Justice 2020

Joint United Nations police, justice and corrections support programme in Kosovo

from March 2017 to June 2020

UNKT: UNITED NATIONS KOSOVO TEAM

UNMIK: UNITED NATIONS MISSION IN KOSOVO

**Acronyms**

**CDP** Common Development Plan 2016-2020

**CoE** Council of Europe

**CRC** Convention on the Rights of the Child

**EU** European Union

**EULEX** European Union Rule of Law Mission in Kosovo

**EUSR** European Union Special Representative

**KCA** Kosovo Chamber of Advocates

**KJC** Kosovo Judicial Council

**KJI** Kosovo Judicial Institute

**KPC** Kosovo Prosecutors Council

**JOINT HRO UNMIK-OHCHR** Office of the High Commissioner for Human Rights

**SC** Security Council of the United Nations

**UN** United Nations

**UNDP** United Nations Development Programme

**UNKT** United Nations Kosovo Team

**US** United States of America

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# I. Background

There has been major progress in the rule of law sector over the past 15 years in Kosovo. In the aftermath of the conflict in June 1999, the United Nations and other stakeholders provided substantive assistance for the establishment of new police, judicial and corrections institutions in Kosovo. According to several observers, these institutions now compare favourably in several aspects to their counterparts in other countries of the region.

At the same time major challenges remain in the sector, particularly with regard to the capacity of these institutions to adequately investigate and prosecute war crimes, corruption cases, transnational organized crime, cases arising from interethnic conflict and gender-based violence cases. These challenges have been acknowledged in reports by the European Union, the United States and the Council of Europe. Serious concerns remain, in particular regarding the independence, accountability, impartiality and efficiency of judges and prosecutors as well as for access to justice for all, particularly members of non-majority communities and vulnerable groups. In addition, there are emerging challenges with regard to the prevention of violent extremism and counter-terrorism.

In this context, the United Nations entities in Kosovo working on police, justice and corrections issues are strengthening their support to Kosovo’s institutions through a joint multi-year programme, with a view to optimizing United Nations’ resources and more broadly to provide more integrated, robust, relevant, and coordinated rule of law support to the authorities of Kosovo. Overall, the objective of the joint United Nations strategy in this regard is to: a) strengthen access to and the responsiveness of justice and security institutions; b) build citizen trust in the Kosovo justice system throughout Kosovo; c) promote social cohesion and economic prosperity; and d) integrate the Women, Peace and Security agenda into justice and security efforts.

This support is aligned with the priorities already identified by the authorities of Kosovo, including the National Development Strategy (2016-2021) and the Rule of Law Assistance Strategy in Kosovo, 2016-2019 (Justice and Internal Affairs). It is based on the comparative advantages of the United Nations system and complements assistance provided by other international stakeholders. In accordance with General Assembly resolution 67/1, and in conjunction with existing UN priorities and other policy documents of the United Nations, all assistance to the authorities of Kosovo is based on the principles of local ownership. Furthermore, this programme builds upon the draft United Nations Strategic Framework (2016-2018) and the 2016 Joint Annual Work Plan of the United Nations Common Development Plan (2016-2020).

# II. Situation analysis

## Political, security and human rights situation

Kosovo has a lower-middle income status with about 30 per cent of the population estimated to be living below the national poverty line. While the economy has proved relatively resilient to recent global financial pressures, unemployment remains high at 32.9 per cent (31.8 per cent among males and 36.6 per cent among females). Unemployment is particularly high among the youth at 57.7 per cent (54.2 per cent among males and 67.2 per cent among females). This is a notable challenge given that Kosovo has one of the youngest populations in Europe.

The process of European integration continues to influence the political landscape with a Stabilization and Association Agreement with the European Union signed in October 2015. The institutions of Kosovo are working on meeting the criteria in this agreement including the agreement on the border demarcation with Montenegro. Recent attempts to pass legislation on that matter by the Kosovo Assembly were not successful so far

The security situation in Kosovo is stable. With respect to crime rates, Kosovo performs favourably in comparison to neighbouring countries. As one indicator, the intentional homicide rate is low by international standards and has exhibited a decreasing trend, on average, since 2008 (see Figure 1 below). More recently, statistics from the United Nations in Kosovo suggest the number of murders fell by 17 per cent between 2014 and 2015, and the number of attempted murders fell by three per cent. Meanwhile, the Kosovo Police report that there were 13,916 persons arrested in 2015.

|  |  |
| --- | --- |
| Figure 1 Intentional homicide\* rates - count (left-hand side) and rate per 100,000 population (right-hand side) | |
|  |  | |
| \*“Intentional Homicide” means unlawful death purposefully inflicted on a person by another person.  Source: UNODC (2016) *UNODC Online Database,* https://data.unodc.org, retrieved 17 September 2016 | |

Kosovo has a comprehensive constitutionally-enshrined human rights framework and given the specificity of its current status (which affects its engagement with international human rights mechanisms) implementation shortcomings are common. Many factors contribute to this situation, including overlapping mandates, inefficient institutional coordination, lack of capacity, low budget allocation, weak accountability, low political will, and the absence of an appropriate data collection system to enable evidence-based policy.

Despite Kosovo’s comprehensive legal framework for the protection of minorities and some progress made in the effectiveness of the authorities’ response, members of non-majority communities are not adequately represented in civil service and public enterprise. In particular, challenges remain in the use of Kosovo’s official languages and the Office of the Language Commissioner is hindered by inadequate financial and human resources. Facilitating dialogue between communities in Kosovo should be prioritized to ensure reconciliation and real integration of Northern Kosovo as ethnically-related incidents continue to occur.

The dialogue on the normalization of relations with Serbia continues under the framework of agreements signed in 2013 covering a number of matters, including the police and the judiciary. In particular, the judicial structures of the four municipalities of northern Kosovo (Mitrovica/Mitrovicë North, Zubin Potok, Zvečan/Zveçan and Leposavić/Leposaviq) are gradually being integrated into the Kosovo legal system, with recent appointments and ongoing integration by the Kosovo Judicial Council (KJC) and the Kosovo Prosecution Council (KPC) of Kosovo-Serbs judges and prosecutors. More efforts are required, including the provision of support to Kosovo-Serb lawyers and judges who are transitioning into the Kosovo legal system.

Underlying tensions also continue in northern Kosovo. A June 2016 survey of residents in the northern part of Kosovo found popular dissatisfaction with the political, economic and security situation, both locally and Kosovo-wide. This economic situation contributes to the occurrence of corruption and nepotism within the justice institutions; both being direct threats and hindrances to the establishment of the rule of law in Kosovo. It suggested that there is a high level of distrust in political institutions as well as scepticism of the benefits of increasing ties with Europe. One in three respondents expected to see a decline in the living standards of Serbs in Kosovo.[[1]](#footnote-1)

Little progress was made to facilitate the return and reintegration of refugees and IDPs as returns are hindered by outstanding property disputes and failure to resolve decisions once made, deficiencies in the expropriation process, limited options for landless returnees, as well as issues related to registration of IDP voters and voting arrangements. More than 15 years after the conflict, many displaced persons remain unable to exercise their property rights due to the illegal occupation or re-occupation of their homes and/or lands. The Kosovo Property Agency (KPA), which is in charge of solving property disputes, has failed to implement its decisions due to procedural shortcomings and a lack of funding.

In response to the phenomenon of foreign fighters and radicalization which has heavily affected Kosovo, the central institutions have adopted a law as well as a Strategy and Action Plan on the Prevention of Violent Extremism and Radicalisation Leading to Terrorism (2015-2020). The implementation of the law and strategy will require monitoring by civil society as well as international institutions for their compliance with international human rights standards. Furthermore, preventing terrorists from accessing financial resources and countering terrorism financings is crucial to successfully counter the threat of terrorism in Kosovo.

Despite de jure equality, de facto discrimination against women persists, and similarly egregious practices of direct and/or indirect discrimination also extend to other groups in Kosovo. Gender equality and women’s empowerment in justice and rule of law is discussed in more detail below. Kosovo law prohibits discrimination against people with physical, sensory, intellectual and mental disabilities, however health and other support services to persons with disabilities remains dramatically insufficient and the recognition of their legal capacities is an issue of serious concern. The Constitution, the Anti-Discrimination Law and the Law on Gender Equality have addressed legal gaps regarding the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons; nonetheless, criminal assaults against LGBTI people are rarely investigated and prosecuted.

## Law enforcement agencies

In most recent reports and surveys by independent international organisations, the Kosovo Police has been assessed as the most trusted institution in Kosovo. The Kosovo Police has 8,948 employees comprising 88per cent police officers and 12per cent civilian staff. Among the police officers, 84 per cent are of Albanian ethnicity, 12 per cent of Serbian ethnicity and 4 per cent belong to other ethnicities. Approximately 11 per cent of the police officers are female.

The Kosovo Police has five departments (Operation; Investigation; Border control; Support of services; and Human resources) of which the Investigation Department is the largest. It is further divided into the following directorates:

* Directorate for Investigation of Organized Crimes;
* Directorate for Investigation of Serious Crimes;
* Directorate for Investigation of Economic Crimes and Corruption;
* Directorate against Terrorism;
* Directorate for intelligence and Analysis; and
* Directorate of Forensics.

In 2015, the Kosovo Police addressed 50,230 cases, 13,916 persons were arrested, and out of these 3873 persons were detained. The Kosovo Police Inspectorate (KPI) received 1,237 complaints against police officials during 2015 and 45per cent were transmitted to the Department of Investigation within the KPI, while the rest were processed by the Kosovo Police for disciplinary procedures or by the Prosecution Offices which filed indictments for 24 criminal charges, with seven charges dismissed.

Responding to organized and serious crimes has been the main priority of the Kosovo Police. In an effort to combat all forms of crime, special attention has been paid to the fight against terrorism, violent extremism and radicalism as part of the global effort.

## Judicial institutions

The judicial system is set out in the Constitution and pursuant to the 2013 Law on Courts (Law No. 03/L-199). Judicial power is exercised by seven Basic Courts (courts of first instance), with branches in 20 municipalities, the Court of Appeals and the Supreme Court. Table 1 describes the composition and staffing of the judiciary:

*Table 1 Judiciary statistics*

|  |  |  |  |
| --- | --- | --- | --- |
| **Court** | **Number of courts** | **Judges** | **Support staff** |
| Constitutional Court | 1 | 9 | 35 |
| Supreme Court | 1 | 14 | 17 |
| Special Chamber of the Supreme Court | 1 | 13 | 24 |
| Court of Appeal | 1 | 38 | 67 |
| Basic Court | 7 | 278 | 1,333 |

Source: Kosovo Judicial Council (2016) Mid-year report for 2016, Pristina: KJC; Website of the Kosovo Constitutional Court (accessed February 2017)

Basic Courts and their branches are competent to adjudicate all first instance cases unless otherwise provided in the legislation. The Court of Appeal is the second instance court with territorial jurisdiction covering all of Kosovo. The Supreme Court, based in Pristina, is the highest judicial authority and has territorial jurisdiction over the entire territory of Kosovo. The Assembly of Kosovo introduced a series of legislative amendments in May 2015, which aimed to harmonize the legal provisions with regard to the appointment process for judges and prosecutors, including re-appointment, transfer, discipline and dismissal.

The Kosovo Judicial Council (KJC) and the Kosovo Prosecutorial Council (KPC) have been established to ensure the independence, professionalism and the impartiality of the judicial system. Challenges remain with regard to the accountability and efficiency within the justice system, as well as access to justice. Indeed, there are concerns that judicial structures are prone to political interference and that disputed appointments and unclear mandates have undermined the activities of key institutions such as the KJC and the KPC. While a major breakthrough has been achieved in terms of attaining independence in the allocation of resources of the KJC and KPC by having their budget directly approved by the Kosovo Assembly, they still suffer from a consistent lack of funding which impedes their functioning and independence.

