

32/AI/2015 - Progetto di gemellaggio amministrativo in Kosovo: “Strengthening efficiency, accountability and transparency of the judicial and prosecutorial system in Kosovo” - KS 14 IB JH 05 R. Interpello per la nomina di esperti a breve termine.
(*delibera plenum 8 febbraio 2017*)

«Il Consiglio Superiore della Magistratura,

1. Con delibera dell’assemblea plenaria del 25 marzo 2015 (*Piano quadriennale dell’attività internazionale del Consiglio. Composizione dell’URI e sua collocazione nell’ambito delle Commissioni, alla luce del decreto del Vice Presidente -31 luglio 2013- e dell’ordine di servizio del Segretario generale - 4 settembre 2013*) il Consiglio Superiore della magistratura ha ribadito la particolare importanza dello sviluppo delle attività internazionali, quale strumento di cooperazione allo spazio europeo di giustizia e libertà e contemporaneo sviluppo, attraverso esperienze qualificate - di professionalità da riversarsi nella giurisdizione, anche nel quadro dell’incremento della cooperazione giudiziaria con Paesi strategicamente rilevanti nella lotta alla criminalità organizzata e terroristica e del supporto alle relazioni internazionali della Repubblica Italiana. A tangibile conferma della peculiare rilevanza nuovamente attribuita al Settore delle relazioni internazionali, con la citata delibera il CSM ha disposto la riorganizzazione del Settore internazionale, al fine di meglio corrispondere all’obiettivo di migliorare la qualità dell’attività del CSM e supportare adeguatamente le iniziative alle quali l’organo di governo autonomo della magistratura si determini a partecipare.

2. In tale quadro si colloca l’iniziativa consiliare assunta con delibera del 16 dicembre 2015 con la quale il CSM ha inteso partecipare al bando europeo relativo al Progetto ***“Strengthening efficiency, accountability and transparency of the judicial and prosecutorial system in Kosovo” (KS 14 IB JH 05 R), (all. 1)***, finanziato dalla Commissione europea e diretto ad assicurare assistenza ad alcune istituzioni giudiziarie della Repubblica del

Kosovo, assegnato al CSM dalla Commissione Europea, all'esito di procedura competitiva, con nota del 29 febbraio 2016.

Il progetto ha una durata di trenta mesi e prevede tre aree di intervento, riguardanti il rafforzamento delle capacità del Consiglio superiore dei giudici, il rafforzamento del Consiglio dei pubblici ministeri ed il supporto e rafforzamento della Procura nazionale antimafia ed antiterrorismo del Kosovo.

Con delibera plenaria del 16 dicembre 2015 si è provveduto alla nomina di due esperti residenti a lungo termine (RTA), che hanno il compito di coordinare il progetto in Pristina, e di altri cinque "esperti chiave" (*key expert*) con consolidata e pluriennale esperienza in analoghi progetti internazionali.

Con successiva delibera del 15 settembre 2016 è stato individuato un ulteriore contingente di n. 35 esperti *a breve termine* (*Short term experts*) tenuti ad assicurare un contributo variabile tra tre a sette giornate lavorative annuali, per tutta la durata del *twinning*.

La selezione è avvenuta sulla base di una approfondita verifica dei requisiti di professionalità ed esperienza, correlata alle esigenze ed ai requisiti del bando, tenendo in esclusivo conto i nominativi dei magistrati iscritti all'Albo Internazionale del CSM, rinnovato nella struttura e funzionalità con delibera del 27 giugno 2012.

In tale Albo sono, invero, iscritti magistrati con comprovate conoscenze linguistiche e professionali. La scelta degli esperti è, quindi, avvenuta valorizzando in particolare, l'esperienza maturata in analoghi progetti internazionali, soprattutto se riferiti all'area balcanica. Si è inoltre tenuto conto, in via gradata, delle professionalità disponibili e di una approfondita conoscenza della lingua inglese, fondamentale per consentire la produzione di adeguati e professionali report in lingua inglese, da destinarsi alla Commissione europea. Quali ulteriori requisiti sono stati considerati la conoscenza dell'ordinamento giudiziario, le capacità formative, nonché, con riferimento alla componente afferente alla Procura speciale del Kosovo, le competenze in materia di organizzazione degli uffici di procura ed, in generale, penalistiche, anche riferibili al contrasto al crimine organizzato, alla corruzione ed al terrorismo.

