

**2008 Project Fiche Kosovo
IPA centralised programme**

1. Basic information

1.1 CRIS Number:

1.2 Title: Strengthening the Rule of Law in Kosovo

1.3 ELARG Statistical Code: 01.23

1.4 Location: Kosovo

Implementing arrangements:

1.5 Contracting Authority: The European Commission Office in Pristina.

1.6 Implementing Agency: The European Commission Office in Pristina.

1.7 Beneficiary Institution

Project activity	Beneficiary (institutions, target group etc)	Contact point responsible for project coordination
1. Legal Education System Reform	Kosovo Judicial Institute (KJI), Pristina University (PU), University of Mitrovica (UM), Kosovo Chamber of Advocates (KCA), Kosovo Law Centre	Mr. Lavdim Krasniqi, Acting Head of Kosovo Judicial Institute
2. EU Standards for the Ministry of Justice	Ministry of Justice (MoJ)	Mr. Agron Hoti, Head of Department for EU Integration, MoJ
3. Capacity building for Readmission and Asylum	Department for Borders, Asylum and Migration (DBAM) under the Ministry of Interior (MoI) or body in charge of operational management of Asylum and Migration	Bali Muharremaj, Director of the Department for Border/Boundary, Asylum and Migration, MoI
4. Improvement of the Penitentiary System	Ministry of Justice (MoJ)	Commissioner of the Kosovo Correctional Service
5. Border and Boundary Police Equipment	Kosovo Border and Boundary Police (BBP)	Ms. Teuta Ramiqi, Head of Department for EU Integration, MoI

1.8 Overall cost: € 14.225 million

1.9 EU contribution: € 13.0 million

1.10 Final date for contracting:

Three years after the signature of the financing agreement between the European Commission and the Kosovo Authorities.

1.11 Final date for execution of contracts:

Two years after the final date for contracting.

1.12 Final date for disbursements:

One year after the final date for the execution of contracts.

2. Overall Objective and Project Purpose

To strengthen the rule of law in Kosovo through further reform of the relevant institutions and alignment with and implementation of the *acquis* in the area of Justice and Home Affairs

2.1 Overall Objective:

To strengthen the capacity of Kosovo's institutions to provide legal education, approximate legislation with EU standards, to tackle asylum and migration issues, and border/boundary management.

This project has been designed in cooperation with the EU Planning Team in Kosovo, which is preparing for the future EU European Security and Defence Policy (ESDP) mission in Kosovo. The project will be implemented in close coordination with the ESDP mission.

2.2 Project purpose:

1. To help improve legal education standards and qualifications.

The main purpose of this activity is to provide the basis for sustainable capacity building in the field of Rule of Law through a comprehensive reform of *the higher legal education* system in Kosovo, with a particular focus on teaching methodologies.

With this purpose achieved we will improve legal education standards and qualifications in Kosovo. In particular we familiarise students and law practitioners with European values (human, gender and minority rights & EU integration) and advance with designing teaching curricula and establishing/implementing a certification procedure for academic teaching staff.

*2. To help align relevant legislation with the *acquis* and strengthen the administrative capacity of the MoJ to implement it*

To strengthen the administrative, policy making and legal drafting capacities within the PISG Ministry of Justice, enhancing the functioning of the Justice system and reducing the backlog of cases in courts by setting up mechanisms for Alternative Dispute Resolution

*3. To help align asylum and migration legislation with the *acquis* and strengthen the administrative capacity of the MoI to implement it*

To enhance the managerial, administrative and legal capacities of the MoI to deal with asylum and migration in order to cope with the challenges of managing an increased return of Kosovo citizens after the status settlement and prepare Kosovo for the implementation of the EU *acquis* in the field of asylum and migration.

4. To increase detention capacities of the Kosovo Correctional Service

Enable the Kosovo authorities to cope with a potential increase of the convictions in courts due to the readmission of an important number of persons with a criminal background from the EU Member States, thus minimising the risk for public security that emanates from these persons.

5. To strengthen capacities in the area of border control

To enable Kosovo Border Police to effectively and efficiently control all borders (including the green/blue border) and the flow of persons in and out of Kosovo in particular through setting up an EU compatible communication system and procurement of equipment for border control. This activity will also help the Kosovo authorities to implement the relevant acquis in this sector

2.3 Link with: European Partnership; Stabilisation and Association process; Proposal for the Kosovo Status Settlement

The European Partnership calls for:

- Improve the functioning of the judiciary, guarantee its independence, accountability, professionalism and efficiency and ensure that the career development and recruitment of judges and prosecutors are based on technical and professional criteria and free from political influence. Ensure proper functioning of the Constitutional Court.
- Further develop legal education and training, particularly for judges, prosecutors and administrative personnel. Transform the Judicial Institute into a viable institution responsible for judicial training.
- Develop the capacity in the government free from undue political influence to take on responsibilities in the areas of justice and the interior. Implement a system of appointment, dismissal and career promotion for judges and prosecutors in line with European standards, free from political interference
- Implement the automated case management system fully in all courts and prosecution offices. Reduce the backlog of cases and the enforcement of civil court decisions.
- Strengthen municipal courts and police action to address, prevent and sanction illegal occupation, use and construction of property in an impartial manner.
- Develop the capacity in the government free from undue political influence to take on responsibilities in the areas of justice and the interior. Implement a system of appointment, dismissal and career promotion for judges and prosecutors in line with European standards, free from political interference.
- Develop the capacity in the government free from undue political influence to take on responsibilities in the areas of justice and the interior. Implement a system of appointment, dismissal and career promotion for judges and prosecutors in line with European standards, free from political interference.
- Ensure effective, independent, accountable and impartial courts and prosecution offices, free from political influence.
- Develop the capacity in the government free from undue political influence to take on
- Establish shelters and reception facilities for asylum seekers.
- Adopt a law on migration in accordance with European standards. Revise the strategy and action plan concerning migration, addressing in particular the readmission and reintegration of persons returned from abroad

- Implement the integrated border management (IBM) strategy and strengthen cooperation between the IBM agencies.
- Improve cross-border police cooperation in line with best practices, strengthen the capacity of border police and provide modern infrastructure and equipment for the border police, particularly in the IT area.
- Ensure effective implementation of requirements for delivery of high-quality travel and identity documents.
- Adopt and implement asylum legislation, ensure functioning of a reception centre for asylum-seekers and ensure establishment of an operational body for asylum applications.
- Adopt a strategy for reintegration of returnees, including addressing the socio-economic conditions.

2.4 Link with the Multi-Annual Indicative Planning Document (2008-10) for Kosovo (MIPD)

The project supports key objectives of the MIPD that are:

- Improving **the quality of the education and training systems** in line with European standards and Kosovo's social, economic and population needs. Provide technical assistance and investment support for education, including vocational education and training.
- Consolidating the **rule of law** by strengthening the wider judicial system and supporting police reform and the fight against corruption, in close cooperation with the future ESDP mission to ensure a coordinated and mutually reinforcing approach.
- Continue to strengthen the capacity of the border police and the customs services, improve facilities at border posts and enhance cooperation with neighbouring countries in the fight against human trafficking.
- Provide sustainable solutions for the integration of readmitted persons.

2.5 Link with National Development Plan

The project links to the MTEF Sector Objectives in the field of Education and Rule of Law that are:

- Provision of quality education for all students at all levels of the education system' and in particular to '(ii) undertaking a review of the curricula; and (iii) improving the management of the system and the quality of teaching;
- Improvement of access to education for all ethnic communities, women and disadvantaged groups by adopting adequate standards, establishing scholarships and making special provision for the disabled
- Development of effective and efficient Ministry (of Justice and of Internal Affairs)
- Development of respective legal framework of law sector in compliance with relevant legislation in force
- Building the cooperation with all respective EU and other international Agencies/ organizations as part of routine international sectorial cooperation and as part of responsibilities transfer process which are still reserved in this sector.
- Adequate utilization of information technology;

2.6 Link with national/ sectorial investment plans

No investment plan other than the MTEF is available.

3. Description of project

3.1 Background and justification:

Activity 1. Legal Education System Reform

Since Kosovo has transformed within a few years from a conflict zone to a potential candidate for EU accession, the present system of legal training leaves current and future judges, prosecutors, advocates and other legal professionals insufficiently prepared for coping with the challenges of a changing society and changing values, which risks undermining the process of EU integration during the next decades.

This project aims at supporting the main actors in the Kosovo Higher Legal Education System that are: Kosovo Judicial Institute (KJI), Faculty of Law of the University of Prishtina/Pristina (UP) and of the University of Mitrovica (UM), the Kosovo Chamber of Advocates (KCA) and the Kosovo Law Centre (KLC). Therefore the project will consist of four components.

During the development process of this Project Fiche, the University of Mitrovica, due to the political situation, was not able to make a commitment for participating in the project. Whereas this project stays fully open to the UM, the non-participation of the University of Mitrovica shall in no way affect the implementation of this project. In this case, some funds might be reallocated.

Component a): support to the KJI

Judges and prosecutors that are professional, skilled and familiarised with European values (gender equality, human and minority rights, and EU integration) are a key factor to a functioning Rule of Law and further integration of Kosovo into the European structures. Kosovo Albanian¹ judges and prosecutors have either been trained under the pre-1989 Yugoslav system, or have received their education under the “parallel” education system during the 1990s and in largely inadequate conditions after 1999. Basically all Kosovo Albanians working in the justice sector were prevented from exercising under the Milosevic rule of the 1990es. After being able to reintegrate the profession in 1999, they had few opportunities to adjust to a changing legal environment.

In order to bring Kosovo further towards its EU integration goal, further strengthening of skills of judges, prosecutors and advocates is needed.

The Kosovo Judicial Institute (KJI) is an independent institute for training of judges and prosecutors. The Institute was established by OSCE in 2000. Its mandate is to train judges and prosecutors, and contribute to the development of a professional, impartial and multi-ethnic judiciary and prosecution. It was transferred to Kosovo management in 2006. Currently, the KJI has plans for setting up a magistrate school for initial training for judges and prosecutors. The KJI has a well established organisational structure, including infrastructure, and enjoys the trust of judges and prosecutors. Although the KJI has received important donor support, this assistance was to an important part delivered through non-EU actors, which bears the risk of neglecting the EU focus (Acquis, best practices, European values).

