agency for Public Safety (APS) should develop ongoing training programs which will not only train KCS staff, but also other agencies related to KCS activities. In this regard, KJI should also contribute to improve correctional services by developing ongoing training programs for judges, prosecutors, advocates, KCS and other institutions dealing with correctional services to strengthen law enforcement and to enhance cooperation and coordination between them.

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| | <p>The assistance should be focused on the following aspects: the design and implementation of vocational training programs for inmates according to the EU standards, raising public awareness (i.e. employers, employment centres, public institutions, etc.) regarding the level of prisoners knowledge and ability to re-socialize after completion of the sentence; to further strengthen the alternative punishments; capacity building of KPS officials, judges, prosecutors to use efficient work practices and coordination protocols according to the EU standards in terms of alternative punishments; develop and implement programs that will mobilize all stakeholders (including NGOs) in order to contribute to the efficient implementation of alternative punishments.</p> <p>As summary, for KPS and KCS it can be said that an advanced penitentiary system by international best practices would create conditions for the adequate treatment of prisoners, their re-socialization, facilitating their sound return to the community with premises to continue a normal life, and a reinforced sense of community. This would increase the citizens security, and would increase public confidence in the penitentiary system.</p> |
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| Project Title: | 2.6 Advancing Witness Protection |
| Amount: | 0.7 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2015-2016 The year of beginning and ending of the implementation: 2017-2018 |
| Direct beneficiaries: | MoJ, MIA, JCK, KPC and other depended institutions |
| Overall objective | Strengthening the Rule of Law to advance the criminal justice system pursuant to EU best practices |
| Purpose: | Strengthening institutional mechanisms on witnesses protection |
| Description: | <p>The Law on Witness Protection was approved on July, 2011. Implementation of this law remains a challenge for Kosovo institutions, given the lack of necessary infrastructure and limited professional capacities to ensure witnesses protection. Witness protection has been a challenge that followed Kosovo since UNMIK. Kosovo institutions are attempting to establish an effective system on witness protection jointly with EULEX.</p> <p>Kosovo Police has established the Witness Protection Directorate and currently is in its operational phase. However, professional capacity building in this regard and lack of proper equipment remain a challenge</p> |

for the Kosovo Police. The physical and IT infrastructure, which would ensure effective protection of identified witnesses is not enough developed in other institutions, such as courts and prosecutions.

Therefore, donor assistance should focus on improving the physical and IT infrastructure, including various logistical devices in institutions dealing with witness protection. Professional capacity building should not be excluded in this regard.

An effective system of witness protection will have multidimensional positive effects in strengthening the judicial system and increasing effectiveness in punishment of perpetrators of various criminal offences, mainly serious criminal offenses. This system would create conditions for higher security for citizens and increase of public trust towards the justice system.

This project is considered a priority especially due to the needs of Kosovo for capacity building in areas that EULEX has played an important role so far. It is also in coordination with other projects such as: preventing and fighting organized crime, corruption and other serious crimes, but also with projects related to improvement of the IT sector in security system.

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| Project Title: | 2.7 Improvement of Border Management IT System |
| Amount: | 2 MEUR (phase I) 3 MEUR (phase II) |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2015-2016 The year of beginning and ending of the implementation: 2017-2018 (phase I) The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 (phase II) |
| Direct beneficiaries: | KP, KC, Prosecutions, Courts, Civil Registration Agency, MFA (visa section), MIA (asylum and migration), etc. |
| Overall objective | Support for Kosovo institutions in strengthening the Rule of Law by supporting all law enforcement mechanisms in being more efficient and effective in their activities |
| Purpose: | Improving inter-institutional cooperation in the field of security in movement of persons and goods |

Description:

In January 2009, the EU has started to support Kosovo Police in development of the Border Management System. This system is digital and requires digital connectivity with Customs Border Police, Prosecutors, Courts, Civil Registry Agency, Ministry of Foreign Affairs (visa section), the Ministry of Internal Affairs (asylum and migration), etc. Although the first steps have been made to Kosovo's border police, Border Management System requires continuous efforts for further development.

However, in order to have an integrated border management system according to the Schengen system, it is necessary to install software to the visa section in the Ministry of Foreign Affairs, Vehicle Registration Centre and asylum and migration section within the MIA and Customs.

It is expected that by the end of 2016, all the above mentioned institutions will build their individual digital systems, which afterwards will be connected and integrated into a system of border management.

The advantage of installing this system is that the databases communicate with each other (interfacing) and it increases the safety of the citizens of Kosovo, reduces the time for border crossing at BCP's for people and goods, enhances border crime detection level, reduces the number of persons crossing the border illegally, and this system, which is in line with the Schengen Information System (SIS), will certainly contribute to strengthening the Rule of Law in Kosovo as one of the main priorities of Kosovo institutions towards European integration.

Implementation of this project is not only expensive, but also requires a clear legal basis that would allow digitalization of databases, their connection and integration, and will require a detailed assessment (perhaps Feasibility Study) for rationality and feasibility of this project.

Taking under consideration that the courts and prosecutors have begun development of joint digital case management system, a project is expected to be completed by the end of 2016. The completion of this project is in line with the commencement of the project on border management system 2016-2019. At the same time, this project will be build upon the achievements in the IT sector.

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| Project Title: | 2.8 Support on Preventing and Fighting Complex Crimes (Financial and Economic Crimes, Informal Economy, Cyber Crime, Money Laundering, Terrorism) |
| Amount: | 2 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2014-2015 The year of beginning and ending of the implementation: 2016-2017 |
| Direct beneficiaries: | MoJ, MIA, KP, TAK, KPC, KJC, FIU, ACA, Kosovo Assembly |
| Overall objective | Strengthening the Rule of Law by improving and advancing investigations on money laundry, informal economy, economic crimes, terrorism, and cyber crime |
| Purpose: | Strengthening mechanisms for preventing and fighting the informal economy, money laundry, financing of terrorism, and financial and cyber crimes |
| Description: | <p>Kosovo, like other countries in the region, is facing different challenges in terms of fighting the informal economy, money laundry, financing of terrorism, and financial and cyber crimes. Policies and laws that govern this field are developed in order to deal with these issues, and necessary mechanisms are established.</p> <p>The abovementioned field is new and Kosovo institutions lack adequate capacities to approach these problems properly. Inter-institutional cooperation is not at the best possible level for addressing these issues.</p> <p>Despite the current donor assistance for strengthening mechanisms for prevention and fight, further support in this field includes: drafting and harmonization of legislation under EU best practices; development of intelligence procedures and increase exchange of information, by assessing and organizing cooperation between the IT systems of BRA, KCA, CRA, FIU, Police, Customs, TAK, prosecution offices and courts, etc.</p> <p>In general, the main activities to be supported by this project are: 1) periodic assessments of the risk from corruption and undertaking of the necessary actions in conformity with the risk; 2) ensuring the compliance and effective implementation of the new framework 2013 to 2017 for fighting corruption, and taking the necessary actions for this; 3) reviewing the legal framework against corruption, including conflict of interest, then the review of anti-corruption institutional responsibilities, including conflict of interest, etc.; 4) review of the organizational, institutional, and inter-institutional aspects of KJC and KPC and other institutions (eg ACA, Office of Disciplinary Prosecutor-ODP-) in terms of preventing and combating within and extra-institutional corruption; 5) review of the</p> |

organizational and institutional aspects etc. of the Kosovo Police, with particular emphasis on the appointment, promotion, retirement, post-retirement, disciplinary measures, etc.; 6) review of the code of ethics of the Members of Assembly, aspects of conflict of interest, then strengthening their capacities in terms of supervising activity of the work of the executive and independent agencies, thus contributing to the prevention of corruption, etc.