3. Viene ora in rilievo l'esigenza di nominare una ulteriore aliquota di esperti a breve termine, atteso che, tenuto conto della limitata possibilità di impiego di ciascuno (da tre a quindici giornate all'anno) e della necessità di non distrarre i magistrati dall'ordinaria attività di servizio, è necessario, al fine di assicurare un'adeguata funzionalità del progetto e lo

svolgimento delle missioni previste, poter attingere ad un bacino più ampio di magistrati. In particolare occorre individuare, tenuto conto dell'oggetto del progetto, anzitutto un'adeguata platea di magistrati con esperienza rilevante nell'organizzazione del CSM o quanto meno nel settore dell'ordinamento giudiziario. Appaiono quindi preferenziali i profili dei magistrati che abbiano in passato ricoperto le funzioni di consigliere del CSM o di magistrato addetto alla segreteria o dell'ufficio studi del CSM. In subordine vanno considerati i magistrati con pregressa esperienza nei Consigli Giudiziari. Un terzo degli esperti da nominarsi dovrà, invece, essere impiegato nel supporto alla Procura speciale del Kosovo e dovrà quindi preferibilmente possedere esperienza maturata presso la DNA o presso le DDA. In ogni caso è necessaria una competenza linguistica adeguata in lingua inglese che permetta di lavorare in sinergia con i magistrati locali (*working level*).

Devono considerarsi esclusi i magistrati che ricoprono incarichi direttivi e semi direttivi ed i magistrati con esonero totale dal lavoro, e coloro che prestano servizio in uffici che presentino una scopertura di organico superiore al 20%.

Ai fini della selezione di detti esperti, si ritiene necessario dar luogo, ad un interpello tra i magistrati in servizio, in ruolo e fuori ruolo, che possiedano le sopra indicate caratteristiche. A tal fine gli interessati potranno far pervenire al CSM entro e non oltre il 27 febbraio 2017 la loro dichiarazione di disponibilità, vistata dal Capo dell'ufficio, allegando un *curriculum* evidenziante le competenze professionali e linguistiche e le eventuali esperienze ordinamentali.

I profili dei candidati verranno esaminati dalla Nona commissione, che procederà alla individuazione dei nominativi da proporre alla Assemblea Plenaria.

Tanto premesso, per le ragioni sopra evidenziate, il Consiglio

delibera

- di dar luogo ad un interpello per la individuazione di esperti, assegnando ai magistrati in servizio, in ruolo e fuori ruolo, termine fino al **27 febbraio 2017**, per l'inoltro all'indirizzo di posta elettronica kosovo@cosmag.it della dichiarazione di disponibilità ad assumere l'incarico, con allegato *curriculum*.».

ANNEX C1¹

STANDARD TWINNING PROJECT

FICHE

1. Basic Information

- 1.1 Publication notice reference: EuropeAid/ 137-622/DH/ACT/XK
- 1.2 Programme: Annual Action Programme for Kosovo¹ for 2014
- 1.3 Twinning Number: KS 14 IB JH 05 R
- 1.4 Title: Strengthening efficiency, accountability and transparency of the judicial and prosecutorial system in Kosovo
- 1.5 Sector: Rule of Law and Fundamental Rights
- 1.6 Beneficiary country: Kosovo

2. Objectives

- 2.1 Overall Objective:
To contribute to the Rule of Law in Kosovo by strengthening the independence, efficiency, quality and accountability of judiciary and prosecutorial system.
- 2.2 Project purpose:

To increase the efficiency, transparency and the sustainability of the judicial system by improving the planning and implementation of judicial/prosecutorial reforms, and enhancing the effectiveness of Judicial and Prosecutorial Councils in Kosovo, including the Special Prosecutors Office in Kosovo.
- 2.3 Contribution to National Development Plan/Cooperation agreement/Association Agreement/Action Plan:
In order to further improve and better target the EU support under IPA II, based on the Conclusions of the Structured Dialogue for the Rule of Law (meeting was held on 16 January 2014), Kosovo has prepared a three year comprehensive Rule of Law Assistance Strategy and Action Plan 2016-2019. This strategy will allow the EU and other donors to provide strategically targeted assistance to Kosovo in the future and it should support and prepare Kosovo to gradually assume more rule of law – related responsibilities. Drafting of this

¹ This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence

strategy represents the first concrete step by the government of Kosovo to sector inclusiveness of rule of law institutions. This strategic approach is fully in line with EU sector approach, which is required for all areas of the administration of an aspiring state. This strategy will precede the sector strategy on the rule of law in Kosovo, the drafting of which is expected to take place in the coming years.