¹ An estimated 90% of Kosovo citizens are ethnic Albanians

Component b): support to the Faculty of Law at Pristina and Mitrovica University

Due to the dysfunctional education system in the 1990s, law students are lacking basic skills when entering university and have insufficient understanding of the fundamental values underpinning the rule of law. Traditional education neglects the transfer of skills, ethics, values and mentality and mainly focuses on simple reproduction. Interactive and participatory teaching as well as developing reasoning and deducting skills is underdeveloped or non-existent. Due to low salaries (average € 200), the motivation of teaching staff is low. Most Kosovo students have never been in countries outside the region.

Most of the academic teaching staff has been trained under the Yugoslav pre-war system, which was based on a very different set of values than the values underpinning the European Integration Process. Therefore, most teachers are therefore unable to transmit the adequate knowledge and values to their students. The inadequate initial training of future law practitioners is considered as one of the causes of an ineffective and inefficient justice system.

Component c): support to the Chamber of Advocates

The lack of professionalism, ethics, skills and knowledge affects advocates as much as judges and prosecutors and is perceived as a serious obstacle to a functioning rule of law. The feeling of not getting adequate representation in courts adds to the general distrust of the public in the justice system. Breach of ethics by advocates is widely observed. Other than ad hoc training courses implemented by OSCE or various donors, there are few possibilities for advocates to enhance their skills and professionalism. The Kosovo Chamber of Advocates plans to remedy to this situation through the setting up of an Advocates Training Centre.

Component d): support to the Kosovo Law Centre

The body of applicable laws in Kosovo is still divided between UNMIK regulations, laws adopted by the Kosovo Assembly and certain Yugoslav laws. Whereas legislation adopted by the Assembly is deemed to replace the old Yugoslav laws, the latter is not explicitly repealed. There is no comprehensive compilation on applicable legislation available, and as a result there is often confusion among professionals about the legal basis to be applied.

Furthermore, verdicts of the Supreme Court and of other courts are not systematically published, thus depriving judges of guidance on how to apply certain legal provisions. As a result, jurisdiction is seldom coherent: in as much as 50% of all revised cases, the verdict of the lower instance is rejected by the Supreme Court. Also, a lack of legal doctrine and comments is an obstacle to enhancing the professionalism of the legal profession.

The Kosovo Law Centre is a local NGO which, among others, has published in the past compilations of applicable laws, court decisions and legal doctrine. However, they are currently not able due to lack of funding to continue these publications.

Activity 2. EU standards for the Ministry of Justice

The PISG MoJ has been set up in 2005 by UNMIK regulation 2005/53 and its competencies were further defined in regulation 2006/26. Since then, and with heavy donor assistance (particular non-EU donors), the MoJ has managed to build up some basic capacities to implement the powers transferred to them by UNMIK. Among the key problems identified in the MoJ's 5 year strategic plan 2007-2012 are:

- co-operation with donors;
- lacking or inadequate legislation;
- status of judges and prosecutors;
- status and independence of civil servants;

- role of the office of the Permanent Secretary.

The Commission's 2007 Progress Report for Kosovo states that "the administrative capacity of the Ministry of Justice is still weak. Its structure has not been finalized. The general conditions of staff undermine their motivation and commitment"

The capacity-building efforts of the MoJ were hampered through various factors: a high degree of politicisation of the ministry before the November 2007 elections, high turn over of staff and difficulty to attract competent staff due to low salaries and poor career perspectives, lack of basic legislation (i.e. law on judiciary). A strong presence of non-European donors raised problems of lacking compatibility with the EU *acquis* and best practices. Relations with the Kosovo Judicial Council (established in parallel with the MoJ) are problematic as the repartition of competences is not always well defined. In the absence of a Prosecutorial Council, the MoJ is also currently responsible for the administration of general prosecution offices.

Kosovo courts are overburdened by a important and increasing backlog of cases (more than 50.000 civil cases and over 36.000 criminal cases pending for a population of approximately 2 million) thus seriously undermining the rule of law. The EU funded Court Management Information System (CMIS) project completed in January 2008 is expected to help reduce the number of backlog of cases, but the system is not used in all courts, as most judges are still reluctant to use it. Many of the backlog cases are routine standard cases (i.e. non payment of utility bills), but the absence of a notary system that could take over these cases (often involving rather small amounts) or of Alternative Dispute Resolution (ADR) mechanisms means that all these cases end up in the courts, thus further clogging the system.²

Activity 3. Capacity Building for Readmission and Asylum

After the expected settlement of its status, the Kosovo authorities are likely to conclude a re-admission agreement with the EU, which is likely to result in an increased return of Kosovo citizens from EU MS. Besides, the status of some Kosovo citizens that are currently enjoying temporarily protection in some EU countries ("Duldung") is likely to be revoked in the future which would oblige these persons to return to Kosovo.

The lack of re-integration measures and of economic perspectives for these people in Kosovo, may destabilise the already economically fragile situation in Kosovo. Whereas returnees from ethnic minorities can be eligible for the measures under the IPA returns and reintegration programme, specific measures for socio-economic integration of Kosovo Albanian returnees are currently missing.

The operational responsibilities for the management of forced returns (readmission) have been transferred in January 2008 from UNMIK/UNHCR to the Department for Border/Boundary, Asylum and Migration (DBAM) in the MoI. However, the DBAM is lacking basic capacities for managing the influx of forced returns. There is no vision for reintegration of the returned people, which would fall under the responsibility of the Ministry for Labour and Social Welfare. The setting up of a specialised body under the MoI which would take over the operational responsibilities for managing both readmission and asylum (and be in charge of the housing facility financed under IPA 2007) is currently under discussion.

Whereas Kosovo has not yet been a major destination for Asylum seekers, it can be considered mainly as a transit country for asylum seekers and/or illegal immigrants. The swift and effective handling of asylum seekers, illegal immigrants and refugees is a key element of EU policy and an integral part of border management. In the long term, the handling of these persons must adhere to

² A draft law on mediation is currently discussed in the government working group.

the EU *acquis* requirements³ and standards set out in international human rights instruments applicable in Kosovo⁴. In the short/medium term, the focus has to be on the key acts and aspects of the *acquis*. Kosovo has not yet adopted a law on asylum and migration. There is a need to set up a regulatory framework for asylum, migration and returns in line with the *acquis* and international legislation (Dublin convention, EUDAC).

Activity 4. Improvement of the Penitentiary System

The Kosovo correctional service was transferred to the Ministry of Justice in early 2006, but some functions are still overseen by UNMIK. UNMIK also retains an intervention role in case of a major incident in Dubrava prison, the largest prison facility in Kosovo.

Whereas the general conditions at Dubrava prison are satisfactory (less than 1000 out of 1200 places are currently occupied), the security standards in Dubrava are not yet sufficient, as demonstrated by the escape of high-security detainees in August 2007. The staff is not yet able to respond to crisis situations. Also, Dubrava prison is situated in a quite remote area (2 hrs travel time to Prishtina/Pristina), which creates a lot of logistical problems to the correctional service, the police and the judiciary. In addition to Dubrava, there is a smaller facility in Lipjan/Lipljan prison (Pristina/Prishtina region) for females, juveniles and detainees with short sentences and six detention centres for pre-trial detainees in Prishtina/Pristina, Lipjan/Lipljan, Pejë/Peć, Gjilan/Gnjilane, Prizren and Mitrovica. Ethnic Serbs convicted criminals are currently housed at the Mitrovica/Mitrovicë detention centre which is not appropriate for this purpose. Prishtina/Pristina requires a bigger detention centre as the current capacity of 66 is insufficient.

As a result of the expected status settlement, the Kosovo authorities will sign re-admission agreements with a number of foreign states, which could result in the forced return of a high number of Kosovo citizens living abroad. It is expected that a number of these returnees have a criminal record and might therefore, also given the precarious socio-economic situation in Kosovo, get involved into criminal activities, which might lead to a increased number of convictions and therefore to an increased demand for penitentiary facilities, including high-security detention facilities. In the same time, adequate provisions for the future socio-economic integration of inmates have to be taken.

In order to determine the need for enhancing capacities in the penitentiary system, a needs assessment/feasibility study has been launched under IPA 2007. According to the outcome of this study, this project will either finance a new high-security prison near Pristina or upgrade the existing facilities, with a particular focus on re-integration schemes and vocational training.

Activity 5. Border and Boundary Police Equipment

While UNMIK will have ultimate responsibility for border and boundary issues until the end of its mandate and KFOR is in charge of the green border, the KPS Border and Boundary Police are in charge of managing the flow of persons through Kosovo's borders and boundaries. However, KPS BBP is not yet entirely in a position to effectively control the flow of persons across its borders, in

³ The main EU legal instruments on asylum include: the Reception Conditions Directive; the Asylum Procedures Directive; the Qualification Directive; and the Dublin Regulation. These instruments aim to lay the foundation for a Common European Asylum System.

⁴ International conventions include: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the International Convention on the Elimination of All Forms of Racial Discrimination, and the European Convention on Human Rights.

particular due to the lack of communication and other equipment. Some of the posts at the Administrative Boundary Line do not have any means of communications other than the staff's private Serbian mobile phones. The fragile situation on the ABL was highlighted in February 2007 when two crossings points in the North that have been burned down by protesters, putting the security of border guards at risk. There are a number of unofficial border crossings which are not controlled by the BBP, and co-operation with KFOR is sub-optimal. Also, the BBP lacks basic equipment (cars, boats, night-vision goggles, document boxes, uniforms...). The software for controlling the flow of persons used by the border police at the three main border crossings is not in line with the Schengen acquis. A needs assessment/feasibility study scheduled for June 2008 will determine the exact kind and quantities of equipment needed by the BBP in order to live up to their responsibilities.

3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact

Activity 1. Legal Education System Reform

Through a combination of different measures (curricula development, teachers training, certification of teachers, international teaching assistants, scholarships abroad, setting up of a magistrates school and advocates training centre), both future and present Kosovo judges, prosecutors and lawyers will acquire practical skills and get familiarised with European values (human, women, minority rights, EU integration). They will also gain a practical understanding of the role of a judge/prosecutor/lawyer in a modern European society, thus being able to fill the concept of "rule of law" with life during their career.

The further and regular publication of commentaries, compilations of applicable laws and court decision will increase the professionalism of judges, prosecutors and advocates and contribute to a better application of justice and a stronger rule of law.

Activity 2 EU Standards for the Ministry of Justice

Enhanced capacities of the MoJ will contribute to better policy making, higher quality legal drafting and legal harmonisation and therefore to a better functioning of the justice system in general. A functioning Alternative Dispute Resolution mechanism will reduce the backlog of cases in courts. Through the choice of a twinning project, the focus will lie on transferring knowledge instead of simple accomplishment of tasks. Established relations between the twinning partners will remain even after the end of the project and therefore ensure the sustainability of the actions. Better functioning and increased capacities of the Ministry are conditions for establishing and maintaining relations to other institutions and bodies in the neighbouring countries.

