

**UNDP Kosovo
Project Proposal
October 2009**

Project Outcome: Effective judicial and policing institutions established that contribute to increased personal security

Outcome indicator: Public satisfaction with government services

Project outputs:

1. Strengthened capacity of the Kosovo Probation Service.
2. Increased level of access to justice for vulnerable people especially women.

Output Indicators: Indicators:
(1) Execution of alternative measures and sentences provided for in the Provisional Criminal Code of Kosovo;
(2) Reduction of backlog of caseloads especially related to women's access to justice

Project Partners: Kosovo Judicial Council, Ministry of Justice, Kosovo Judicial Institute, Kosovo Judges and Prosecutors Association, Supreme Court of Kosovo, Legal Aid Commission, CSOs

Project Period: [2010 to 2012]

Project Title: Support to Rule of Law and Access to Justice

Project ID: 00053055 and 00070851
Project Duration: 2 years

Management Arrangement: DEX

Total Budget: **892,857 USD**

Allocated resources: USD

Un-funded budget:

Agreed by UNDP: 

Ms. Osnat Lubrani, Resident Representative, UNDP Kosovo



Project Title: Support to Rule of Law and Access to Justice

Proposed Duration: 2 years

Proposing UN Agency: UNDP

Estimated total budget: USD 892,857.00

Geographical Location: Kosovo

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Executive Summary

The Rule of Law and the Justice Sector in Kosovo are two extremely critical areas, in which further support and strengthening of a strategic nature is needed. Despite the continuous problems observed by various international observers, and experts' reports on the rule of law, justice system, and human rights in Kosovo, interventions have not been strategically mainstreamed. Issues have been mainly addressed on an ad-hoc basis in response to urgent needs on the ground.

As the establishment of a fair, independent and impartial judiciary in Kosovo remains a high priority, the UNDP Rule of Law Programme for Kosovo is focusing on the development of an independent and efficient justice system that applies necessary human rights standards with a specific focus on women and other vulnerable groups in the community. The project is designed to meet the most pressing human rights and rule of law issues, and will be composed of two key Project components, comprising justice sector capacity building and access to justice. The project components will support gender justice and remove discrimination against women and promote gender equality.

The Project is designed to address two key areas a). the Kosovo Probation Centre for providing better services to adult offenders (including both men and women) and support their reintegration and resocialisation; and b). delivery of access to justice by the introduction, development and strengthening of alternative dispute resolution services which are designed to reduce the backlog of cases in the judicial process thereby ensuring swifter access to justice for individuals especially women and allowing the courts to focus their attention on the most pressing of cases. A gender responsive approach in the project would consider the disparate impacts of justice delivery on women and men and the substantive areas where women are marginalised from the justice process.

Component	Output	Activity	Budget USD
Justice Sector Capacity Building	Capacity Building of Justice Institutions	Kosovo Probation Centre	499,583 <i>USD</i>
Access to Justice	Enhancing alternative dispute resolution	Support to ADR mechanisms	327,136 <i>USD</i>
Sub Total			826,719 <i>USD</i>
GMS 7%			57,871 <i>USD</i>
Communication 1%			8,267 <i>USD</i>
TOTAL			892,857 <i>USD</i>

I. SITUATION ANALYSIS

Once Kosovo moved beyond the emergency recovery phase, which included the Emergency Judicial System, in the second part of 1999 and the first part of 2000, targeted and sustained interventions to build the capacity of the judicial sector commenced with the support of a wide range of international donors. The entire system had to be built from scratch, the development of a legislative framework in compliance with international standards; and continuous training of legal professionals, in order to instil basic principles of democratic governance into the day-to-day work of the justice sector. Since the establishment of the Kosovo Institutions, they have taken the lead in capacity development programmes for a variety of sectors.

Rule of law and respect for human rights, particularly the rights of communities, are among the essential political criteria for the approach towards European Union integration, as defined by the EU Council, in Copenhagen in 1993. According to these criteria, a candidate country must respect principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. With the scaling up of the process of European integration, the judiciary has become a key priority for the Kosovo Institutions. It is also important to point out that the the promotion of equality between men and women is an important objective of the European Union.

In this context, the EU Council in January 2006 took a decision based on the political specifics of Kosovo to initiate the European Partnership Action Programme. The key priority of this programme is: "to ensure the full compliance with the rule of law based on the policies of zero tolerance against corruption, organized crime, and financial crime".¹

According to the UNDP Kosovo Early Warning Report released in April 2009, public apathy with courts and the justice delivery mechanisms is higher than with any other institution. There also exists a detachment between international and local conceptions of justice; scepticism about the ability of new systems to deliver justice to the citizens, especially to marginalized groups and women's groups; as well as low trust in, and willingness to use, formal justice systems. A recent EULEX report outlines the pillars of a functioning judicial system in Kosovo, and underscores the importance of fair and effective access to justice. Poor access to justice undermines general confidence in Kosovo institutions and aggravates perceptions of injustice, impunity, and exclusion. Considering the barriers to women's access to justice including marginalisation from the justice process and procedural problems, the justice strategy must be gender responsive.