According to **the Strategy Paper**, an independent judiciary that works in accordance with democratic and professional standards is not only vital for the strengthening of the rule of law with immediate benefits for the public, but it is also crucial for international cooperation and economic development, including attracting foreign investments. EU financial assistance through IPA II is planned to improve the independence, effectiveness, accountability and impartiality of the judiciary, as well as improve the capacity and mechanisms to implement legislation and strategies and to enforce judicial decisions. IPA II will continue to provide assistance for the approximation of the Kosovo legal system to EU standards through capacity-building, advising and monitoring of judicial institutions.

The Action is also related to the **Strategic Development Plan 2012 to 2016 of the Ministry of Justice**, which lists as one of the 5 main objectives the improvement and more efficient management system including legal reforms (first objective).

3. Description

3.1 Background and justification:

According to the findings of the EU Progress Report 2013 the justice system should focus on the following aspects: i) increase the efficiency of KPC (Kosovo Prosecutorial Council) and KJC (Kosovo Judicial Council); ii) both Councils should introduce effectively a clear mechanism for the career development of judges and prosecutors; iii) increase the efficiency, effectiveness and accountability of courts and prosecutions.

Further assistance is needed to increase the capacity of the members of the Councils and to ensure that the new procedures established recently are correctly implemented. **In addition, the recruitment of judges and prosecutors from minority communities is needed to be improved by adopting a pro-active long term approach.** Oversight and career development mechanisms which allow a more effective guidance and monitoring of the work of judges and prosecutors, including chief prosecutors and presidents of courts should be further developed. The conduct of disciplinary proceedings should be improved and the capacities of the Office of Disciplinary Counsel (ODC) strengthened. **Moreover, the budget planning, monitoring and reporting capacity of the Councils should be improved and a more effective decentralisation of the budget's management put in place.**

The four laws governing the justice sector (Law on the Kosovo Judicial Council, Law on the Prosecutorial Council, Law on Courts and Law on State Prosecutor) have been revised in order to address legal loopholes, conflicts and non-compliance with international standards. **These changes of the legal framework will require a revision of the package of secondary legislation adopted by both Councils.** Already at the outset of the legislative process structural and organizational shortcomings became evident. **Both Councils still need to boost their capacities to analyse the effectiveness of the legal framework, ensure legal coherence, carry out policy analysis and develop and reasoned policy options.**

Another aspect that needs further enhancement is the professional administration of courts and prosecution offices. Focus should be on an efficient division of labour between judges, prosecutors and administrative staff which allows judges and prosecutors to focus on adjudication and drafting of legal acts/orders while substantive legal and procedural decisions should not be left to administrative staff. The court efficiency must be improved through a review of the case allocation and weighting system and objective workload models. Furthermore the establishment of the National Centralized Criminal Record system (NCCR system) requires a strong centralised, computerised, organised, secure and proper legal base and further assistance to ensure that a new NCCR system will effectively work. A pilot has started with the population of data of one court into the NCCR system in order to draw first conclusions and recommendations for the further development.

The Special Prosecution Office (SPRK) was established by the United Nation Mission in Kosovo (UNMIK) in 2006, through an UNMIK Regulation and is now composed of composed of 15 local prosecutors including one prosecutor from a non-majority community, and around 15 international EULEX Prosecutors. The SPRK is composed of the a) organized crime, and financing terrorism, b) corruption and money laundering and c) war crimes units.

With the latest EULEX mandate review the position of the SPRK Chief Prosecutor has been reserved to a local Prosecutor (while the position of the deputy head of SPRK is reserved for EULEX prosecutor), who will remain in charge of the overall administration and supervision of the Office. Further to this, the EULEX mandate is expected to end in June 2016. Therefore, further assistance will be needed to strengthen the SPRK capacities regarding its managerial system, in particular with regards to case assignment, case allocation and case handling procedures. Training prosecutors and administrative staff in the structural process but also specialised subject trainings in fighting organised crime are required. There is need to further develop close cooperation and exchange of information, experience, and increase participation to joint investigation with law enforcement agencies and other institutions in Kosovo. Equally, SPRK has to ensure cooperation with other countries on conducting common investigation, both internationally and regionally. In order to further an EU comprehensive approach, close coordination with EULEX advisors will need to be sought.