Activity 3 Capacity Building for Readmission and Asylum

Enhanced capacities of the DBAM in particular the setting up of a specialised unit dealing with the operational aspects of readmission (which might be transformed, at a later stage, into a separate body) and deepening contacts with Member states administrations and other institutions and bodies (in Kosovo and in neighbouring countries), will allow the MoI to take on the responsibilities in the field of management of forced returns after the status. Enhanced capacities for reintegrating returnees in the Kosovo society will contribute to stabilising both Kosovo society as the region as a whole.

Enhanced training will contribute to better policy making, higher quality legal drafting and, in the long term, also enable DBAM to live up to their responsibilities as regards the acquis on asylum and migration.

Activity 4. Improvement of the Penitentiary System

Through building of a high-security prison near Pristina, or, alternatively, (depending on the needs assessment study) the upgrading of existing facilities, Kosovo authorities will be in a position to increase public safety by appropriately accommodating an increased number of high risk inmates.

The EC has launched in March 2008 the procedures for contracting a feasibility study with the purpose of:

- Studying the feasibility and the cost of the different possible solutions for providing Kosovo with a high security prison facility for 300 inmates (the “Facility”);
- Compare the advantages and disadvantages of the different solutions, including their direct and indirect building and running costs and provide the criteria for a policy-based choice between the solutions; and
- Draft design and technical specifications for agreed solution adopted for the Facility, for the KCS.

The outcome of this study, which will determine the scope of works to be undertaken under this project, is expected to be available in November 2008

Activity 5. Border and Boundary Police Equipment

The impact of the border and boundary police component within this project is expected to result in a better control of the flow of persons across Kosovo borders and boundaries and in an effective control, in cooperation with KFOR, of the green and blue border. It will, in particular, increase the effectiveness to intercept and seize smuggled goods and trafficked persons across Kosovo borders and boundaries. A Framework contractor has been tasked in March 2008 to do a needs assessment report/ feasibility study in order to determine the exact scope of supply, services and works to be contracted under this component. The results of this study will be available at the end of June 2008.

3.3 Results and measurable indicators

Activity 1. Legal Education System Reform

Expected Results:

Support to KJI

- a) School of Magistrates for initial judicial post-graduate training established. KJI fully integrated in the activities of the European Judicial Training Network (EJTN)

Support to Law Faculty at Prishtina and Mitrovica Universities

- b) Continuous training schemes and accreditation procedures for academic teaching staff set up and implemented; Teaching curricula, focused on specialized legal training, including curricula on commercial law developed in line with EU best practices
- c) Legal library within Faculty of Law established

Support to KCA

- d) Training Centre at the Kosovo Chamber of Advocates established and curriculum for continuous training of advocates set up and implemented

Support to Kosovo Law Centre

- e) Compilations of applicable laws in Kosovo, decisions of the Supreme Court and of the five district courts, law journal published regularly
- f) Legal commentaries prepared.

Measurable indicators:

Component Support to KJI

- a) Magistrates School set up; KJI fully integrated into EJTN activities; methodologies for continuous training drafted, approved and implemented; 10 Judges, prosecutors, advocates spent 3-month internships in EU judicial institutions

Component Support to Department of Law/University of Prishtina and Mitrovica

- b) 50 academic teaching staff trained and accredited; 20 assistant teacher contracts signed; Teaching Curricula drafted and certified, including commercial law degree curricula;
- c) 2000 books purchased books/subscriptions of legal revues at University library

Component Support to KChA

- d) Advocates Training Centre established; curriculum set up and implemented

Component Support to Kosovo Law Centre

- e) Comments on 10 key laws developed and made available to the legal profession; comprehensive compilation of legislation published; web-page with thematic search function for legislation/court decisions operational

Activity 2. EU Standards for the Ministry of Justice

Expected Results:

- a) Administrative and management capacities, policy making and legal drafting skills of the MoJ increased.
- b) Mechanisms for ADR in place and operational.
- c) Accreditation procedures for notaries and chamber of notaries established.

Measurable indicators:

- a) Turnover of staff decreased by 40%.
- b) 100% positive acquis compliance checks of draft legislation by Office of Legal Support Services (OLSS).
- c) Mechanisms for ADR in place and operational.
- d) Accreditation procedures for notaries and chamber of notaries established.

Activity 3. Capacity Building for Readmission and Asylum

Expected Results:

- b) Specialised unit for the operational aspects of readmission and asylum set up
- a) Administrative capacity, legal drafting skills and policy-making capacities of the department strengthened
- c) Government strategy and action plan for the reintegration of repatriated persons revised and implemented.

Measurable indicators:

- a) Specialised unit for the operational aspects of readmission functional and able to manage the MoI Housing Facility
- b) 80 % of cases of involuntary returns and asylum cases dealt with in a professional and appropriate manner
- b) Zero negative opinion after the acquis compliance checks performed by the Office of Legal Support Service (OLSS).
- d) Majority of involuntarily returned Kosovars benefited from socio-economic integration measures.

Activity 4. Improvement of the Penitentiary System

Expected Results:

- a) One high-security prison built or, respectively, the high-security tract of Dubrava prison (and eventually other detention facilities) refurbished according to international standards, with a

particular focus on vocational training and reintegration scheme, and put at the disposal of the Kosovo authorities.

Measurable indicators:

- a) Accommodation of some 300 category-A prisoners in the neighbourhood of Pristina constructed
- b) 80% of inmates benefit from measures that will facilitate their socio-economic reintegration
- c) Zero successful escapes of category A prisoners

Activity 5. Border and Boundary Police Equipment

Expected Results:

- a) Schengen-compatible IT equipment for the control of persons established and operational at all Kosovo BBPs
- b) All border and boundary posts interlinked among them and HQ
- c) 100% digital network coverage of the border/boundary region realised
- d) BBP equipped with the necessary hardware to take over the effective control all borders, including the green/blue border.

Measurable indicators:

- a) Reduced waiting time at borders
- b) number of “black holes” in network coverage reduced to 0%
- c) 50% increase of intercepted persons/goods at green/blue border/boundary

3.4 Activities:

Activity 1. Legal Education System Reform

Activity 1.1.

This Activity consists in Twinning with the KJI (principal beneficiary) and a similar institution of a member state. The Law Faculties of Pristina and Mitrovica University, as well as the Kosovo Chamber of Advocates and the Kosovo Law Centre will be secondary beneficiaries.

Within the scope of this twinning, the Resident Twinning Advisor (RTA), with the assistance of two medium-term experts (MTE), will support the KJI to set up a Magistrate School. The RTA shall assist the KJI establish and review the certification of teaching curricula for initial and continuous training with a focus on specialised legal education (i.e. intellectual property, money laundering, data protection, commercial law, JLS matters). He will intensify existing links between the KJI and the European Judicial Training Network (EJTN) and organise, in cooperation with the EJTN, continuous training courses for judges and prosecutors. He/she will organise study visits and internships of judges and prosecutors to corresponding services in EU member states. He/she will advise the KJI for the recruitment of two international assistant teachers specialised in EU law for its Magistrate School and elaborate a proposal for setting up preparatory courses for the Kosovo bar examination.

In addition, the RTA/MTE shall review teaching curricula at the Law faculties of Pristina and Mitrovica University and help the Universities to develop a curriculum in commercial law and EC law. He/she shall set up a scheme of continuous training for academic teaching staff in these two Universities. He/she will develop a accreditation procedure for academic teaching staff based on continuous training and which is mandatory for teaching staff for the renewal of their contracts.

The RTA/MTE will assist on the establishment of 20 positions of assistant teachers at the Law Faculty of UP and UM, and organise/assist the recruitment of these assistant teachers. Ideally, these assistant teachers consist of both former participants of the “Young Cell Scheme” (financed by the

KCB) and recent law school graduates that are nationals of and studied in EU member countries (co-financed by the KCB and the project). These assistant teachers would be conducting practical exercises with Kosovo Law students as part of their curriculum.

The RTA/MTE will take part in the selection procedure for the “Legal Young Cell Scheme”, under which 25 graduates from the Law faculty will continue and complete their study in a EU university. This component will be implemented through the “Young Cell schemes” programme under IPA 2008, under which € 500.000 have been earmarked for the legal component. The RTA/MTE will advise UP/UM on the setting up of a legal library including the purchase of literature and legal subscriptions.

The RTA/MTE will assist the Kosovo Chamber of Advocates to set up a Training Centre and a curriculum for the continuous training of advocates. He will advise the Kosovo Law Centre on how to increase the professionalism of the institution with regards to legal publications and on how to make these publications financially sustainable.

Kosovo Law Centre will prepare legal commentaries and will publish law journals, compilations of applicable laws in Kosovo, decisions of the Supreme Court and of the five district courts, and conduct free publishing of all mentioned documents on the internet. This activity shall be supported through parallel co-financing.

Activity 1.2

This activity consists in establishment of a Legal Library within Faculty of Law at University of Prishtina. This activity shall be carried out as a result of parallel co-co financing (consisting of works and supply contracts)

Activity 2. EU Standards for the Ministry of Justice

This Activity consists in a Twinning with the MoJ and a similar institution of a member state. Within the scope of this twinning, the Resident Twinning Advisor (RTA) will support the MoJ, based on the work prepared by previous Technical Assistance delivered under the CARDS programme, to further develop a modern and efficient administration and management system for the MoJ, in order to ensure that the MoJ functions in accordance with EU best practices.

Both the administration and management systems developed shall be compliant with the EU acquis and best practices as well as with the international human rights instruments applicable in Kosovo. Whereas close cooperation with other donors must be achieved, the RTA, supported by the MoJ, must commonly assure that the EU integration agenda takes precedence over all other capacity building measures and that such measures must in no way harm or undermine Kosovo’s agenda for EU approximation.

The RTA shall enhance in-house capacities for policy making and legal drafting. As for legal drafting, it should take the form of day-to-day advising and guiding the staff of the Ministry (on-the-job-training), but by no means the RTA or his/her experts should get involved themselves into the drafting legal acts for the Ministry. A special focus shall be on the compatibility of draft legislation with the acquis, including the sensitisation of civil servants concerning the acquis-compatibility of draft legislation.

In order to contribute to the reducing of the backlog of cases in the courts, the RTA shall assist the Ministry to set up, implement and promote a functional system of Alternative Dispute Resolution (ADR)..