In addition, the laws on courts, the state prosecutor, the judicial council and the prosecutorial council need to be harmonized to address inconsistencies on issues such as dismissal, appointment, transfer, the disciplinary system and procedures for the review of decisions taken by the councils. This, alongside the inconsistent interpretation of laws by legal practitioners, has been identified as a major obstacle towards legal certainty. There is a need to clarify and unify judicial practices through publication of guidelines on the implementation of certain legal provisions by judges, which will assist practitioners and improve public confidence in the judicial system.

Public satisfaction with institutions in Kosovo remains low. With respect to judicial institutions in particular public satisfaction has remained below 40 per cent of the population since regular measuring began in 2007, sometimes falling to nearly ten percent (see Table 1). Satisfaction with the courts and the prosecutor’s office has, by and large, followed a consistent trend.

Figure 2 Public satisfaction with the Courts and the Prosecution Offices

Source: UNDP and USAID (2016) Public Pulse Brief 12 for January 2017, Pristina: UNDP

The courts in Kosovo continue to face a substantial backlog of cases. For instance, in 2015 the Basic Courts in Kosovo had 400,000 outstanding cases and managed to resolve 380,000 cases but continue to receive a similar number of new cases.[[2]](#footnote-2)

## Corrections

The Kosovo Correctional Service (KCS) is an independent and professional central body for corrections situated within the Ministry of Justice. The KCS has 12 correctional facilities of varying security levels, from open to high security levels, with a capacity for about 2,900 prisoners. As of September 2016, 1527 individuals were incarcerated, with 352 on pre-trial detention. Historical statistics are provided in Table 3 below. The prison population as of September 2016 included 38 females and 52 juveniles. Approximately 42 prisoners were diagnosed with psychiatric problems and there are 36 high-risk prisoners. In most cases pre-trial detainees are separated from convicted prisoners, while females and juveniles are separated from the adult male population and placed in Lipjan Correction Center.

In cooperation with EULEX and UNOPS, a risk and needs assessment tool has been developed to enable adequate assessment of prisoners/detainees. An assessment centre has been created in the High Security Prison (HSP). Based on the evaluation, an action/sentence plan will be developed and the institutional placement of the prisoner will be determined. Through an EU-funded twinning project, KPS is supported to develop a consolidated data management programme. The basic training for corrections officers is 16 weeks and is conducted by the Kosovo Academy of Public Safety (KAPS) but the KAPS lacks advanced training for corrections officers on all working levels and there is a need for more in-depth training as well as organized and regular in-service training and programmes for the rehabilitation of prisoners.

Despite a legal obligation to implement individual rehabilitation programmes for prisoners, the KPS lacks the funding and trained staff to implement vocational training and rehabilitation programmes for prisoners. While the prison system is generally functioning and is based on a strong legal framework, its implementation remains problematic. There is a lack of effective medical care and adequate spaces in some prisons, preferential treatment for some prisoners, trafficking of illegal contraband within institutions, such as mobile-phones and drugs, and transfer of prisoners from one correctional centre to another without basis. Incidents of ill-treatment attributed to police officers and correctional officers as well as the perceived corruption and favouritism which purportedly affects the penitentiary establishments continue to draw concern among observers. In addition, the management of violent extremist prisoners and the prevention of radicalization in prisons are emerging risks.

The KCS suffers from staff shortages and faces difficulties employing Kosovo-Albanians in the Serb-dominated northern parts of the country. There is some concern over politicization and nepotism in relation to appointments to the prison service, thus impeding the KCS’s path to become an accountable, independent and transparent institution.

The Kosovo Probation Service (KPS) is responsible for organizing and supervising the execution of the alternative sanctions and the social re-integration of convicted persons. The KPS prepares social inquiries and pre-trial risks and threat assessments for prosecutors, courts and the Parole Panel, and drafts special programmes for the supervision of children. Prisoners can be granted conditional release after serving half or two thirds of their sentences, pending their sentence and behaviour. Conditional releases are decided by the Conditional Release Panel. The KPS has seven field offices and during 2015 they had 319 cases of supervision and alternative sanctions, with 51 cases concerning juveniles. In addition, KPS handled 503 cases with diversity measures, such as restorative justice programmes.

## Access to Justice

The Kosovo legal framework grants the right to free legal assistance[[3]](#footnote-3) in accordance with the European Convention for Human Rights[[4]](#footnote-4), including the right to defence for defendants.

Free legal aid in Kosovo is provided by the Agency for Free Legal Aid (AFLA),but it lacks capacity and financial resources. The AFLA does not offer assistance in criminal cases and there are serious challenges with the implementation of the ex-officio legal representation. Although CSOs has supplemented legal aid delivery by the state, little coordination exists between legal aid service providers despite recent efforts which include a Memorandum of Understanding.

Although the Kosovo Constitution provides for a bilingual and multi-ethnic state and despite justice institutions making significant efforts such as raising employment of minorities, access to justice for all ethnic groups in Kosovo remains a challenge. Although judicial institutions are obliged to provide adequate court interpreters and translators, consistent implementation remains a challenge.

The Law on Mediation (Law No.03/L-057) was adopted in 2008 resulting in the Mediation Commission (MC)[[5]](#footnote-5), The Secretariat, and seven centres[[6]](#footnote-6) which provide mediation services, were established for the functionalization of the mediation system. Mediation as an ADR mechanism has proven relatively successful, as it has helped to reduce backlog of cases in courts and increased access to justice[[7]](#footnote-7) for people in Kosovo. Nevertheless, mediation is in the early stages of development facing financial sustainability and gaps in legislation which hinders proper functioning. The main challenges of the mediation services are enhancement of authority (Secretariat and mediators) through professionalism, collaboration with prosecution and courts, as well trust in the institution’s impartiality, and raising the population’s awareness on the availability of mediation. The amendment of the current law is ongoing.

## Juvenile Justice

The legal framework on juvenile justice in Kosovo is largely consistent with international standards. However, considerable work remains regarding the implementation of this legislation. The main challenges are in the areas of duration of pre-trial detention, length of court proceedings, rehabilitation of young offenders, prevention of reoffending, absence of special educational institutions for juvenile offenders, the difficulties of implementation of the Juvenile Justice Code by the newly-appointed judges and prosecutors and a lack of collaboration between relevant institutions.

## Gender Equality and Women’s Empowerment in Justice and Rule of Law

Women constitute 49.6per cent of a population of 1.8 million, with more than 63per cent of the population living in rural areas and 17per cent living in extreme poverty. Several forms of gender-based violence (GBV) continue to exist in Kosovo, including sexual violence, gendercide, domestic violence, human trafficking for forced prostitution and sexual harassment. Domestic violence remains one of the most prevalent forms of violence, with approximately 1,000 survivors being assisted by Kosovo institutions annually, and 46per cent of women suffering domestic violence in their lifetime. GBV is a reflection of the marginalized status for women and girls in Kosovo society, for which there is tolerance and acceptance rooted in the cultural context that will take time to change.

Inclusivity, accessibility to services for all, including for non-Albanian speakers and to residents of northern municipalities, and cultural sensitivity remain the main challenges for domestic/gender-based violence formulation, planning, interventions and monitoring at central and municipal levels. With regard to conflict-related sexual violence, a notable achievement was the formal recognition of survivors of sexual violence during the conflict as a separate category of civilian survivors within the law, [[8]](#footnote-8) despite the lack of mechanisms and procedures for the recognition of the victims in a confidential, inclusive and non-discriminatory manner.

The continued lack of public awareness on women’s rights and gender equality norms, lack of institutional sensitization to women’s needs and associated stigma of GBV have also resulted in serious under-reporting of GBV cases. Due to relatively low numbers of GBV cases that have been processed in the justice system, anti-impunity efforts should include strengthening the capacity of justice actors and institutions to implement strategies and action plans to effectively prevent and respond to GBV.

There is a need for additional and tailored support for Kosovo authorities mandated to respond to domestic violence, such as a review of the training curriculum provision of gender expertise for police, prosecutors and judges, including training more women judges and prosecutors, and the creation of gender-responsive facilities in police stations and courts. It is equally important to ensure that GBV survivors have access to medical, HIV, psychosocial, legal and other multi-sectoral services. There is also a lack of assessment and strategies on women in conflict with the law and female prisoners, including implementation of the Bangkok Rules.  Shelters for survivors and at-risk women and re-integration programmes remain limited and under-funded. A 2013 progress report produced by the former Coordinator against Domestic Violence identified obstacles to women’s access to justice including inadequate implementation of laws, weak coordination amongst responsible institutions, insufficient social security and vocational opportunities for victims, and patriarchal social practices influencing the justice system.

**Ombudsperson Institution**

The Kosovo Constitution establishes the Ombudsperson Institution in Kosovo (OIK) as an independent constitutional body, mandated with monitoring, defending and protecting the rights and freedoms of individuals from illegal and improper actions or inactions of public authorities, institutions and persons or authorities exercising public authorizations in Kosovo. In addition, the OIK acts as a National Preventive Mechanism (NPM) against torture and as an equality mechanism for promoting, monitoring and supporting equal treatment without discrimination on grounds recognized by the Law on Gender Equality and the Law on Protection from Discrimination[[9]](#footnote-9).

In July 2015, three basic laws for the protection of human rights entered into force: the Law on the Ombudsperson, the Law for Protection against Discrimination and the Law on Gender Equality, which have strengthened the mandate and given additional powers to the Ombudsperson. The Assembly of the Republic of Kosovo, in the plenary session held on 2 July 2015, elected the new Ombudsperson for a five-year mandate. Thus, the OIK needs to develop the capacities and expertise required to deal with its current tasks, such as monitoring and working on human rights violations, processing complaints, litigating the cases in courts and executing the OIK´s overall preventive mechanism role. On the other hand, Kosovo civil society organisations are largely unaware of the reform process undergone by the OIK, its functions, and the potential positive outcomes of interacting with the OIK.

## UN Context

The UN system in Kosovo is comprised of UNMIK and the UN Kosovo Team (19 UN Agencies, Funds and Programmes). They operate guided by an accountability framework for the UN and its implementing partners in Kosovo, defined in the CDP[[10]](#footnote-10). This framework is closely aligned to both the emerging global Sustainable Development Goals as well as to the European integration agenda. By focusing its combined resources on strengthening governance and rule of law and promoting higher social inclusion, the UN system in Kosovo seeks to leverage its unique comparative advantages in pursuit of positive, transformative changes that will benefit all Kosovars.

# III. Strategy and Theory of Change

This programme was developed on the basis of priorities identified in the Rule of Law Assistance Strategy 2016-2019, the National Development Strategy 2016-2021, the United Nations Common Development Plan 2016-2020 and the National Strategy against Domestic Violence (NSAPDV 2011-2014).

The UN has identified strategic areas for intervention where there is a significant gap in the achievement of international and regional criminal justice and human rights norms and standards, including with regard to gender and juvenile justice; and where there is a contribution complementari­ty to existing initiatives from the Kosovo institutions or international donors.

International efforts have largely emphasized strengthening the supply-side of justice, with a strong focus on state-building and institution-building leading to significant progress in building capacities of the Kosovo Police and putting in place robust policy and legal frameworks. There are clear gaps and relatively limited attention paid by larger donors to the demand side and to the needs of rights-holders, resulting in limited access to justice and protection for the vast majority of the population at the community level, particularly for women, non-majority groups and other vulnerable groups.