3.2 Linked activities (*other international and national initiatives*):

The Rule of Law sector has been consistently supported by numerous bilateral and multilateral donors. The key donors with significant on-going or planned activities in the Rule of Law sector include *inter alia* the EU, US (USAID). It is crucial that more effective donor coordination is actively sought in order to avoid overlapping and duplication. This task is not only up to the donor community, but an absolute obligation for Kosovo institution(s). In this regard Kosovo has adopted a Regulation on coordination of foreign donors' assistance in Kosovo, which entered into force in July 2015.

A current EU funded project is supporting both Councils with the purpose to develop and strengthen their independence, performance, professionalism and efficiency to the level expected in view of increasing standards up to a European level. Also, it provides strategic support to develop their organisational capacities and professional capabilities to execute their mandates according to the new relevant legislation. The twinning project should build on the results and achievements of this project.

A current EU funded project is supporting the legal education reform which has at its aim to build a legal research centre, develop an internship programme for judges, prosecutors and court administrators as well as to develop a training curriculum for court and prosecution office administrators.

The European Union Rule of Law Mission in Kosovo (EULEX) is the largest civilian mission ever launched under the Common Security and Defence Policy (CSDP). The central aim is to assist and support the Kosovo authorities in the rule of law area, specifically in the police, judiciary and customs areas. It is a technical mission which monitors, mentors and advises whilst retaining a number of limited executive powers, e.g. with regard to the Special Prosecution Office of Kosovo (SPRK). The task of this institution is to deal with cases in very sensitive matters, namely cases of War Crime and Terrorism, Financial Crime and Corruption and Organized Crime.

The United States Agency for International Development (USAID) is assisting in the establishment of a sustainable, effective and independent judiciary. Through its Justice Support Program, USAID works to strengthen the judiciary while contemporaneously increasing the public's trust in the system. Improving the administration of courts and professionalism of staff, USAID has introduced a "model courts" program, designed to assist in the implementation of new reforms in Kosovo's court administration. The USAID funded Effective Rule of Law programme aims to strengthen the operational capacity of the justice sector institutions including the courts, the Kosovo Judicial Council, the Ministry of Justice and the Kosovo Judicial Institute.

A Case Management System (CMS) is being developed and introduced to courts and prosecutions funded by the Norwegian Government which is expected to be in place in 2017. However, there is no e-Justice Reform in place to provide IT orientation for the justice system. Any initiative to develop an e-Justice reform should be in close coordination with other RoL stakeholders.

Under the IPA 2014 programme a twinning project will further support the legal education reform strengthening the training capacities of the Kosovo Judicial Institute.

Under the IPA 2015 programme a project will be initiated to support the establishment of the National Centralised Criminal Record System (NCCR). This twinning project shall bridge any gaps in the preparation of the full functionalisation and improvement of the NCCR and cooperate closely during the implementation phase.

3.3 Results:

Result 1: Increased efficiency, accountability and transparency of the judicial and prosecutorial system in Kosovo.

- 1.1 Judicial and Prosecutorial Councils' efficiency and accountability is improved;
- 1.2 A clear mechanism for career development of judges and prosecutors is effectively implemented by the Judicial and Prosecutorial Councils;

- 1.3 The efficiency/accountability of the newly established court and prosecution system is increased,

Result 2: Enhanced capacities of the Special Prosecution Office (SPRK)

- 2.1 Efficiency of the SPRK is strengthened through improving the managerial system and ensuring in-service training for the prosecutors and administrative staff;
- 2.2 Mechanisms of inter-institutional, regional and international cooperation are enhanced;

The following indicators aim at measuring the achievement of the main Action results:

- Number of developed and approved policies enabling judicial reform in Kosovo;
- Kosovo's ranking in the Global Integrity Report (category VI-3);
- Human resource regulations are revised, transparent and effective;
- Recruitment and promotion of judges and prosecutors, including minorities, and non-judicial staff within judiciary and prosecutorial system improved;
- A Court Process Review is conducted and recommendations for process improvements produced;
- Number of modern and effective investigations utilising specific investigative tools (controlled deliveries, data from undercover operations, witness protection program, international legal cooperation);
- The number of MoU's regulating inter-institutional cooperation with relevant RoL institutions and other relevant counterparts concluded.