Systems and efforts to put capacities in place will be both gender- and minority-sensitive

Activity 3. Capacity Building for Readmission and Asylum

This activity consists of a Twinning between the body responsible for the operational aspects of readmission and asylum (at present this responsibility lies with the Department for Borders/Boundaries, Asylum and Migration (DBAM) under the Ministry of Interior) and a similar body in an EU member state. In particular, the RTA will further advise the body responsible for the operational aspects of readmission and asylum on issues related to the management of the holding facility for Asylum seekers (to be constructed under IPA 2007).

The assignment of the RTA will be to build up basic administrative and managerial skills in the body responsible for the operational aspects of readmission and asylum, He/She will also advise the beneficiary on setting up structures and capacities for managing the flow of involuntary returnees from EU and third countries which is likely to increase after the status settlement, as well as to consult the DBAM in the process of drafting/implementing re-admission agreements with EU and third states. He/she will facilitate the establishment and strengthening of contacts between relevant administrations in EU member and neighbouring states. He/she will support the DBAM in enhancing its policy making and legal drafting skills.

In addition, the RTA will also advise the Ministry of Labour and Social Welfare (MLSW) on aspects of socio-economic integration of returned persons. Furthermore, systematic cooperation between the relevant bodies of the MoI and the MLSW concerning the reintegration of returnees into the Kosovo society has to be established. To this purpose, the RTA will help the DBAM and the MSLW to set up and implement the relevant structures and strategies.

The project will also include a series of workshop and training measures for persons involved in readmission/asylum/migration issues (including NGOs), as well as a number of study visits to other places in the wider region.

Activity 4. Improvement of the Penitentiary System

One high-security prison built or, respectively, the high-security tract of Dubrava prison (and eventually other detention facilities) refurbished according to international standards and put at the disposal of the Kosovo authorities. The exact scope of works to be undertaken under this project will be determined by the results of the feasibility study, expected to be available in November 2008.

Activity 5. Border and Boundary Police Equipment

Under this project, a digital communication network covering the entire length of Kosovo borders and boundaries will be established in order to enable the BBP to communicate effectively internally will be established. The current non-compatible computer system for controlling the movement of persons in and out of Kosovo will be replaced by a network covering all the border/boundary stations. Furthermore, Kosovo BBP will be equipped with equipment enabling them to gradually increase their control of the green and blue borders (currently covered by KFOR). This equipment might include, but is not limited to cars, boats, document boxes, surveillance equipment and uniforms. The exact scope of this project component is to be determined after completion of the needs assessment report/feasibility study in July 2008.

Contracting arrangements

Activity 1. Legal Education System Reform

Activity 1.1

The instrument of twinning will be used to implement this activity. Standard twinning procedures are to be used. The co-financing is parallel. The Resident Twinning Advisor (RTA) is expected to

have legal educational background and/or experience in a judicial training institution of an EU MS. The RTA will be assisted by two medium-term experts and short term experts from EU MS.

RTA Profile:

- Experience in a judicial training institution in one Member State
- Experience in teaching/training curricula development in the sector of judiciary
- Fluency in English;
- A law degree

Medium-term expert profile:

The medium-term expert I shall spend at least 12 out of 24 months from the project duration in country of implementation of the project. This medium-term expert is expected to be an academic with legal educational background and experience in the designing and implementing of curricula in the legal higher education sector.

The medium-term expert II shall spent at least 12 out of 24 months from the project duration in country of implementation of the project. This medium-term expert should have professional experience as an advocate, including the designing and implementation of continuous training courses for advocates.

Parallel Co-Financing for publishing legal materials: At least one service contract is envisaged for activities foreseen.

Activity 1.2.

Parallel Co-Financing for the establishment of a legal library: At least one works and one supply contract is envisaged to for the construction and supply activities.

Activity 2. EU Standards for the Ministry of Justice

The instrument of twinning will be used to implement this activity. Standard twinning procedures are to be used. The Resident Twinning Advisor (RTA) is expected to be a senior civil servant from a member state Ministry of Justice or similar institution. The RTA will be assisted by EU MS short and medium-term experts.

RTA profile:

- Experience with Ministry of Justice or a similar institution of a EU MS
- Experience of policy making and legal drafting
- Experience of working in countries in transition
- Fluency in English
- Degree in Law

Activiy 3. Capacity Building for Readmission and Asylum

The instrument of twinning will be used to implement this activity. Standard twinning procedures are to be used. The Resident Twinning Advisor (RTA) is expected to be a senior civil servant from a member state Ministry of Justice or similar institution. The RTA will be assisted by EU MS short and medium-term experts and possibly one service contract for supervision and training.

RTA Profile:

- Experience in implementation of EU legislation on Migration and Asylum.
- Experience in the management [programming, monitoring, evaluation, implementation and control] of migration and asylum policies.
- Fluency in English;
- Degree in social sciences, law or other relevant area to the sector

Activity 4. Improvement of the Penitentiary System

Activity 4.1.

- At least one works contract is envisaged for the construction activities.

Activity 4.2.

- One service contract is envisaged for the supervision of the works

Activity 4.3.

- At least one parallel contract from co-financing is necessary. The type of contract shall be determined as a result of a Feasibility Study on High Security Prison for Kosovo,

Activity 5. Border and Boundary Police Equipment

Activity 5.1

- Several supply and/or works contracts are foreseen to contract the different types of equipment to be purchased (dependent on the result of the needs assessment). Supply contracts should include appropriate training for the beneficiaries on the use of the equipment
- Dependent on the result of the needs assessment, a service contract is envisaged to set up the computer system for controlling the flow of persons across Kosovo borders.

Activity 5.2

- At least one service contract is needed to train the BBP staff on the use of the computer system for controlling the flow of persons across Kosovo borders.

Project management and administration

The European Commission Liaison Office in Pristina will manage the procurement, implementation, quality control, reporting and coordination with other donors of the development assistance and of the financial and technical cooperation related to the actions described in this project fiche, taking remedial actions if and when needed.

Project Steering Committees will be responsible for the overall direction of the project and comprise of representatives from the beneficiary institutions and the Commission Office.

Monitoring will be performed centrally by the Commission. The project may be evaluated at the interim or ex-post stages under the supervision of Commission's Evaluation Unit. The project may be audited by Court of Auditors - in line with the standard European Commission procedures.

3.5 Conditionality and sequencing:

Activity 1. Legal Education System Reform

- The KJI receives the originally foreseen budgetary resources for 2009 and 2010.
- The KJI has sufficient resources to derive full benefit from the implementation of the Twinning Project.
- The KJI has the necessary premises to conduct the training exercises
- Continued political support to implement the reforms at UP (UM), in particular the certification of teaching staff. If, due to the current political situation, the University of Mitrovica should not support this project, this should in no way affect the implementation of the project.
- The UP (UM) makes sufficient space/equipment available for the legal library

- KCA has premises for advocates training centre

Activity 2. EU Standards for the Ministry of Justice

- The Ministry of Justice has sufficient resources to derive full benefit from the implementation of the Twinning Project.
- The key legislation (law on judiciary, law on ADR) is in place

Activity 3. Capacity Building for Readmission and Asylum

- A policy decision regarding the setting up of a body in charge of the operational aspects of readmission and asylum has been taken
- Action Plan on the reintegration of repatriated persons adopted by the government
- An adequate number of staff dealing with the operational aspects of readmission and asylum has been recruited
- DBAM and the relevant department of the MLSW have sufficient capacities to benefit from this activity.

Activity 4. Improvement of Penitentiary System

- feasibility study completed;

The exact scope of works, supply and services to be provided will be determined by a feasibility study that is foreseen to be published in November 2008.

Activity 5. Border and Boundary Police equipment

- feasibility study completed;
- Co-financing as indicated under 1.9

The exact scope of works, supply and services to be provided will be determined by a feasibility study that is foreseen to be published in June 2008.

For all components:

- Endorsement by all key stakeholders of the project fiche/ToRs/technical specifications, as well as the individual contracts to be engaged;
- Participation by the beneficiary in the tender process as per EU regulations;
- Organisation, selection and appointment of members of steering and coordination committees, seminars and study visits by the beneficiaries as per the project work plan;
- Appointing the relevant staff by the beneficiaries to participate in training activities as per work plan.
- Co-financing available

In the event that conditionalities are not met, suspension or cancellation of the project or specific activities will be considered.

3.6 Linked activities

This project will be closely linked to the IPA 2008 institution building project (see the relevant project fiche for more details).

Key donors with significant on-going or planned activities in the Rule of Law sector include the US (USAID/NCSC and US Department of Justice), OSCE and UNDP. Regular meetings have been organised with representatives of these organisations to assure coordination and agreement on this rule of law project. In particular, the EC funded project will be coordinated with and the planned US

assistance to the justice sector in Kosovo. Some overlaps with ongoing programmes by non EU-donors cannot always be avoided and might be even necessary, to the extent that non-EU donors might not always fully integrate Kosovo's European dimension and the requirement to comply with the EU acquis/ best practices.

International Criminal Investigative Training Assistance (ICITAP)

The US funded ICITAP Programme supports the Kosovo Ministry of Internal Affairs and the Kosovo Police and Border Police through the dispatching of advisors. ICITAP are financing a Kosovo forensic laboratory and are planning to set up a Kosovo-wide IT system for the security enforcement agencies. ICITAP furthermore provides training of police and prosecutors in areas like anti-trafficking and financial crime investigations.

National Centre for State Courts (NCSC)

NCSC, contracted by USAID, is implementing a Justice Sector Support Program. The program involves six principal tasks supporting key functions and organizations necessary to ensure an independent functioning judiciary: a) improve the capacity of the KJC to operate effectively and efficiently, b) improve court administration, c) improve professionalism and ethics of judges and court staff, d) support the transformation of the court system to more effectively represent and serve non-Albanian populations, e) develop Ministry of Justice legal drafting and policy formulation/guidance skills, f) establish and support the organization and critical tools necessary to build and effective public prosecutors service .

The American Bar Association Rule of Law Initiative

The American Bar Association Rule of Law Initiative in Kosovo currently focuses its work primarily in the following areas: Legal Education Reform, respectively in Curriculum Reform and Development; Legal methodology course, legal clinics for civil and criminal law at the Law Faculty of Pristina University;

Council of Europe

The Council of Europe ("CoE") has supported the creation of the Kosovo Probation Service, the capacity building of the Kosovo Correctional Service and the Ombudsperson Institution and, in the framework of Joint Programmes with the European Commission, participated in the development of a regional strategy against economic crime and organized crime (CARPO) and in the development of a reliable and functioning prison system, respecting fundamental rights and standards and enhancing of regional cooperation in the Western Balkans (Project on the Reform of Penitentiary System for Western Balkans).