The Justice 2020 Programme will support law enforcement agencies, the police, the judiciary and corrections services and the outcomes will be re-oriented to ensure improved access to justice and protection for rights-holders.

Under the overall framework of international and regional criminal justice and human rights norms and standards, the programme will build on successes and results already achieved in regard to support law enforcement agencies, the judiciary and corrections services and access to justice, including in respect women, children, non-majority communities and marginalized groups. The main objective of the Justice 2020 programme is to directly stimulate a more efficient and effective performance to increase public trust and confidence in the justice system and to enhance people’s access to justice and protection.

## Key challenge

A rule of law system insufficiently effective and accountable to accomplish its obligation to provide access to justice in a more inclusive, efficient and effective manner and protect the rights and needs of the population, including non-majority groups, women and children.

## Barriers to Change and Identified Gaps

As highlighted in the contextual analysis above, several barriers negatively affect the ability of citizens to access justice and security services capable of realizing and protecting rights and enhancing an effective and accountable rule of law in Kosovo:

* Key gaps in capacity, integrity and performance of law enforcement agencies, the judiciary and corrections institutions.
* Lack of implementation of key pieces of legislation that regulate the justice sector as well as substantive anti-discrimination and gender equality laws.
* Gaps and ambiguities in legal and organisational frameworks; Progress by KPC, KJC and KJI but pervasive issues of accountability, independence and efficiency of the sector (backlog, delay in adjudication and due process, non-execution of disciplinary and evaluation procedures).
* Low levels of administrative transparency and accountability in public institutions, for instance Kosovo has the lowest ranking in the Balkans for transparency according to Transparency International. Limited capacity and ownership for planning and coordination of rule of law assistance and lack of inter-institutional coordination between justice institutions.
* Obstacles to access to justice, specifically for vulnerable and marginalized groups and non-majority groups - lack of client-oriented service delivery culture.
* Lack of implementation of laws and policies to protect women and ensure gender-responsive institutions.
* Limited capacity of justice and security institutions as well as municipalities to deal with domestic violence and civil rights such as family law, inheritance and juvenile justice.
* No adequately functioning free legal aid system.
* Limited civil society monitoring and engagement vis-à-vis supplementing service delivery at a local level in the areas of human rights, gender and access to justice.
* Very little progress on reconciliation – right to truth, rights of victims, missing persons.
* Integration process yet to be finalized.
* Rising concerns with prevention of violent extremism.

## Theory of Change

The protection and respect of human and legal rights of people in Kosovo, particularly women, vulnerable and more marginalized populations, including non-majority will be ensured. People’s safety and socio-economic status will be improved and society will trust rule of law institutions’ in Kosovo.

This is the expected change if: (1) an enabling environment for access to justice and protection of their human rights for all the population of Kosovo, including vulnerable groups, non-majority groups, women and children are created; (2) justice institutions implement their mandates and the laws in a more effective way; (3) the rights, safety and security of women and girls are assured and underlying gender inequalities addressed in justice processes; (4) if credible and efficient mechanisms are in place to improve discipline and accountability and (5) if greater inclusion and less discrimination is mainstreamed across the sector.

At the end the local partners from institutions will also be more knowledgeable of the SDG agenda, while some of the most relevant Targets under SDG 1, 4, 5, 10 and 16 will be integrated into policies/plans related to the implementation of this specific programme. Consequently Kosovo will be placed on the same comparative page with the regional and global priorities on increasing respect for the rule of law and human rights.

## Programming principles

The programme will use the following guiding principles in the implementation and monitoring of joint projects which are founded on the 2008 Guidance Note of the Secretary-General on the United Nations Approach to Rule of Law Assistance and the UNDG Guidance on Joint programming[[11]](#footnote-11).

**Ownership:** The delivery of all assistance will be guided by the principle of governmental ownership. The activities will be implemented by the concerned institutions in Kosovo with the direct support of UN experts and partner stakeholders. Institutional change must be locally driven and owned, with UN and relevant partners providing technical support, bringing expert knowledge and offering guidance.

**Ensuring interventions do no harm and are conflict sensitive:** The project will ensure in all its interventions that they do not contribute or aggravate existing tensions and cleavages between different groups of Kosovo’s society. The project will build the capacity of key implementing partners to comply with the ‘Do No Harm principles’, promote equal access to justice services and opportunities, ensure affirmative action where needed and support mainstreaming of elements for social cohesion and increased equality. In particular, the project will support increased representation of minorities and vulnerable groups in justice and security institutions, including through support to their career development. The project will also aim at increasing access to justice for non-majority ethnic groups in Kosovo.

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

**Gender equality, women and youth empowerment:** A gender equality perspective will be mainstreamed throughout the project. Explicit linkages to the Global Goal 5 Targets will be made through ensuring the collection and interpretation of sex / age disaggregated data and conducting gender analysis to better inform project design and implementation. The programme will prioritize in particular women’s access to justice services and women’s participation and role (including decision making) in the rule of law architecture.

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

# IV. Proposed outcomes and outputs

## Outcome 1. Enhanced performance of law enforcement and correction institutions in accordance with applicable criminal justice and human rights norms and standards.

### Output 1.1: The personnel of the law enforcement agencies have increased skills, knowledge and tools for preventing violent extremism and terrorism

Violent extremism leading to terrorism has become an issue of contemporary concern in Kosovo and the region. As such, it is a high political priority for the authorities of Kosovo, as reflected in the adoption in September 2015 of the five-year “National Strategy for the prevention of violent extremism and radicalization that lead to terrorism” and related implementation measures. Drawing on the international expertise of UNODC, support will be aimed at increasing the ability of Kosovo law enforcement authorities to address terrorism financing and target money laundering activities, coordinate with their counterparts within the region and bring the Kosovo legal regime into compliance with international standards. The programme will also address specific gaps in electronic equipment at the Kosovo Forensic Agency and the Kosovo Police Counter Terrorism Directorate.

In the framework of this joint project, the UN will support the Kosovo institutions with capacity strengthening and coordination on early identification and prevention of radicalisation and violent extremism at local level. In particular, it will support the capacities of the Kosovo Police Counter terrorism Directorate and other relevant actors to on PVE, in line with the principles expressed in the UN strategy and plan of action to counter terrorism, prevent violent extremism and uphold human rights. [[12]](#footnote-12) The project will also support the efforts of civil society organizations to ensure that any measures taken by the Government of Kosovo to prevent and counter violent extremism comply its human rights obligations. With regard to intervention and reintegration, the project will also support the implementation of the “Returning Foreign Fighters Baseline Assessment” (push and pull factors) in two target municipalities.

### Output 1.2: The personnel of the correction institutions have increased skills, knowledge and tools in respecting human rights norms and standards, the implementation of rehabilitation programmes and countering violent extremism and terrorism.

The programme will have a limited focused corrections component. In particular, it has been identified that there are areas in which the training provided to corrections personnel can be broadened and enhanced so that personnel have skills and knowledge in highly relevant areas. These areas include gender (the UN Bangkok Rules), juvenile justice and rehabilitation and reintegration. The programme will support the Kosovo Academy of Public Safety to develop and provide training in these areas. In addition, the programme will also address some equipment limitations in the North Mitrovicë / Mitrovica Detention Centre that are of low economic value but their alleviation has the potential to be highly enabling.

### Output 1.3: The law-enforcement agencies have improved skills and tools to respond better to sexual and gender-based violence cases.

Police stations in the six North and South identified municipalities are operating without adequate gender-responsive facilities and would require technical equipment for DV police units. This intervention will allow the establishment of GBV Investigations/Family rooms for SGBV victims in seven police stations in major cities and hotlines in four Northern municipalities, which will significantly increase access to justice for GBV survivors. The UN will also support collaboration and exchanges of experiences on GBV between Kosovo police in the North and South in order to ensure local ownership and inter-communal relations in this sector.

The absence of fully functioning shelters in the North and South municipalities should be addressed in this programme as they do not fully respond to the basic needs of GBV survivors. There is also a need to establish additional shelters compliant with established shelter standards and principles, provision of training workshops on specialized support services, enhanced security, safety precautions and planning for staff of shelters and crisis management. The Programme will also ensure that shelter staff have the resources and capacity to develop and implement awareness raising campaigns at the community level.

## Outcome 2. Enhanced performance and independence of judicial and prosecutorial institutions in accordance with applicable criminal justice and human rights norms and standards.

### Output 2.1: Judicial and prosecutorial institutions have improved skills and tools to undertake evidence based and inclusive policy making and implementation in a coordinated manner.

The Rule of Law Assistance Strategy in Kosovo 2016-2019 defines the approach of the government of Kosovo in defining international assistance programming, donor coordination and cooperation mechanisms to strengthen the Rule of Law sector, particularly in justice sector. Its overall objective is to strengthen rule of law and ultimately also the advancement of the European integration process through planning, programming, and improving the effectiveness of donor assistance in accordance with Kosovo’s strategic priorities. Implementation of the strategy needs to be monitored and measured on regular basis according to the needs and developments of the rule of law sector. Its adequate implementation should correspond to improvement in the effectiveness of the overall sector and specific in the judicial reform process and mirrored by tangible results in terms of access to justice for the people. The programme will support the establishment of a functioning donor coordination secretariat as well as functioning of a Kosovo-wide inter-institutional coordination working group between MoJ, KJC, KPC, KJI.

With respect to human rights, international and European human rights instruments are an integral part of the Kosovo legal system and are directly applicable. The monitoring of the human rights situation demonstrates that the primary challenge for the full and effective realization of human rights continues to be the existing gap between the normative framework and the lack of implementation. In order to help to chart the way forward in the promotion and protection of human rights and stimulate effective implementation[[13]](#footnote-13), enhancement of the quality and coherence of HR-oriented policies and programmes must put a strong focus on comply with recommendations made by human rights mechanisms. Because their thematic work covers a wide range of issues, the lack of timely and proficient dissemination and systematisation in Kosovo contributes to hinder their use in developing action plans and allocating proper funds. Best practices in fostering institutional ownership and independent monitoring through the use of HR recommendations-data-bases have demonstrated their impact in helping implementation, as well as their usefulness as advocacy platform for engagement by civil society and the mainstreaming of human rights in the work of the local authorities as well as the UNKT when engaging in advocacy and provide advice on legislative reform and technical cooperation.

### Output 2.2: Judicial and prosecutorial institutions have increased skills and tools to enhance the accountability, efficiency and independence of the judiciary

The accountability, efficiency and independence of the judiciary are fundamental components of the overall health of any legal system. This project includes activities that mutually support each of these characteristics. In particular, there is a need in Kosovo to address the distrust of the population in the judicial system. In this respect, the Office of the Disciplinary Prosecutor plays a crucial role. The proposed activity will support civil society organisations to monitor and report on the progress of this Office to promote sound and efficient practices. In addition, the joint project will assist the KJC in assessing the implementation of the “National Backlog Reduction Strategy” (2013) based on interviews and data collected from the all courts, which will include recommendations for improvement of court efficiency and other measures reducing the backlog.

The Kosovo Judicial Institute, with the KJC and KPC will develop curriculums and implementing specialized professional training in respect of a number of areas, including, but not limited to legal drafting for secondary legislation on gender and also gender justice and sexual and gender based violence. Peer to peer training courses on advanced modules for new and current judges and prosecutors will be part of this activity.

