

ANNEX C1¹

STANDARD TWINNING PROJECT

FICHE

1. Basic Information

- 1.1 Publication notice reference: EuropeAid/ 136-591/DAH/ACT/XK
- 1.2 Programme: Annual Action Programme for Kosovo¹2014, (objective 1 - 2014/032-353)
- 1.3 Twinning Number: KS 14 IB JH 02
- 1.4 Title: Further support to legal education reform
- 1.5 Sector: Rule of law and fundamental rights, Justice and Home Affairs
- 1.6 Beneficiary country: Kosovo

2. Objectives

2.1 Overall Objective:

The overall objective is to strengthen the rule of law through improving the legal education in Kosovo.

2.2 Project purpose:

To strengthen the judiciary through strengthening the capacities of the Kosovo Judicial Institute.

2.3 Contribution to National Development Plan/Cooperation agreement/Association Agreement/Action Plan

In order to further improve and better target the EU support under IPA II, based on the Conclusions of the Structured Dialogue for the Rule of Law (meeting was held on 16 January 2014), Kosovo has prepared a three year comprehensive Rule of Law Assistance Strategy and Action Plan 2016-2019. This strategy will allow the EU and other donors to provide strategically targeted assistance to Kosovo in the future and it should support and prepare Kosovo to gradually assume more rule of law (RoL) – related responsibilities. Drafting of this strategy represents the first concrete step by the government of the Republic of Kosovo to sector inclusiveness of RoL institutions. This strategic approach is fully in line with EU sector approach, which is required for all areas of the administration of an aspiring state. This

¹ This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

strategy will precede the sector strategy on the RoL in Kosovo, the drafting of which is expected to take place in the coming years.

The Mapping of Sector Strategies Report for Kosovo refers to rather weak inter-institutional cooperation and the key role of the Ministry of Justice in this area. Although the report refers mainly to the strategic and policy related documents and action, an efficient coordination is in general a necessity in the overall RoL area. As such it is of crucial importance in the field that this action targets. Furthermore, the same report refers to the key roles to be played by the Ministry of Justice and Ministry of Internal affairs mainly stating that the Ministry of Justice is in need of reinforcing its strategic development skills and that the Ministry of Internal Affairs should explore with the MoJ all potential synergies and complementarities regarding a common approach towards the JHA sector. This action will take further these recommendations in the legal and public safety education field.

Lastly, the **Indicative Strategy Paper 2014-2020 (Strategy Paper)** for Kosovo foresees IPA to support Kosovo's efforts through the provision of capacity building and equipment for police, customs, tax administration, and other RoL institutions. Furthermore, through advising and monitoring in key institutions, EU assistance will aim to further increase capacities of the individual institutions as well as inter-institutional cooperation. According to the Strategy Paper, an independent judiciary that works in accordance with true democratic and professional standards is not only vital for the strengthening of the RoL with immediate benefits for the public, but is also crucial for international cooperation and economic development, including attracting foreign investments.

3. Description

3.1 Background and justification:

The further development of judges and prosecutors' competences is the supreme contributor to the efficiency and effectiveness of the judiciary. The many changes resulting from the judicial reform warrant a further specialisation of judges and prosecutors.

Since its establishment, the Kosovo Judicial Institute (KJI) has been providing continuous training to sitting judges and prosecutors with a focus on proper implementation of national and international laws. For future judges, state prosecutors and for those who are promoted or switch profiles, KJI provides trainings within the orientation programmes which need further development. The training programme includes modules for the development of professional, personal and inter-disciplinary competencies and KJI is undertaking efforts in identifying and preparing trainers. The KJI Training of Trainers (ToT) program takes place periodically but is not structured into one comprehensive program. It is the aim to create a permanent sustainable ToT program which could assess the needs of trainers and further develop their capacities.

Currently, judicial institutions are not offering the opportunity to law students to work there. Early inclusion of law students through internships in judicial institutions would have a positive effect on the quality of candidates. Setting up a permanent system for this purpose, such as a talent scout programme for law students could attract and bind excellent candidates. A concerted action on the part of all relevant stakeholders is therefore essential to ensure the implementation of such actions in the justice sector.