The other necessary aspects are: development of technical capacities for analytical functions providing to FIU the IT advanced systems; improvement of physical infrastructure of FIU in accordance with the *Egmont Group for Financial Intelligence Units*; further and ongoing of FIU staff capacity building by organizing various study visits in different international counterparts; promotion of international cooperation of FIU by organizing international meetings which will affect the strengthening of regional cooperation and beyond.

Regarding cyber crime, it can be stated that this problem is growing in Kosovo and it must be addressed. In general, preventing and fighting cyber crime, is a major challenge, thus it is necessary to have financial support for capacity building, and provision of necessary equipment and advancement of cooperation between actors. In order to address this problem, a legal basis pursuant to the EU best practices should be drafted, cyber security at the national level should increase, the highest European standards in the field of cyber crimes should be met, the establishment of mechanisms for investigation of cyber crimes, etc.

Strengthening the mechanisms for preventing and fighting the informal economy, money laundry, financing of terrorism, financial and cyber crime would have positive effects in reducing the informal economy and increasing state revenues. It will also strengthen state infrastructure, significantly improve the fair competition in the market, and will reduce crime in the society.

This Project Concept Note will directly affect strengthening of mechanisms that ensure efficient and effective implementation of the law and development of the necessary human resources for preventing and fighting organized crime and other serious crimes. This Project Concept Note, same as the one on preventing and fighting trafficking in human beings and advancing of forensic services, affects two important areas of crimes challenging security sectors of all countries, where Kosovo also needs further capacity building.

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| Project Title: | 2.9 Advancing Forensic Services |
| Amount: | 1.5 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2015-2016 The year of beginning and ending of the implementation: 2017-2018 |
| Direct beneficiaries: | MoJ, MIA, |
| Overall objective | Strengthening the Rule of Law by improving investigations in Kosovo |
| Purpose: | Advancing and unifying of forensic services in Kosovo |
| Description: | <p>Kosovo Forensic Agency, within MIA, conducts various expertises to help the police, prosecution, judiciary and other law enforcement agencies in resolving cases and punishment of offenders in local and international level. So far, the Agency has joined the International Association for Forensic Institutes, and is aiming to join the European Network of Forensic Science Institutes as a full member.</p> <p>Meanwhile, the Department of Forensic Medicine, within MoJ, provides professional forensic services. Accreditation of forensic laboratories according to European standards (ISO) is a priority objective of the Department of Forensic Medicine. DNA Genetic laboratory, remains as the goal of the government that will help during the identification process of anthropological and other forensic services.</p> <p>These two institutions are independent from each other. Therefore, to increase effectiveness in resolving cases and punishment of perpetrators, a single body shall be established. The establishment of this single body initially requires amending and supplementing of legal basis and establishment of a new structure. Support, should be focused on capacity building of this new institution, establishing standard operating procedures for effective work in the field of forensic according to EU standards.</p> <p>In general, forensic services should follow the trends and technology used in professional fields of forensic that will affect increase of efficiency and reduce the level of crime in general. This will affect the speed and accuracy of performing forensic expertise cost and expenses reduction, as well the integrity of evidence and professional work. Implementation of this project, will directly affect the development of modern human and technical resources on preventing and fighting crimes. This Project Concept Note is in full compliance with other projects such as</p> |

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| | strengthening of financial intelligence, the fight against cyber crime, etc. |
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| Project Title: | 2.10 Improving Emergency System |
| Amount: | 1 MEUR (phase I) |
| Tentative deadline of programming and implementation: | <p>The year of beginning and ending of the programming: 2015-2016 The year of beginning and ending of the implementation: 2017-2018 (phase I)</p> <p>The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 (phase II)</p> |
| Direct beneficiaries: | EMA, KAF, KAPRNS, KP, Fireman, etc. |
| Overall objective | Strengthening the Rule of Law by improving the emergency system |
| Purpose: | Further development and advancement of emergency system in Kosovo according to EU best practices |
| Description: | <p>Integrated Emergency Management System (IEMS) provides a consistent nationwide template to enable government at both levels (local and central), non-governmental organizations (NGOs), and the private sector to work together to prevent, protect, respond, recover, and mitigate the effects of incidents, regardless of cause, size, location, or their complexity.</p> <p>Kosovo faced situations of emergency, where the chain of communication provided by IEMS, was not followed. Given this, further breakdown into emergencies categories, should result in obeying the communication chain. Since emergency events begin at the municipal level, it means that the responsibility fall upon the municipality; however, if the situation escalates, then the competences are transferred to the regional centres.</p> <p>If the situation exceeds the level of responsibility and possibility for action from that certain region, then the request for assistance is sent to the Emergency Management Agency level. If the criteria provided by law are met, the Ministry of Internal Affairs proposes to the President, who should evaluate whether to declare a state of emergency.</p> <p>Despite the policy and legal framework, emergency management sector is on need for continuous improvement and advancement. Some of the issues to be addressed are: the lack of Kosovo Police capacities in crowd and violent protests management; non-existence of an operational centre for emergency management; low capacities of Emergency Management</p> |

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| | <p>Agency (EMA) to take over the responsibilities from Kosovo Armed Forces (KAF); and difficulties regarding hazardous substance management.</p> <p>In order to improve the emergency system in its entirety, it is required: i) that emergency institutions have the necessary equipment to cope with emergency situations; ii) to establish the component of Urban Search and Rescue (USR) required by international standards, which would help in search and rescue in the ruins, floods, fires and other natural and human disasters; iii) EMA should increase its operational capacities to take the lead in managing hazardous substances (this is currently under KAF).</p> <p>The Kosovo Agency on Protection of Radiation and Nuclear Safety (KAPRNS), which is under the Office of the Prime Minister (OPM), should focus more on issues of policies and strategies on radiation and nuclear safety and not on operational missions; EMA, which is under MIA, shall take over those missions.</p> <p>Effects of improving and advancing the emergency system would increase security in; control, crowd management, capabilities on protection of life of citizens and public property. Moreover, it will provide qualitative, professional and advanced services in order to prepare, protect, respond and recover in the most professional way from all types of risks including hazardous substances, etc. All this would contribute to strengthening the mechanisms that ensure efficient and effective implementation of the law, improving the necessary infrastructure for effective functioning and coordination of agencies, and developing the necessary human resources in the public security sector.</p> |
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| Project Title: | 2.11 Prevention and Fight Against Trafficking in Human Beings |
| Amount: | 1 MEUR (phase I) 1 MEUR (phase II) |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2014-2015 The year of beginning and ending of the implementation: 2016-2017 (phase I) The year of beginning and ending of the programming: 2015-2016 The year of beginning and ending of the implementation: 2017-2018 (phase II) |
| Direct beneficiaries: | MoJ, MIA, KJC, KPC, KJI, KAPS, KP, etc. |

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| Overall objective | Support for Kosovo institutions in strengthening the Rule of Law by supporting all law enforcement institutions in being more efficient and effective in their activities |
| Purpose: | Strengthening of infrastructure and human capacities in preventing and fighting trafficking in human beings |
| Description: | <p>Kosovo`s institutions are committed to prevent and fight trafficking in human beings, in order for Kosovo not to be the source, transit, or possible human trafficking destination. Kosovo has developed a legal basis and strategic operational papers to accomplish this goal. The new criminal code defines severe penalty measures for trafficking and the standard procedures for the identification and assistance for victims of trafficking are improved, as well as awareness campaigns to prevent trafficking are developed; however, there are still a lot of challenges.</p> <p>In this regard, relevant institutions of Kosovo need assistance to fulfil all the standards on elimination of trafficking. Assistance in this area will help to: strengthen the prosecution and punishment of traffickers; advance anti-trafficking training for judges, prosecutors, police and other officials; review of the national plan, and reviewing how the responsibilities are delegated; administrate capacity building on how to deal with the approximation of EU legislation; improvement of assistance for victims of human trafficking, especially in terms of rehabilitation of victims by improving the functioning and access to shelters; advance the investigating techniques regarding human trafficking; better coordination between police, prosecution, courts, customs, tax administration and relevant Inspectorates, etc.</p> <p>Improvement of infrastructure and human capacities in preventing and fighting trafficking in human beings, is essential for strengthening the Rule of Law in Kosovo; improve access to justice, and Kosovo integration in EU. Like the Project Concept Note on strengthening financial intelligence and fight against cyber crime, or the Project Concept Note for advancement of forensic services, this Project Concept Note affects a significant area of the crimes challenging security sectors in every country, where Kosovo needs further capacity building. This Project Concept Note complements the concept on preventing and fighting organized crime, corruption and other serious crimes, and the advancement of legal education and security as well access to justice, etc.</p> |