### Output 2.3: Judicial and prosecutorial institutions have improved facilities for enhanced operational capacities

Close cooperation and consultation with judicial and prosecutorial institutions have resulted in the identification of discrete, specific resource requirements that would improve operational capacities. The programme proposes interventions that address these requirements and facilitate a step-change in operational efficiency and capability. For instance, an electronic system to manage personnel information at the Kosovo Prosecutorial Council would address prevailing difficulties in personnel management. The provision of backup server would address important vulnerability in the Basic Prosecution of Gjakovë/Ðakovica. At the same time, an independent report commissioned by UNMIK has identified weaknesses in the security of prosecution offices. The proposed activities include the provision of equipment that will address these weaknesses, as well as training to ensure that the prosecution offices can fully utilise and apply this equipment.

### Output 2.4: The personnel of the judiciary institutions have improved skills in applying human rights norms and standards and in dealing with money-laundering and terrorism-related cases

Personnel of judicial institutions are required to develop a variety of skillsets to deal with evolving and emerging challenges. With respect to terrorism in particular, the judicial system is receiving an increasing number of terrorism-related offenses, while representatives of Judges and Prosecutors have recognized their limited capacity to deal with the specificities of these cases. While the necessary legislation has to a large extent been adopted, Judges and Prosecutors from Departments of Serious crimes in all seven Basic Courts and Appeal Courts are not familiar with the implementation of the substantive and procedural provisions most relevant for terrorism related cases. The proposed activities will provide training directed towards meeting this skill gap. It would also provide training in the areas of gender justice and sexual and gender based violence. The Kosovo Judicial Institute will be supported to develop the curriculums in this areas and increase its capacity to provide the training.

In addition, the KJC and its Committee for Normative issues lack sufficient capacities and resources to independently draft the regulations stemming from the 2015 package of laws which reorganize the judiciary. The missing secondary legislation and clarity on how to implement some of the new laws of the 2015 reform package is creating ambiguities in mandates of the judicial and prosecutorial councils. The KPC still needs to improve the performance-evaluation process of its prosecutors and in accordance with existing rules. The proposed project includes activities directed towards these needs.

### Output 2.5: The judicial institutions have enhanced capacities to integrate into a single legal system as per the 2013 Agreement between Pristina and Belgrade

The functioning of judicial institutions has been hampered in Northern Kosovo since the end of war. The 2013 agreement between Pristina and Belgrade and the integration of the justice institutions is expected to enhance access to justice in the Northern Kosovo as well as the consolidation of the rule of law in the entire country. In cooperation with the Kosovo Judicial Council (KJC) and the Kosovo Prosecutorial Council (KPC) and the KJI, the project will support the training of non-majority judges and prosecutors to be integrated in the justice institutions as per the 2013 agreement between Pristina and Belgrade. In this context, the project will also support tailored trainings for lawyers and for the four legal departments of the four municipalities in Northern Kosovo on the laws and regulations of Kosovo.

## Outcome 3. Improved access to justice for all with specific focus on women and the most vulnerable groups.

Access to justice remains a major challenge in Kosovo. Corruption, lack of free legal aid services and lack of implementation of the language rights of the non-majority population as well as the inefficiency of the justice system (with a considerable backlog of cases) are major impediments to access to justice. Barriers to access justice service delivery for persons belonging to vulnerable and marginalized groups, such as women, children and juveniles are even higher.

### Output 3.1: The free legal aid actors have improved skills, knowledge and tools to provide better free legal aid and other legal services in a sustainable manner

Kosovo’s rule of law system remains ineffective and insufficiently accountable in accomplishing its constitutional, and international obligations to provide access to justice in a more inclusive, efficient and effective manner and protect the rights and needs of the population, including non-majority groups, women and children. The Kosovo legal framework grants the right to free legal assistance in accordance with the European Convention for Human Rights, including the right to defense for defendants. However, the legal aid system in Kosovo is still in its early stages of development and challenges need to be addressed by different stakeholders active in this field.

Specifically, access to justice relates to the inefficiency, as well as lack of capacities of the institutional, and Civil Society Organizations (CSO) providers of free legal aid. Free legal aid in Kosovo is provided by the Agency for Free Legal Aid (AFLA), but it lacks capacity and strategic orientation. The AFLA does not offer assistance in criminal cases and there are serious challenges with the implementation of ex-officio legal representation. Although CSOs have supplemented legal aid delivery in Kosovo, little coordination exists between legal aid service providers despite recent efforts including a Memorandum of Understanding. Moreover, lack of capacities to develop creative ways to reach the people of vulnerable groups presents another major barrier for access to justice. The Kosovo Judicial Council, the Kosovo Prosecutorial Council, and the Kosovo Academy of Justice have limited capacities and knowledge to make strategic plans and orientation for improving people’s access to justice and human rights standards. The importance of legal aid in ensuring access to justice is even more relevant in a context like Kosovo, where an important part of the population is theoretically, and legally entitled to it.

In accordance with Kosovo’s Rule of Law Assistance Strategy, the joint project will support Kosovo institutions in the advancing the legal aid system. Support will include an assessment of the current status of legal aid service delivery, free legal aid system within the existing law and the level of its applicability and implementation. This will include specialized training on coordination and collaboration between judiciary institutions through case management and on provision of legal services for children, youth and women.

Based on the analysis, the project will support the establishment of effective coordination of legal aid service provision by the AFLA and support further capacity building of the AFLA, including for legal aid service delivery to all vulnerable groups. Assistance will also focus on improving and advancing and integrating the legal aid system in the North of Kosovo in the rule of law system of the country with an equal access for all citizens of Kosovo. Within the broad context of justice reform, the UN Agencies support through the joint project lies in supporting the Rule of Law and Human Rights Standards in Kosovo. This is consistent with the UN Agency’s strong commitment to the Sustainable Development Goals (SDGs) and the support to the Kosovo institutions to fulfil the SDGs.

Several activities will be undertaken to achieve this output:3.1.1 Provide technical assistance for the legal aid Coordination Mechanism to organize regular meetings with internal and external actors, facilitating the sharing of information (common database for legal aid actors) (UNDP)

-Provision of technical Assistance for Local Stakeholders

-Facilitation of regular meetings with internal and external actors

-Deliver workshops & Trainings for legal providers

-Deliver workshops & Trainings for judges

-Legal Aid service through Mobile clinic

Further development of the mediation system will be carried out under this project, to build on achievements made by UNDP and UNICEF over the past years. Joint activities foreseen by the project will further advance mediation system and will be carried out in close coordination between agencies with a role in this area of work.

Training on mediation will be provided to relevant institutions mediators and closely coordinated in areas of work consisting legislation implementation regarding business, property and Juvenile Mediation Center and legal rights. Specifically, the project will:

3.1.2 Organize continuous professional trainings for licensed mediators on specific fields (business law, property law etc.) (UNDP)

-Deliver workshops & Trainings for mediators

-Trainings for judges and prosecutors

-Citizens informed about mediation and legal aid (UNDP)

-Technical Assistance for Local Stakeholders

-Public relations campaigns for mediation

-Public relations campaigns for legal aid

### Output 3.2 The judiciary institutions have improved skills, knowledge and tools to provide better mediation services

The joint project will support the increasing capacities for a sustainable mediation system. Support will include the implementation of the amended law on mediation, undertaking a cost analysis of mediation system for full inclusion in state budget, capacity building of the Mediation Commission, refining the referral system and cooperation with prosecutors and courts, support to specialization and training of mediators, including with regard to juveniles and women’s rights and ensure availability of mediation services in non-majority languages.

In addition, the institutions will be empowered to provide mediation, peer mediation and psychosocial counselling service under a Juvenile Mediation Centre for children and youth in conflict/contact with the law Pursuant to the human-rights based approach the project will also actively work toward increasing access to justice for excluded and marginalized, vulnerable groups by increasing citizens’ awareness through public relations campaigns.

### Output 3.3 More people are aware of free legal aid, mediation services, and human rights norms and standards.

The development of improved legal systems and institutions are only of benefit if they can be accessed and people are aware of them. Previous experience has shown that addressing the issues of promoting gender-equality and gender based violence by awareness campaigns and other activities has a positive impact in transforming gender norms and reduce gender-based violence. Considering the fact that youth in Kosovo present the largest portion of population, it is essential to engage young women and men in the process of promotion gender equality and prevention of gender based violence.

This joint project will include activities designed to reach vulnerable groups (women, elderly, disabled persons, those living in hard to reach areas) and provide them with information on how they can access their legal rights and tools available to them, including free legal aid and mediation services. Additional activities will support authorities, civil society and the media to enhance their capacities in fostering rapprochement through awareness and education on human rights. This will include raising awareness within schools, youth, media and awareness raising through face to face initiatives and online and producing policy recommendations and publications for human rights.

This project will also support women’s organizations on women’s rights and access to justice by developing and implementing innovative campaigns and will also support CSOs to partner with police to engage youth and men on gender sensitization media campaigns to promote gender justice issues. It will also support CSO-led initiatives to organize dialogue between police, CSOs, judges, prosecutors, village leaders, municipal authorities on gaps and solutions in the implementation of DV SOPs and Municipal Action Plan.

### Output 3.4: Kosovo authorities have improved skills, standard operating procedures (SOP) and facilities to offer greater access to justice for women and address sexual and gender-based violence

This output replicates lessons-learned and best practices from implementation of the DVCM from other Municipalities in the UNKT GBV Joint Project, providing a sustainable referral/coordination mechanism for GBV on local level for six municipalities with all elements fully functional, including improved capacities of all relevant actors to provide multi-sectoral services.  Taking into account the key challenges, gaps and opportunities identified in the UNKT GBV Joint Project, the Joint Programme will continue to strengthen the awareness, promote community based dialogue and support advanced capacity development in line with the NAPDV, providing a platform for mutual learning and institutional cooperation among selected municipalities. This output aims to develop local capacities in northern Kosovo to respond to gender-based violence and domestic violence cases and contribute to creation of coordination mechanisms involving relevant institutional and civil society actors using a human rights based approach.

Moreover, measures of economic integration of victims of GBV/DV will be delivered in order to stimulate income generation, skills development, and sustainable employment of the victims. The Ministry of Labour and Social Welfare has standardized operational guidelines for the implementation of active labour market measures (such as on-the-job training, wage subsidy, internship, or self-employment) as well as a jobseeker profiling system, employment management information system, and other tools that allow for providing tailored services to victims of GBV/DV as part of their economic empowerment. The UNKT GBV Joint Project, in coordination with other UN projects in the area, extended these tools to the Employment Offices in the northernmost municipalities and delivered a series of active labour market measures to victims of GBV/DV. Building on these achievements and mechanisms in place, this Joint Programme will extend active labour market measures to other survivors and potential victims of GBV/DV in the northernmost municipalities, in cooperation with the local Employment Offices, the local private sector, and other actors involved in the provision of public services to GBV/DV survivors. A tailored mix of these measures will be designed based on the demand and potential to develop, the profiles of survivors, and the absorption capacity of the private sector in the area. Ultimately, this strengthens economic independence of the targeted women and men, improves income generation, as well as significantly strengthens the role and capacities of public service providers in the process.

Under the UNKT GBV Joint Project, a baseline assessment of the Mitrovicë/a Region was conducted, looking at challenges faced by SME’s operating in selected business sectors in having better access to the market and information necessary for increasing their domestic and export competitiveness. In particular, the baseline assessment also provides in-depth analyses of the selected business sectors operating in the region. Moreover, value chain analyses assessing two sectors with development potential: agriculture (raspberries, strawberries, blackberries, blueberries and medical herbs) and wood processing (furniture and pellet production) are in place. This analytical evidence will serve as a basis for tailored support to victims of GBV/DV who operate or wish to operate in the agriculture and forestry sector. Small investments complemented with technical assistance and training will be provided to survivors and potential victims of GBV/DV to further stimulate income generation and economic reintegration, as well as to valorise the region with a significant agricultural potential. A key element of the Programme will be to further strengthen women’s (as well as men’s) autonomy and economic independence both as survivors and potential survivors of domestic violence to enhance their economic status and reduce the risks of becoming survivors of gender-based violence.