3.4 Activities:

At this stage of preparing the project, the following activities have been identified to achieve the results but are not exhaustive:

Activities to achieve Result 1: Strengthening efficiency, accountability and transparency of the judicial and prosecutorial system in Kosovo

- Advise on the improvement of the overall management capacities of both Councils and court, prosecution office managers, including on aspects of effective procedures, work flow, managerial structures, case allocation system, workload division in court/prosecutions offices between relevant staff;
- Review and advise on the implementation of a coherent and strategic approach to human resource and career development management and strengthen the overall capacity to direct and manage personnel (Councils and courts'/prosecution offices' staff),
- Establish mechanism to track and improve courts' and prosecution officers' performance;
- Enhance the capacity of the KJC/KPC, ODC and supporting staff on disciplinary procedures and improve documentation of decisions in order to ensure a unified application of the law ;
- Conduct a Court Process Review;
- Assist KJC with the effective implementation of the National Criminal Record System and the preparation of future support (to be implemented under IPA 2015);

Activities to achieve Result 2: Support to the Special Prosecution Office

- Establish mechanisms of regular conduct of gaps and needs analyses with the aim to amend procedures on, *inter alia*, human resources allocation, case flow, information and documentation exchange, introduction of a uniform benchmark system to improve efficiency of investigation and prosecution processes;
- Review/revise internal procedures and regulations on functioning of the office;
- Deliver specific in-service training on specific matters related to modern investigative techniques, e.g. interceptions, FIU data utilisation, controlled deliveries, data from undercover operations, court hearings etc;
- Strengthen the drafting skills of prosecutors and legal staff in SPRK and their capacities to engage in international cooperation.

3.5 Means/Input from the MS Partner Administration:

3.5.1 Profile and tasks of the Project Leader

Requirements:

- University degree in law or equivalent. ;
- Minimum 7 years of professional experience in judicial authorities
- At least 5 years of working experience in a leading management position
- Proven contractual relation to public administration or mandated body, as defined under Twinning manual 5.4.5;
- Experience in project management;
- Working level of English language;
- Computer literacy;

Tasks of the Project Leader

- Monitoring and guidance of the whole project; ensuring timely implementation of the project;
- Assisting the RTAs with the project management;
- Ensuring close coordination between the RTAs;
- Providing legal and technical advice and analysis;
- Keeping overview of the development of all key project outputs and the corresponding procedural/operational manuals;
- Close cooperation with beneficiary institutions and other relevant stakeholders.

3.5.2 Profile and tasks of the Resident Twinning Advisors (RTAs)

Two Resident Twinning Advisors are foreseen to implement this project and they may be from different MS: one RTA to lead activities on the Kosovo Judicial Council and one RTA to lead activities on the Kosovo Prosecutorial Council and the SPRK. For the purpose of a coherent approach, one RTA shall be in the lead ensuring a close coordination between the RTAs and a harmonised approach in both Councils. The MS offer shall be specific in proposing the lead RTA. The proposed RTAs are expected to be from similar institutions of EU MS which are mandated to supervise/manage judges and prosecutors. The RTAs'

secondments will be 30 months and they will be assisted by EU MS short and medium-term experts.

RTA Profiles:

- University Degree in Law;
- At least 3 years of professional experience working in a judicial/prosecutorial regulatory/managerial body;
- Professional experience in human resource management;
- Proven contractual relation to judicial administration or mandated body, as defined under Twinning manual 5.4.5;
- Good training, public speaking, presentation and communication skills;
- Fluency in both written and spoken English.

Assets:

- Experience as a judge or prosecutor;
- Project Management experience.

Tasks of the Resident Twinning Advisers:

- Support and coordination of all activities in the BC;
- Day to day management of the project;
- Close coordination with the EU Office and with EULEX advisors and other relevant stakeholders;
- Advising on EU policies and best practices, related legislation and regulations;
- Coordination of the short-term experts activities for the respective components;
- Monitoring project implementation and proposing corrective management actions, if required;
- Organisation of visibility events (kick-off, final event and thematic events);
- Networking with stakeholders of the project in Kosovo and in MS;

3.5.3 Profile and tasks of the short-term experts

Short-term experts with experience and competence matching the project components should have a relevant university degree, professional experience in the relevant fields, experience with on-the-job-training and knowledge transfer, fluency in English, computer skills and ability to work in a team.

