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| **United Nations** | UN_42 | **Nations Unies** |
| **UNMIK** | | |

**Proposal for Programme Delivery**

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| **Project information** | | | |
| **Title:**  **Timeframe:**  **Project location:**  **Budget:**  **Targeted beneficiaries** | **Improving justice service delivery and increasing transparency and accountability of the justice sector in Kosovo**  *15/10/2022- 15/06/2023*  *$135,000.00*  *gender focus*  *youth focus*  *[K/Albanians, K/Serbs and K/Bosniaks]*  *Other (Rule of Law/ Justice and Corrections.)* | | |
| **Programme strategy** *Link to mandate and Mission priorities* | | | |
| **Specific strategic objectives**  *Thematic priorities contributing towards Mission mandate implementation* | *Inter-community Trust Building*  *Rule of Law*  *Human Rights*  *Women, Peace and Security*  *Youth, Peace and Security*  *Strategic communications* | | |
| **RBB expected accomplishment and indicators of achievement** | *1.3. Progress with regard to the rule of law, security and human rights*    *1.3.1 Increase in the satisfaction level of respondents in public perception surveys on the judiciary (2020/21: 23.6 per cent; 2021/22: 32 per cent, 2022/23: 33 per cent)*    *1.3.2 Decrease in the overall backlog of cases in the Kosovo courts (2020/21: 183,215; 2021/22: 178,000; 2022/23: 177,000)* | | |
| **Implementing partner profile and comparative advantage** *Justification for selection* | | | |
| **Implementing partner**  **Website**  **Premises location** | *UNDP Kosovo*  The UN system in Kosovo is comprised of UNMIK and the UN Kosovo Team (18 UN Agencies, Funds and Programmes). They operate guided by an accountability framework for the UN and its implementing partners in Kosovo. This framework is closely aligned to both the 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 Kosovo.  UNDP Kosovo with its institutional and community-level roots supports Kosovo with its development agenda, focusing on social inclusion and human development for all. UNDP’s neutrality provides an excellent platform for open dialogue and interaction between excluded social groups and authorities.  UNDP’s work on rule of law has developed a profiled comparative advantage in access to justice both at the central level, municipal level, and community level. This proposal builds upon this comparative advantage and achievements made to date to contribute to further developing and consolidating Kosovo’s rule of law and access to justice.  https://www.undp.org/kosovo  Pristina, Kosovo | | |
| **IP Comparative advantage** | Proposed IP has privileged access to:  Institutions  Specific communities or groups (women/youth/non-majority communities)  Specify………………………………………………………  The IP has a strong **technical expertise** in:  Procurement  Technical expertise (example: expertise on gender, youth, etc.)  Specify ……Rule of Law……………..  Others | | |
| **Background [*Context analysis in UE2 IP*]** | | | |
| The project supports the disadvantaged groups and non-majority communities that are most vulnerable to legal problems and have challenges to navigate the justice system. This is due to the fact that the justice institutions have insufficient capacities and resources to respond to all the people’s needs to access justice in their own language and their need to respond to cases efficiently and without delays[[1]](#footnote-1). To address the local needs and problems, the project will, among others, develop the capacities of court administrators to better manage the court resources and cases, and provide language support for courts to ensure that everyone’s rights to legal proceedings are guaranteed as per the law on language rights.  Since the outbreak of the pandemic, rule of law institutions have been often confronted with difficult and urgent decisions-making, trying to strike a balance between justice and law enforcement on the one hand, and health and public safety on the other. The situation became even more challenging for Kosovo as it is at an early stage in developing its institutions, including a well-functioning and independent judicial system, with the support of the international community, including the United Nations (UN) | | | |
| **Summary and rationale for proposal [*Grant Justification & Project Methodology in UE2 IP*].** | | | |
| The project is fully aligned with the priorities and needs of the Kosovo Justice institutions specifically those focusing on the Rule of Law and Access to Justice and is in line with the recently published Rule of Law Sector Strategy 2021-2026. UNDP and UNMIK have conducted consultations with some of the main justice and law enforcement partners at the central levels such as the Kosovo Judicial Council (KJC), responsible for judicial administration, the Basic Courts, and with the Academy of Justice, a key independent public institution mandated to develop capacities of judges and prosecutors as well as administrative staff of courts and prosecution.  Consultations with stakeholders and UNDP proactive coordination with other partners enabled to ensure that the foreseen activities in the project do not overlap with any other ongoing interventions undertaken by other actors providing support in this field. | | | |