Furthermore, the Ministry of Justice (MoJ) is currently promoting the establishment of an Academy of Justice as the leading and all-encompassing legal training institution. The mandate of the KJI may therefore be amended and extended. This action would have to take such change of circumstances into account. In any event, a sustainable legal education/training system needs to be supported.

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

The RoL sector has been consistently supported by numerous bilateral and multilateral donors, besides the EU. The dynamics of the donors and Kosovo institutions did not always coincide and as a consequence the effects of assistance did not achieve the desired results. As part of these commitments, reforms in the justice system, internal affairs and access to justice have commenced.

However, the results of the previous EU financed actions were very helpful for the MoJ, KJI, KJC, and KPC and on the RoL sector as a whole, since they were providing significant assistance in the process of reaching EU standards. Results of these projects have been facilitating efforts regarding fulfilling the requirements for the EU membership and building readiness for operating and cooperating within the country institutions and EU member states.

It has also been recommended in the Thematic Evaluation of RoL, Judicial Reform and Fight against Corruption and Organised Crime in the Western Balkans that due to the long-term nature of RoL reforms the EU should focus on a few priorities providing sustained and consistent assistance in successive years and judicial education, practical advanced training for judges, prosecutors and enforcement investigators on issues related to fight against public corruption, organised crime and asset forfeiture and asset recovery were specifically mentioned.²

Further, the European Union Office in Kosovo has, over the course of the last years, implemented relevant actions in the framework of the CARDS programmes, IPA 2007 to 2013 and the Instrument for Stability (IfS) programmes. With the proposed actions, successive phases will build on previous assistance to KJI, in particular with regard to the following projects: twinning project "European Union Standards for the Ministry of Justice", two continuous projects on Legal Education System Reform, the project on "Support to Civil Code and Property Rights" and the project "Support to KJC and KPC".

Besides the classical technical assistance projects in Kosovo, there are several other international missions active in the field, for instance EULEX. The key donors with significant on-going or planned activities in the RoL sector include the EU, US (USAID and ICITAP), OSCE and UNDP.

3.3 Results:

Result 1: Advanced training capacities of the KJI

- Interdisciplinary and personal competencies in training programmes further developed

² http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/evaluation/2013_final_main_report_lot_3.pdf

- Orientation programs improved
- Commercial, administrative and serious crimes curricula advanced
- Training skills and methodologies of KJI improved

Result 2: Enhanced management of the KJI

- Management and Planning by the KJI enhanced
- Information Management System of the KJI enhanced

In order to accomplish the Results 1 and 2, by the end of the project the following outputs will have to be achieved:

- Training needs for development of interdisciplinary and personal competencies identified and relevant training modules are developed;
- Specialized training curricula for the commercial department, administrative and serious crime departments advanced (curricula revised according to new legislation and number of trainings increased by 30 % against 2013);
- Pool of trainers is improved in accordance with best international practices;
- KJI staff in position to plan and implement new programs and curricula in line with best international practices;
- Additional modules (for managing documents, donors etc.)/tools to the KJI's Database developed.

3.4 Activities:

The proposal made by the MS should include the activities they propose to achieve the results listed in the fiche. The following list of activities is indicative.

Activities to achieve Result 1: Advanced training capacities of the KJI

- Further develop training needs identification mechanisms
- Further enhance the professional capacities and training skills of the trainers in the identified fields and for administrative staff
- Develop comprehensive curricula in the identified fields and for administrative staff
- Further develop orientation programs of KJI

Activities to achieve Result 2: Enhanced management of the KJI

- Assist KJI in developing strategic planning
- Further develop the professional capacities and skills of KJI's Management and staff
- Update and supplement the current KJI's Database with additional modules/tools
- Implement relevant trainings for KJI's staff

3.5 Means/ Input from the MS Partner Administration:

3.5.1 Profile and tasks of the Project Leader

The twinning partner(s) will be responsible for achieving mandatory results. The twinning team will be led by a Project Leader who shall satisfy the following requirements:

Project Leader Profile:

- University level education or equivalent professional experience of 10 years in law or

related field

- Minimum of 3 years of professional experience and extensive knowledge of policies and processes in the area of judicial education and training.
- Proven contractual relation to a public administration (judicial training institute or similar institution) or mandated body, as defined under twinning manual 5.4.5
- Experience in project management
- Working level of English language
- Computer literacy
- Leadership skills

Tasks of the Project Leader:

- Overall responsibility, coordination and direction of the MS TW partner inputs
- Ensuring backstopping and financial management of the project in the MS
- Supervising and coordinating implementation of the project
- Mobilisation of the short-term experts
- Project reporting
- Close cooperation with Kosovo counterparts
- Participation in Steering Committee meetings

3.5.2 Profile and tasks of the RTA

The Resident Twinning Adviser (RTA) is expected to be a senior civil servant from a judicial training institution or similar institution of an EU MS. The RTA's secondment will be 30 months who shall satisfy the following requirements:

RTA Profile:

- A University Degree in law
- At least 5 years of professional experience in a judicial training institute or a similar institution
- At least 3 years of managerial experience in a judicial training institute or a similar institution, including strategic planning development
- Proven contractual relation to a public administration (judicial training institute or similar institution) or mandated body, as defined under twinning manual 5.4.5
- Fluency in both written and spoken English
- Experience of working in countries in transition would be an advantage

Tasks of the Resident Twinning Adviser:

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

The RTA will be assisted by EU MS short-term experts

3.5.3 Profile and tasks of the short-term experts

Short-term experts with experience and competence matching the project components should have a relevant university degrees, professional experience in the relevant field, such as:

Requirements:

- University level education or equivalent professional experience of 10 years in the field of law
- 4 years of professional experience in the field of law
- Experience in provision of trainings, with on-the-job-training and knowledge transfer
- Experience in policy and strategy planning
- Proven contractual relation to public administration or mandated body, as defined under Twinning manual 5.4.5
- Computer literacy
- Working level of English language

Tasks of the Short-term experts:

- Support to Project Leader in the implementation of all project activities
- Close cooperation with Kosovo experts
- Preparation of reports with recommendations for improvement and adaptation to meet the project results
- Organizing conference with intention of presenting project activities and results

Institutional Framework

The key beneficiary of this Action is the Kosovo Judicial Institute, while the other institutional stakeholders benefiting from the Action are the Kosovo Judicial Council (KJC) and the Kosovo Prosecutorial Council (KPC) and judges and prosecutors.

The Kosovo Judicial Institute will work closely with the KJC, KPC and MoJ to consider and serve the needs of judges and prosecutors.

5. Budget

Title: Further support to legal education reform	IPA Contribution
Twinning Contract	100% 1.000.000 €

6. Implementation Arrangements

6.1 Implementing Agency responsible for tendering, contracting and

The European Union Office in Kosovo will manage the procurement, implementation, quality control, reporting and coordination with other donors. A Project Steering Committee will be responsible for the overall direction of the project and comprise of representatives from the beneficiary institutions and the EU Office. Monitoring will be performed centrally by the European Commission. The project may be evaluated at the interim or ex-post stages under

the supervision of the Commission's Evaluation Unit. The project may be audited by the Court of Auditors in line with the standard European Commission procedures.

6.2 Main counterpart in the BC

BC Project Leader:

Lavdim Krasniqi, Director of KJI

Kosovo Judicial Institute (KJI)

RTA counterpart:

Besim Morina

6.3 Contracts

One twinning contract in the amount of EUR 1.0 million.