The comprehensive approach to address GBV/DV piloted in different local contexts will feed into evidence-based advocacy for replication and expansion to other municipalities during the second and final year of the intervention. Sharing of the results of the programme with local and central level authorities as well as other stakeholders will make possible a gradual downscaling of assistance to GBV of the implementing UN Agencies, as ideally the assisted municipalities with the support of the relevant central authorities and regulated financial resources will further continue the ownership over the created mechanisms and follow the best practices discovered during the intervention. The exchange visits of Mayors/Deputy Mayors from six municipalities to learn from best practices of other Municipalities; advocacy initiatives with the Association of Kosovo Municipalities, MLSW, MLGA and other relevant authorities such as the Association of Serb Majority Municipalities once established, sharing of best practices, and replicating results from pilot municipalities to all municipalities in Kosovo. It will also ensure local ownership and promote inter-community relations. To ensure sustainability of current efforts, the UN will support monitoring and other relevant planning activities to implement the Domestic Violence Municipal Action Plan and Strategy, including budget allocation for GBV/DV activities in the six municipalities.

Furthermore, the joint project’s support will focus on reintegration juvenile offenders in target regions, including through the development and implementation of strategies and actions for reintegrating juveniles in conflict with the law through youth work in targeted regions, strengthening capacities for prevention of young offenders, and the establishment of an early warning and response system for boys and girls at risk. The support will also focus on increased efficiency of the juvenile justice system in line with human rights standards as well as based on child friendly principles as enshrined in the legal and policy framework. In addition, the project will support conduction of an assessment of corrections services for juveniles in the North.

In terms of economic empowerment and reintegration of DV and GBV victims, the project will do the following:

3.4.1.6. Introduce measures for reintegration of GBV and DV victims

-Implement active labour market measures for women (focusing on sectors with the potential to develop) to generate employment and income generating opportunities (UNDP)

- Provide trainings and grants based on the identified challenges in the value chain analysis on berries and wood sector (production, processing, marketing and packaging.) (UNDP)

The Project activities foreseen under this component will coordinate closely and complement the newly EU funded sub-regional project with UNWOMEN on GVB.

### Output 3.5. The justice institutions have enhanced skills, tools and resources to provide child-friendly justice service delivery and successful reintegration of juvenile offenders

At end of 2016 the Government of Kosovo approved the amended Juvenile Justice Code which is expected to be promulgated by the Kosovo Assembly at the beginning of 2017. The JCC was amended by the MoJ with UNICEF support based on the CRC Legal Review recommendation to further alight it with the international standards. In this regard the programme will support the revision of existing curricula of KJI and KBA in order to reflect the amendments of the JJC and subsequently will increase the capacities of judges, prosecutors and lawyers. Specific focus will be given to the importance of alternative measures and sanctions.

In 2013 the Government of Kosovo approved 20 Justice for Children Indicators in order to monitor the situation of children within the justice system and to ensure evidence based budgeting and policy making. Despite this, challenges in monitoring are still evident in both central as well as local level. Differences between relevant institutions in collecting and reporting of the data are obvious. Furthermore, most of the institutions that collect data do not use them for the development of policies. The lack of data and their use for budget allocation has impacted on the quality and lack of services. Lots of institutions have difficulties in measuring the impact of laws and services for juveniles. The programme will support KP, KPC, KJC, KCS and KPS on increasing their capacities for the collection, processing, analysing and monitoring of data and their usage in budgeting and policy making.

### Output 3.6 Improved language capacities of judiciary institutions to facilitate access to justice

The project will assist the Office of the Language Commissioner and justice institutions (KJC and KPC, courts and prosecution offices) in further developing a multi-ethnic justice system in accordance with the law on Use of Languages in Kosovo. Support will include an assessment of the implementation of the Law on the Use of Languages in Kosovo in the justice sector with analysis of gaps and recommendations for action. Support provided to the KJC and KPC will include the development of Standard Operating Procedures and Administrative Instructions governing translations services as well as the establishment of a centralised fund that courts can use to outsource translation in times of high demand or urgency. The project will also support the drafting of a glossary of legal terms in Albanian and Serbian which will be made available to all prosecutors, judges and court translators. The project, in close cooperation and coordination with relevant stakeholders, will support the training and integration of the new non-majority community’s judges and prosecutors in the local judiciary.

### Output 3.7: Ombudsperson Institution has strengthened skills to facilitate access to justice to vulnerable groups

The Ombudsperson Institution is an important independent institution for safeguarding accountability and promoting human rights, including advocating for access to justice and legal remedies for victims of human rights. The project will support the Ombudsperson Institution to perform this important mandate, while placing particular emphasis on enhancing the Institution’s capacity to facilitate access to justice for vulnerable groups. The proposed activities include the provision of training for staff at the Ombudsperson Institution. Other activities will focus on strengthening collaboration between the Institution and civil society organizations, including on human rights fact-finding, monitoring and advocacy, and establishing referral systems, in accordance with the MOU between the Ombudsperson, the Agency for FLA, the Unit for Protection of Victims and Witnesses and CSOs. The project will also support of the effective functioning of the OI in Mitrovica.

# v. MANAGEMENT ARRANGEMENTS

The main decision body for the Project will be a Project Board. The role of the Project Board will be to oversee the implementation of the Project, provide strategic guidance and perform a decision-making authority of the Project on strategic decisions. The Project Board will meet twice a year, or more frequently if deemed necessary, in order to address the following questions:

* Is the project being implemented as planned?
* Is the project yielding the desired results?
* Are risks managed?
* Is the project still relevant and effectively contributing to the intended outcomes?
* Is there a need to redesign, or modify the project in any way in order to ensure meaningful contribution to development results?

The role of the Project Board will also be to review annual work plans and yearly targets for achievement of results and approve accordingly annual work plans and budgets. Any substantive amendments to the yearly work plan and to the budget will be subject to the approval of the Project Board.

The core members of the Board will be comprised of Deputy Special Representative of the Secretary General (D/SRSG) and the United Nations Development Coordinator for Kosovo. However, these members of the Board may decide to expand its membership by inviting local counterparts, international partner organizations as well as high level representatives of UN Agencies involved in this project in different capacity.

A small Coordination Secretariat will be established, responsible for performing a secretariat role to the Project Board but also for overall coordination of the Project across different components and participating agencies as well as meeting monitoring, reporting, and evaluation requirements. More specifically, the coordination secretariat will be responsible to plan, invite and organize Project Board meetings as well as document discussions and decision points during the Board meetings. Furthermore, the secretariat will be in charge of organizing by-monthly/quarterly meetings for coordination of activities between different participating UN Agencies as well as of facilitating the preparation of annual work plans. Finally, the secretariat will also be responsible for gathering the information on project implementation (activities and inputs) as well as project results (outputs, outcomes and impact) and produce results-based reporting on the project’s progress.

On the other hand, the day to day management of the Project will be responsibility of participating UN Agencies which will be done through different implementation modalities with involvement of the local partners. Participating UN Agencies, as per results and resources framework, will be responsible to ensure that the project produces the results specified in the project document, to the required standard of quality and within the specified constraints of time and cost.

# VI. MONITORING FRAMEWORK AND EVALUATION

In the beginning of the Project, the coordination secretariat will coordinate the work within participating UN Agencies for completion of Monitoring and Evaluation (M&E) plan to systematically plan the collection of information to assess and demonstrate progress made in implementation of activities and achievement of expected results. During completion of M&E plan participating UN Agencies will develop missing baselines for performance indicators as well as elaborate on the means of verification (means to obtain the information required by the indicators), data collection method (i.e. survey, in depth interviews, observation etc.), frequency (refers to the period when information on specific indicator will be collected), responsibility (refers to the person or entity/unit or organization responsible for collecting the information).

Within semi-annual cycle, the coordination secretariat will gather information on project implementation (execution of project activities and inputs used) on project results (on performance indicators at outputs, outcomes and impact level) as per schedule defined in M&E plan and annual work plan. The coordination secretariat will also gather information on Project environment including key assumptions and risks. Furthermore, the coordination secretariat, will review the information on project’s progress against predefined targets and report accordingly to the Project Board.

Within annual cycle, the coordination secretariat will produce results-based progress reports communicating important results that the project has achieved as well as capturing lessons learned, good practices as well as possible failures. The results and resources framework, the M&E plan as well as key assumptions and risks will be updated on annual basis. The annual work plan will be also developed by participating agencies through facilitation of the coordination secretariat on annual basis which will form the basis for implementation monitoring.

Evaluation is complementary to monitoring. Evaluation looks at project design issues (“are we doing the right things?”), at operational and implementation issues (“are we doing things well?”), and at whether there are better ways (alternatives, best practices and lessons learned) of approaching the issues. An independent external evaluation will be conducted before the completion of the Project. The evaluation shall review the project’s results, identify lessons learned and provide suggestions to the continuation of activities. The evaluation shall focus on relevance, effectiveness, efficiency, sustainability of the project implementation. Evaluators are expected to follow relevant evaluation guidelines of United Nations Development Group (UNDG).