| **Result framework:** | | | |
| The programmatic activities aim to further strengthen the partnership and cooperation with key Kosovo justice institutions namely the Kosovo Judicial Council (KJC), the Academy of Justice and Basic Courts, and leverage UNMIK and UNDP’s results on rule of law, including the promotion of partnerships across UN agencies.   1. **Recruitment of seventeen (17) court legal officers ( 8 women) for the period of 8 months to assist in the process of transformation of Kosovo courts into e-courts**   KJC requested support for the registration and scanning of court archives and enter the respective data into the Court Management Information System (CMIS) system. It is estimated that there are about 3,000,000 documents to be scanned and KJC needs the services of about 50 additional court (or project) personnel to be able to finish the process within one year.  The project idea is based on the needs and strategic priorities of KJC presented to international donors and partners in December 2021. As such, the project seeks to build on the achievements and results made by UNDP and UNMIK so far (2021-2022) on court archiving and make a further impact on the system. Through this project, UNDP and UNMIK will set the foundation for the systemization and digitalization of the court archives.  Towards the final phase of the project, all new cases will be registered into the CMIS in all Basic Courts, in parallel with the training of the staff and rollout of the system.   1. **Training for the Court and Chief Administrators on Court management:**   For Court Administration to be able to function properly and to a high standard, the knowledge in this field needs to be developed and transmitted to court administrators. Kosovo Academy of Justice serves as one such vehicle, as its main function is to provide training to relevant personnel on topics related to justice administration. However, the Kosovo Academy of Justice has limited human and financial resources to provide, on the one hand, initial training to targeted personnel and on the other hand, continue to ensure on-going training of already enrolled courts personnel. This becomes even more difficult bearing in mind that all training needs to be organized in both Albanian and Serbian languages in line with Kosovo Legislation.  Due to their frequent contacts with court administrators, UNDP and UNMIK OROL/JCS have identified some needs, gaps, and skills needed for modern court administration personnel in Kosovo. The project plans to conduct a needs assessment of Court Administrators, upon which tailored training will be designed. This training will be uploaded on the Academy of Justice website and is foreseen to become part of the Continuous Legal Education Programmes of the Academy to ensure its sustainability.   1. **Support to improve the Court Archive system and case management of the Basic Court in Mitrovica:**   Following the successful implementation of the activity on improving the Court archive system, the proposed project aims to further support the Courts on archive system and case management. During previous monitoring visits to Kosovo Basic Courts and meetings with KJC, it was noted that the storage facility of Kosovo Basic Courts’ archives is a matter of concern, as it is very limited. The availability of information for use by judicial officers, to adjudicate judicial cases can be greatly compromised depending on the way documents have been physically recorded and organised. The archive should be recorded, stored, and accessed in a way as to avoid wasting human and time resources inefficiently. The team observed that the metal shelves in place were not sufficient and most of the records were dumped on the floor, which deteriorates the records.  To address this issue the previous project supported the creation of a modern shelving system in one of the seven Basic Courts (Ferizaj/Uroševac) according to the latest standards through the provision of modular shelf systems, which enabled easy case file access. Building upon this previous experience, the proposed project now aims to further support archiving system of the Basic Court of Mitrovicë/a.   1. **Continuation of the engagement of three (3) translators ( 2 woman ) in the Basic Court of Pristina**   Through the past cooperation and collaboration between UNDP and UNMIK, language rights in judicial institutions have remained goal-oriented and inclusive. Between December 2021 and May 2022, UNDP and UNMIK supported the Basic Court of Pristina by providing interpretation services for over two hundred (200) court hearings, and translation services for over five hundred (500) cases. The Basic Court of Pristina is the one with the most cases and that covers another four court branches two of them with an ethnically mixed population (Graçanicë/ Gračanica and Lipjan/Lipjane).  