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| Project Title: | 2.12 Improvement of IT Infrastructure in Kosovo Police |
| Amount: | 3 MEUR (phase I) 4 MEUR (phase II) 5 MEUR (phase III) |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2015-2016 The year of beginning and ending of the implementation: 2017-2018 (phase I) The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 (phase II) The year of beginning and ending of the programming: 2017-2018 The year of beginning and ending of the implementation: 2019-2020 (phase III) |
| Direct beneficiaries: | KP, Emergency sector, KC, KCS, Fire Rescue Units, Forensic, etc. |
| Overall objective | Support for strengthening the Rule of Law in Kosovo by assisting law enforcement institutions in improving their efficiency and effectiveness |
| Purpose: | Strengthening cooperation of Kosovo institutions in the field of security and increase the efficiency and effectiveness of law enforcement agencies in preventing and fighting organized crime and corruption |
| Description: | Development of an integrated communication, secured and encrypted radio and telephony systems, with the possibility of interconnection between different agencies nationwide, is vital for the KP, which currently is using an analogue communication system, which is unsecure because of various interferences while communicating via radio. Shifting from conventional analogue communication to intelligent digital radio communication is an important step for all law enforcement agencies and in particular for the Kosovo Police as the main security provider for the citizens of the country. Lack of Geographic Information System (GIS) creates difficulties for the Police in collecting, creating, processing, storing, analyzing, and publishing of data with location component in digital form. GIS Application would identify and analyze problems in geographical terms, and would help in presenting the problems visually and creating information system, necessary for the location analysis of police activities. KP also lacks: i) equipment for interception of internet and land line telephony; ii) equipment for tracking and investigating cyber crimes; iii) |

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| | <p>special vehicles for monitoring and undercover operations; iv) equipment for taking forensic scientific evidence at the crime scene, etc.</p> <p>Police also lacks a second mobile data centre. The establishment of this centre would retain police records in cases of various major disasters. Thus, with existence of this centre, the operation of Police systems and services would continue to function in case of failure of the Main Data Centre.</p> <p>Integrated communication system would provide law enforcement from all law enforcement agencies, particularly the police and customs, preventing criminal activities, not only along the border with neighbouring countries but also within the country.</p> <p>The establishment of GIS would enable the increase of a high level of readiness for the management and monitoring of police duties; therefore, it is necessary the vector database which can be converted into 3D, based on the grid system, and enable much faster and accurate analysis and planning prior to interventions in different situations.</p> <p>In general, equipping the police with abovementioned systems and devices will significantly increase efficiency and effectiveness of the police and other law enforcement agencies on preventing and fighting organized crime and corruption. This would also increase the level of digital cooperation with countries in the region, in accordance with EU standards. This Project Concept Note would be consistent with other efforts to advance the use of IT in law enforcement sector, and the development of human and technical resources in prevention of crime and corruption.</p> |
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| Project Title: | 2.13 Improvement of Kosovo Police physical infrastructure |
| Amount: | 2 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 |
| Direct beneficiaries: | Kosovo Police (KP) |
| Overall objective | Support to strengthen the Rule of Law by supporting all law enforcement institutions in being more efficient and effective in their activities |
| Purpose: | Improvement of work environment within law enforcement agencies by improving their physical infrastructure |
| Description: | Kosovo Police has continuously improved physical infrastructure, despite this there are still difficulties in this regard, e.g. the newly established |

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| | <p>directorate in North operates in North Police Station premises. Considering additional number of units and personnel in this Directorate, it is necessary to build a new facility, which would better meet the needs of the North Regional Directorate. In Zubin Potok, Kosovo Police since 2005 is using a rental building. Police station in Zvecan operates in "Trepça" complex facility.</p> <p>Due to unsuitable working conditions of these three police stations, construction of the new facilities is more than necessary, thus, to improve the working conditions of the Kosovo Police. Moreover, construction of new police stations, in economic terms, would bring benefits as it would eliminate rental costs for existing police facilities.</p> <p>Implementation of this project would help to improve the necessary physical infrastructure for well-coordinated and effective functioning of law enforcement agencies. As such, this Concept Note is consistent and complements other Concept Notes and efforts to modernize the necessary physical and technology infrastructure throughout Rule of Law sector.</p> |
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| Project Title: | 2.14 Advancement of Customs services |
| Amount: | 9 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 |
| Direct beneficiaries: | Kosovo Customs (KC) |
| Overall objective | Support for Kosovo's institutions in strengthening the Rule of Law in relation to the advancement of customs services |
| Purpose: | Strengthening the Customs service pursuant to EU best practices |
| Description: | Kosovo Customs (KC) has undertaken a number of actions to improve physical infrastructure in order to create a better working environment. Due to budget limitations, the Customs central office is still operating in a rental facility. This, despite the annual financial cost of nearly 0.5 million Euros, creates communication difficulties within the customs itself as well as between customs and other institutions. Therefore, construction of a new facility, according to international standards, for the Central office in Prishtina is an urgent need. According to estimations by KC, this facility is expected to cost about 7.5 million Euros . The purpose of this facility is to |

create better working conditions by harmonizing work standards and objectives achievement. Through this project is aimed to improve working conditions, further improvement of performance (through coordination within all structures of both Administrations); central services utilization and reducing expenses of all beneficiary organizations and the business community.

In order to meet EU standards, KC is using advanced software systems that facilitate the work of Customs, as well as it facilitate inter-institutional, intra-agency, and regional cooperation. Regarding the transit issues, KC still has not yet installed the New Computerized Transit System (**NCTS**). The purpose of this project is to fulfil Customs principal criteria for EU membership. NCTS is a European system that includes all EU member states. NCTS is connected in all countries through a central domain in Brussels to communicate with all other countries. This system ensures connection of about 3000 European customs offices and replaces the *Paper-less* system.

Membership and implementation of the Common Transit Convention (CTC) and equipment with NCTS implies a common transit application that enables the exchange of messages between EU member states and the contracting parties. CCN/CSI is a platform that provides the network communication between the parties. Kosovo lacks the network to exchange data between the contracting parties and the EU countries. Furthermore, through the development of this system, the following systems could be developed:

- 1 . Integrated Tariff of the European Communities (TARIC)
- 2 . Tariff quotas and Supervision/ Supervision II (TQS)
- 3 . European Binding Tariff Information (EBTI)

This project is expected to cost approximately **1.5 million** Euros.

Implementation of this Concept Note will directly impact the achievement of the key expected outcome of this strategy, which is the improvement of necessary physical and IT infrastructure for well-coordinated and effective functioning of law enforcement agencies. This concept note builds upon achievements of KC, and is in consistency with other projects for improvement of IT systems in the Rule of Law sector.