# VII. Results and REsources Framework

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| OUTCOME I: Enhanced performance of law enforcement and correction institutions in accordance with applicable criminal justice and human rights norms and standards | | | | | |
| *Outcome Indicator 1.1: SDG Indicator 16.4.1: Total value of inward and outward elicit financial flows in current USD:*  *Baseline: Estimates: total gross profit on illicit opiates in Balkans routes is 25Mill$/year (UNODC);*  *Target: TBC (UNODC)* | *Outcome Indicator 1.2: % of children spending more than 6 months in pre-trial detention;*  *Baseline: 2. 8%;*  *Target: 0 by 2020 (UNICEF)* | | *Outcome Indicator 1.3: Average score of experts for assessment of competent police response to incidents of domestic violence (UNW)*  *Baseline: TBC;*  *Target: TBC (UNW)* | | |
| INTENDED OUTPUTS | | **INDICATIVE ACTIVITIES** | | **RESPONSIBLE PARTIES** | **INPUTS (USD)** |
| Output 1.1: The personnel of the law enforcement agencies have increased skills, knowledge and tools for preventing violent extremism and terrorism  *Output Indicator 1.1.1: Proportion of personnel of the law enforcement with enhanced skills and knowledge on preventing violent extremism and terrorism*  *Baseline: TBC at the beginning of the intervention*  *Target: At least 30% increase by 2020*  *Output Indicator 1.1.2: Standard of equipment at the Kosovo Police concerning backup of data and forensic services.*  *Baseline: Forensic services constrained by a lack of required equipment and electronic data not backed up.*  *Target: Electronic data backed up and an improvement in the breadth of professional forensic services performed.* | | Activity 1.1.1: Support Kosovo authorities to enhance their capacities in respect of terrorism financing and money laundering investigations through the provision of the following activities:   * Delivery of goLEARN e-learning platform modules for the financial investigation course load; * Organize training on conducting financial investigations; * Institutionalize the delivery of a training course so that Kosovo may deliver the course at training centres; * Ongoing support to trainers. * Develop and provide training on conducting analysis of criminal organizations and identifying critical weaknesses to exploit to financially disrupt their capabilities.   Activity 1.1.2. Support the Kosovo Authorities to participate in bi-annual meetings of relevant law enforcement and intelligence in Kosovo with their counterparts in South Eastern Europe, which would provide a platform to share information and intelligence relevant to money laundering and the financing of terrorism. | | UNOPS, UNODC, UNMIK | $85,000  (10,000 UNODC 50,000 UNOPS) |
| Activity 1.1.3. The commissioning of a complete assessment report of the required action to bring Kosovo’s legal regime into compliance with international standards, including proposed amendments to the anti-money laundering legislation already in place. | | UNOPS, UNODC and UNMIK | $150,000 |
| Activity 1.1.4. The procurement and delivery of upgraded electronic equipment, including servers and accompanying training for the Kosovo Forensic Agency. | | UNOPS, UNMIK | $150,000 |
| Activity 1.1.5. The provision of electronic monitoring equipment server, storage and accompanying training to the Kosovo Police Counter-Terrorism Directorate as well as to the Kosovo Police in the region of Kacanik. | | UNOPS, UNMIK | $365,000  ($225,000 UNOPS+ 30,000+6,000) UNMIK) |
| Activity 1.1.6 The organization of a study tour to Croatia for the Kosovo Police on the subject of hate-crimes and extremism. | | UNOPS, UNMIK | $15,000  ($10,0000 UNMIK) |
| Activity 1.1.7.Provide training workshops for youth in Mitrovica North and South that are designed to discourage participation in criminal activities and violent extremism, and to promote inter-ethnic dialogue among communities. | | UNOPS, UNMIK | $130,000  ($34,000 UNMIK) |
| Output 1.2: The personnel of the correction institutions have increased skills, knowledge and tools in respecting human rights norms and standards, the implementation of rehabilitation programs and countering violent extremism and terrorism  *Output Indicator 1.2.1: number of training modules developed for Correction officers and number of trainings held*  *Baseline: 0 (2016)*  *Target: 4 modules; 15 trainings by 2019*  *Output Indicator 1.2.2: Aftercare programme on corrections services.*  *Baseline: Aftercare programme in northern Kosovo non-existent (2016)*  *Target: Establish aftercare programme in northern Kosovo and upgrade the existing one in other parts of Kosovo by 2019* | | Activity 1.2.1. The design and delivery of the training programmes for corrections officers in at least the following areas:   * gender, including the UN Bangkok Rules; * juvenile justice; * on best practice approaches to addressing the risk of violent extremism and terrorism in prisons as well as managing inmates sentenced or waiting for a trial on charges relating to violent extremism and terrorism.; and * rehabilitation and reintegration programmes. | | UN Women, UNOPS, UNMIK | $200,000  (25,000 + 25,000 UNMIK) |
| Activity 1.2.2. Conduct an assessment on the needs of Northern Kosovo municipalities in respect of juvenile justice corrections services. | | UNICEF | $30,000 UNICEF |
| Activity 1.2.3. The provision of operational equipment to the North Mitrovicë / Mitrovica Detention Centre. | | UNICEF, UNOPS, UNMIK | $60,000 |
| Output 1.3: The law-enforcement agencies have improved skills and tools to respond better to sexual and gender based violence cases  *Output Indicator 1.3.1: # of Police members with enhanced skills and knowledge on combatting domestic violence*  *Baseline: 0*  *Target: 65 (UN Women)*  *Output Indicator 1.3.2: Shelters for victims of gender-based violence*  *Baseline: Shelters are in poor conditions (2016)*  *Target: One Shelter in the North and one in the South of Kosovo refurbished by 2019* | | Activity 1.3.1. The provision of technical equipment and necessary training for domestic violence police units in the North and South municipalities.    Activity 1.3.2. The enhancement/refurbishment of the family rooms for gender-based violence Investigations for GBV victims in seven police stations in major cities.  Activity 1.3.3. The facilitation of three annual seminars on gender-based violence between North and South Kosovo Police to promote collaboration and exchanges of experience.  Activity 1.3.4. The provision of equipment including training for the Domestic Violence Headquarters Unit of the Ministry of Internal Administration to facilitate the establishment of Gender Based Violence Hotlines in four Northern Municipalities.  Activity 1.3.5. The provision of training for the Kosovo Police on how to combat domestic violence. | | UN Women, UNDP UNOPS and UNMIK | $270,000  ($40,000 + 35,000+ 10,000+ 10,000+ 18,000 UNWOMEN; $20,000 UNMIK) |
| Activity 1.3.6. The provision of construction services to refurbish two shelters for victims of gender-based violence (one in the North and one in the South of Kosovo) as well as the provision of security equipment for both shelters.  Activity 1.3.7. The provision of training workshops on specialized support services, enhanced security, safety precautions, crisis management and planning for staff of shelters.  Activity 1.3.8. The provision of advisory services to assist shelter staff to develop awareness-raising campaigns. | | UN Women and UNDP | $120,000  ($15,000+10,000 UNWOMEN) |

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| OUTCOME II Enhanced performance and independence of judicial and prosecutorial institutions in accordance with applicable criminal justice and human rights norms and standards. | | | | |
| *Outcome Indicator 2.1: Rule of Law Indicator 44: the proportion of the public that believes the prosecution decisions are made in a fair, efficient and effective manner;*  *Baseline: TBC in the beginning of the project;*  *Target: TBC once the baseline is set* | | *Outcome Indicator 2.2: Rule of Law Indicator 54: percentage of all detainees who have been held in detention for more than 12 months while awaiting sentencing or a final disposition of their case;*  *Baseline: TBC in the beginning of the project;*  *Target: TBC once the baseline is set* | | |
| INTENDED OUTPUTS | **INDICATIVE ACTIVITIES** | | **RESPONSIBLE PARTIES** | **INPUTS (USD)** |
| Output 2.1: Judicial and prosecutorial institutions have improved skills and tools to undertake evidence based and inclusive policy-making in a coordinated manner  *Output Indicator 2.1.1: Institutions have technical solutions and tools in place, in order to comply with international standards on human rights*  *Baseline: There is no database with the reports and recommendations from International and European Human Rights Mechanisms on Kosovo (2016)*  *Target: Functional database with the reports and recommendations from International and European Human Rights Mechanisms on Kosovo by 2019.*  *Output Indicator 2.1.2: Extent to which Rule of Law institutions[[14]](#footnote-14) have a unified framework in place, covering policy, operational, and donor coordination aspects*  *Baseline: Several strategies and inter-ministerial working groups within Rule of Law institutions exist, but are not functional nor coordinated. Current rating on RoL institutions which include strategies and policies, working groups, coordination bodies is 2/5.[[15]](#footnote-15) (2016)*  *Target: Sector-wide coordination group on RoL institutions fully functional and rate at least 3/5 by 2019*  *Output Indicator 2.1.3: Comprehensive Rule of Law Statistics based on UN Rule of Law Indicators and SDG 16*  *Baseline: there is no such comprehensive Statistics (2016)*  *Target: Develop comprehensive statistics on Rule of Law sector based on UN Rule of Law Indicators and SDG 16 by 2019* | Activity 2.1.1. The provision of technical support to the Prime Minister’s Office and the Ombudsperson Institution to establish a comprehensive data base gathering all the reports and recommendations from International and European Human Rights Mechanisms on Kosovo (in Albanian, Serbian and English) | | Joint Human Rights Office UNMIK- OHCHR | $25,000  ($25,000 UNMIK) |
| Activity 2.1.2. Provide technical support for the functioning of a national inter-institutional coordination working group between MoJ, KJC, KPC, KJI for evidence-based planning and coordination  Activity 2.1.3. Fund an adviser to serve at the MOJ and support the organization, coordination and implementation of the National Development Strategy 2016- 2021 and the Rule of Law Assistance Strategy in Kosovo, 2016-2019 | | UNDP, UNOPS, and UNMIK | $250,000 |
| Activity 2.1.4. Commissioning of one report on the rule of law with an assessment of justice institutions and detailed short, medium and long-term recommendations to the authorities of Kosovo, civil society and international partners. | | UNOPS and UNMIK | $40,000 |
| Activity 2.1.5. The provision of on job coaching and specialised trainings and international peer study visits for administrative and legal staff of the KPC and KJC in coordination with KJI in respect of: the drafting of standard operating procedures and the design of road maps for effective administrative services. | | UNOPS and UNMIK | $100,000  ($50,000 UNMIK) |
| Activity 2.1.6. Support to the Kosovo Statistics Agency to design and implement comprehensive rule of law statistics based on the United Nations Rule of Law Indicators and indicators for Sustainable Development Goal 16 and the UNODC Manual on the International Classification of Crime for Statistical Purposes (ICCS). This will include :   * the development of methodologies for the collection of raw data, * the analysis and management of data and the publication of official statistics * the commissioning of a report on the implementation of the United Nations Rule of Laws Indicators and indicators for Sustainable Development Goal in close collaboration and coordination with a local civil society organisation. | | UNOPS and UNMIK | 300,000  ($150,000 UNMIK) |
| Output 2.2: Judicial and prosecutorial institutions have increased skills, knowledge and tools to enhance the accountability and efficiency of the judiciary  *Output Indicator 2.2.1: Number of cases entered in the basic courts of Kosovo divided by the number of new cases entered (same indicator as from the UNKT CDP)*  *Baseline: 84% in 2013*  *Target: 90% in 2020*  *Output Indicator 2.2.2: # of business processes and SOPs developed*  *Baseline: There are no SOPs in place on ODP and Court management*  *Target: SOPs developed for ODP and Court Management* | Activity 2.2.1. Support CSOs or a coalition of them in monitoring and reporting on the activity of the Office of the Disciplinary Prosecutor (ODP). Monitoring and reporting will focus on:   * Internal business processes of ODP with the focus on registration, case assignment, case prioritization and timely resolution; and * A comprehensive examination of the merits of at least 80 open cases with the ODP (selected randomly) * One detailed report by a CSO or a collation thereof on the above. | | UNODC, UNDP, UNOPS, and UNMIK | $274,000  ($50,000 UNMIK) |
| Activity 2.2.2. Support to the KJC on assessing the implementation of the National Backlog Strategy (concerning to the backlog of cases) through the commissioning of a report based on interviews and data collected from the all courts, which will include recommendations for improvement of court efficiency.  Support recommendations from the assessment report, indicatively, among other matters:   * the development of operational manuals for court staff and the court presidents and professional training on case allocation and case management for court presidents and court administration; * the funding of up to 100 legal officers to work for six months as Legal Assistants in all courts in Kosovo in order to assist judges and court administrators in reducing the backlog by assisting judges in reviewing/processing the case files. | | UNDP, UNOPS, UNMIK | $300,000  ($100,000 UNMIK) |
| Output 2.3: Judicial and prosecutorial institutions have improved facilities for enhanced operational capacities and improved security  *Output Indicator 2.3.1: % of judicial and prosecutorial staff that function with better operative conditions*  *Baseline: TBD in the beginning of the project*  *Target: TBD once the baseline is done* | Activity 2.3.1. Design and installation of an electronic system along with training for the KPC to manage personnel information about Prosecutors and training for the KPC. | | UNOPS and UNMIK | $25,000 |
| Activity 2.3.2. Provision of a backup server and a room for the server in the Basic Prosecution of Gjakovë/Ðakovica. | | UNOPS and UNMIK | $280,000 |
| Activity 2.3.3. Design, procurement and construction of two court houses for the branches of Gracanicë/Gracanica and Fushë Kosovë/Kosovo Polje | | UNOPS and UNMIK | $600,000 |
| Activity 2.3.4. The provision of technical equipment to the KPC and the KJC that will address bottlenecks to efficiency, such as videoconferencing facilities, scanners / photocopiers / digital senders, personal computers; and printers. | | UNOPS and UNMIK | $500,000 |
| Activity 2.3.5. Provision of equipment that will improve the security of Prosecution Offices by addressing specific weaknesses addressed in the recent independent report of the Kosovo Law Institute. | | UNOPS and UNMIK | $65,000 |
| Output 2.4: The personnel of the judiciary institutions have improved skills in dealing with money laundering and terrorism-related cases  *Output Indicator 2.4.1: The proportion of personnel at judicial institutions who have increased professional skills in addressing money laundering and terrorism-related cases.*  *Baseline: TBC in the beginning of the project*  *Target: TBC once the baseline is defined* | Activity 2.4.1. The commissioning of an assessment report identifying the challenges faced by judges and prosecutors when dealing with terrorism-related cases.  Activity 2.4.2. Design and delivery a training programme for Judges from Departments of Serious Crimes at all seven Basic Courts and the Appeals Court and for Prosecutors from the Special Prosecution Office of Kosovo that will address the weaknesses and challenges identified in the above report | | UNODC, UNOPS and UNMIK | $200,000 |
| Output 2.5: The judicial institutions have enhanced capacities to integrate into a single legal system as per the 2013 Agreement between Pristina and Belgrade  *Indicators: The Proportion of Kosovo-Serb lawyers who are members of the Kosovo Chamber of Advocates*  *Baseline: TBC in the beginning of the project*  *Target: TBC once the baseline is defined* | Activity 2.5.1. The provision of tailored trainings for at least 20 lawyers from integrated justice institutions on preparing for and passing the Kosovo Bar examination. This will be supported by the provision of written material that will include a Kosovo bar examination manual. | | UNOPS and UNMIK | $50,000 |
| Activity 2.5.2. The provision of training for court and prosecution support staff from non-majority communities to assist with integration into the Kosovo legal system | | UNOPS and UNMIK | $40,000  ($40,000 UNMIK) |