DFID

DFID Kosovo currently has no bilateral project in the area of Justice and home affairs. However, a currently funded project under the Global Conflict Prevention Pool (GCPP), (managed by DFID, Foreign and Commonwealth Office and the UK Ministry of Defence). The fund is used to fund initiatives that contribute towards prevention of conflict that is in support to MoJ and MIA. The project name is: 'Planning, Policy-Making and Performance Management in the MoJ and Ministry of Internal Affairs (MIA), Kosovo'. The main areas covered by the project are: planning and budgeting, policy-making, performance management and communications.

UNDP

UNDP has designed a three years program which consists on three pillars: Access-to-Justice, Justice Sector Capacity and Transitional Justice; Advising, developing, facilitating, legal institutions and young graduate lawyers; Developing training curricula. Enabling proper access to legislation and other related legal materials for a proper implementation of the applicable law; and introducing the

concept of transitional justice to the general public as well as the current and future legal professionals.

Swiss Cooperation Office

The Swiss Cooperation Office (“SCO”) in Kosovo has one ongoing project with the MoJ. The project is called "Swiss Support to Kosovo Correctional Services". It is in its fifth and final phase of implementation and has a foreseen period from 2007 to the end of 2008. The SCO also provided support to the MoJ for drafting the legislation on Notaries.

UNICEF Kosovo

In the current two year project managed by EAR and funded by the EU, UNICEF works with law enforcement officials, the judiciary, education and social services professionals to strengthen the systems that address children who come into conflict with the law.

This project builds-on previous EC assistance to the Rule of Law sector, particularly the following projects funded under the CARDS instrument

Name of project (Amount €million)	Start End	Activities/Results
<i>Ministry of Internal Affairs, Police, Border Police,</i>		
Ministry of Internal Affairs (MoAI) and the Kosovo Police Service (€4.4 million)	June 06 April 09	Training and technical support will be provided to build the institutional capacity of the Ministry and police in formulating policies, drafting legislation and participating in international and regional frameworks to fight organised crime, corruption and human trafficking. Support for human rights, gender and minorities also play an important role in the project. Construction of a new main office building for the MoIA (€1.6m)
Training of the Kosovo Police Service to combat trans-national crime(€1.0 million)	June 06 May 07	The project is helping to set up a Border/Boundary Police Training Unit in the Kosovo Police Service Academy. Border police officers are being trained by experts in the use of modern surveillance equipment, techniques to examine documents and security tactics.
Building a modern border management system compatible with EU standards (€1.5 million)	Mar 06 Sept 07	Capacity building for border management agencies (Police, Customs, Phytosanitary) involving the design of a border management strategy, the review of relevant legislation, the preparation of technical specification for the construction of border police stations, and in-depth training needs analysis in order to improve border management and control systems, and establish harmonised border controls (based on the Schengen acquis).
Upgrading of Border Posts (€2.7 million)	April 06 May 08	Construction two new border police station buildings located at border points with Albania; refurbishment border police station at another border crossing with Albania; upgrading of building, road and rail at crossing with FYROM; and upgrading of building at one crossing with Montenegro
Supply and installation of border police equipment(€2.2 million)	May 06- May 07	Equipment includes microwave links, fixed VHF stations and mobile (vehicle) radios.
<i>Detention centres and prisons</i>		
Rehabilitation of Dubrava prison facility (€4.6 million)	Aug2003 Dec2006	Enhanced capacity and conditions of prisons in order to directly help the local administration in performing day-to-day work and bringing it closer to EU standards for prisons.

Construction of 'Quick Build' prison (€ 2.8 million)	May2002 June 2005	A 'quick build' prison constructed to enhance prison capacity in the Lipjan/Lipljan Detention Centre.
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3.7 Lessons learned

- Although the overall impact realised through previous assistance is satisfactory, a number of challenges remain: the important donor assistance delivered to some of the beneficiaries in the past could, due to insufficient absorption capacities, not always be used to the best potential extent. The simultaneous presence of several donors (in particular non-EU donors) with sometimes different agendas did not always lead to the necessary synergies. Also, the delivering of Technical Assistance through consultants, rather than civil servants, contributed to focussing on achieving short-term results rather than on sustainable capacity building.

4. Indicative Budget (amounts in EUR million)

			TOTAL EXP.RE	SOURCES OF FUNDING								
				IPA COMMUNITY CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+ (c)+(d)	EUR (b)	%(2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/ Local EUR(y)	IFIs EUR (z)	EUR (d)	%(2)
Activity 1.1	x		3.675	3.6	98	0.075	2	0.075				
contract 1.1.1 (Twinning)			3.6	3.6	100							
contract 1.1.2 (Co-financing)			0.075	0	0	0.075	100	0.075				
Activity 1.2		x	0.15			0.15	100	0.15				
contract 1.2 (Co-financing)			0.15	0	0	0.15	100	0.15				
Activity 2	x		2.4	2.4	100							
Contract 1 (Twinning)			2.4	2.4	100							
Activity 3	x		1.0	1.0	100							
Contract 1 (Twinning)			1.0	1.0	100							
Activity 4		x	4.0	3.0	75	1.0	25	1.0				
contract 4.1 (Works)			2.8	2.8	100							
contract 4.2 (Service)			0.2	0.2	100							
Contract 4.3 (Co-financing)			1.0			1.0	100	1.0				
Activity 5.1		x	2.7	2.7	100							
Contract 5.1 (Supply)			2.7	2.7	100							
Activity 5.2	x		0.3	0.3	100							
Contract 5.2 (Service)			0.3	0.3	100							
TOTAL IB			7.375	7.30	99	0.075	1	0.075				
TOTAL INV			6.85	5.7	83	1.15	17	1.15				
TOTAL PROJECT			14.225	13.0	91	1.225	9	1.225				

Explanations to the Indicative Budget:

Note: (1) In the Activity row "X" is used to identify whether IB or INV;

(2) Expressed in % of the **Total** Expenditure (column (a))

Co-financing Arrangements: A co-financing of 0.15 will be required for component I (Legal Education System Reform) and a co-financing of € 1.0m for the component IV Improvement of the Penitentiary System will be provided by the KCB as parallel co-financing. The exact nature will be determined once the Twinning Covenant and Feasibility Study have been completed.

The co-financing will be provided as parallel co-financing managed by the Kosovo authorities. The contractor of the feasibility study will be requested to make a proposal for the works, which ensures this.

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Twinning contract 1.1.1	Q4 2008	Q3 2009	Q2 2011
Service contract 1.1.2 (co-financing)	Q1 2009	Q3 2009	Q2 2011
Works and supply contracts 1.2 (co-financing)	Q1 2009	Q3 2009	Q2 2011
Twinning contract 2	Q4 2008	Q3 2009	Q2 2011
Twinning contract 3	Q4 2008	Q3 2009	Q2 2011
Works Contract 4.1	Q1 2009	Q2 2009	Q3 2011
Service Contract 4.2	Q1 2009	Q2 2009	Q3 2011
Works contract 4.3 (co-financing)	Q1 2009	Q2 2009	Q3 2011
Supply Contracts 5.1	Q4 2008	Q1 2009	Q3 2010
Service Contracts 5.2	Q1 2009	Q2 2009	Q3 2010

Q = quarter

6. Mainstreaming of Cross-cutting issues

Human rights and in particular minority rights and participation, as well as gender issues will be mainstreamed within all activities and project deliverables. Planning and policy development in the Rule of Law sector planning must encompass the protection of human rights, the fight against corruption, trafficking in human beings, and discrimination.

6.1 Equal Opportunity (gender mainstreaming)

The project will ensure that men and women will have equal access to all project deliverables.

6.2 Minorities' inclusion/participation

Failure to integrate Kosovo's minorities can lead to further violations of human rights. Therefore, this project will aim to contribute to the establishment of multi-ethnic representation in the

institutions benefiting from the project, which will address the ethnic groups fairly and equitably under the law, as well as other marginalized groups such as people with disabilities.

6.3 Environment

The project is expected to have a neutral environmental impact. The Project's infrastructure component will be consistent with Environmental implications as set out in relevant Regulations consistent with the Law on Environmental Protection. This project intends to promote also environmental improvements through energy savings through implementing energy efficiency measures in building.

ANNEXES

- 1- Log frame in Standard Format
- 2- Amounts contracted and Disbursed per Quarter over the full duration of Programme
- 3- Description of Institutional Framework
- 4 - Reference to laws, regulations and strategic documents
- 5- Details per EU funded contract (*) where applicable:

ANNEX 1: Logical framework matrix in standard format:

Project Title: Strengthening the Rule of Law in Kosovo	Programme name and number: Strengthening the Rule of Law in Kosovo		
Sector: Rule of Law	Contracting period expires three years after the signature of the financing agreement between the European Commission and the Kosovo Authorities.	Disbursement period expires: 1 year after the final date for the execution of contracts.	
		Total budget : €14,225	IPA budget: €13.0
Overall objective	Objectively verifiable indicators	Sources of Verification	
To strengthen the rule of law in Kosovo through further reform of the relevant institutions and alignment with and implementation of the acquis in the area of Justice and Home Affairs	<ul style="list-style-type: none"> Ability of the institutions to comply to the European Partnership and the European Partnership Action Plan 	<ul style="list-style-type: none"> EC Regular Reports 	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
<p>1. Enhanced education system and services for law students and law practitioners.</p> <p>2. Build the administrative, policy making and legal drafting capacities within the Ministry of Justice.</p> <p>3. Enhance administrative and legal capacities of the MoI to deal with asylum and migration and prepare for the implementation of the EU acquis in the field.</p> <p>4. Enable Kosovo authorities to cope with a potential increase of the convictions due to the readmission of persons with a criminal background from the EU MS.</p> <p>5. Enable Kosovo BBP to effectively and efficiently control all borders and the flow of</p>	<ul style="list-style-type: none"> Curricula developed for the School of magistrates Accreditation procedure adopted and implemented Decrease of turnover of staff in MoJ Positive acquis compliance checks in OLSS Backlog of cases decreasing 80% of cases of involuntary returns and asylum cases dealt with in a professional and appropriate manner all key legislation in place Numbers of detention places available Number of successful escapes reduced Waiting time at borders Number of intercepted persons 	<ul style="list-style-type: none"> Reports on implementation Statistics of Law faculty, Magistrate School, Ministry of Justice, Kosovo Judicial Council Kosovo Official Gazette Compliance Reports of Office of Legal Support Service MoJ Statistics Statistics by government, UNHCR Kosovo Official Gazette Compliance Reports of Office of Legal Support Service Implementation reports MoJ Statistics EC reports Statistics of BBP EC reports 	<p>Continued support from UP Rectorate</p> <p>Non-participation of UM for political reasons shall not hamper project</p> <p>Law on courts adopted</p> <p>ADR legislation adopted</p> <p>MoJ adequately staffed Responsibilities for management of readmission/asylum clearly allocated</p> <p>Beneficiary adequately staffed</p> <p>Feasibility study available Co-financing available</p> <p>Feasibility study available</p> <p>Co-financing available\</p> <p>Stable security situation at border with Serbia</p> <p>Facilities at gates 3 and 31 destroyed in February 2008 are reconstructed</p>