Despite the increase in the number of court translators Kosovo-wide, KJC and the Basic Court of Pristina have expressed the need for the project to continue the translation support in order to further reduce the Court translation backlog and help the Court in processing the new cases.  Therefore, the new project will provide three court translators and interpreters for six months, to further contribute to reducing the case backlog, supporting the court in holding timely hearings requiring interpretation services, thereby ensuring people’s language rights in a judicial proceeding. Continuous support to the Basic Court of Pristina will maximize the joint contribution of UNMIK and UNDP to strengthening access to justice for all communities in Kosovo.   1. **Unification of judicial jurisprudence on matters of domestic violence:**   With this activity, UNDP and UNMIK want to contribute to the Specific Objective of Strengthening capacities for handling cases of domestic violence and violence against women among judicial institutions as part of the Kosovo Strategy for Protection against Domestic Violence and Violence against Women in Kosovo 2022-2026. Although the legal and institutional framework in this area is largely in line with EU and international standards, domestic violence continues to be the most prominent form of gender-based violence in Kosovo*.[[2]](#footnote-2)* Despite the fact that gender-based violence, including sexual violence and rape, were rarely reported by survivors, frequently due to social stigma or lack of trust in authorities[[3]](#footnote-3), the Prosecution Victim Assistance Office reported an increased number of domestic violence cases, from 1,145 in 2020 to 1,309 from January to August 2021. *[[4]](#footnote-4)*  During the period of January to June 2022, 1309, cases of domestic violence were reported o to the Kosovo Police, involving 1,343 survivors, of which 1,109 (82.5%) were women. This represents an increase of 185 in the number of cases compared to the same period in the previous year.  In addition to social factors (e.g. family or relationship problems, financial problems or unemployment etc.) for a decrease in domestic violence, it seems that j*udges and prosecutors need to be familiarized with the new legislation and with the cases through new working tools for an efficient prosecution and adjudication of cases (including appropriate and unified sentencing).[[5]](#footnote-5)* In cases of domestic violence, the rate of prosecution was low (1,632 cases in 2020; 889 cases from January until May 2021) and when such cases were acted upon, prosecutors and judges favored family unification over survivor protection, with protective orders sometimes allowing the perpetrator to remain in the family home while a case was pending.*[[6]](#footnote-6)*  Result-oriented solution:  As local and international reports note, a major part of the problem with an increasing level of domestic violence relates to the inadequate prosecution and adjudication of such phenomena.  Through this activity, the project aims to examine the current state of play at the jurisprudential level. A comprehensive review of all cases of judicial practice within the last five years will be conducted to assess: the adequacy of qualification of the criminal/civil proceeding, the type of sanction/remedy rendered by the Courts, the judicial and non-judicial treatment victims obtained in such case, the use (and eventual misuse) of the beneficial and aggravating circumstances applied to measure the sanction etc. In a collaboration between the OROL/Justice Corrections Section (JCS) and the Gender Team, UNMIK supported to increase women’s access to justice through a 2019/20 project generating evidence on systematic institutional discrimination of domestic violence victims and facilitating training to Kosovo Police on identifying symptoms of trauma from domestic violence. In this context, the “Complicity of State Institutions in Domestic Violence” report highlighted the shortcomings in the implementation of laws and regulations in force for the protection against domestic violence. The project also involved the production of a video training package for judges and prosecutors, which were also shared in the e-learning platform of the Kosovo Academy of Justice. As a continuation of the above-mentioned project, the “Initiative for Justice and Equality” held a 2020/21 programmatic activity