The rule of law and governance affect all activities. Compliance with the sound legislative framework, which has already been put in place, will help to promote confidence in the institutional system. Additional investment is required, to support new Justice institutions. The Probation Service under the Ministry of Justice deals with non-custodial sentencing. As a new and very important institute within the Criminal Procedure Code, the Kosovo Probation Service deals with the execution of sanctions and measures, oversight, reintegration, rehabilitation, re-socialization and correction of all persons, who have committed criminal acts punishable according to the laws that are in force in Kosovo. The establishment of such a Service has only positive effects, and this has been proven by the experience of developed countries, in which this Service has been operational for decades. Alternative punishments are beneficial to clients, families, the state's budget, and society in general.

There are programmes in place, which work towards the achievement of some of these objectives, namely a training centre for judges and prosecutors within the Kosovo Judicial Institute, and the

¹ Medium Term Expenditure Framework 2008-2010 Ministry of Economy and Finance

Kosovo Probation Centre. However, these training programmes need updating and further expansion, to fulfil the requirements of newly passed legislation, and to ensure that they are in line with the long-term training strategy for this sector (not currently in existence), and are sustainable. It is important to emphasise here, that the achievement of these goals cannot happen without the strategic support of the wider donor community.

The EC progress report outlines that the role of probation service is still poorly understood and the mechanism of using alternative sentences is weakened by the general lack of support and awareness within the judiciary system. If properly established, it would reduce the current backlog. There is a need for more concrete initiative to promote social/economic re-integration of probation services' beneficiaries. The service needs widespread development including training and expanded outreach. KPS is currently run by about 60 Kosovar staff. Resources that are provided to them by the Ministry of Justice are scarce and they do not allow for the service to develop and widen the scope and the number of persons who are eligible to receive their services.

KPS has received support from the Swedish Government for undertaking study visits and as per the KPS these systems are different in Kosovo. In addition, ECLO is supporting a twinning project for sharing of best practices in this area; however the KPS has requested for additional support for capacity development. UNICEF has provided support to the Probation Service activities dealing with minors where they conducted training of trainers to train new staff as well as train staff of KPS and detention centres to supervise the juveniles after release from the detention centres. As this is still a nascent institution, a number of capacity development activities are critical and are not being fully supported by other organisations.

UNDP undertook an assessment on Access to Justice issues in Kosovo and one of the challenges highlighted included high number of unexecuted court decisions and limited alternatives to judicial adjudication for provision of justice outside overburdened courts. In addition, the EULEX report also highlights that the duration of judicial proceedings and the poor management of cases have been presented as core problems and have an impact in the permanent burden of backlog cases with courts. Estimates indicate that the backlog of cases in Kosovo's court system continues to expand, with more than 50,000 civil cases and over 36,000 criminal cases pending. It is indicated that all District Court regions report the phenomenon of repeated re-trials of civil cases that result in a high backlog of cases. The scale of the backlog suggests that adjudication and enforcement of every outstanding case via the formal judiciary is unlikely to be accomplished in the short-term. Alternative Dispute Resolution (ADR) represents an important means of transferring many less-sensitive cases from the courts to informal but regulated mediation or arbitration. ADR services are quicker and cheaper than normal formal court procedures thus relieving the burden on the courts and also expediting individuals' access to justice. ADR has also proved in many places as a more effective tool for making justice accessible and affordable to vulnerable women and men.

New legislation such as the Law on Mediation, together with supporting elements of UNMIK Regulation No 2006/36 on Legal Aid which requires the Legal Aid Commission to provide legal information, advice and assistance, including mediation, arbitration and alternative dispute resolution, and UNMIK Regulation No 2000/45 on Self Government of Municipalities in Kosovo, which provides for the creation of Mediation Committees, are in place but are inadequate in their scope and have not been effectively implemented. The Ministry of Justice has indicated that the setting up of the overall Mediation Commission (mandated by the Law on Mediation) with membership from critical Kosovo Institutions is a reflection of their commitment to take the ADR process forward. They have also prepared two draft legislations for the operation of the mediators. The Medium Term Expenditure Framework (MTEF) of Kosovo recognizes and outlines that a large number of cases are pending before the courts, which impedes the timely administration of justice.

The MTEF has set out reducing backlog of court cases as one of the goals. Among the international agencies, ECLO is supporting a twinning project where experts from the EU Member States, will work together with their Kosovo counterparts in order to exchange experiences and best practices on ADR. The Ministry of Justice is however keen to get overall institutional support in this area. Furthermore, though there is a historic tradition in Kosovo of addressing claims through certain customary mechanisms, expanding ADR services should be a key priority if justice is to be expedited and made meaningful for claimants. In this regard, it is important to underline that the strategic plan of the Kosovo Judicial Council refers to access to justice, resolution of caseloads, and reduction of case backlogs.