Requirements:

- University level education or equivalent professional experience of 7 years in the relevant field;
- 4 years of professional experience in the relevant field;
- Proven contractual relation to public administration or mandated body, as defined under Twinning manual 5.4.5;
- Computer literacy;
- Working level of English language;

Tasks of the Short-term experts will include but are not limited to the following:

- Support to Project Leader and the Resident Twinning Advisors in the implementation of all project activities;
- Close cooperation with beneficiary institution experts;
- Policy and legislative analysis of the relevant legal framework;
- Preparation of reports with recommendations for improvement and adaptation of overall Human Resources of judges and prosecutors and management of courts;
- Supporting institutions in designing career development mechanisms within their structure.

4. Institutional Framework

Direct beneficiaries for this action are KJC and KPC (including SPRK).

The Action will be implemented through a twinning contract.

Results related to the KPC and KJC are aimed at further development of Human Resource Policies which will contribute towards establishing a functional judicial system that is efficient, effective, transparent, unbiased, and accountable towards strengthening institutional and human capacities for implementation of the general judicial related legislation.

5. Budget

<i>Title:</i> Strengthening efficiency, accountability and transparency of the judicial and prosecutorial system in Kosovo	IPA Contribution
Twinning Contract	100% 3.000.000 €

6. Implementation Arrangements

- 6.1 The EU Office in Kosovo is the Contracting Authority responsible for tendering, contracting and managing the Action.

The European Union Office in Kosovo will manage the procurement, implementation, quality control, reporting and coordination with other donors. A Project Steering Committee will be responsible for the overall direction of the project and comprise of representatives from the beneficiary institutions and the EU Office and EULEX focal points. Monitoring will be performed centrally by the European Commission. The project may be evaluated at the interim or ex-post stages under the supervision of the Commission's Evaluation Unit. The project may be audited by the Court of Auditors in line with the standard European Commission procedures.

- 6.2 Main counterpart in the BC

RTA counterpart:

Valdrin Krasniqi, Legal Officer at the Secretariat of the Office of Chief State Prosecutor

BC Project Leader:

Albert Avdiu, Head of Kosovo Judicial Council Secretariat

6.3 Contracts

One twinning contract in the amount of EUR 3.0 million.

7. Implementation Schedule (indicative)

7.1 Launching of the call for proposals

October 2015

7.2 Start of project activities

June 2016

7.3 Project completion

December 2018

7.4 Duration of the execution period

30 months

8. Sustainability

Implementation of the action is expected to ensure that the implementation of the project is in line with the rule of law priorities and, consequently, sustainable. Rule of Law institutions will strive to develop their capabilities with donor support, capacities which will continue to operate after the implementation of this strategy.

Human and other capacity building needs will be analysed before and during the implementation of projects. In order for this action to be sustainable, all beneficiary institutions must be involved in all drafting and implementation stages.

Rule of law institutions are aware that to fulfil the expectations of this action, close interagency cooperation is required between various stakeholders, to further strengthen the rule of law sector in Kosovo. Moreover, the management of rule of law institutions is expected to increase its commitment, enhancing the knowledge and understanding of their staff, strengthening internal communication and coordination, in order to ensure effective policy decisions in the rule of law.

9. Crosscutting issues

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

The project is of a purely technical nature and does not have a direct impact on environment. However, during implementation of the project production of printed material will be kept to the strictest minimum.

ENGAGEMENT WITH CIVIL SOCIETY (AND IF RELEVANT OTHER NON-STATE STAKEHOLDERS)

Civil Society/stakeholder involvement will be taken into consideration in order to support civil society organisations to strengthen their capacities and professionalism, allowing them to engage in an effective dialogue with public and private actors and to monitor developments in areas such as the SAA Process. As civil society is most active sector in close touch with communities, using CSOs to promote and disseminate information on the European integration process is seen as an advantage.