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| OUTCOME III: Improved equitable access to justice for all with specific focus on women and the most vulnerable groups. | | | | | |
| *Outcome Indicator 3.1: Number of people who receive free legal aid desegregated by sex and non-majority population;*  *Baseline: 2900 receiving free legal aid (30% women, 30% minorities);*  *Target: 3500 receiving free legal aid (45% women, 40% minorities)* | | *Outcome Indicator 3.2: Number of functional referral mechanisms which provide services and support to victims of domestic violence;*  *Baseline: 0 operational (2014)*  *Target: 3 referral mechanisms operational by 2019* | *Outcome Indicator 3.3: Number of cases referred for mediation;*  *Baseline: 962 cases referred to mediation as at December 2016;*  *Target: 3. 10% increase of number of cases referred for mediation by December 2019.* | | |
| INTENDED OUTPUTS | **INDICATIVE ACTIVITIES** | | | **RESPONSIBLE PARTIES** | **INPUTS (USD)** |
| Output 3.1. The free legal aid actors have improved skills, knowledge and tools to provide better free legal aid and other legal services for children, youth and women  *Output Indicator 3.1.1: Number of trained legal aid provider*  *Baseline: Lack of capacity development training programme for legal aid providers*  *Target:* By the end of 2019 at least 80 legal aid providers trained on case management and application legislation.  *Output Indicator 3.1.2: # of Manuals developed*  *Baseline: 0 (2016)*  *Target: 1 manual on strategic litigation is prepared by 2018* | Activity 3.1.1. Provide technical assistance for the legal aid Coordination Mechanism to organize regular meetings with internal and external actors, establish an online information system to facilitating the sharing of information (common database for legal aid actors)  Activity 3.1.2. Organize trainings for legal aid providers to provide legal aid counselling based on new law, representation on gender justice and on legal aid organization’s management on public services delivery and leadership.  Activity 3.1.3. Provide specialized training on coordination and collaboration between judiciary institutions through case management and on provision of legal services for children, youth and women  Activity 3.1.4. Support legal aid institutions and organizations with interns | | | UNDP, UNICEF, UNOPS and UNMIK | $150,000  ($50,000 UNDP; $50,000 UNMIK)  $100,000 ($20,000; UNICEF) |
| Activity 3.1.5. Conduct an assessment on the degree to which the Kosovo Law on Free Legal Aid has been implemented  Activity 3.1.6. The provision of the financial support to establish a 24 hour on call operators for legal assistance | | | UNDP, UNOPS and UNMIK | $150,000 |
| Activity 3.1.7. Provide trainings for CSOs and preparation of the practical manual on Strategic Litigation on behalf of the vulnerable groups (i.e. gender, disabled)  Activity 3.1.8. Provide trainings to legal assistance providers/CSO on the applicable human rights principles and standards in the context of counter terrorism as well as to monitor and advocate that human rights considerations and standards are taken into account in the implementation of counter-terrorism legislation and strategies | | | Joint Human Rights Office UNMIK-OHCHR | $70,000  ($42,075 + 42,075 UNMIK) |
| Output 3.2. The judiciary institutions have improved skills, knowledge and tools to provide better mediation services  *Output Indicator 3.2.1: % of licenced mediators have enhanced skills to provide better mediation services*  *Baseline: lack of profiled mediators on specific fields*  *TBC in the beginning of the project (UNDP, UNICEF, UMIK)*  *Target: 100 mediators trained on specific field of mediation (property cases etc.), and on advanced mediation techniques.*  *TBC once the baseline is defined (UNDP, UNICEF, UMIK)* | Activity 3.2.1. Organize continuous professional trainings for licensed mediators on specific fields (business law, property law etc.)  Activity 3.2.2. Organize professional trainings for mediators and relevant actors for the implementation of the new legislation on mediation and provision of services for children, youth and women  Activity 3.2.3. Support further specialization and operationalization of the Child Rights Committee in the Mitrovica region on coordination for provision of mediation services. | | | UNOPS, UNMIK, UNDP and UNICEF | $50,000  (20,000 UNDP);  $140,000  (25,000+ 10,000 UNICEF) |
| Output 3.3: More people are aware on free legal aid, mediation services, and on women’s rights and their access to justice  *Output Indicator 3.3.1: % population and marginalized groups are informed about the availability of mediation and legal aid services.*  *Baseline:*  -Low public awareness about people’s right to free legal aid, as provided by the Law on Legal Aid, as well as about mediation.  -By the end of Dec 2016, the number of registered cases in the Agency for free legal aid was 3046.  - By the end of December 2016, 962 cases were referred to mediation by courts and prosecution offices.  Targets:  -10% increased utilization of the legal aid services by the Kosovo citizens through the promotion of the legal aid providers and the Agency for free legal aid.  -10% increase of number of cases referred for mediation by end 2019.    *Target: TBC based on the defined baseline* | Activity 3.3.1. The organization of public information campaigns on free legal aid, as well as tailored communication tools to reach the most vulnerable (women, elderly, youth, children, disabled persons, hard to reach areas) and raise their awareness on legal aid | | | UNOPS, UNMIK, UNDP and UNICEF | 40,000 (UNICEF 5,000) |
| Activity 3.3.2. The organization of public information campaigns on mediation services, as well as tailored communication tools to reach the most vulnerable (women, elderly, youth, children, the disabled and other vulnerable) | | | UNMIK Justice Section, UNDP and UNICEF | $40,000  (UNICEF  5,000) |
| Activity 3.3.3. Support authorities and civil society to enhance their capacities in fostering rapprochement through awareness and education on human rights through activities that will include:   * Support to the Academy on democratic citizenship and human rights and its operation * Creation of human rights clubs and provision of trainings to HRs club members * Translation and distribution of manual “Bookmarks” related to HRs clubs and school-based projects on human rights * Preparation of no hate movement campaign, organization of school based no hate campaigns * Organization of regional events in Belgrade and Pristina on No hate campaign * Preparation of publication on good school-based practices and projects | | | Joint Human Rights Office UNMIK-OHCHR Partner: Council of Europe | $500,000 |
| Activity 3.3.4. Support to National Police and Ministry of Justice to organize community mobilization for awareness raising and strategies on the prevention of GBV   * Support MOJ and Kosovo Police to develop and implement awareness campaigns on women’s rights and access to justice in the 10 municipalities * Support bi-monthly dialogue between police, CSOs, judges, prosecutors, village leaders, municipal authorities on gaps and solutions in the implementation of DV SOPs and Municipal Action Plan | | | UNDP, UN Women, UNMIK Joint Human Rights Office UNMIK-OHCHR | $65,000  ($40,000 UNDP) |
| Activity 3.3.5. Organize community awareness sessions through civil society organizations, FBOs, youth NGOs on women rights, prevention of GBV and access to justice | | | UNFPA | $250,000  (88,800) |
| Activity 3.3.6. Organize training workshops for civil society organizations, youth workers and other relevant professionals on strategies and actions for reintegrating juveniles in conflict with the law through youth work. | | | UNMIK, Justice Section, HR Section and UNICEF | $45,000 |
| Output 3.4: Kosovo authorities have improved skills, SOPs and facilities to offer greater access to justice for women and youth, and address sexual and gender based violence  *Output Indicator 3.4.1: Establishment of Domestic Violence Coordination Mechanisms in three new municipalities*  *Baseline: 7 existing DV CM (2016)*  *Target: 10 (three more) by 2019*  *Output Indicator 3.4.2: Number of Municipal DV Action Plans drafted*  *Baselines: 7 existing DV Action Plans (2016)*  *Targets: 10 (three more) by 2019*  *Output indicator 3.4.3. The scheme on reparations to victims of conflict related sexual violence*  *Baseline: The scheme is not being implemented yet (2016)*  *Target: The scheme is fully operational by 2018*  *Output Indicator 3.4.4: # of municipal action plans to support reintegration of juveniles in conflict with the law.*  *Baselines: 2 (2016)*  *Targets: 5 by 2019* | Activity 3.4.1. Support the interventions on prevention, protection and re-integration needs and gaps in 3 priority pilot municipalities through activities that will include:   * Conduct a baseline survey/study on family values, attitudes and behaviors related to DV/GBV in these 3 pilot municipalities; * Conduct Domestic Violence Homicide Risk Assessment * Organize training to support CSOs on participatory planning, budgeting, and advocacy to address DV with local authorities. * Develop SOPs and provide training to DVCM partners on implementation of relevant SOPs, legislation and action plans. * Provide equipment to support the establishment of 3 Domestic Violence Coordination mechanisms (DVCM). * Providing specialized joint-training for DVCM partners on case management in accordance with international standards and national laws. * Provide support for the provision of legal assistance on protection from the offender, prosecution of the offender; child custody and access proceedings (i.e. contact with children) and compensation and restitution for survivors and their children; * Provide support for the Programs/Consulting Centres for perpetrators of violence against women Based on SOPs/Secondary legislation on DV. * Introduce measures for reintegration of GBV and DV victims. | | | UN Women, UNDP, UNOPS, Joint Human Rights office UNMIK-OHCHR  UNFPA,  Joint Human Rights office UNMIK-OHCHR | $500,000  ($30,000+ 85,000+ 100,000+ 20,000 UNDP)  ($4,000+ 10,000+ 10,000+ 24,000+ 15,000+ 10,000 UNWOMEN)  $150,000  (12,200 UNFPA) |
| Activity 3.4.2. Provide continued support in the form of training and monitoring to existing DVCM in North Mitrovica, Zubin Potok, Leposavic, and Zvecan Dragas, Gjakova/Djakovica, and Gjilan/Gnjilane.  Activity 3.4.3. Support implementation of the Domestic Violence Municipal Action Plan and Strategy, including budget allocation for GBV/DV activities in the three new municipalities and seven existing DV coordination mechanisms | | | UN Women, UNDP, UNMIK, UNICEF | $350,000  ($15,000 UNDP; $10,000 UNICEF  $10,000+ 31,200 + 16,800 UNWOMEN) |
| Activity 3.4.4. The provision of training and the delivery of training material for members of the Association of Women Prosecutors and Judges on international HR norms and standards | | | UN Women | $50,000  ($10,000 UNWOMEN) |
| Activity 3.4.5. Conduct needs assessment towards the implementation of the law foreseeing reparations to victims of conflict related sexual violence (Law no. 04/L-172)  Activity 3.4.6. Organize training for legal assistance providers/CSO in order to implement legislation and participate in the process of verification of the status of victims | | | Joint Human Rights office UNMIK-OHCHR and UN Women | $70,000 |
| Activity 3.4.7 Support capacities of Kosovo authorities/legal practitioners and CSO in order to enhance access to justice and assistance of the victims, especially child victims, of modern forms of exploitation (trafficking in human beings) through the following activities:   * Organize trainings of legal professionals/CSO/authorities on identification of victims, especially women and child victims, and their referral to assistance; * Development of information and prevention manual on rights of victims and awareness raising community events; * Organize joint roundtable on current challenges in access to justice for victims of crime (witness protection, compensation, etc.). | | | Joint Human Rights office UNMIK-OHCHR, UNICEF, UN Women | $225,000 |
| Activity 3.4.8. Support local level institutions to ensure prevention and reintegration of juveniles at risk or already in conflict with the law through:   * Development and implementation of municipality action plans for prevention of recidivism through protection and reintegration of juveniles in conflict with the law; * Capacity building of local level professionals on identification, addressing, referring of juveniles in conflict with the law; * Provide best applicable model of service delivery for justice institutions through direct involvement and close cooperation with youth and CSO’s and other existing mechanisms to better reintegrate juveniles in conflict with the law. | | | UNICEF | $200,000  (40,000$) |
| Activity 3.4.9. Support the existing aftercare programme Kosovo-wide correction service and establish new aftercare programme in the Northern Kosovo municipalities that will be part of Kosovo wide correction service | | | UNICEF | 150,000  (70,000$) |
| Output 3.5. The justice institutions have enhanced skills and tools to provide better justice service delivery for all  *Output Indicator 3.5.1: # of judges and prosecutors that have enhanced skills on recently amended juvenile justice code*  *Baseline: 0 (2016)*  *Target: 20 by 2018*  *Output Indicator 2.2.3: % of KJC and KPC staff have enhanced skills on legal drafting, gender justice and sexual and gender-based violence based on new curriculum*  *Baseline: TBC UNDP, UN Women) new curriculum for specialized training 0*  *Target: TBC (UNDP , UN Women) 3 new curricula developed for specialized training* | Activity 3.5.1. Support projects on community service work done by Juveniles in Conflict with the law in the jurisdiction of Mitrovica as alternative to Detention according to the article 18 of the Juvenile Justice Code of Kosovo. | | | UNOPS, UNMIK, Joint Human Rights office UNMIK-OHCHR, UNICEF | $70,000 |
| Activity 3.5.2. Support Juvenile Justice institutions on utilization of data, monitoring and reporting through:   * Development and establishment of a monitoring framework based on already developed Juvenile Justice Indicators; * Development and endorsement of administrative instruction to formalise the roles of Juvenile Justice institutions including KJC, KPC, KP, KCS, KPS and their responsibilities for collecting and reporting on juvenile justice indicators; * Systematic and continuous capacity building of professionals for the collection, processing, analysing and monitoring of data; * Development and publishing of the report based on developed indicators; | | | UNICEF, Joint Human Rights office UNMIK-OHCHR, UNOPS, UNMIK | $250,000  (50,000$ UNICEF) |
| Activity 3.5.3. In cooperation with the Kosovo Judicial Institute, support the KJC in developing curriculums and implementing specialized professional training for the KJC and KPC in respect of a number of areas, including, but not limited to:   * legal drafting for secondary legislation on gender * gender justice and sexual and gender-based violence, including but not limited to peer to peer training courses on advanced modules for new and current judges and prosecutors; | | | UN Women, UNDP | $250,000 |
| Activity 3.5.4. Provide capacity building and technical support to strengthen the efficiency of the juvenile justice system in line with human rights standards   * Revise existing training curricula and organize training for judges and prosecutors on juvenile justice * Provide training for lawyers based on already developed curricula on juvenile justice * Provide training for judges and prosecutors on alternative measures and sanctions as per new revisions of juvenile justice code | | | UNICEF | $200,000  (50,000$) |
| Output 3.6: Improved language capacities of judiciary institutions to facilitate access to justice  *Output Indicator 3.6.1: Level of implementation of the Law on Languages in judiciary institutions (seven Basic Courts in Kosovo, as well as the Court of Appeals)*  *Baselines: TBC – at the beginning of the project*  *Targets: TBC after the baseline has been set* | Activity 3.6.1. The commissioning of an assessment report on the implementation of the Law on the Use of Languages in Kosovo in the judicial system including from gender perspective.  Activity 3.6.2. The provision of tailored training sessions for relevant justice sector professionals including lawyers, judges, prosecutors, court administrative staff and civil society representatives on addressing the gaps in the implementation of the legislation concerning the use of languages, as identified in the assessment report (above).  Activity 3.6.3. The provision of the technical equipment (including training if needed) required to facilitate simultaneous translation in all seven Basic Courts in Kosovo, as well as the Court of Appeals.  Activity 3.6.4. The provision of specialised consultancy services to assist the KJC and KPC in developing Standard Operating Procedures and Administrative Instructions governing translations services.  Activity 3.6.5. The provision of a centralised fund that the Basic Courts and the Court of Appeals can use to outsource translation in times of high demand or urgency.  Activity 3.6.6. The drafting of a glossary of legal terms in Serbian and Albanian that will be distributed to all prosecutors, judges and court translators, as well as being publicly available online  Activity 3.6.7. The provision of training for civil society organisations to empower them to monitor and assess compliance with language rights in the justice sector.  Activity 3.6.8. The commissioning of a public awareness campaign (on television and/or social media) on languages in courts, including the rights of a person who appears in court, with respect to languages. | | | UNOPS, UNMIK, Joint Human Rights office UNMIK-OHCHR, UNDP,  UN Women | $400,000  ($50,000 UNMIK) |
| Output 3.7: Ombudsperson Institution has strengthened skills to facilitate access to justice to vulnerable groups  *Output Indicator 3.7.1: Average score of experts about the competency of Ombudsperson institution to facilitate access to justice to vulnerable groups*  *Baseline: TBC in the beginning of the project*  *Target: TBC once the baseline is set*  *Output Indicator 3.7.2: # of monitoring reports on the situation of juveniles residing in the educational correctional facility published by Ombudsperson and CSOs*  *Baseline: 1 (2016)*  *Target: 3 by 2019* | Activity 3.7.1. The provision of face-to-face training sessions with practical field workshops for the OIK staff on CPT standards and on how to conduct visits to places of deprivation of liberty.  Activity 3.7.2. Organize round-tables with the participation of the SPT and the CPT members/representatives of the Secretariat.  Activity 3.7.3. Establish referral systems, in accordance with MOU between, Ombudsman, Agency FLA, Unit for Protection of Victims and CSOs.  Activity 3.7.4. Organize round-tables between OiK and CSOs in order to support the National preventive mechanism and monitoring activities.  Activity 3.7.5. Prepare and implement outreach and communication strategy of Ombudsman.    Activity 3.7.6. Organize HELP Course for legal practitioners | | | Joint Human Rights office UNMIK-OHCHR Implementing partner: Council of Europe | $800,000  ($42,075 +$42,075 +$42,075  OHCHR-UNMIK) |
| Activity 3.7.7. Provide training and technical expertise of the Ombudsperson and CSOs on advocating for independent monitoring of complaints of juveniles in conflict with the law going through the justice system.  Activity 3.8.7. Provide training and technical expertise of Ombudsperson on independent monitoring and reporting on the situation of juveniles residing in the educational and correctional facilities. | | | UNICEF | $140,000 |