researching and addressing institutional discrimination within rule-of-law institutions, both at the Kosovo and regional level. As part of the PA “Ensuring Women’s Rights to Property though Increased Institutional Capacity,” two research reports were released. One report consisted of regional research about women’s access to financial maintenance and property in Albania, Kosovo, Montenegro, North Macedonia, and Serbia. The second one reviewed court decisions related to alimony and joint property for the years 2010-2020. The findings of this research were sent to judiciary institutions, NGOs and women beneficiaries amounting to approximately 2000 recipients. This also included three training videos: (i) Division of property according to the amendment of the Family Law; (ii) Alimony; and (iii) Economic Violence which offered an alternative and innovative interpretation of legal provisions related to these topics. These videos were uploaded to the e-learning platform of the Academy of Justice and are accessible for judges and prosecutors.  Methodology:  The activity will initially map all instances of domestic abuses appearing in KJC published judgments (in the last five years) using *Lexdoks* – an artificial intelligence (AI) search engine run by a credible private sector expertise, containing more than 1 million pages of legal documents. After filtering such instances by each court/branch, it will extract the total percentage of domestic violence cases compared to all published judgments for each court.  The Project specialists will next assess all of the instances and compile a list of cases that, according to domestic and international standards, best exemplify the problem. These cases will then be examined in further detail with the goal of generating a report that will be shared and debated with the judiciary and key stakeholders for eventual addressing of identified problems through legislative and policy tools. The overall aim of this intervention is to better familiarize judges with the best jurisprudential practices when dealing with domestic violence cases and eventually provide a more unified approach when adjudicating such cases.  The activity will also use *Lexdoks* to find and compile a unique codex of domestic violence-related decisions made by all Kosovo courts (including the Supreme Court, Court of Appeals, and Basic Courts), as well as some decisions made by the European Court of Human Rights (ECtHR). Judges will have the opportunity to keep up with the most recent jurisprudential advances on the subject since this codex of jurisprudence is regularly updated.  Judges will have access to a thorough and current body of case law thanks to the suggested solution, which will enable them to handle domestic abuse cases more skilfully and in accordance with the law and norms that apply.  Among the features[[7]](#footnote-7) of this AI-search engine that will be made available to judges are the following:   * Instantaneous search within all primary legislation (in force, amended, and abolished laws); * Instantaneous search within all court instance cases including the ECtHR[[8]](#footnote-8); * Search within all bylaws of the central level institutions and of Ministries. * Search within bylaws and policies of independent institutions and agencies (e.g. Ombudsperson, Legal Aid etc); * Search in all the above documents will be enabled by applying keywords and a vast number of relevant filters.   Process:  The project idea has been coordinated with the Kosovo Academy of Justice with the idea to feed in and add value to their ongoing and planned training programme on Domestic Violence/Gender-Based Violence (DV/GBV), hence ensuring the sustainability of the intervention.  The project implementation shall, briefly described, contain the following stages and steps: | | | |
| |  |  |  |  | | --- | --- | --- | --- | | **Mission’s Strategic frameworks[[9]](#footnote-9) (CPAS, WPS, YPS Strategies and others)** | **Intended outcomes/ results (1-2 Intended Outcomes directly related to the outputs)** | **Outputs\*\*** | **Activities** | | This proposal is in accordance with UNMIK strategic objectives, drawn from its mandate to support institutional development, improved access to justice and accountability, independence of the judiciary and de-politicization of transitional justice processes in furtherance of the 2030 Agenda for Sustainable Development. These objectives are in close alignment with the priorities identified by the Kosovo authorities, including in the Kosovo Development Strategy. The project is also in line with various other relevant concepts and strategies such as RBB indicator 1.3.1, CPAS, Mission Concept, A4P+, ISF, and UN Global Communications Strategy on solutions-focused people-centered communications. | 1. Justice institutions enhance their capacities to improve access to justice