II. STRATEGY

The focus of the current UNDP Rule of Law and Access to Justice Projects is on the strengthening of an independent and effective justice system for Kosovo, which protects and promotes human rights standards, for ensuring better access to justice for all citizens. Further work must ensure the continuous capacity development of emerging new institutions in the justice sector, and undertake activities, which underscore the importance that the sector places on ensuring access to justice for all communities and sections of society in Kosovo. There will be a special outreach focus on ensuring access to justice for vulnerable groups especially women, minorities and physically challenged.

By focusing on key areas, with targeted activities, the projects aim to support achievement of the establishment of effective justice institutions and practices in Kosovo. The main outputs of the proposed Project will include: regionalization and capacity development of the Kosovo Probation Service through provision of expertise from the countries with best practices in the area and by securing better logistical support and working environment; and improvement of Alternative Dispute Resolution and reduction of case backlog through supporting the ADR strategic framework, reviewing existing legislations, supporting establishment of the institutional architecture, capacity development for both modern and traditional mediation services in partnership with Kosovo institutions and civil society partners.

The project will contribute to UNDP Kosovo's strategic outcome of 'Strengthened capacities of rule of law and security institutions, to perform in an efficient, transparent, accountable and gender-sensitive manner'. It will ensure that the gender equality considerations are integrated in all the activities including targeted capacity building support to the different levels of beneficiaries. In addition it will enhance the capacity to be more gender responsive in the formulation, implementation and review of the laws. Minority participation in all activities will similarly be secured. The Project will ensure increased participation of females in all activities of the Project. In this effort, UNDP will also be governed by its policies and UN Resolutions such as UNDP's 8-point agenda supporting implementation of UN Security Council Resolution (SCR) 1325 on Women, Peace and Security which clearly outlines advancing gender justice.

Component 1: Justice Sector Capacity Building

The judicial sector in Kosovo continues to require wide-ranging support in order to ensure that Kosovo remains on the path to judicial reform and sustainable rule of law to further enhance the application of international and European standards in this field/area.

Capacity Building of Justice Institutions

The establishment of a number of institutions in Kosovo to support judicial practitioners has been a primary achievement of the past seven years. To date, the Kosovo Judicial Institute (KJI), and the Kosovo Probation Centre have all been created to support the justice reform process. Further, with the promulgation of new laws, the Ministry of Justice has taken on new responsibilities, in particular on the effective functioning of the Kosovo Probation Centre. While capacities do exist on the ground, further, targeted support, is required to allow these institutions to have the greatest impact sooner rather than later.

Output 1: Strengthened capacity of the Kosovo Probation Service (Ministry of Justice)

Probation is a new concept for Kosovo, and at all stages of the criminal justice process it aims at avoiding imprisonment. The idea of probation as a community-based service is that, a society built on the principles of social inclusion provides the best protection for communities from the harm and distress caused by crime. The existences of alternative sanctions enable the Courts to deal with offenders in a different manner rather than imposing a Custodial Sentence. The provisional 'Criminal Code' and the provisional 'Criminal Procedure Code' for Kosovo provide a legal basis for a number of these alternative measures. The principal provisions made for probation in the Criminal Code are for suspended sentences and semi-liberty (house arrest), treatment and supervision orders as well as community service orders. The Kosovo Probation Service aims to contribute in the establishment and functioning of rule of law, prevention of crime, and the decrease of recidivism.

In fully achieving its mission, the Probation Service of Kosovo needs support from governmental and international institutions and NGOs. This support should consist of assisting the creation of better working conditions for the Probation Service on the one hand, and on the other, through the training of staff members, bearing in mind that, the Kosovo Probation Service is the first of its kind in the Balkans. Its system is similar to that seen in Denmark, as per structure, and also in terms of work organization. Probation Service staff members need constant training on all responsibilities, and a mandate provided to it through the laws currently in force in Kosovo. The Kosovo Probation Service covers the entire territory of Kosovo, and is operational in 5 regional centers: Pristina, Prizren, Mitrovica, Pejë and Gjilan. The work of the Probation Service is managed and supervised by the General Directorate of the Probation Service/MD in Pristina. Kosovo Probation Service currently employs 64 staff members out of which 34 (53.12%) are males and 30 (46.87 %) are females. More importantly the Director of the Kosovo Probation Service is a female thus contributing to the increased inclusion on women in judicial system pursuant to the UNDP 8 point agenda. Probation Officers are involved in:

1. Before sentencing, in providing the judge with adequate background information on the offender and;
2. After sentencing, in monitoring, for instance, offenders who have been granted Conditional release.

This component of the Project will support the work of the KPS in their activities with male and female perpetrators of criminal offences . The activities outlined in the Results Resources Framework (Part IV) will complement and further strengthen the KPS centres at the central and regional levels and impact the organisational set up, improve the management capacity and skills to deliver on their mandate, expand their capacity to deliver and raise awareness among institutions about the probation service. The Project will provide one full time international expert,

for the first year that will support the KPS in operational setup of the service, designing of the training programmes and delivery of training for KPS staff and efforts would be made to ensure that these training programmes are gender responsive and sensitive.