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| Project Title: | 2.15. Advancing the security of personal documents and personal data protection |
| Amount: | 2 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2014-2015 The year of beginning and ending of the implementation: 2016-2017 |
| Direct beneficiaries: | National Agency for Personal Data Protection (NAPDP), Civil Registration Agency (CRA) |
| Overall objective | Improvement of Rule of Law in Kosovo through advancing document security and personal data protection pursuant to EU standards |
| Purpose: | Capacity building of NAPDP, CRA and other public institutions in order to effectively implement document security and personal data protection standards pursuant to EU acquis |
| Description: | <p>Document security and personal data protection are key components for cooperation on effective implementation of EU law. Kosovo has approved the primary legislation and has established CRA, within the MIA, and NAPDP as an independent institution that reports to the Assembly.</p> <p>Despite achievements, document security and personal data protection remains one of the areas where international assistance is necessary. In relation to professional capacities for the implementation of legislation on document security and personal data protection, improvement and advancement of local expertise in this field is necessary. Beside CRA and NAPDP, other institutions related to the field fall into this category.</p> <p>Notwithstanding guaranties provided by the Constitution and relevant legislation in this area, most of Kosovo's citizens continue to be not informed about these fundamental civil rights, the violation of which affects their personal integrity. Most of the citizens are not informed on the existence of the Law on Personal Data Protection and its importance. Exposure to infringement of citizens' privacy in Kosovo remains high. There has been no criterion for verification of the cases of personal data collection in an unauthorized manner, as well as there were no adequate control on personal data collection processing manner when authorized.</p> <p>Public or private sector that collect the personal data upon an authorized order, and ordinary citizens have inadequate level of awareness on this matter. Therefore, in this context, NAPDP shall inform and advise the</p> |

public and private sectors on importance of data protection and increase awareness of the public on this issue.

Kosovo has already established the Civil Registry Agency (CRA). Establishment of CRA is based on the government's decision which determines the duties to "provide all services to citizens and residents who apply for identity cards, passports, citizenship, civil status documents, driver's license and vehicle registration documents."

In the context of civil registry, Kosovo should adopt and implement measures to ensure the integrity and security of civil status and civil registration process, including the integration and connection of relevant databases and verification of scanned data by civil status database, paying specific attention to the change of basic data of persons. Other aspects to be considered are as follows: the adoption and implementation of measures to ensure the integrity and security of application for documents, birth certificates, ID cards, including biometric ID cards, as well as define and implemented strict procedures for issuing of these documents, cooperation with INTERPOL and other relevant international institutions in relation to personal documents.

The assistance should be focused on the review and harmonization of primary and secondary legislation/procedures (if necessary), institutional capacity building for NAPDP and CRA, increase of institutional cooperation, public and private sector awareness on importance, obligations and rights arising from the field of personal data protection, strengthening and unification of criteria for application and issuance of personal documents, etc. Donor support on data protection must continue until we have an advanced system on this field in accordance with European standards.

16.2.3 Description of Concept Notes of Strategic Objective 3: Improvement of access to justice

The list of the following Concept Notes presents the needs for assistance in the implementation of Strategic Objective 3, where Concept Notes are listed by their priority. The implementation of these Concept Notes shall precede and also contribute to the creation of appropriate conditions for full implementation of other concept notes which complement well each other. Concept Notes in this strategy are inclusive, enabling the possibility that some or majority of these Concept Notes would be implemented through one or more specific projects, and in phases.

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| Project Title: | 3.1 Improvement of monitoring and advocacy capacities of the civil society |
| Amount: | 0.8 MEUR (stage I) 0.8 MEUR (stage II) 0.8 MEUR (stage III) |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2015-2016 The year of beginning and ending of the implementation: 2017-2018 (phase I) The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 (phase II) The year of beginning and ending of the programming: 2017-2018 The year of beginning and ending of the implementation: 2019-2020 (phase III) |
| Direct beneficiaries: | NGOs and all other institutions in the Rule of Law sector |
| Overall objective | Strengthening of civil society as a co-participant in drafting and implementing policies and legislation related to Rule of Law |
| Purpose: | Strengthening of civil society as a co-participant in drafting and implementing policies and legislation related to Rule of Law |
| Description: | In relation to the strengthening the Rule of Law in Kosovo in general and increase efficiency, accountability and effectiveness of justice and security institutions in particular, the civil society plays a key role, which, through analysis, public pressure, monitoring and advocacy it provides an important service in monitoring the work of the institutions in this sector. Although NGO`s in Kosovo, in the last decade, have build their human capacities, several of them are profiled exclusively in the Rule of Law sector. NGO`s financial stability, and the need to enhance and assist their advocacy and monitoring capacity remains a challenge. Therefore, in context of improving the Rule of Law in Kosovo, special assistance for activities and strengthening advocacy and monitoring capacities of NGO`s involved in the Rule of Law sector, is required. Successful monitoring and advocacy by NGO`s is usually the result of good cooperation with relevant institutions as well as of continuous analysis, research, awareness raising / public awareness etc. Supporting serious researches in the field of Rule of Law is very important for professionalization of NGO`s as well as for greater benefit of relevant |

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| | <p>institutions from these NGO`s.</p> <p>Although there is a strategy for cooperation with civil society, this Concept Note addresses the improvement of advocacy and monitoring capacities of civil society, which would contribute in the enhancement of Rule of Law institutions accountability, as well as improvement of efficiency and effectiveness of their work, also improvement of access to justice in general, and strengthening cooperation between Kosovo`s institutions and civil society in particular. The assistance on NGO`s advocacy and monitoring work, vis-a-vis Rule of Law sector, will contribute positively in improving accountability in the justice and security institutions, as well as strengthening their capacities.</p> |
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| Project Title: | 3.2. Improvement of inter-institutional, intra-agency as well as media and civil society communication |
| Amount: | 1 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 |
| Direct beneficiaries: | Courts, Prosecution Offices, NGOs, KJC, KPC, Judges and Prosecutors Associations, Free Legal Aid Agency, etc. |
| Overall objective | To strengthen the Rule of Law by enabling equal access to justice for all citizens of Kosovo |
| Purpose: | Improvement of access to justice |
| Description: | <p>The new structure of Courts and Prosecutions offices need to enhance inter-institutional, intra-agency, and citizens` cooperation to facilitate access to justice. Lines of communication in the courts under the new system are challenging courts staff and the citizen`s access to them. Same situation is within the Prosecution offices. Office of Disciplinary Counsel is also an institution that treats cases of legal violations by prosecutors and judges. Kosovo citizens are not well informed in relation to ODC. In addition, courts and prosecution offices communication with the Office of Disciplinary Counsel is not well defined.</p> <p>Media community in Kosovo is not sufficiently informed in relation to operation of the new structure of the courts and prosecutions offices. Public information on various justice matters should be refined so that the public is well informed.</p> |

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| | <p>Considering the new justice system, development of a communication strategy would aim the improvement of inter-institutional, interagency cooperation, and will facilitate citizens' access to the justice system. The communication strategy will also clarify and advance lines of vertical and horizontal communication, and will significantly facilitate the access of citizens, civil society, and media in the justice system, same time it will increase public trust to the justice system.</p> <p>The communication strategy would also increase the level of inter-institutional cooperation and would help to strengthen management, monitoring and evaluation capacities within courts and prosecution offices.</p> <p>Improvement of inter-institutional and interagency communication is considered a priority which, among others, will precede and complement other Concept Notes in this strategy such as: Concept Notes on information technology, prevention and fight against organized crime and corruption, and access to justice.</p> |
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| Project Title: | 3.3 Full implementation of the Human Rights Convention for the best interest of children |
| Amount: | 1 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 |
| Direct beneficiaries: | Children and their families, justice, social welfare and law enforcement institutions |
| Overall objective | Strengthening the Rule of Law in Kosovo by improving children's access to the justice system |
| Purpose: | Strengthening responsible institutions for the promotion of proper implementation and coordination between sectors and government levels, civil society, children and others |
| Description: | Children, defined as person under 18, are persons equal in value and deserve the same respect as adults, defined as anyone over the age of 18. Age and stage of development distinguishes children from adults, leaving them more vulnerable and dependent on adults. This creates the need for special legal rights of children, special public policy, justified restrictions of their freedom, as well as obligations to adults to provide support and |

favourable environment for the full development of children. This concept is emphasized in the principle of the Best Interests of the Child (BIC), one of the four basic principles of the Convention on the Rights of the Child (CRC)

This principle is mainly involved in national legislation and its instruments. It does not apply and fully take into account during practical implementation by the various institutions. This principle, as well as other articles of the CRC, especially those relating with a range of issues in the lives of children, are occasionally violated:

In Article 9, BIC (Best Interests of the Child) is the only reason for separation from parents (Article 9.1) and the only reason for denial of contact with a non-custodial parent (Article 9.3). Article 18, one of the articles on parental responsibility states, "the best interests of the child will be their basic concern." Article 20 links BIC with the right to cultural identity by explicitly stating that the BIC for state institutions includes "the desirability of continuity in a child's upbringing, and to the child's ethnic, religious, cultural and linguistic background." Article 21 makes BIC the paramount principle for adoption. Articles 37 and 40 use the BIC as a threshold's factor within criminal justice. Article 37 states "every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstance." Article 40 guarantees a "fair hearing according to law, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation".