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| Budget for Outcome I: | $1,725,000 |
| Budget for outcome II: | $3,449,000 |
| Budget for Outcome III: | $4,855,000 |
| **Total Budget:** | **$10,029,000** |

1. United Nations Secretary-General (2016) *Report of the Secretary-General on the United Nations Interim Administration in Kosovo S/2016/666 29 July 2016,* New York: United Nations Secretary-General. [↑](#footnote-ref-1)
2. Kosovo Law Institute (*forthcoming*) *Assessment of the criminal justice system in Kosovo,* Pristina: KLI. [↑](#footnote-ref-2)
3. Article 33 Right to Fair and Impartial Trial [↑](#footnote-ref-3)
4. Art 6 guarantees the right to a fair trial in the criminal and civil procedures and para 3 (c) guarantees the right to free legal assistance [↑](#footnote-ref-4)
5. The Ministry of Justice (MoJ) established the Mediation Commission (MC). The MC is a body responsible for: developing policies regarding the use of mediation in Kosovo; oversight of the Code of professional ethics rules for mediators; issuing decisions as well as recommendations regulating the usage of mediation; drafting and keeping a registry for mediators; providing professional opinions in regard to mediation; organizing and conducting mediation-training; and providing the public with information about mediation as an alternate dispute resolution mechanism. [↑](#footnote-ref-5)
6. UNDP provides support to the functioning of the Secretariat and the following centres: Pristina, Gjakovë/Đakovica and Ferizaj/Uroševac. [↑](#footnote-ref-6)
7. This was also recognized in the last EC progress report 2014 [↑](#footnote-ref-7)
8. Law no. 04/L-54, on the *Status and Rights of Martyrs, Invalids, Veterans, members of Kosovo Liberation Army and their families*, as amended by Law no. 04/L-172 of 20 March 2014. [↑](#footnote-ref-8)
9. Law no. 05/L-019 on Ombudsperson, Article 1, paragraph 2. [↑](#footnote-ref-9)
10. The Common Development Plan 2016-2020 is guided by the “Delivering as One” approach aiming to support institutions and communities in reaching their desired progress and to also strengthen the performance of the UN System at the local level. The UNKT is committed to augment its performance by creating additional value through joint programming, more effectiveness through UN common services and greater impact through collective advocacy having the key international and regional human rights instruments and the Sustainable Development Goals at its core. [↑](#footnote-ref-10)
11. https://undg.org/wp-content/uploads/2015/02/Guidance-Note-on-Joint-Programmes.pdf [↑](#footnote-ref-11)
12. See also the Resolution of the UN Human Rights Council *on Human rights and preventing and countering violent extremism*, 12 October 2015, UN Doc. A/HRC/RES/30/15 [↑](#footnote-ref-12)
13. This Output is in line with JOINT HRO UNMIK-OHCHR Global Expected Accomplishment 7: Increased number and diversity of rights-holders, and of national human rights institutions and civil society actors acting on their behalf, making use of United Nations and regional human rights mechanisms and bodies [↑](#footnote-ref-13)
14. The Rule of Law institutions include the Ministry of Justice (MoJ), the Kosovo Judicial Council (KJC), the Kosovo Prosecutorial Council (KPC), and the Kosovo Judicial Institute (KJI). [↑](#footnote-ref-14)
15. The rating criteria for the Rule of Law sector (strategies and policies, working groups, coordination bodies, etc.) include: i) the number of existing strategies for the implementation of the Rule of Law; ii) the harmonization of institutional strategies with the sectoral Rule of Law strategy; iii) the functioning and coordination of the working groups; and iv) the number of harmonized documents. The rating scale goes from 1 to 5, where 1 represents “no evidence of alignment” and 5 represents “fully aligned”. [↑](#footnote-ref-15)