Furthermore, the support will be directed towards opening of at least two additional regional KPS centres (Gjakove and Ferizai) and assessing the current state of the existing offices in order to determine the logistic support needed in improving the working conditions of the existing offices thus increasing the capacity of the KPS to undertake activities in its mandate to support the offender to undertake community based service (rather than sending the person to prison for a minor offence), help in the reintegration and resocialising in their family and society. The support is envisaged for the initial setup of the regional office until they are fully developed. The sustainability plans have to be devised in cooperation with the GoK, which should play the main role in regard to the long-term sustainability of the KPS. UNDP will undertake consultations with the Ministry of Justice from the very start to ensure that the Kosovo Consolidated budget includes the funding for the new regional KPS centres.

Specifically, in regard to the Probation Service local participation and ownership is an important part of the strategy. In this process, partnership with regional probation service centres in five areas (Prishtina, Prizren, Peje, Mitovica and Gjilan) will be developed for building their capacities. This would help them to lead the cooperation with other local institutions such as old age homes, emergency services, humanitarian organizations and NGOs for reintegration and resocialisation of the offenders. A special attention will be provided to include NGOs working with women and shelters as partners in this process. Activities in the project will be carried out to develop strong institutional relations between the regional probation service centres and the local municipal bodies to raise their awareness and strengthen the outreach of the services of the regional KPS centres.

The indicators for measurement of achievements are also indicated in the Results Resource Framework.

This component of the Project is a new activity that will be financed by this donation.

Total Budget: USD 499,583

Component 2. Access to Justice

The Access to Justice element of the project focuses on legal awareness and legal empowerment among the citizens especially women; including improving Alternative Dispute Resolution and reducing case backlog. It will aim to develop a strategic framework, review existing legislations, support establishment of the institutional architecture, capacity development for both modern and traditional mediation services in partnership with Kosovo institutions and civil society partners. It will be ensured that a gender responsive strategy is used in the development of the legislative framework on mediation as well as in the capacity development processes for advancing gender justice.

Output 2: Increased access to justice for vulnerable women and men through speedy redressal of cases in a non-conflict manner² through ADR.

² This will contribute to achievement of UNDP's 8-point agenda and especially for 'Advancing gender justice' – agenda point 2.

Alternative Dispute Resolution (ADR) represents a possible means of transferring many less-sensitive cases from the courts, to informal but regulated mediation or arbitration. It has the advantage of often being cheaper and quicker than the court process thus hastening the process of access to justice especially for vulnerable women and men, encouraging reconciliation rather than entrenching adversarial positions, particularly important in a post conflict environment. It further reduces the administrative and cost burden on the courts allowing them to focus their resources on cases which are not suitable for ADR.

Firstly, UNDP will work closely with the Kosovo Institutions and the Mediation Committee, formed in accordance with the Law on Mediation, to create a holistic strategy and supportive legislative framework for the implementation of ADR services and ensure that the strategy is carried through for which UNDP would partner through a Letter of Agreement with Ministry of Justice (MOJ).

Secondly, capacity development activities will be pursued at the municipal level. The detailed activities outlined in the Results Resource Framework (Part IV) indicates a systemic approach for institution building whereby support would be provided for certification and licensing of mediators; strengthening court referred mediation and assessing and supporting traditional mediation services within a human rights framework (especially from a women's rights perspective) in selected municipalities. New mediators need to be trained and those already in place need to be trained in the new system. They will be supported by the strengthening of Mediation Offices in Municipal and District Centres. The judiciary will also need to be sensitised to recognise cases which should be referred to mediation via the proposed new Case Referral System. Efforts would be made to ensure that judiciary as well as the mediators are trained from a gender responsive perspective and understand barriers' to women's access to justice especially in the area of inheritance, family law and gender based violence.

Thirdly, a public awareness campaign will be initiated so that women and men, minorities and vulnerable groups are aware of the new ADR services and can therefore make full use of the services available to them and thus receive better access to justice. Partnerships with CSOs would be developed for local level activities.

The indicators for measurement of achievements are also indicated in the Results Resource Framework.

As underlined above, UNDP would partner with the Ministry of Justice and Mediation Committee to support the implementation of the law on Mediation and capacity development activities. Hence, with demonstration of the activities jointly with MOJ and Mediation Commission, institutionalization and sustainability of efforts will be part of the process. Further, UNDP would strengthen partnership with CSOs such as the Kosovo Law Centre and Partners-Kosova and build on its international experience on institutionalizing alternative dispute resolution mechanisms in government systems to enhance access to justice for women and socially marginalised groups. It will be ensured that the CSOs have a gender responsive approach in their strategy.

UNDP has extensive experience in assisting in the introduction and development of ADR services, not least in Nepal where such an initiative was considered successful with over 10,000 cases mediated during the course of the project and over half of these settled. Other experiences include Ghana, Turkey, Indonesia and North Cyprus.