The Convention is indivisible and its articles interdependent. Application of the BIC is expected to influence the interpretation and application of all Convention articles and to interact with the other principles, notably the rights to non-discrimination, survival, and respect for the child's views (articles 2, 6 and 12).

The principle of 'best interests' influences and guides the government or other relevant stakeholders to consider the impact of all their actions on child. This principle has proven to be a vital influence on legislation, strategies, policies and programs in support of child's rights. This principal has been particularly useful in legal procedures and among social welfare institutions that are required to balance contradictory concerns.

Full implementation and consideration of the best interests of the child by various institutions is an important priority for improving access to justice in Kosovo.

This Concept Note is of particular importance and well synchronized with

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| | other Concept Notes for improvement of access to justice, such as: the Child protection from sexual abuse and sexual exploiting, child protection from violence, etc. |
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| Project Title: | 3.4 Preventing and fighting domestic violence |
| Amount: | 1 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 |
| Direct beneficiaries: | KP, MoJ, MSLW, Free Legal Aid Agency, Health institutions, Ombudsperson, etc. |
| Overall objective | Support for Kosovo institutions in strengthening the Rule of Law by supporting institutions of justice and law enforcement in being more efficient and effective in their activities |
| Purpose: | Strengthen the infrastructure and human capacity for prevention and fight against domestic violence. |
| Description: | <p>Unfortunately, the phenomenon of domestic violence has taken concerning proportions in Kosovo society and, despite the progress made so far in the fight against this phenomenon, including the development of a National Program Against Domestic Violence, drafting of Standard Operating Procedures for the victims of domestic violence, as well as numerous laws related to this issue. Further assistance is needed to overcome the challenges that Kosovo faces in this area. Adoption of the Law on Protection Against Domestic Violence in Kosovo, in 2010, and Kosovo Programme Against Domestic Violence and Action Plan 2011-2014, does not necessarily ensure their automatic implementation.</p> <p>Achievements and strengthening of preventive measures and protection in relation to rehabilitation of victims of domestic violence, needs further analysis. The current legal infrastructure and various documents constitute an important achievement in preventing and fighting domestic violence.</p> <p>However, there is a need for assistance in the implementation of laws and objectives derived from various strategic papers. Therefore, it is required further funding of active shelters, improvement of their infrastructure, and provision of better facilities, ensuring relevant staff, particularly psychologists, for further awareness campaigns etc.</p> |

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| | Improving infrastructure and building of human capacity for prevention and fight domestic violence, is essential for strengthening the Rule of Law, access to justice, and the welfare of its citizens. |
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| Project Title: | 3.5 Prevention of violence in school |
| Amount: | 0.8 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 |
| Direct beneficiaries: | Children and their families, education (schools), healthcare, civil society, community, religious community, law enforcement agencies, prosecutors and judges |
| Overall objective | Strengthening the Rule of Law in Kosovo by improving child access to justice |
| Purpose: | Establishment and strengthening of a preventive and responsible system to ensure implementation of laws, policies, programs and services in the system. |
| Description: | <p>Millions of girls and boys throughout the world face violence on daily basis. Violence takes place in all settings where children spend their childhood, including: schools, dormitories and other educational premises. Exposure to violence in a certain environment can lead to violence in another environment. Levels and patterns of violence in school often reflect levels and patterns of violence in the country, community and family. These reflect the political and socio-economic conditions, cultural and social beliefs, values and norms, including those relating with authority, hierarchy and gender.</p> <p>In school and other educational settings, parents, teachers and school staff are obliged to protect children from harm, and create an environment that enables education, healthy growth and development of the child, as well as to identify signs of violence to which children may be exposed in other environments, including domestic violence. However, the reality is that many children experience violence in school.</p> <p>Evidence suggests that violence can have a negative impact on child learning outcomes since it affects their ability to go to school safely, to learn effectively, while staying at school. Forms of violence in schools are both physical and emotional, and usually occur together. Violence forms committed by teachers and other school staff include: emotional abuse, physical punishment, and other forms of harsh discipline, as well as sexual</p> |

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| | <p>and gender-based violence. Forms of violence committed by children include bullying, beating at school, abuse and sexual violence, gang violence, and assaults. Technology has now also introduced bullying through the use of internet and cell-phones, known as cyber-bullying.</p> <p>Efforts to change harmful social norms and strengthen protective role of parents, school staff, justice and social welfare, and other community members, to reinforce the culture of tolerance, mutual respect and peace, non-discrimination, gender equality and positive discipline through training, awareness raising, community mobilization, whereas parenting programs are necessary to avoid this problem. Similarly to the other Concept Note on the protection of children from violence, this Concept Note will also require a substantial involvement of the civil society, with the aim of improving access to justice and protection of children from violation of their rights.</p> |
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| Project Title: | 3.6 Assistance to child victims and witnesses³ of crime |
| Amount: | 1 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 |
| Direct beneficiaries: | Children and their families, Centre for Social Work, Ombudsperson, KP, Advocates, Victims Protection Unit, Free Legal Services, prosecutors, judges, civil society. |
| Overall objective | Strengthening the Rule of Law in Kosovo by improving child access to justice system |
| Purpose: | Establishment of sensitive procedures for children pursuant to United Nations Justice Guidelines involving child victims and witness of crime, and the development of inclusive and multidisciplinary services for support of children and their families seeking compensation for violations of rights, at the local and central level. |
| Description: | Proper treatment of child by justice, social welfare and security institutions is essential for the Rule of Law. Despite the progress made so far, children continue not to be considered as important parties in different initiatives on the Rule of Law. The work for improving justice standards for children is often conducted separately from general justice and security sector reforms. This work is often done through vertical or focused approaches on improving juvenile justice system or the protection of child victims and witness of crime, but without specifying the interconnections between these categories and professionals, as well as |

the institutions responsible for them. Access to justice, although frequently mentioned in strategies for protecting the rights of certain groups, rarely involves children.

Child victims and witness of crime would benefit from better knowledge and implementation of their rights in the justice system. They should be aware and better informed to what mechanisms and institutions they can address in order to seek execution of their requests and rights that are guaranteed by law and international standards, understand legal proceedings and other relevant procedures, costs and opportunities of using free legal professional services and assistance.

Child victims and witness of crime have access and are protected by the justice system through better application of local and international norms and standards. This concept note is of special importance in improving access to justice as it is the full implementation of the Convention on Human Rights for the best interest of the child; it impacts in improvement of access to justice for the most important category of society.