*Please note that the awarding of the twinning contract is subject to the conclusion of a financing agreement **between the European Commission and the Government of Kosovo** for the Annual Action Program for 2014, which does not modify the elements of the twinning procedure. If the precedent condition is not met, the contracting authority will cancel the call for proposal without the candidates being entitled to claim any compensation.*

7. Implementation Schedule (indicative)

7.1 Launching of the call for proposals (Date)

December 2014

7.2 Start of project activities (Date)

September 2015

7.3 Project completion (Date)

March 2018

7.4 Duration of the execution period (number of months)

30 months

8. Sustainability

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

The MoJ and all justice and law enforcement sector institutions in Kosovo have developed and matured over time a clear ownership of processes and actions implemented through EU funded projects. The institutions have been supported through their various stages of development, both through EU funds as well as bilateral assistance, and full engagement in each step of implementation has proved the most effective sustainability strategy.

The proposed action will ensure sustainability by institutionalising reforms in policies and practices of KJI and the relevant governmental institutions (e.g. KJC, KPC, etc.) in order to create a sustainable education program for judiciary and law enforcement agencies. Firstly, all existing and new training modules and curricula will be developed in a participatory manner involving all implicated institutions to ensure full buy-in and commitment for all actors. Second, training modules will be kept within KJI in order to be able to replicate trainings to new staff or in the case of staff turnover.

Results in this sense will be achieved through tailored technical assistance for: training and capacity building, with strong focus on Training of Trainers activities; strategic planning for definition of medium and long term reform strategy and formulation of time-bound action plan; improvement of impact monitoring mechanism for systematic review of implemented action plan.

9. Crosscutting issues (*equal opportunity, environment, etc...*)

Environment and climate change (and if relevant disaster resilience)

The scope of the activities in this action does not involve any elements that could threaten, hazard, or endanger the environment. During all stages of the activities production of printed materials will be kept to the strictest minimum.

Engagement with civil society (and if relevant other non-state stakeholders)

The action has been designed in close cooperation with relevant international organizations with specific expertise in the field of the intervention. Such organizations will be also playing a critical role in providing technical inputs and guidance to ensure alignment with international standards and best practices.

The involvement of identified layers of the civil society is essential to ensure an exhaustive transfer of legal knowledge to all potential target groups. Besides the direct beneficiaries identified above in the action document, the following cooperation should be sought:

- Universities as key organisation in the transfer of legal knowledge should be linked with activities where appropriate; and
- NGOs active in the justice sector should be involved to ensure cooperation with legal practitioners and support in getting the support of the population.

Equal opportunities and gender mainstreaming

In the implementation of the project specific attention will be given to the need to reflecting gender balance and equal opportunities in the project. The action will ensure mainstreaming of

gender and minority issues both within the target institutions and the operational activities. Trainers and experts, involved in the project could be equally represented of women and men but must have skills to ensure effective mainstreaming of gender equality based on the values and the Equal Opportunity Plan of the training institutions. The importance of this dimension is reflected in the Kosovo Civil Service Law, the Law on Gender Equality, and the Anti-Discrimination Law. This dimension is also reinforced in the European Partnership and the SAA Action Plan. The action will ensure mainstreaming of gender and minority issues both within the target institutions and the outputs (services provided by these institutions).

Effective gender mainstreaming will be taken into account at all stages and aspects during the implementation of the project. The action will ensure gender balance both amongst participants in working groups for development of new policies as well as amongst trainees benefitting from the various opportunities for attaining new skills. Furthermore, the specific needs of both women and men will be incorporated into the development of all training modules developed in order to ensure their accessibility to both target audiences.

Minorities and vulnerable groups

The action will actively encourage the participation of officials from minority communities to participate in the trainings and curricula to be implemented. Specific focus during the Action activities will be given to newly engaged law enforcement staff from Serb community and their training.

Beneficiaries' staff will have to be appropriately sensitized to the principles of fair treatment of minority communities in public sector employment policy and practice. The events organised under this project will ensure targeting all the minority communities in Kosovo, through provision of translation and producing print, visual and audio material in local languages. Specific focus during the Action will be given to newly engaged legal practitioners from the Serb community. In the implementation of actions there will be no direct or indirect discrimination against any person based on gender, age, marital status, language, mental or physical disability, sexual orientation, political affiliation or conviction, ethnic origin, nationality, religion, race, social origin or any other status. The activities implemented should have impact on all territory of Kosovo. The implementation of activities shall be planned to ensure outreach and engagement of minorities and vulnerable groups. The activities should aim at improved participation of minorities and vulnerable groups both in service delivery throughout Kosovo as well as in consultation phases for potential new reforms.