Total Budget: USD 327,136

Strategic partnership

Existing strategic partnerships with all relevant stakeholders will be strengthened for both the project components, with the central authorities such as the Kosovo Institutions, the Judicial Institutions, legal institutions including Kosovo Judicial Institute, Kosovo Probation Centre, and the Judges and Prosecutors Association, and the local civil society. UNDP will also work closely with the Kosovo Judicial Council, Ministry of Justice and Legal Aid Commission. All of these are identified as direct beneficiaries of the project. Partners will jointly lead and guide the programme activities' development and implementation, as well as taking-on implementation roles under the UNDP's Direct Implementation Modality.

Furthermore, UNDP will closely coordinate the activities with the international donor community present in Kosovo; especially with the respective Rule of Law support Programmes of the European Commission Liaison Office in Kosovo (ECLO), USAID, DFID and the GTZ.

UNDP will further enhance its already established strategic partnership with the EULEX Mission in Kosovo. The EULEX Mission, in addition to handling cases, has a mandate to Monitor, Mentor and Advise (MMA) local counterparts.

III. UNDP Mandate

UNDP's corporate strategic plan underscores that rule of law constitutes one of UNDP's core businesses in support of democratic governance. UNDP has a global rule of law programme in conflict and post-conflict situations. It aims to i). strengthen the rule of law within an early recovery framework during transitions, ii). address women's security and access to justice; iii). capacity development of rule of law institutions; iv). facilitating transitional justice; and v). promoting confidence building and reconciliation. The Kosovo Justice and Security Programme (JSP) 2009-2011 reflects the Global Programme priorities and this project of UNDP Kosovo will contribute to the outputs of JSP.

In compliance with the UNDP Gender Equality Strategy and 8 point agenda from the Security Council Resolution 1325, gender justice, access to qualitative services, protection of men and women's rights, gender perspective into transitional judicial sectors are well interlinked and integrated within our programmes.

UNDP is committed to using human rights based approach in its programming, guided by international human rights standards and principles. Access to Justice and Rule of Law are basic human rights as well as indispensable means to combat poverty, prevent and resolve conflict.

IV. RESULTS AND RESOURCES FRAMEWORK

<p>Country Strategic Note: Effective judicial and policing institutions established that contribute to increased personal security</p>			
<p>Strategic Note, including baseline and targets: (1) Execution of alternative measures and sentences provided for in the Provisional Criminal Code of Kosovo; (2) Reduction of the backlog of caseloads</p>			
<p>Partnership Strategy: The participation and leadership of different stakeholders such as Kosovo Institutions, EULEX, donors and civil society will be critical in achieving the stated objectives of the project.</p>			
INTENDED OUTPUTS	OUTPUT TARGETS FOR TWO YEARS	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES
<p>Output 1: Strengthened capacity of the Kosovo Probation Service Baseline: Lack of functionality of Probation Service Lack of use of Probation Service Measures by judges and prosecutors Indicators Increased provision of services as a result of capacity building Increased number of cases where Probation Service is engaged by the court Number of persons that have received KPS services and the variety and quality of service provided to them</p>	<p>Targets (years 1 – 2) Operational setup of the Service is improved Training programme is designed Training Programme implemented New offices functionalized Working conditions of Probation Service staff improved Increased management capacity of the service Raised awareness among stakeholders on importance of the Probation Service</p>	<p>One full time International Expert hired for support operational setup of the service and design and delivery of the training programme Study visits Support to re-integration of offenders by provision of employment/training schemes in collaboration with NGO sector Roundtables and training sessions with stakeholders aimed at increased awareness on role, duties and importance of the Probation service Logistical capacity building – opening of at least two new offices, improving of the working conditions for existing offices, creation of a database of cases. (both of these can be considered as logistical capacity building)</p>	<p>UNDP</p>
			INPUTS
			<p>Equipment and operational expenses Training workshops Policy research and briefs Communication material Transportation International and National Consultants</p>

Country Strategic Note: Effective judicial and policing institutions established that contribute to increased personal security			
Strategic Note, including baseline and targets: (1) Execution of alternative measures and sentences provided for in the Provisional Criminal Code of Kosovo; (2) Reduction of the backlog of caseloads			
Partnership Strategy: The participation and leadership of different stakeholders such as Kosovo Institutions, EULEX, donors and civil society will be critical in achieving the stated objectives of the project.			
INTENDED OUTPUTS	OUTPUT TARGETS FOR TWO YEARS	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES
<p>Output 2:</p> <p>Increased access to justice for vulnerable women and men through the speedy redressal of cases in a non-conflict manner through ADR.</p> <p>Baseline:</p> <ul style="list-style-type: none"> • inappropriate legal frameworks • low functional capacity of mediation • low number of cases mediated <p>Indicators:</p> <ul style="list-style-type: none"> • increased number of cases mediated (gender and ethnic 	<p>Targets (year 1)</p> <ul style="list-style-type: none"> • ADR Strategy in place • Amendments to legislation • Training of X mediators <p>Targets (year 2)</p> <ul style="list-style-type: none"> • Mediation Offices in selected Municipal and District centers • Training of additional X mediators in selected municipalities • X cases in the process of mediation • X cases settled by mediation 	<p>A. Institutional support provided for ADR framework</p> <ol style="list-style-type: none"> 1. Consultation on existing legislation and required or recommended amendments. 2. Undertaking appropriate amendments to legislation. 3. Drafting of appropriate sub-legal acts, rules of procedure etc. 4. Support to development of ADR strategy. <p>B. Organisational support strengthened for effective ADR in selected municipalities</p> <ol style="list-style-type: none"> 1. Increased awareness of ADR: <ul style="list-style-type: none"> • Awareness campaign for communities on mediation advantages. • Social mobilization for ADR advocacy. 	<p>Equipment and operational expenses</p> <p>Communication material</p> <p>Transportation</p> <p>International and National Consultants</p>