EQUAL OPPORTUNITIES AND GENDER MAINSTREAMING

Equal opportunity will be taken into account at all stages and aspects during the implementation of the project. This dimension is also reinforced in the European Partnership and the SAA Action Plan. In the implementation of the Project specific attention will be given to the need to reflecting gender balance and equal opportunities. The action will ensure mainstreaming of gender and minority issues both within the target institutions and the outputs (services provided by these institutions).

Team of experts involved in the project must possess relevant skills to ensure effective mainstreaming of gender equality and minorities inclusion/participation. The events organised under this project will ensure targeting all the minority communities in Kosovo, through provision of translation and producing print, visual and audio material in local languages.

MINORITIES AND VULNERABLE GROUPS

Beneficiaries' staff will have to be appropriately sensitised to the principles of fair treatment of minorities in public sector employment policy and practice.

The actions will in no way harm the rights of any individuals, including minorities and vulnerable groups. Given the broad scope of the actions envisaged to be financed under this facility, there is the possibility to support sub-projects that directly deal with minorities and vulnerable groups.

10. Conditionality and sequencing

The action direct beneficiaries are KJC/KPC and SPRK. It will be implemented through twinning contract.

The further development of these institutions Human Resource is a prerequisite for ensuring the sustainability of reforms and towards establishing professional judicial system.

The focus will be then on strengthening oversight and career development mechanisms which allow a more effective guidance and monitoring of the work of judges and prosecutors. Moreover, further enhancement of courts administration will be needed as well as improving the division of labour between judges, prosecutors and administrative staff which allows judges and prosecutors

The main assumptions that underlie the project can be considered: inclusion of relevant partner institutions dealing with horizontal issues, assignment of relevant beneficiary institution staff for the entire duration of the project, full commitment of the high and middle management involved in this project, cooperation between institutions involved in the implementation of the project.

The general preconditions for the project relate to the EU integration momentum for the Western Balkans. Challenges and obstacles in this direction might hamper Kosovo's path towards EU accession, with the possibility of producing setback in initiated judicial reforms.

Continuous and significant work has been done through previous projects targeting KJC/KPC. It will be important that the action will take into account the achievements and build on the work done. Justice reform is a long process and regular and continuous support to relevant actors is of crucial importance.

ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format (compulsory)

1. INTERVENTION LOGIC

LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	
To contribute to the Rule of Law in Kosovo by strengthening the independence, efficiency, quality and accountability of judiciary and prosecutorial system	Judiciary/prosecutorial system strengthened and improved in line with SAA obligations	- Conclusions of SAPD meetings - EU Annual Progress Report on Kosovo - OSCE reports - Visa Liberalisation reports	
SPECIFIC OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	ASSUMPTIONS
To increase the efficiency, transparency and the sustainability of the judicial system by improving the planning and implementation of judicial/prosecutorial reforms, and enhancing the effectiveness of Judicial and Prosecutorial Councils in Kosovo, including the Special Prosecutors Office in Kosovo	- Number of developed and approved policies enabling judicial reform in Kosovo - Kosovo's ranking in the Global Integrity Report (category VI-3)	- Government conclusion - EU Country Reports - Analytical reports; overall and sector strategies; references to analytical reports in policy statements - Sector and overall strategies, policy statements - Reports on Implementation of Stabilisation and Association Agreement - Annual Corruption Perception Index of TI - relevant IPA projects quarterly reports, and ad-hoc reports of other international organizations	- Government of Kosovo continues to support reforms in the justice system in its entirety - Political will to strengthen the Rule of Law sector - Both EU and Kosovo remain firm on path of EU Integration - The process is not disrupted by external developments (regional conflict, inter-national financial crisis) - Sufficient resources (both human and material)