3 "Child victims and witness of crime" means a person under the age of 18 who is a victim or witness of crime, no matter the role of his / her action or in pursuit of suspected perpetrator or group of perpetrators

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| Project Title: | 3.7 Protection of children from sexual exploitation and abuse |
| Amount: | 1 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 |
| Direct beneficiaries: | Justice, social welfare, education, health, tourism sector, assembly, civil society, community leaders, religious community, private sector, media, families and children |
| Overall objective | Strengthening the Rule of Law in Kosovo by improving children's access to the justice system |
| Purpose: | Creating an environment to prevent and fight children sexual exploitation and abuse |
| Description: | <p>Convention on the Rights of the Child (CRC) - Article 34 - protects the child from all forms of sexual exploitation and sexual abuse. This includes the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of children in prostitution or other unlawful sexual practices; the exploitative use of children in pornographic performances and materials.</p> <p>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (OPSC) 1, elaborates further protection provided under the CRC and provides detailed definitions on the sale of children, child prostitution and child pornography. It requires that Party States to criminalize these violations of the rights of children as criminal offenses and to provide adequate support for children victims.</p> <p>Child sexual exploitation and abuse (CSEA) is a global reality. It can take the form of harassment, touching, incest, rape or exploitation in prostitution or pornography. It happens in homes, schools, care and justice institutions, at workplaces, in travel and tourism facilities, and in the community in general.</p> <p>Internet and cell-phones are putting children at the risk of sexual exploitation and abuse. Recently, there is evidence in the increase of the number and distribution of child abuse images on the internet and even live-streaming of child abuse. Some adults contact children online to engage in sexual intercourse with children. Children themselves send sexual messages or images on their mobile phones (commonly referred to as "sexim"), which puts them at risk for other abuses.</p> <p>To better understand the relationship between online and offline</p> |

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| | <p>environment, risks, potential for abuse, exploitation and sexual violence, it is required the prevention and change of behaviour in relation to sexual exploitation and abuse of children in the online/offline environment.</p> <p>Establishing and defining the intervention measures for the protection of behaviours and risks of damages and documentation of existing preventive and protective measures to fight online child abuse and exploitation, is an important priority. Together with other Concept Notes, such as the application of the best interest of the child, and the protection of children from violence, it improves access to justice for children and strengthens efforts to protect this segment of society.</p> |
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| Project Title: | 3.8 Protection of child from violence |
| Amount: | 1.5 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2016-2017 The year of beginning and ending of the implementation: 2018-2019 |
| Direct beneficiaries: | Children, families, justice, social welfare, education, healthcare sector, civil society, community leaders, religious community, private sector, media |
| Overall objective | Strengthening the Rule of Law in Kosovo while improving child access to the justice system |
| Purpose: | Providing a preventive and protective environment free of violence for all categories of children |
| Description | <p>Violence against children includes physical and emotional abuse, negligent treatment, sexual exploitation and abuse. These phenomena occur in the family, school, care and justice systems, work places and communities. Offenders may include parents, family members, teachers, caregivers, law enforcement authorities and other children. There is a clear evidence that violence can affect physical and mental health of children, impair their ability to learn and socialize, and undermine their development as adults and good parents later in life. In more severe cases, violence against children leads to death.</p> <p>The effects will focus on ending violence through changing the legislation and ensuring its implementation. The project will address the social norms of non-reporting/accepting violence against children, through community-based participatory involvement, and with the support of NGOs, in close</p> |

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| | <p>co-operation with all relevant institutions and stakeholders.</p> <p>Other efforts will focus on: i) institutionalizing mechanisms of central and local level on violence against children, and support for better coordination of mechanisms for treatment and referral of cases regarding child victims of violence, ii) strengthening services to child victim of violence and their families, including prevention, protection and reintegration with participation of relevant sectors of justice, education and welfare; iii) strengthening services of relevant local institutions through proper planning of costs and budgeting of Child Protection System at both central and local level; iv) support to strengthen monitoring and reporting system on cases of violence against children by working closely with various sectors, including those of justice, education and social welfare.</p> <p>This Concept Note will improve access to justice in general, and child access to justice in particular. In compliance to other Concept Notes that are focused on improving the treatment of this vulnerable group by the Rule of Law sector, this Concept Note also contributes in the improvement of the Rule of Law in Kosovo. As such, it complements other projects dealing with issues related to access to justice for children and the opportunity of children to receive a fair treatment and on time upon violations of their rights. In addition, the component of the Concept Note which aims to involve NGO's also complies with the Concept Note on the improvement of civil society monitoring and advocacy capacities vis-à-vis the Rule of Law in general, and access to justice in particular.</p> |
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| Project Title: | 3.9 Support to translators, interpreters and legal linguists |
| Amount: | 1 MEUR |
| Tentative deadline of programming and implementation: | The year of beginning and ending of the programming: 2015-2016 The year of beginning and ending of the implementation: 2017-2018 |
| Direct beneficiaries: | MoJ, KJC |
| Overall objective | Strengthening the Rule of Law by further reforming relevant institutions, and approximation of EU legislation on justice, security and internal matters |
| Purpose: | Increase of efficiency and reliability of administration, justice and law enforcement institutions, establishing legal standards for translation and interpretation pursuant to EU best practices |
| Description: | Legal security in Kosovo is not at the required level due to the fact that both, the government and the judiciary rely on translation and |

interpretation (drafting the laws, hearings chaired by international judges, etc.). Most translators and interpreters were not subject to any formal training; therefore they are not experienced to understand legal concepts. The establishment of a training institute, development of curriculum, and mechanisms for certification and accreditation of translators, interpreters and legal linguists, would increase the efficiency of state administration and judicial system.

The establishment of a general quality system (certification) for translation and interpretation services is not easy, if not impossible, therefore this aspect must be considered very carefully. Many European countries have dealt with this aspect in the past; however no country managed to take concrete measures in terms of overall certification, which would take time. The first step to build such a system would be to recognize the translation / interpretation as a specific academic subject. The certification system for sworn judicial translators and interpreters should be initiated, a practice which already exists in other countries.

Based on other countries experiences, there is a need for establishment of a professional association for translation and interpretation. The establishment of such an association would positively impact the labour market since translators and interpreters would be subject to a certification process. Prior to initiating such steps, should be developed the legal basis on the establishment of translators and interpreters certification mechanism, and for defining the authority to manage this process.

Establishment of the system for translators and interpreters contributes to the improvement of translation/interpretation in court hearings led by internationals, increases consistency between laws in terms of language, prepares legal linguists, contributes in increasing legal certainty, public trust in the justice system and in strengthening the Rule of Law in Kosovo.

16.3. Log-frame Matrix

| Log-frame Matrix | | | |
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| Intervention Logic | Indicators | Sources of Verification | Assumptions |
| <ul style="list-style-type: none"> • Overall objective: Creating conditions for a stable Rule of Law and consequently advancing the process of European integration through planning, programming and improving the effectiveness of the donor assistance in accordance to national strategic priorities. | <ul style="list-style-type: none"> • Improving Kosovo's ranking in the Corruption Perception Index by Transparency International • Improvement of Kosovo's current outcome in Global Integrity Report • Progress in the Rule of Law sector according to EU <p>Improvement of grading the Rule of Law (perception for the implementation of contracts, property rights, police, courts and probability for crime and violence) - the World Bank Institute.</p> <ul style="list-style-type: none"> • Improvement of the indicators for the level of access and financial affordability of justice (World Justice Project - if Kosovo is included in this index in the coming years) | <ul style="list-style-type: none"> • International reports: Transparency International, Global Integrity Report, European Commission Progress Reports and Reports of the Implementation of the Stabilisation and Association Agreement (SAA), USAID, UNDP, UNICEF, World Bank reports, etc. | <ul style="list-style-type: none"> • |
| <ul style="list-style-type: none"> • Strategic Objectives: 1. Improving independence, efficiency, effectiveness, accountability and impartiality of the justice system 2. Improving the prevention and fighting corruption and organized crime, including trafficking in human beings and narcotics, economic crimes and money laundering, arms smuggling, cybercrime and terrorism, 3. Improving access to justice. | <ul style="list-style-type: none"> • Increase of asset declaration by public officials • Pending cases for more than a year per capita • Cases treated by audit and anti-corruption institutions • Number of cases recorded and proceeded cases in the case management system per year • Number of illegal immigrants captured, as a | <ul style="list-style-type: none"> • European Commission Progress Reports and Reports of the Implementation of the Stabilisation and Association Agreement (SAA), • Reports of the justice and internal affairs | <ul style="list-style-type: none"> • The Government of the Republic of Kosovo continues to support reforms to the justice system in its entirety • The political will to strengthen the Rule of Law sector |