<ul style="list-style-type: none"> disaggregation) <ul style="list-style-type: none"> increased number of cases referred to mediation by the court (gender and ethnic disaggregation) increased number of cases settled by mediation (gender and ethnic disaggregation) 	<p>Targets (year 2)</p> <ul style="list-style-type: none"> X cases in the process of mediation X cases settled by mediation <p>(X= the numbers would be put in consultation with partners at the start of the implementation)</p>	<p>2. Trained, competent and qualified mediators:</p> <ul style="list-style-type: none"> Training of different committees, institutions and representatives in basic and advanced mediation. Training on collaborative processes for stakeholders. Joint trainings for modern and traditional mediators. Training on anti-discrimination and gender sensitization. <p>3. Support system for mediators established:</p> <ul style="list-style-type: none"> Undertaking consultations with Kosovo Institutions for licensing of mediators. Ensuring establishment of the process for their certification and supervision of standards. Supporting the establishment of a mediation fee process to mediators as per the legislative framework. Provision of mediation fee for piloting the standards. <p>4. Court referred mediation process established and made effective:</p> <ul style="list-style-type: none"> Support to setting up of mediation facilities in the municipal courts. Strengthening the case referral system in courts and municipal mediation centres. <p>C. Traditional mediation processes improved in selected municipalities.</p>		
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		<ol style="list-style-type: none"> 1. Assessment of traditional mediation practices. 2. Training of traditional mediators. 3. Strengthening traditional mediation processes for social cases within a human rights framework. 	
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Two Year Work Plan Budget Sheet

EXPECTED OUTPUTS <i>And baseline, indicators including annual targets</i>	PLANNED ACTIVITIES <i>List activity results and associated actions</i>	TIMEFRAME		RESPONSIBLE PARTY	Funding Source	PLANNED BUDGET	
		Y1	Y2			Budget Description	Amount USD
Output 1: Strengthened capacity of the Kosovo Probation Service	One full time international expert hired for support operational setup of the service and design and delivery of the training programme (to think only about 6 months period)	X		UNDP	Denmark		90,000
Baseline:	Study visits	X	X	UNDP	Denmark		30,000
<ul style="list-style-type: none"> • Lack of functionality of Probation Service • Lack of use of 	Support to re-integration of the offenders by provision of employment/training	X	X	UNDP	Denmark		90,000

<p>Probation Service Measures by judges and prosecutors</p> <p>Indicators</p> <ul style="list-style-type: none"> Increased provision of services as a result of capacity building <p>Increased number of cases where Probation Service is engaged by the court</p>	<p>schemes in collaboration with NGO sector</p>								
	<p>Roundtables and training sessions with stakeholders aimed at increased awareness on role, duties and importance of the Probation service</p>	X	X		UNDP	Denmark			20,000
	<p>Logistical capacity building – opening of at least two new offices, improving of the working conditions for existing offices, creation of a database of cases.</p>	X	X		UNDP	Denmark		269,583	
Total									
499,583									
Output 2:									
<p>Increased access to justice for vulnerable women and men through the speedy redressal of cases in a non-conflict manner through ADR.</p> <p>Baseline:</p> <ul style="list-style-type: none"> inappropriate legal frameworks low functional capacity of 	<p>A. Institutional support provided for ADR framework</p>							45,000	
	<p>1.Consultation on existing legislation and required or recommended amendments</p>	X			UNDP	Denmark			
	<p>2.Undertaking appropriate amendments to legislation</p>	X			UNDP	Denmark			
	<p>3.Drafting of appropriate sub-legal acts, rules of procedure etc.</p>	X	X		UNDP	Denmark			
	<p>4. Support to development of ADR strategy.</p>	X	X		UNDP	Denmark			