persons.			
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p>1. School of Magistrates established; Permanent scheme of continuous training as well as the accreditation procedures for teachers set up and implemented. Training Centre at the Kosovo Chamber of Advocates established, the Kosovo Law Centre effectively producing legal publications</p> <p>2. Administrative and management capacities, policy making and legal drafting skills of the MoJ increased; Mechanisms for ADR in place and operational; Accreditation procedures for notaries and chamber of notaries established</p> <p>3. Specialised unit for the operational aspects of readmission and asylum operational; DBAM able to implement its mandate; Government strategy and action plan for the re-integration of repatriated persons revised and implemented</p> <p>4. One high-security prison built and/or existing facilities refurbished</p> <p>5. BBP equipped with the necessary hardware (100% digital coverage) to take over the effective control all borders, including the green/blue border.</p>	<p>1. Magistrate School fully functioning; 50 academic teaching staff accredited. Teaching Curricula drafted and certified. 2000 books purchased, 20 subscriptions of legal revues at University library ; Training centre for advocates functional. Legal publications available for public</p> <p>2. Turnover of staff decreased by 40%; 100% positive acquis compliance checks of draft legislation by Office of Legal Support Services; Mechanisms for ADR in place and operational; Accreditation procedures for notaries and chamber of notaries established</p> <p>3. Specialised unit for the operational aspects of readmission functional and able to manage the MoI Housing Facility; 80% of cases of involuntary returns and asylum cases dealt with in a professional and appropriate manner; Majority of involuntarily returned Kosovars benefited from socio-economic integration measures.</p> <p>4. Accommodation of some 300 category A prisoners in the neighbourhood of Pristina constructed; 80% of inmates benefit from measures that will facilitate their socio-economic reintegration ; Zero successful escapes of category A prisoners</p> <p>5. Reduced waiting time at borders; number of “black holes” in network coverage reduced to 0%; 50% increase of intercepted persons/goods</p>	<ul style="list-style-type: none"> ▪ KJI statistics ▪ EJTN report ▪ UP/UM statistics ▪ UP/UM payroll ▪ Certification documents ▪ Reports on Implementation ▪ Kosovo Official Gazette ▪ Compliance Reports of Office of Legal Support Service ▪ Reports on implementation ▪ MoJ Statistics ▪ Statistics by government, UNHCR ▪ Kosovo Official Gazette ▪ Compliance Reports of Office of Legal Support Service ▪ Reports on implementation ▪ MoJ statistics ▪ MSLW statistics ▪ media reports ▪ EULEX reports ▪ BBP statistics ▪ EC Reports 	<p>Beneficiaries allocate sufficient staff and office space to the project Key legislation in place Organisational structure of beneficiary has been decided upon Continued political support</p> <p>Beneficiaries allocate sufficient staff and office space to the project Key legislation in place Organisational structure of beneficiary has been decided upon Continued political support</p> <p>Feasibility study available Co-financing available Stable security situation at border with Serbia Facilities at gates 3 and 31 destroyed in February 2008 are reconstructed</p>

	at green/blue border/boundary		
Activities	Means	Costs	Assumptions
1. Legal Education System Reform 2. EU Standards for the Ministry of Justice 3. Capacity building for Readmission and Asylum 4. Improvement of the Penitentiary System 5. Border and Boundary Police Equipment	1. Twinning Services, works and supplies (co-financing). 2. Twinning 3. Twinning. 4. One works contract One service contract One co-financing works contract 5. Several supply and/or works contracts At least one service contract for training.	€3,5 Million €0.225 Million co-financing €2.5 Million €1.0 Million €3.0 Million €1 Million co-financing 3.0 Million	Beneficiaries allocate sufficient staff and office space to the project Key legislation in place Organisational structure of beneficiary has been decided upon Co-financing available Continued political support

Pre-conditions:

- Endorsement by all key stakeholders of the project fiche/ToRs/technical specifications, as well as the individual contracts to be engaged;
- Participation by the beneficiary in the tender process as per EU regulations;
- Organisation, selection and appointment of members of steering and coordination committees, seminars and study visits by the beneficiaries as per the project work plan;
- Appointing the relevant staff by the beneficiaries to participate in training activities as per work plan.

ANNEX II: Indicative planning of the amounts (in EUR million) contracted and disbursed by quarter for the project (cumulated)

	2008	2009				2010				2011			
Contracted	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
1. Legal Education System Reform				3.5									
2. EU standards for the Ministry of Justice				2.5									
3. Capacity building for Readmission and Asylum				1.0									
4. Improvement of the Penitentiary System			3.0										
5. Border and Boundary Police Equipment			3.0										
Cumulated Total			6.0	13.0									
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Disbursed													
1. Legal Education System Reform				1.4			0.85			0.85			0.4
2. EU standards for the Ministry of Justice				1.3			0.45			0.5	0.25		
3. Capacity building for Readmission and Asylum				0.53			0.2			0.17	0.1		
4. Improvement of the Penitentiary System				0.3	0.5	0.5		0.9			0.5		0.3
5. Border and Boundary Police Equipment		1.8							1.2				
Cumulated Total		1.8		5.33	5.83	6.33	7.83	8.73	9.93	11.45	12.3		13.0

ANNEX III - Description of Institutional Framework

Kosovo Judicial Institute

Within the mandate for institution building, the OSCE Mission in Kosovo has assisted Kosovo in the development of the judicial system based upon the principles of human rights and rule of law. The OSCE Mission in Kosovo under the Department of Human Rights and Rule of Law established a sector for judicial training, which later became, in February 2000, the Kosovo Judicial Institute (KJI).

On 24 April 2006 the Special Representative of the Secretary General promulgated the Law on Establishing KJI adopted by the Kosovo Assembly in February of 2006. The Law establishes KJI as an independent professional body and the judicial training institution within the judicial system of Kosovo that shall perform its functions based on principles of legality, impartiality and efficiency.

The headquarters of KJI is in Prishtina. KJI's mandate is to train office holders and potential office holders in the judiciary (judges and prosecutors) which includes capacity building of these potential office holders. KJI promotes the level of training based on the needs of the judiciary. This includes the requirement that, by law, all new candidates for judge and prosecutor must be trained at KJI before appointment.

The KJI, within its activities may enter into working agreements, cooperation and scientific and professional activity with other local and international organizations. Thus, in order to achieve all these objectives, KJI needs to continue to have coordination and cooperation with all stake holders involved in the judicial system.

KJI's mission in Kosovo is to create a state of the art training facility (Magistrate School) for judges and prosecutors. To use the most advanced teaching techniques so as to provide the highest education to all judges and prosecutors in Kosovo. This means that in order for a judge or prosecutor to be a candidate for appointment they must first receive training at KJI. KJI mission is also to create the most advanced magistrate school. Further, KJI's mandate is to be:

In accordance with the law, Kosovo Judicial Institute will be responsible for following:

I. Preparatory Exam KJI is responsible for the assessment and organisation of the preparatory exam for judges and prosecutors and other persons who intend to become judges or prosecutors, who prior to their nomination shall be subjected to the preparatory exam and special training courses as a precondition for the selection.

II. Training of the potential office holders in judiciary – Initial Legal Education Program (Magistrate School) This training program is dedicated to potential candidates who intend to become judges or prosecutors in the future who after the Preparatory Exam shall undergo the this training program.

III. Training of the office holders in judiciary – Continuous Legal Education Program This training program is dedicated to acting judges and prosecutors.

IV. Training courses for promotion of judges and prosecutors This program is dedicated to judges and prosecutors who have been selected for promotion.

V. Training course for lay-judges this training program provides for the lay-judges basic

training courses.

VI. Training courses for other professional in the area of judiciary as identified by KJI This program will include other professionals who are considered to be closely related and assist efficient functioning of judicial system.

Ministry of Justice

UNMIK Regulation 2005/53, amending Regulation 2001/19 on the Executive Branch of the Provisional Institutions of Self-Government in Kosovo, dated 20th December 2005, provided for the establishment of a Ministry of Internal Affairs (MOIA) and Ministry of Justice within Kosovo and Annex XV to the Regulation set out the initial competences of MOJ. The date of appointment of the Minister of Justice (10 March 2006), is referred to as the effective date of the establishment of MOJ.

In the first phase (Regulation 2005/53) MOJ responsibilities included developing and implementing policy and legislation within the scope of its responsibilities in the field of justice including prosecution, correctional services and probation, as well as for ensuring fair and effective access to justice, and managing the administrative, financial and budgetary affairs of the ministry (see Section III: "Functions"). Further competences have been legally transferred to MOJ, in a new Annex XV through Regulation 2006/26, promulgated by the SRSG on 27 April 2006 and announced in the media on 9 May.

In the second phase (Regulation 2006/26) the responsibilities of MOJ have been expanded to include further competences relating to the correctional services, probation services, missing persons and forensic medicine (these responsibilities are also explained in more detail in Section III: "Functions"). The full text of MOJ's responsibilities (Annex XV, Regulation 2006/26) is available from the Official Gazette on www.unmikonline.org. In line with the constitutional provision for the separation of powers, especially between the executive and the judicial branch, MOJ does not have responsibility for the administration of the judiciary and courts.

UNMIK Regulation 2005/52, also dated 20 December 2005, established the Kosovo Judicial Council, which has full independence in the performance of its functions, and is under the authority of the SRSG. Regulation 2006/25, also dated 27 April 2006, is called a "Regulatory Framework for the Justice System in Kosovo" and mostly relates to the role of KJC. All staff working in courts will be part of the KJC. All administrative staff working in prosecutors' offices will be attached to the MOJ, although policy and rules for the careers of prosecutors themselves remain with the KJC as a transitional measure, until the Kosovo Prosecutorial Council is created. At the time of developing this plan, much work has still to be done on clarifying our mandate, particularly through discussions with UNMIK and other PISG. Our mandate will be further shaped by Normative Acts (legal and sub-legal acts) which reflect the political processes and priorities. Of particular importance at this time are the Kosovo Standards (1-4) and European Partnership Action Plan, (as well as a number of draft laws, examples of which include the Draft Law on Organisation of the Courts, the Draft Law on Public Prosecution, the Draft Law on Notaries and the Draft Law on Judicial Tariffs.