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| | <p>percentage of the population (from the administrative data).</p> <ul style="list-style-type: none"> • Number of attempts for illegal border crossing per population • Percentage of applications acceptance for asylum (awards / applications -%) - UNHCR • Increase of confiscated, sequestered and frozen property in relation to corruption and organized crime/per capita - GRECO and Eurostat • Number of pending cases of the judiciary, as a percentage of the total number of cases in the judicial system (%) CEPEJ of the Council of Europe | | |
| <p>Expected outcomes:</p> <ul style="list-style-type: none"> • Strategic objective 1: i. <i>The legal framework of judicial and prosecutorial system improved, advanced and harmonized pursuant to EU best practices.</i> ii. <i>Mechanisms which ensure the implementation of an impartial, effective, transparent, and accountable justice system, strengthened.</i> iii. <i>Human resources capacities for the improvement of general performance of the justice system, strengthened.</i> x. <i>Physical and IT infrastructure, contributing, inter alia, on effective cooperation between institutions of justice, improved.</i> x. <i>Free legal professions actions, harmonized, and mechanisms for their overseeing, strengthened.</i> • Strategic objective 2: i) <i>Legal framework for prevention and fight against organized crime and corruption, advanced and harmonized pursuant to EU's best practices.</i> | <p>Legislation improved, harmonized and advanced to the EU best practices.</p> <ul style="list-style-type: none"> • Percentage of the justice institutions staff as well law enforcement staff which have been elected, appointed and promoted in the function of the Rule of Law based in objective and transparent criteria <p>Percentage of certain cases through the electronic system for allocation of cases</p> <p>Satisfaction of justice and law enforcement institutions regarding the content of programs for staff development and the quality of the trainings</p> <ul style="list-style-type: none"> • Division of requests for free legal aid provided by public | <p>Reports on the number of laws adopted (Official Gazette of Kosovo), improved infrastructure and various programs for capacity building</p> <ul style="list-style-type: none"> • Local and international reports on the state of the Rule of Law in Northern Kosovo • Reports on the implementation of the strategy for assistance <p>Reports of Various Assessment Missions</p> <p>Different strategies</p> | <ul style="list-style-type: none"> • • • • • Kosovo institutions have the capacity to undertake the responsibilities of EULEX until the end of 2016. • • Limited technological capacities and • Limited capacities of adequate human resources through the Rule of Law institutions • |

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| <p>ii) <i>Mechanisms ensuring efficient and effective implementation of the law to improve general safety of the country against negative phenomena, strengthened.</i></p> <p>iii) <i>Necessary infrastructure (physical, IT, equipments) for an effective and well-coordinated functioning of law enforcement agencies, improved.</i></p> <p>iv) <i>Necessary capacities of human resources to prevent and fight against organized crime (including war crimes), high-level corruption, built.</i></p> <p>v) <i>Kosovo's membership in regional and international mechanisms in the area of law enforcement, advanced.</i></p> <p>Strategic objective 3:</p> <p>I. <i>Legal framework to ensure access to justice for all citizens of Kosovo, improved, advanced and harmonized pursuant to EU best practices</i></p> <p>II. <i>Legal mechanisms for access to justice in the entire territory of Kosovo, strengthened.</i></p> <p>III. <i>Access of children and women to justice, improved.</i></p> <p>IV. <i>Justice system for the entire territory of Kosovo integrated, unified and consolidated.</i></p> <p>V. <i>Cooperation of Kosovo institutions with the civil society and media, strengthened.</i></p> | <p>authorities</p> <ul style="list-style-type: none"> Number of various programs for capacity building, drafted and in use <p>Rule of Law system in North Kosovo, consolidated and functional</p> <p>Number of successful implemented projects on technical assistance, physical and IT infrastructure</p> <p>Different international and local assessment missions on specific Rule of Law areas</p> <p>Strategies on specific areas, drafted and under implementation</p> <p>Certification mechanisms (e.g. court translators and interpreters).</p> | | |
| <ul style="list-style-type: none"> <p>Activities / Components summarized as follows:</p> <ol style="list-style-type: none"> 1. Policies and legislation 2. Institutional mechanisms 3. Institutional capacities 4. Physical and IT infrastructure. <ul style="list-style-type: none"> <p>(See more about the activities of the Action Plan of this strategy)</p> | <ul style="list-style-type: none"> <p>The projects will be implemented through the following contracts:</p> <ul style="list-style-type: none"> 1) Service contracts 2) Twinning contracts) 3) Supply Contracts 4) Framework Contracts 5) Works Contract) 6) Supervision contracts, etc. <ul style="list-style-type: none"> | <ul style="list-style-type: none"> <p>Just some of the infrastructure projects have approximate cost, while the cost for other projects should be determined after a detailed analysis of the problem.</p> <p>The approximate cost for the implementation of this strategy is MEUR 108.2 (million EUR)</p> | <ul style="list-style-type: none"> <p>The Rule of Law institutions are committed to proactively participate in the implementation of this strategy</p> |

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| <ul style="list-style-type: none"> • • • • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <p>Preconditions:</p> <ul style="list-style-type: none"> • The Rule of Law institutions in Kosovo successfully achieve their plans and objectives for the period 2014-2016 as a precondition for starting the implementation of subsequent projects 2016-2019. <p>Kosovo government to provide co-funding for projects/ programs of donors if it is seen as necessary</p> <ul style="list-style-type: none"> • Legislative framework adopted and clear • Regarding Infrastructure projects it is require to regulate all matters relating to property issues, e.g. elimination of property disputes, construction permit, etc. |
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16.4. CONSULTED DOCUMENTS

- 1.** Analysis of the Strategic Security Sector Review of the Republic of Kosovo, March 2014
- 2.** Kosovo Property Agency Business Plan 2013
- 3.** Country Strategy Paper for Kosovo (2014-2020)
- 4.** Declaration of medium-term Policy Priorities 2014-2016
- 5.** World Bank document: Kosovo Justice Recommended Indicators - Monitoring and Assessing Capacity Development for Western Balkans and Turkey
- 6.** European Commission Staff Working Document: Communication from the Commission to the European Parliament and the Council on a Feasibility Study for a Stabilisation and Association Agreement between the European Union and Kosovo- 10 October 2012
- 7.** IPA II Regulation
- 8.** Communication from the Commission to the European Parliament and the Council on a Feasibility Study for a Stabilisation and Association Agreement between the European Union and Kosovo- 10 October 2012
- 9.** Medium Term Expenditure Framework (MTEF) 2015-2017
- 10.** Kosovo Centre for Security Studies (KCSS): Accountability or Not? Managing Public Funds in Kosovo Security Sector
- 11.** Multi- Country Strategic Paper (2014-2020)
- 12.** Kosovo Strategy Papers Plan for 2014
- 13.** Action Plan on negotiation of the Stabilisation and Association Agreement
- 14.** Action Plan for Increasing Efficiency of the Prosecutorial System in the Fight Against Corruption 2013
- 15.** Action Plan for implementation of Visa Liberalisation roadmap
- 16.** Strategic Plan 2013-2015 on Kosovo Customs
- 17.** Annual Work Plan 2014 on Kosovo Academy for Public Safety
- 18.** Republic of Kosovo Government Annual Work Plan 2014
- 19.** Strategic Development Plan on Kosovo Institute for Public Administration 2011-2014
- 20.** Ministry of Justice's Strategic Development Plan 2012-2016
- 21.** Kosovo Program against Domestic Violence and Action Plan 2011-2014
- 22.** Legislative Program 2014 of the Government of the Republic of Kosovo
- 23.** BIRN Report on Judicial Summonses, November 2012
- 24.** BIRN Annual report on Court Monitoring, April 2010-February 2011
- 25.** Court Auditors Report 2012 regarding EU Assistance in the Rule of Law Sector in Kosovo
- 26.** BIRN Annual Report on Court Monitoring, June 2012