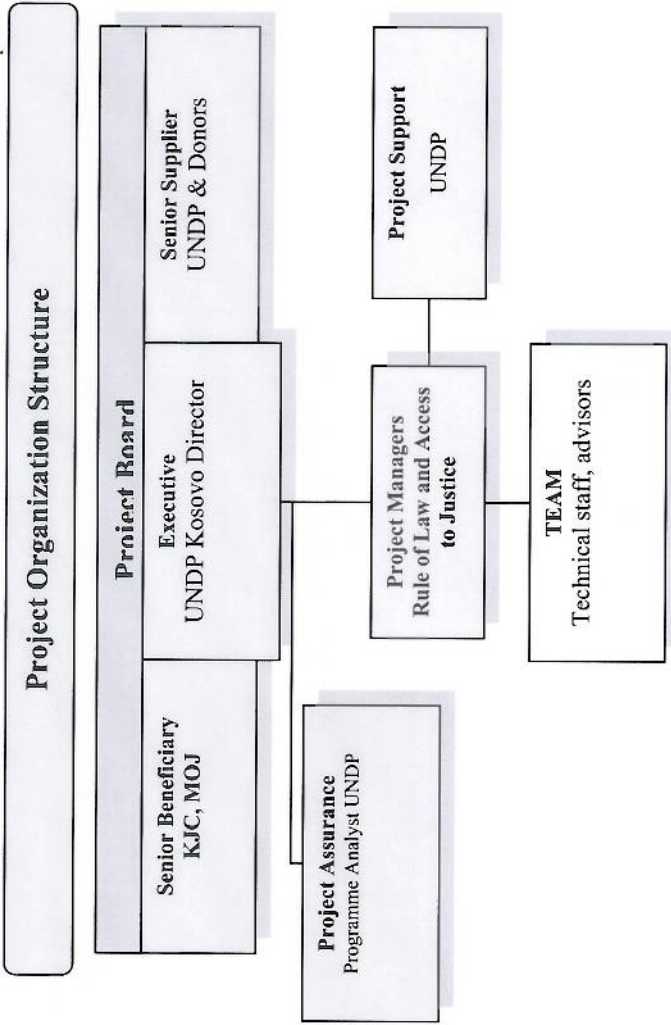
<ul style="list-style-type: none"> mediation low number of cases mediated 	<ul style="list-style-type: none"> Indicators: 	<ul style="list-style-type: none"> increased number of cases mediated increased number of cases referred to mediation by the court increased number of cases settled by mediation 	<ul style="list-style-type: none"> B. Organisational support strengthened for effective ADR in selected municipalities 						252,136 (Total of B)
			1. Increased awareness of ADR:						45,000
			Awareness campaign for communities on mediation advantages	X	UNDP	Denmark			
			Social mobilization for ADR advocacy	X	UNDP	Denmark			
			2. Trained, competent and qualified mediators:		UNDP	Denmark			88,136
			Training of different committees, institutions and representatives in basic and advanced mediation.	X	UNDP	Denmark			
			Training on collaborative processes for stakeholders	X	UNDP	Denmark			
			Joint trainings for modern and traditional mediators.	X	UNDP	Denmark			
			Training on anti-discrimination and gender sensitization	X	UNDP	Denmark			
			3. Support system for mediators established						54,000
			Undertaking consultations with Kosovo Institutions for licensing of mediators.	X	UNDP	Denmark			
			Ensuring establishment of the process for their certification and supervision of standards.	X	UNDP	Denmark			
			Supporting the establishment of a mediation fee process to	X	UNDP	Denmark			

	mediators as per the legislative framework												
	Provision of mediation fee for piloting the standards.	X		X				UNDP		Denmark			
	Establishing a sustainable mechanism	X		X				UNDP		Denmark			
	4. Court referred mediation process established and made effective:											63,000	
	Support to setting up of mediation facilities in the municipal courts.			X				UNDP		Denmark			
	Strengthening the case referral system in courts and municipal mediation centres.			x				UNDP		Denmark			
	C. Traditional mediation processes improved in selected municipalities.											30,000	
	1. Assessment of traditional mediation practices	X						UNDP		Denmark			
	2. Training of traditional mediators.	X		X				UNDP		Denmark			
	3. Strengthening traditional mediation processes for social cases within a human rights framework			X				UNDP		Denmark			
	Total											327,136	
	Total											826,719USD	
	GMS 7%											57,871 USD	
	Communication 1%											8,267 USD	
	TOTAL											USD 892,857	

IV. MANAGEMENT ARRANGEMENTS

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

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



The Project Board is responsible for making executive management decisions for the project when guidance is required by the Project Manager, including approval of project plans and revisions. The Project Board will be chaired by the UNDP Kosovo Director. There will be some observers in the Board such as Ministry of Justice Supreme Court of Kosovo, Kosovo Judicial Institute, Judges Association, Prosecutors Association, Probation Service, and Legal Aid Commission. The Project Board would guide and oversee the project implementation, approve operational strategy and standards, annual and quarterly work plans, review progress, ensure that required resources are committed, ensure management for development results assuring the evaluation process and performance improvement. This group will be consulted by the Project Managers for decisions when the tolerances (time and budget) have been exceeded. The Project Board shall meet quarterly, with extraordinary meetings to be scheduled, upon request of the stakeholders when deemed necessary. The Board shall make management decisions by consensus.