Functions of MOJ

The functions of the MOJ have been defined in this plan as those which are derived from the ministry's mandate as determined in law through Regulation 2005/53 and Regulation 2006/263. Therefore, at the time of finalising this plan these may be summarised as follows:

Justice policy and legislative drafting

Develop governmental policies in the field of its responsibility

Draft relevant legislation pertaining to the scope of its responsibilities

Participate in the overall legislative drafting process at the governmental level

Develop policies and action plans for the implementation of legislation in the field of its responsibilities.

Administrative Support

Manage, in cooperation with other PISG as appropriate, the administrative functions which support the entire Ministry's work including:

- Human Resources,
- Finance
- Procurement
- IT
- General Services.

Prosecutorial policies and legislation

Facilitate preparation and implementation of the legislation for the public prosecution

Provide guidance for the development and implementation of the prosecutorial policy of the Office of the Public Prosecutor of Kosovo (OPPK)

Cooperate with appropriate organisations in respect of independent monitoring of the prosecutorial system;

Provide training for prosecutors in cooperation with the Kosovo Judicial Institute;

Facilitate the organisation of examinations for the qualification of prosecutors, lawyers (including trial attorneys) and other legal professionals through the Kosovo Judicial Institute and other independent professional bodies;

Manage in cooperation with the Ministry of Finance and Economy the development of administrative, technical and financial rules and rules governing support personnel and material resources to ensure the effective functioning of the prosecutorial system; Provide

information, statistics and professional analysis for the functioning of the prosecutorial service. Undertake necessary measures to ensure the protection of personal data relating to the prosecutorial services. In carrying out any of these functions in relation to the prosecutorial system, the Ministry of Justice must not in any way limit, hamper or interfere arbitrarily with the prosecutorial operations of any prosecutor or prosecutor's office in Kosovo.

Coordination and administration of the Kosovo Correctional Service

Develop policies and initiate legislative drafting in the field of correctional services

Exercise executive oversight over the correctional services and probation system (with the exception of the emergency situations in the Dubrava prison, as foreseen in Article VII of the UNMIK Regulation No.2006/26);

Assist in recruitment, training and evaluation of the staff of correctional services;

Provide analysis, statistics and information on the correctional services; Undertake necessary measures to ensure the protection of personal data relating to the correctional services;

Cooperate with other organisations with respect to the independent monitoring of correctional services.

Coordination and Administration of the Department for Execution of Alternative Sanctions (Probation Service of Kosovo)

Develop policies and initiate legislation drafting in the field of probation services

Exercise executive oversight over the probation system

Assist in recruitment, training and evaluation of the staff of probation services;

Provide analysis, statistics and information on the probation services

Undertake necessary measures to ensure the protection of personal data relating to the probation services.

Cooperate with other organisations with respect to the reintegration and reconciliation who are under probation

Legal help and assistance to victims of crime

Organise a system for providing assistance to the victims of crime in particular domestic violence, trafficking in human beings and sexual violence.

Administer the Victims Protection and Assistance Division

Cooperate with other organisations with regards to providing the assistance to the victims or crime, domestic violence and trafficking.

Cooperate with the Ministry of Health in provision of assistance to victims of crime

Missing persons

Undertake measures aiming at seeking, obtaining, providing and verifying information about the location of missing persons;

Provide assistance on legal matters related to the fate of missing persons;

Assist, when necessary, in the process of returning the remnants of missing persons

Cooperate and coordinate with the Office of Missing Persons and Forensics, and other entities (subject to UNMIK's authority over all investigations of individual cases of disappearance);

Forensic medicine

Subject to the exemptions arising from the Article X of the Regulation No. 2006/26 which refer to responsibilities which remain reserved powers of UNMIK, MOJ shall:

- exercise powers related to the forensic medicine;

- administer the Medical Examiners Office 4

International legal assistance and cooperation

Provide expert support for the preparation by the Government of international agreements, which are in conformity with the Governments responsibility as foreseen in the Constitutional Framework and other relevant normative acts;

Assist UNMIK, when appropriate, with regards to international legal cooperation, including cooperation with international courts.

Litigation on behalf of Government

Provide legal representation of the Government in disputes and procedures before courts and arbitration tribunals

Other functions

Conduct research activities and projects related to the field of its responsibility

Exercise other specific functions, pursuant to its current or future legal mandate

As mentioned above at the end of Section II, the mandate of the Ministry is dynamic, and will be affected by changes to Kosovo legislation arising from political processes, which may subsequently give rise to these functions also changing.

Section 3 (I) describes how the plan can be updated, through a review process after two years or sooner if thought necessary. This is one of the reasons behind the structure and content we have chosen for this plan, which is based on a thematic approach (i.e. focusing on general strategic themes that are important to the Ministry as a whole) as opposed to a functional (i.e. developing objectives specifically relevant to each of the departments and the functions they carry out) approach. This thematic approach ensures that this plan will

continue to be relevant no matter how the mandate changes. A more functional approach would most likely become out of date relatively quickly given the changing environment in which the Ministry must operate, and the further clarifications which are likely to be made to the legal mandate.

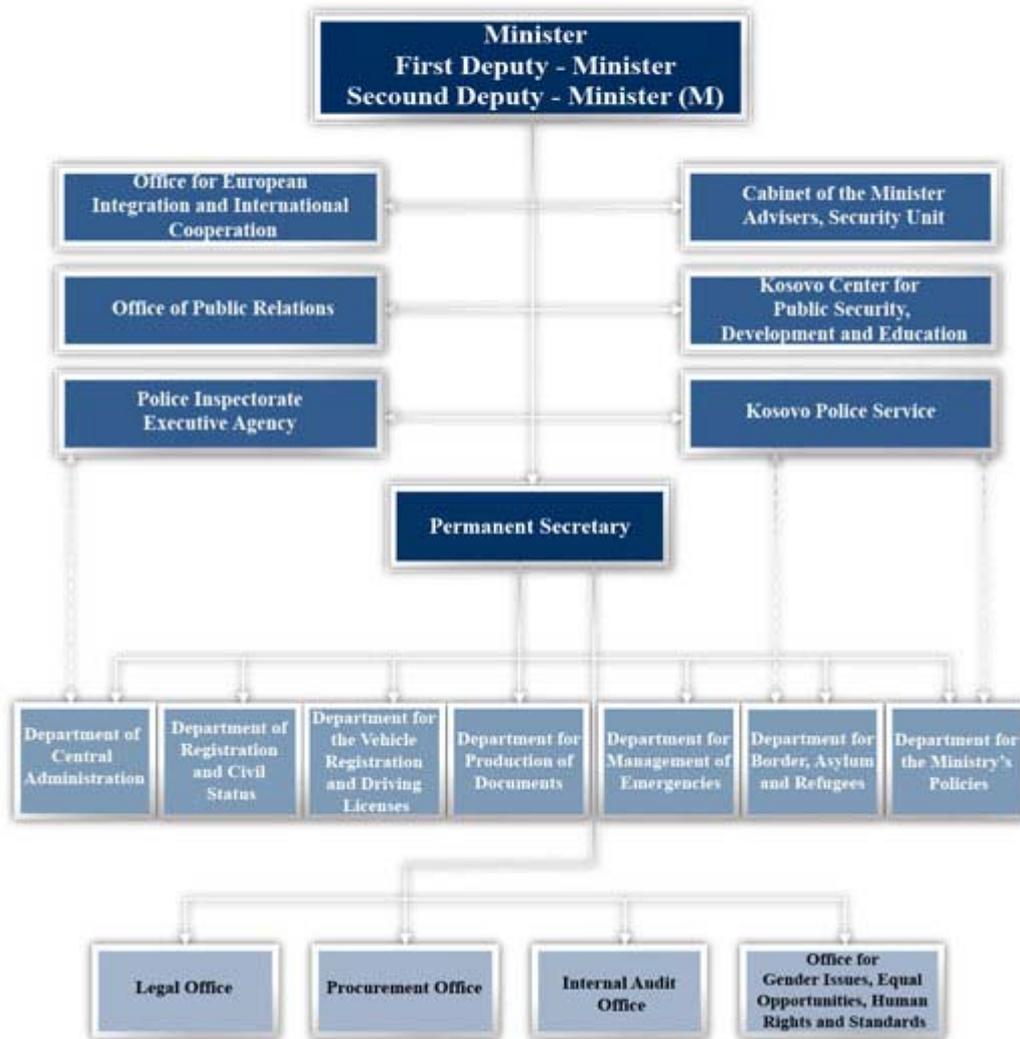
The strategic objectives developed under this thematic approach will continue to be critical to ensuring that the Ministry as a whole and each of its parts carries out the above (or any future) functions to the required standard, no matter how the mandate changes. Implicit to this thematic approach is that each department has a role to play in achieving the strategic objectives under each strategic theme (such as management, performance, anti-discrimination and so on). The thematic approach which we have opted for in this document does not mean that we need not think strategically about our core functions, as assigned to us by applicable legislation. However, given the lack of clarity surrounding the MOJ's mandate, and the operational nature of our core functions, plans at the level of departments are the more appropriate place to develop that kind of strategic thinking than the present document. We will set out our current understanding of each of the core functions assigned to us in law, along with operational objectives concerning their implementation (including any constraints we face) in the departmental plans.

Ministry of Internal Affairs:

The legal framework for the establishment of the Government of Kosovo's Ministry of Internal Affairs can be found in UNMIK Regulation No. 2005/53 of 20 December 2005 on the amendments of the UNMIK Regulation No. 2001/19 on Executive Branch of PISG in Kosovo (attachment XVI).

In the beginning, the framework of MIA authorisations in the area of security and internal affairs was defined based on the so called „early transfer of competencies“. As a result of the comprehensive work of MIA, and especially developmental policies of the Ministry for Internal Affairs, that were based on the principles and within predicted framework, a so called „later transfer of competencies“ has been effectuated by entry into force of the UNMIK Regulation No. 2006/26 of 27 April 2006, in attachment XVI (ii).

By this the transfer of competencies to KPS started: „Monitoring of Kosovo police service, as authorised by SRSG, acting through the police commissioner and without interventions in the actions of the Kosovo Police Service and in implementing criminal investigations“. In addition, in this attachment and by this Regulation, The Pillar I (Police & Justice) has, consequently, formally ceased to exist and remained only the Office of Policy and Rule of Law.