27. Monitoring Report on Kosovo Program Against Domestic Violence and Action Plan 2011-2014, National Strategy and Action Plan against Trafficking in Human Beings 2011-2014 and the Law on Protection against Domestic Violence from Civil Society
28. 2013 Progress report for Kosovo – European Commission
29. Kosovo Customs Annual Report 2011
30. Procurement Review Body Annual Report 2013
31. Evaluation Report on the Compliance with International Standards in the Field of Anticorruption, drafted by "Project against Economic Crime in Kosovo", implemented by the European Council (Project against Economic Crime in Kosovo- Assessment Report on the Compliance with International Standards and in the Anti-corruption Area), 10 June 2013
32. SIDA Strategy for Development Cooperation with Kosovo 2009-2012
33. EU Enlargement Strategy and Main Challenges 2012-2013
34. Strategy on Control and Collection of Small and Light Arms 2013 – 2017
35. Strategy and Action Plan of the Republic of Kosovo Against Organized Crime 2012-2017
36. National Anti-Drug Strategy 2012-2017
37. National Strategy against Counterfeiting 2012-2017
38. National Strategy against Trafficking in Human Beings 2011-2014
39. National Strategy on Migration 2012-2017
40. National Strategy for Prevention and Fighting of the Informal Economy, Money Laundering and Financing Terrorism 2014-2018
41. National Strategy on Crime Prevention and Action Plan 2013 – 2017
42. National Backlog Reduction Strategy 2013 – Kosovo Judicial Council
43. Anti-Narcotic Strategy 2012-2017
44. Anti-Terrorism Strategy and Action Plan 2012-2017
45. Strategy and Action Plan against Trafficking in Human Beings 2011-2014
46. European Integration Strategy – Kosovo 2020
47. Integrated Border Management Strategy 2013-2018
48. Swiss Cooperation Strategy for Kosovo 2013-2016
49. The Global Fund Strategy 2012-2016 –Investing for Impact
50. USAID Country Development Cooperation Strategy for Kosovo 2014-2018
51. World Bank Country Partnership Strategy for Kosovo 2012-2015

16.5. CONSULTED WEBSITES

1. Website of Kosovo Cadastral Agency: <http://www.kca-ks.org>
2. Website of Anti-Corruption Agency: <http://www.akk-ks.org>
3. Website of Agency For Free Legal Aid: <http://www.knj-rks.org/index.php?lang=sq>
4. Website of Privatization Agency of Kosovo: <http://www.pak-ks.org>
5. Website of Kosovo Property Agency: <http://www.kpaonline.org>
6. Website of Food and Veterinary Agency: <http://www.auv-ks.net>
7. Website of Office of the Auditor General: <http://oag-rks.org>
8. Website of World Bank of Kosovo: <http://www.worldbank.org/en/country/kosovo>
9. Website of World Bank Doing Business: <http://www.doingbusiness.org>
10. Website of U.S. Department of Justice: <http://www.justice.gov>
11. Website of Kosovo Customs : <http://dogana.rks-gov.net>
12. Website of European Commission Directorate General for Enlargement:
http://ec.europa.eu/enlargement/index_en.htm
13. Website of EULEX: <http://www.eulex-kosovo.eu/en/front/>
14. Website of Kosovo Foundation for Open Society (KFOS): <http://kfos.org>
15. Website of International Monetary Fund: <http://www.transparency.org/country>
16. Website of GIZ in Kosovo: <http://www.giz.de/en/ orld ide/298.html>
17. Website of Global Integrity Report: <https://www.globalintegrity.org/global/report-2011>
18. Website of Group for Legal and Political Studies (GLPS):
<http://legalpoliticalstudies.org>
19. Website of Group of Anti-Corruption Countries within the European Council:
http://www.coe.int/t/dghl/monitoring/greco/default_en.asp
20. Website of ICITAP-it: <http://www.justice.gov/criminal/icitap>
21. Website of Kosovo Police Inspectorate: <http://ipk.rks-gov.net>
22. Website of Kosovo Judicial Institute <http://igjk.rks-gov.net>
23. Website of Kosovo Institute for Policy Research and Development (KIPRED):
<http://www.kipred.org>
24. Website of World Bank Institute: <http://wbi.worldbank.org/wbi>
25. Website of Kosovo Law Institute (IKD): <http://www.kli-ks.org>
26. Website of Jeta n  Kosov : <http://www.jetanekosove.com>
27. Website of Kosovo Judicial Council: <http://www.kgjk-ks.org>
28. Website of Kosovo Prosecutorial Council: <http://www.kpk-rks.org>
29. Website of KFOR: <http://www.aco.nato.int/kfor.aspx>

30. Website of UN High Commissioner for Refugees:
31. <http://www.unhcr.org/412b5f904.html>
32. Website of European Commission for the Efficiency of Justice within the Council of Europe: http://www.coe.int/T/dghl/cooperation/cepej/default_en.asp
33. Website of Ministry of Justice of Albania: <http://www.drejtesia.gov.al>
34. Website of Ministry of Justice: <http://www.md-ks.org>
35. Website of Ministry of European Integration of Albania: <http://integrimi.gov.al>
36. Website of Ministry of European Integration: <http://www.mei-ks.net>
37. Website of Ministry of Environment and Spatial Planning: <http://mmp-h-rks.org>
38. Website of Ministry of Internal Affairs of Albania: <http://www.moi.gov.al>
39. Website of Ministry of Internal Affairs: <http://www.mpb-ks.org>
40. Website of Kosovo Chamber of Advocates: <http://www.oak-ks.org>
41. Website of Notary Chamber of the Republic of Kosovo: <http://noteria-ks.org/per-ne>
42. Website of Procurement Review Body : <http://oshp.rks-gov.net/?cid=1,84>
43. Website of Organization Qohu: <http://www.cohu.org>
44. Website of OSCE: <http://www.osce.org/kosovo>
45. Website of CiviKos Platform : <http://www.civikos.net>
46. Website of Kosovo Police: <http://www.kosovopolice.com>
47. Website of State Prosecutor: <http://psh-ks.net>
48. Website of Kosovo Centre for Security Studies (KCSS): <http://www.qkss.org/en-us/Home>
49. Website of Albanian Government: <http://www.kryeministria.al>
50. Website of Swiss Development Cooperation in Kosovo: <http://www.swiss-cooperation.admin.ch/kosovo>
51. Website of Transparency International: <http://www.transparency.org/country>
52. Website of Kosovo Permanent Tribunal of Arbitration : <http://www.kosovo-arbitration.com>
53. Website of UNDP in Kosovo : <http://www.ks.undp.org/kosovo/en/home.html>
54. Website of UNICEF in Kosovo: <http://www.unicef.org/kosovoprogramme>
55. Website of UNICEF: <http://www.unicef.org/kosovoprogramme>
56. Website of UNOPS;
<http://www.unops.org/english/whatwedo/Locations/Europe/Pages/PristinaOperationsCentre%28PROC%29.aspx>
57. Website of USAID in Kosovo: <http://www.usaid.gov/ehere-ee-erok/europe-and-eurasia/kosovo>
58. Website of EU Office in Kosovo:
http://eeas.europa.eu/delegations/kosovo/index_en.htm
59. Website of Office of the Prime Minister: <http://www.kryeministri-ks.net>
60. Website: <http://worldjusticeproject.org>
61. Website of Ministry of Foreign Affairs: <http://www.mfa-ks.net>

62. Website of Kosovo Academy for Public Safety: <http://aksp.rks-gov.net>