This group is constituted of the following functions:

- The *Executive* role will be held by the UNDP Kosovo Director
- The *Senior Beneficiary* includes the Ministry of Justice, President of the Kosovo Judicial Council and of Ministry of Justice and ensures the realization of the project results from the perspective of project beneficiaries.
- The *Senior Supplier* includes the UNDP and donors and represents the interests of those designing and developing the project deliverables and providing project resources. This role provides guidance regarding the technical feasibility of the project.

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

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

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

IV. MONITORING AND EVALUATION

UNDP Kosovo will be ultimately responsible for monitoring of project implementation, in close cooperation with key stakeholders and partners. The Results and Resources Framework incorporated into this document will be the touchstone for performance monitoring and reporting. Further monitoring will be performed on the basis of work plans prepared by the Project Teams, which will submit quarterly reports to UNDP Kosovo and the Project Board, enabling stakeholders to benchmark and assess progress on rollout of activities.

Monitoring

A Monitoring Plan will be activated in UNDP Kosovo's ATLAS management information system. Quarterly progress reports tracking quantitative and qualitative indicators and communicating best practices and lessons learned, will be submitted by the Project Managers to the Project Board, using the standard report format available in ATLAS.

	Deliverables	Description	Schedule
1	Quarterly Reports	Quarterly financial and narrative reports will be used to review progress, address issues, and provide programme and policy guidance	Quarterly
2	Annual Review Report	Mid-term evaluation to assess progress towards programme results	Annually
3	Final Review Report	Final project evaluation to assess achievement of programme results and lessons learned	100% project completion
4	Audit Reports	Annual internal or external audit in line with UNDP rules and regulations	As per UNDP Kosovo audit schedule

Furthermore, the following tools will assist project monitoring:

- Issue Log will be activated in ATLAS and updated by the Project Managers to facilitate tracking and resolution of potential problems or requests for change. The Project Managers will be responsible for updating this information.
- Risks Log will be activated in ATLAS and updated on a quarterly basis by reviewing the external environment that may affect the programme implementation. The Project Managers will be responsible for updating this information.
- Lessons Learned Log will be activated and regularly updated to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of a Lessons Learned Report at the end of the project. The Project Managers will be responsible for updating this information.
- Quality Log will record progress towards the completion of activities, using the ATLAS Activity Definition page. The Project Managers will be responsible for updating this information.

Evaluation

The Annual Review Report will be produced during the fourth quarter of the first year as a basis for assessing the performance of the project. This review will involve all key project stakeholders and focus on the extent to which progress is being made towards outputs, and to ensure that these remain aligned to appropriate outcomes. The review will be structured by a set of common standards, and will be subject to spot external quality assurance assessments. At the conclusion of the project, UNDP Kosovo will initiate a full external evaluation to be incorporated into the Final Review Report, utilizing the Results and Resources Framework as the principal means of assessing accomplishment of project goals.

Financial reporting

The project will be subject to the internal and external auditing procedures provided for in the financial regulations, rules and directives of UNDP Kosovo.

UNDP Kosovo will prepare an unaudited financial statement of receipts, disbursements and fund balance with respect to the project and forward a copy to each donor at project closure. . In the event that donors request a financial statement audit to be performed by external auditors, the costs of such an audit, including the internal costs of UNDP Kosovo with respect to such an audit, will be charged to the project budget. UNDP Kosovo will provide each donor with a copy of the auditors' report.

VI. LEGAL CONTEXT

Kosovo is administered under the UN Interim Administration Mission in Kosovo (UNMIK), established by Security Council Resolution 1244. UNDP Programmes on Rule of Law, Justice and Human Rights and project activities within Programme components are coordinated with UNMIK, pursuant to Resolution 1244/99, associated Security Council Resolutions, and regulations and administrative instructions promulgated thereto by UNMIK. UNDP Programme Activities shall be carried out in accordance with applicable UNDP regulations, rules, policies and procedures.

RISK ASSESSMENT

Description	Date Identified	Type	Impact & Probability	Countermeasures / Management response	Owner	Submitted, updated by	Last Update	Status
Lack of capacity of the existing staff of Probation Service to improve operational structure of the service and ensure professional development	Inception	Operational Organizational	Inability to carry out project activities in an effective manner P = 2 I = 4	Close co-ordination with the Ministry of Justice and Probation Service to ensure proper implementation of the project activities	UNDP			
Lack of local expertise for drafting of the commentaries	Inception	Operational Organizational	Inability to fulfill the tasks foreseen within the project activity P=2 I=3	Close co-ordination with academic institutions and Supreme Court in order to identify the experts and implement the component				
Legislative framework of ADR not being amended as recommended	Inception	Operational Organizational	Inadequate legislation and framework structure will have an adverse impact on carrying out activities. P = 2 I = 4	Strengthen and utilize existing partnerships with Kosovo Institutions at the highest level to ensure that the amendments are adopted and implemented.	UNDP			
Lack of will of Kosovo Institutions to coordinate for strengthening the mediation system at the municipal level	Inception	Operational Organizational	Inability to carry out project activities in an effective manner P =2 I = 2	Close networking, co-ordination and strong relationship building with the Kosovo Institutions to ensure engagement with project.	UNDP			