Legal Basis

In the process of establishment of Provisional Self-Governing Institution (PISG) in Kosovo, it is created the Ministry of Internal Affairs in accordance with UNMIK Regulation no. 2005/53, 2006/26.

Initial structure of MIA foresees seven departments within the Ministry, in a frame of which is the Department on Borders, Asylum and Migration (DBAM)

Mission

Based in UMIK Regulation No. 2005/53, 2005/16, 2005/19, 2006/26 and Administrative Directive no. 2005/8, the mission of the Department for Management of Borders, Asylum and Migration is to ensure efficient management of the border, to create and manage an effective system and sustainable one for admission of refugees and asylum- seekers by assisting in resolution of eventual complications during the process of placement, accommodation, and their integration and also implementation of policies of repatriation in compliance with convention, laws and standards assigned by the European Union.

For 2007/2008 the priorities of the Department on Border, Asylum and Migration are:

- Drafting of the law on Supervision and Control of State Border
- Drafting on the Law of Asylum
- Drafting of the Law on Foreigners
- National Strategy for the integrated management of the border (IMB)
- Strategy for re-integration of repatriated persons
- Re-admission policies
- Standard operating procedures of the re-admission

ANNEX IV - Reference to laws, regulations and strategic documents:

Link with: European Partnership; Stabilisation and Association process; Proposal for the Kosovo Status Settlement

The European Partnership calls for:

- Improve the functioning of the judiciary, guarantee its independence, accountability, professionalism and efficiency and ensure that the career development and recruitment of judges and prosecutors are based on technical and professional criteria and free from political influence. Ensure proper functioning of the Constitutional Court.
- Develop the capacity in the government free from undue political influence to take on responsibilities in the areas of justice and the interior. Implement a system of appointment, dismissal and career promotion for judges and prosecutors in line with European standards, free from political interference.
- Ensure effective, independent, accountable and impartial courts and prosecution offices, free from political influence.
- Develop the capacity in the government free from undue political influence to take on
- Establish shelters and reception facilities for asylum seekers.
- Adopt a law on migration in accordance with European standards. Draw up a Revise and implement the government and action plan concerning migration, addressing in particular the readmission and reintegration of persons returned from abroad.
- Implement the integrated border management (IBM) strategy and strengthen cooperation between the IBM agencies.
- Improve cross-border police cooperation in line with best practices, strengthen the capacity of border police and provide modern infrastructure and equipment for the border police, particularly in the IT area.
- Ensure effective implementation of requirements for delivery of high-quality travel and identity documents.
- Adopt and implement asylum legislation, ensure functioning of a reception centre for asylum-seekers and ensure establishment of an operational body for asylum applications.
- Adopt a strategy for reintegration of returnees, including addressing the socio-economic conditions.

Link with the Multi-Annual Indicative Planning Document (2008-10) for Kosovo (MIPD):

The project supports key objectives of the MIPD that are:

- Consolidating the **rule of law** by strengthening the wider judicial system and supporting police reform and the fight against corruption, in close cooperation with the future ESDP mission to ensure a coordinated and mutually reinforcing approach.

- Continue to strengthen the capacity of the border police and the customs services, improve facilities at border posts and enhance cooperation with neighbouring countries in the fight against human trafficking.
- Provide sustainable solutions for the integration of readmitted persons.

Link with National Development Plan

The project links to the MTEF Sector Objectives in the field of Education and Rule of Law that are:

- Provision of quality education for all students at all levels of the education system' and in particular to '(ii) undertaking a review of the curricula; and (iii) improving the management of the system and the quality of teaching;
- Improvement of access to education for all ethnic communities, women and disadvantaged groups by adopting adequate standards, establishing scholarships and making special provision for the disabled
- Development of effective and efficient Ministry (of Justice and of Internal Affairs)
- Development of respective legal framework of law sector in compliance with relevant legislation in force;
- Building the cooperation with all respective EU and other international
- Agencies / organizations as part of routine international sectorial cooperation and as part of responsibilities transfer process which are still reserved in this sector.
- Adequate utilization of information technology;

Link with national/ sectoral investment plans

This project will assist Kosovo's institutions to strengthen implementation of: the *Strategy for Integrated Border Management*

ANNEX V - Details per EU funded contract (*) where applicable:

Activity 1: Legal Education System Reform

Within the scope of this twinning, the Resident Twinning Advisor (RTA) will support the KJI to set up a Magistrate School. The RTA shall assist the KJI establish and review the certification of teaching curricula for initial and continuous training with a focus on specialised legal education (i.e. intellectual property, money laundering, data protection, JLS matters).

He/she will intensify existing links between the KJI and the European Judicial Training Network (EJTN) and organise, in cooperation with the EJTN, continuous training courses for judges and prosecutors. He/she will organise study visits and internships of judges and prosecutors to corresponding services in EU member states. He will advise the KJI for the recruitment of two international assistant teachers specialised in EU law for its Magistrate School and elaborate a proposal for setting up preparatory courses for the Kosovo bar examination.

In addition, and with the assistance of a medium-term expert, the RTA shall review teaching curricula at the Law faculties of Pristina and Mitrovica University and set up a scheme of continuous training for academic teaching staff in these two Universities. He/she, with the assistance of the medium-term expert, will develop an accreditation procedure for academic teaching staff based on the continuous training and which is mandatory for teaching staff for the renewal of their contracts.

The RTA, assisted by a medium-term expert, will assist on the establishment of 20 positions of assistant teachers at the Law Faculty of UP and UM, and organise/assist the recruitment these assistant teachers. Ideally, these assistant teachers consist of both former participants of the “Young Cell Scheme” (financed by the KCB) and recent law school graduates that are nationals of and studied in EU member countries (co-financed by the KCB and the project). These assistant teachers would be conducting practical exercises with Kosovo Law students as part of their curriculum.

The RTA, assisted by a medium-term expert, will take part in the selection procedure for the “Legal Young Cell Scheme”, under which 25 graduates from the Law faculty will continue and complete their study in a EU university. This component will be implemented through the “Young Cell schemes” programme under IPA 2008, under which € 500.000 have been earmarked for the legal component. The RTA/medium term expert will advise UP/UM on the setting up of a legal library including the purchase of literature and legal subscriptions.

The RTA, assisted by a medium-term expert, will assist the Kosovo Chamber of Advocates to set up a Training Centre and a curriculum for the continuous training of advocates. He/she will advise the Kosovo Law Centre on how to increase the professionalism of the institution with regards to legal publications and on how to make these publications financially sustainable. He/she will guide the KLC to set up a web-based comprehensive compilation of applicable laws and regulation in Kosovo with a thematic search function.

Contracting arrangements

Twinning covenant. Standard twinning procedures are to be used. The co-financing is parallel. The Resident Twinning Advisor (RTA) is expected to have legal educational

background and/or experience in similar institution. The RTA will be assisted by EU MS short and medium-term experts.

The RTA Profile

- Experience in a similar institution to one of the beneficiary institutions of the project
- Experience in teaching/training curricula development and delivery in the sector of judiciary
- Fluency in English;
- Degree in Law

Parallel co-financing provided for services works and supplies by the beneficiaries.

Activity 2 & 3: (EU Standards for the Ministry of Justice & Capacity Building for Readmission and Asylum)

Contracting arrangements

- Twinning covenant. Standard twinning procedures are to be used. The Resident Twinning Advisor (RTA) is expected to be a senior civil servant from a member state Ministry of Justice or similar institution. The RTA will be assisted by EU MS short and medium-term experts and possibly one service contract for supervision and training.

RTA Profile:

- Experience in implementation of EU legislation on Migration and Asylum.
- Experience in the management [programming, monitoring, evaluation, implementation and control] of migration and asylum policies.
- Fluency in English;
- Degree in social sciences, law or other relevant area to the sector

Activity 4. Improvement of the Penitentiary System

One high-security prison built or, respectively, the high-security tract of Dubrava prison (and eventually other detention facilities) refurbished according to international standards and put at the disposal of the Kosovo authorities.

Contracting arrangements

At least one works contract is envisaged to for the construction activities. (as per findings of feasibility study)

One service contract is envisaged for the supervision of the works

Activity 5. Border and Boundary Police Equipment

Under this project, a digital communication network covering the entire length of Kosovo borders and boundaries will be established in order to enable the BBP to communicate between themselves will be established. The current non-compatible computer system for controlling the movement of persons in and out of Kosovo will be replaced by a network covering all the border/boundary stations. Furthermore, Kosovo BBP will be equipped with

equipment enabling them to gradually increase their control of the green and blue borders (currently covered by KFOR). This equipment might include, but is not limited to cars, boats, document boxes, surveillance equipment and uniforms. The exact scope of equipment to be procured will be determined by a needs assessment/feasibility study to be conducted in the beginning of 2008. Parallel co-financing provided for works.

Contracting arrangements

Several supply and/or works contracts are foreseen to contract the different types of equipment to be purchased (dependent on the result of the needs assessment). Supply contracts should include appropriate training for the beneficiaries on the use of the equipment

Dependent on the result of the needs assessment, a service contract is envisaged to set up the computer system for controlling the flow of persons across Kosovo borders.

At least one service contract is needed to train the BBP staff on the use of the computer system for controlling the flow of persons across Kosovo borders.

Project management and administration

The European Commission Liaison Office in Pristina will manage the procurement, implementation, quality control, reporting and coordination with other donors of the development assistance and of the financial and technical cooperation related to the actions described in this project fiche, taking remedial actions if and when needed.

Project Steering Committees will be responsible for the overall direction of the project and comprise of representatives from the beneficiary institutions and the Commission Office.

Monitoring will be performed centrally by the Commission. The project may be evaluated at the interim or ex-post stages under the supervision of Commission's Evaluation Unit. The project may be audited by Court of Auditors - in line with the standard European Commission procedures.

Conditionality and sequencing:

The project includes the following conditionalities:

- Endorsement by all key stakeholders of the project fiche/ToRs/technical specifications, as well as the individual contracts to be engaged;
 - Participation by the beneficiary in the tender process as per EU regulations;
 - Organisation, selection and appointment of members of steering and coordination committees, seminars and study visits by the beneficiaries as per the project work plan;
 - Appointing the relevant staff by the beneficiaries to participate in training activities as per work plan.
 - Availability of Co-financing
 - A policy decision regarding the setting up of a body in charge of the operational aspects of readmission and asylum has been taken
- An adequate number of staff dealing with the operational aspects of readmission and asylum has been recruited