for all. | 1.1 Courts are efficient in case management and accessible for all. | 1.1.1 Recruitment of 17 court legal officers for the period of 8 months to assist in the process of transformation of Kosovo courts into e-courts, and prosecution offices into e-prosecution. | | 2. Increasing professional capacities of the Court administration and Chief Administrators on Court management | 2.1 Training is foreseen to become part of the Continuous Legal Education Programmes of the Academy to ensure its sustainability. | 2.1.1 Training for the Court Chief Administrators on Court management in both Albanian and Serbian languages | | 3. Courts archive system and case management are functioning well. | 3.1 Improved the Court Archive system and case management of the Basic Court in Mitrovicë/a | 3.1.1 Creation of a modern shelving system in the Basic Court Mitrovicë/aaccording to the latest standards through the provision of modular shelf systems | | 4. Further reduce the Court translation backlog and help the Court in processing the new cases. | 4.1 Strengthen access to justice for all communities in Kosovo. | 4.1.1 Continuation of the engagement of three (three) translators in the Basic Court of Pristina (3 translators for 6 months) | | 5. Unification of judicial jurisprudence on matters of domestic violence | 5.1 Better familiarize judges and other ROL actors with the best jurisprudential practices when dealing with domestic violence cases | 5.1.1 One launching event;  5.1.2 Organizing one info session with representatives of the Kosovo Academy of Justice regarding detailed planned activities and results;  5.1.3 Training of trainers for the judiciary representatives and Kosovo Academy of Justice on utilizing technological tools for a more unified judicial practice on cases of domestic violence.  5.1.4 Preparing and sharing with the judiciary and stakeholders the results of the report on domestic violence jurisprudence cases that occurred in the last 5 years;  5.1.5 Three trainings and awareness-raising events on the importance of employing ECtHR and other international standards (Istanbul Convention) for the purpose of unification of jurisprudence in cases of domestic violence;  5.6 One closing event to present the main results and the way forward. | | \*\* List outputs considered as assets/property (to be cleared by MSD/SCM. If intellectual property, consult OLA):  UNMIK intends to gift the following project assets to the implementing partner, UNDP, subject to the express authorization of UNMIK CMS:  1. Intellectual property under Activity 5.1.4. Report on domestic violence jurisprudence cases that occurred in the last 5 years.  The IP is responsible for the proper custody, maintenance, and care of the property. | | | | | | | |
| **Gender Marker (gender disaggregation/gender perspectives):** | | | |
| **Project Rating (UNMIK Gender Score Card)**   |  |  |  | | --- | --- | --- | | **UNMIK Gender Score Card** | | **Rating** | | **Gender Specific** | * Women, girls and/or gender issues are being discussed or considered as the primary focus. | 1 | | **Gender Sensitive** | * Data disaggregated by sex/gender is provided * Gender/WPS analysis available as part of the background section. * Link to UN/UNMIK/Kosovo commitments and priorities is clear. | **2** | | **Gender neutral** | * Data disaggregated by sex/gender is provided, but there is no evidence of other gender-specific information/focus. | 3 | | **Gender Blind** | * No reference at all in the project. | 4 | | | | |
| **Brief explanation of the rating provided: (include w**omen’s participation by percentages and numbers and mention any awareness component involving men)  This project is gender sensitive (2), as per the Mission’s gender scorecard, and is fully aligned with the priorities of the UNMIK Gender Framework Strategy. The project includes one activity specifically focused on women and integrates their participation in all other activities. | | | |
| **Oversight and management:**  UNMIK OROL/Justice and Correction Section will be responsible for the management and have oversight responsibility for the implementation of this programmatic activity as set out in the planned activities and agreed timeline under the direct supervision of the Chiefs of UNMIK OROL/JCS | | | |
| **Strategic Communications:** *Consult with OSCPA before submitting* | | | |
| 1. Describe possible coverage by UNMIK or the IP that can promote/enhance activities visibility if applicable, for example social media posts, web stories, or videos, and related costs 2. Describe communications tools or initiatives that can be used to enhance the impact of the project (for example media outreach, social media campaigns, TV programs or films), and related costs 3. Describe branding and visibility material that will be required to be designed and printed, and related costs | | | Social media coverage by UNDP social platforms (Facebook and Twitter)  Invitation of media and press release  Exposure stories to be posted on UNMIK and UNDP Kosovo Website.  Events with project beneficiaries and key justice stakeholders. |