		<ul style="list-style-type: none"> - regular Kosovo Progress Report data - KPC reports - Special Prosecution statistics (including War Crime cases) - KPC analytical reports - KJC statistics - Media highlights - Global Integrity Report (Scorecard) 	<ul style="list-style-type: none"> resources) - Commitment by government at central and local level -
RESULTS	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	ASSUMPTIONS
<p>Result 1: Increased efficiency, accountability and transparency of the judicial and prosecutorial system in Kosovo.</p> <p>1.1 Judicial and Prosecutorial Councils' efficiency and accountability is improved</p> <p>1.2 A clear mechanism for career development of judges and prosecutors is effectively implemented by the Councils</p> <p>1.3 The efficiency/accountability of the newly established court and prosecution system is increased</p>	<ul style="list-style-type: none"> - Human resource regulations are revised, transparent and effective - Enrolment of judges and prosecutors, including minorities, and non-judicial staff within judiciary and prosecutorial system improved - A Court Process Review is conducted and recommendations for process improvements produced 	<ul style="list-style-type: none"> - KJC and KPC decisions - KJC and KPC yearly reports - By-laws adopted - Human Resource strategy adopted - EC Annual Country Reports - Media reports - Training needs and capacities reports - Handbooks including SOPs and further administrative instructions - Relevant IPA projects quarterly reports, and ad-hoc reports of other 	<ul style="list-style-type: none"> - Effective communication and active participation of all stakeholders. - Continuous commitment and cooperation of all stakeholders - EU integration remains a government priority - Motivation of existing human resources. - Inclusion of relevant partner institutions - The relevant justice laws need to be established

		international organizations	
<p>Result 2: Enhanced capacities of the SPRK</p> <p>2.1 Strengthened efficiency of the SPRK by improving the managerial system and ensuring in-service training for the prosecutors and administrative staff</p> <p>2.2 Enhanced mechanisms related to inter-institutional, regional and international cooperation</p>	<p>-Number of modern and effective investigations utilising specific investigative tools (controlled deliveries, data from undercover operations, witness protection program, international legal cooperation)</p> <p>-MoU's regulating inter-institutional cooperation with relevant RoL institutions and other relevant counterparts concluded and implemented</p>	<p>- Special Prosecution statistics (including War Crime cases)</p> <p>- EC Reports, OSCE Reports</p> <p>- Relevant IPA projects quarterly reports, and ad-hoc reports of other international organizations</p> <p>- Regular Kosovo Progress Report data</p> <p>- KPC and KJC statistics</p> <p>- Statistics on citizens' complaints</p> <p>- Media highlights</p> <p>- MoUs</p> <p>- Handbooks including SOPs and further administrative instructions</p> <p>- Publication of work progress/indictments (number of placements of copies of approved</p>	<p>- Availability of sufficient budget to run day to day operations</p> <p>- Political will and support to the SPRK office</p> <p>- Close coordination of project stakeholders with the project experts, including a comprehensive insight in structures and documents</p>

ACTIVITIES	MEANS	OVERALL COST	ASSUMPTIONS
<p><i>Activities to achieve result 1: Strengthening efficiency, accountability and transparency of the judicial and prosecutorial system in Kosovo</i></p> <ul style="list-style-type: none"> - Advise on the improvement of the overall management capacities of both Councils and court, prosecution office managers, including on aspects of effective procedures, work flow, managerial structures, case allocation system, workload division in court/prosecutions offices between relevant staff; - Review and advise on the implementation of a coherent and strategic approach to human resource and career development management and strengthen the overall capacity to direct and manage personnel (Councils and courts'/prosecution offices' staff); - Establish mechanism to track and improve courts' and prosecution officers' performance; - Enhance the capacity of the KJC/KPC, ODC and supporting staff on disciplinary procedures and improve documentation of decisions in order to ensure a unified application of the law ; - Conduct a Court Process Review; - Assist KJC on the effective implementation of the National Criminal Record System and the preparation of future support (to be rendered under IPA 2015) <p><i>Activities to achieve result 2: Support to the Special Prosecution Office</i></p> <ul style="list-style-type: none"> - Establish mechanisms of regular conduct of gaps and needs analysis with the aim to amend procedures on, <i>inter alia</i>, human resources allocation, case flow, information and documentation exchange, introduction of a uniform benchmark system to improve efficiency in investigation and prosecution processes; - Review/revise internal procedures and regulations on functioning of 	<p>One Twinning contract (30 months duration)</p>	<p>EUR 3. million</p>	<p>indictments on the website, etc.)</p> <ul style="list-style-type: none"> - Political will to strengthen the Rule of Law sector - Continuous commitment and cooperation of all stakeholders - Sufficient resources (both human and material resources)

<p>the office;</p> <ul style="list-style-type: none"> - Deliver specific in-service training on specific matters related to modern investigative techniques, e.g. interceptions, FIU data utilisation, controlled deliveries, data from undercover operations, court hearings etc; - Strengthen the drafting skills of prosecutors and legal staff in SPRK and their capacities to engage in international cooperation. 			
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