| **Monitoring and Reporting [*Monitoring and Evaluation Plan & Reporting Plan on UE2 IP*]:** | | | |
| UNDP will have the lead responsibility in implementing the project in accordance with the applicable agreements between UNMIK and UNDP and will provide to UNMIK monthly narrative reports, including progress and final narrative and financial reports.  UNMIK JCS will also regularly monitor and report on the implementation of the project through visits and regular meetings with the implementing partner and officials of the Basic Court of Prishtinë/Pristina and Kosovo Judicial Council. | | | |
| **Risks and mitigation measures** | | | |
| **Human Rights Due Diligent Policy**   1. Support considered falls under the HRDDP  Yes  No 2. HRDDP risk assessment has been conducted  Yes  No | | | |
| Other risks and mitigation measures (*please elaborate*) | |  | |
| **Sustainability**  *(focusing on the sustainability of the results and impacts of projects)* | | | |
| Describe **IP’s capacity** to sustain the results achieved with the implementation of the PA once the project completes | | Sustainability will be displayed through capacity-building elements of the project activities through training and integrating the training tools and methodologies with the existing training programmes of the Academy of Justice. The upgrading of the court tracking system for court translation files and legal documents for the courts to further utilise it on their operations. The transformation of Kosovo courts into e-courts will ease daily work management of archives and free up court space. | |
| **Environmental impact:** | | | |
| UNDP has established the Social and Environmental Standards (SES) and Accountability Mechanism as a key element of quality assurance. Social and Environmental Standards require that all UNDP Programmes and Projects enhance positive social and environmental opportunities and benefits, as well as ensure that adverse social and environmental risks and impacts are avoided, minimized, and mitigated. No climate/environment negative impact is foreseen by this project. The project is in line with the Kosovo strategies and laws related to Environment. | | | |
| **Contact**  Responsible UNMIK Section/ Focal Point:  Mr. Andrea Lako, Chief, Justice and Correction Section, OROL (contact: [lako@un.org](mailto:lako@un.org))  Ms. Jehona Dragaj, Project Coordinator, Justice and Correction Section, OROL (contact: [dragaj@un.org](mailto:dragaj@un.org)) | | | |
| **Implementing partner/Focal Point:**  UNDP Kosovo  Ms. Marta K. Gazideda Governance and Peacebuilding Portfolio Manager/Deputy  Programme Coordinator ([Marta.gazideda@undp.org](mailto:Marta.gazideda@undp.org)).  Mr. Ardian Latifaj, Project Manager RoL (contact: [ardian.latifaj@undp.org](mailto:ardian.latifaj@undp.org))  **Budget**: See excel sheet | | | |

1. The website of the Kosovo Judicial Council, accessed on 1 July 2021, available at: https://www.gjyqesori-rks.org/wp-content/uploads/reports/30361\_SKGJK\_Raporti\_Statistikor\_Tremujori\_Pare\_2021\_SRB.pdf pages 17-24 [↑](#footnote-ref-1)
2. EC Progress Report for Kosovo, 2021, page 35, see: https://ec.europa.eu/neighbourhood-enlargement/kosovo-report-2021\_en [↑](#footnote-ref-2)
3. US State Department Human Rights report for Kosovo, 2021, page 26, see: https://www.state.gov/wp-content/uploads/2022/02/313615\_KOSOVO-2021-HUMAN-RIGHTS-REPORT.pdf [↑](#footnote-ref-3)
4. Ibid, footnote 2. [↑](#footnote-ref-4)
5. Ibid, footnote 1. [↑](#footnote-ref-5)
6. Ibid, footnote 2. [↑](#footnote-ref-6)
7. The said platform contains over 100,000 legal documents with over 1 million pages of digitalized and electronically searchable materials of various nature as indicated in this document. The platform shall be constantly updated in an automated manner. [↑](#footnote-ref-7)
8. For the first time in Kosovo, judges shall have access to around 1000 judgments of the ECTHR, summarized in Albanian language. [↑](#footnote-ref-8)
9. Definition of terms: Activities are what the project **does** in practice eg., hire a consultant, rent venue, prepare contracts, run workshop; Outputs are services and products that occur immediately after activities are completed, it is what is **delivered**, eg., policy produced, TBF platform upgraded; Outcomes are what the project hopes to **achieve** and usually refers to capacity, knowledge or behaviour, and usually worded as “reduced”, “improved”, “increased”. The strategic objective is unlikely to be achieved through one project, but the project is expected to **positively contribute** to it. It aligns with UNMIK strategic priorities [↑](#footnote-ref-9)