10. Conditionality and sequencing

The Action aims at strengthening Management and Human Resources of the KJI, by bringing staff capacities into line with institutional needs and its mandate. KJI as a sustainable training institution needs its strategic planning to be in place and conducted efficiently. The Action will support KJI in developing relevant strategic policies and practises and enable the KJI to support the ongoing judicial reform process.

In addition, the action will strive to further enhance the capacities of KJI trainers, with specific focus on specialised trainings for judges and prosecutors. Based on the achievements and results of the previous actions supporting KJI, this action will build on lessons learned and further enhance and strengthen the training capacities of KJI.

The effective implementation of the Action requires a strong cooperation, involvement and commitment among KJI, KJC and KPC (e.g. in drafting training curricula, etc.), and support of KJC and KPC to training of judges and prosecutors. The beneficiary should ensure information flow to MS partner(s) and allow the necessary adjustments as the Action is implemented. Also, there should be sufficient human resources allocated to contribute to the action.

Lastly, the MoJ is currently sponsoring a law on establishing an Academy of Justice which is in the consultation phase. This action would have to take such change of circumstances into account.

Annexes to project Fiche

1. Logical framework matrix in standard format (compulsory)
2. List of relevant Laws, Regulations and Strategic Documents

ANNEXES

Annex 1: Logical framework matrix

OVERALL OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	
The overall objective is to strengthen the rule of law through improving the education of public safety agents and of legal professionals	<p>The quality of basic and high-level education curricula of public safety in Kosovo increased</p> <p>The quality of the legal services provided to citizens improved</p>	<p>Regular MIA, KAPS, KP, Customs, EMA, KP inspectorate, Corrections and Probation services reports</p> <p>EC annual progress report</p> <p>Project progress reports</p> <p>Conclusions of SAPD meetings</p>	
SPECIFIC OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	ASSUMPTIONS
To strengthen the judiciary through strengthening the capacities of the Kosovo Judicial Institute	- The level of the training capacity of KJI	<p>- Annual report of KJI;</p> <p>- KJI strategic plan;</p> <p>- Training evaluation reports.</p>	
RESULTS	OBJECTIVELY VERIFIABLE INDICATORS (OVI)	SOURCES OF VERIFICATION	ASSUMPTIONS
<p>Result 1: Advanced training capacities of the KJI</p> <ul style="list-style-type: none"> - Interdisciplinary and personal competencies in training programmes further developed - Orientation programs improved - Commercial, administrative and serious crimes curricula advanced - Training skills and methodologies of KJI improved <p>Result 2: Enhanced management of the KJI</p> <ul style="list-style-type: none"> - Management and Planning by the KJI enhanced 	<ul style="list-style-type: none"> - Training needs for development of interdisciplinary and personal competencies identified and relevant training modules are developed; - Specialized training curricula for the commercial department, administrative and serious crime departments advanced (curricula revised according to new legislation and number of trainings increased by 30 % against 2013) - Pool of trainers is improved in accordance with best international practices 	<ul style="list-style-type: none"> - EC Annual Progress Report; - SAPD conclusions; - Evaluation Performance Report for Judges and Prosecutors; - Court Monitoring Reports; - Perception Surveys; - KPC analytical reports; - KJC statistics; - Media highlights; - KJI reports; - Training evaluation reports; - Customer feedback. 	<ul style="list-style-type: none"> - Training Curricula to be in line with KJC and KPC identified needs and policies - KJC and KPC will to support training of judges and prosecutors - Training Curricula to be in line with KJC and KPC identified needs and policies

- Information Management System of the KJI enhanced	- KJI staff in position to plan and implement new programs and curricula in line with best international practices - Additional modules (for managing documents, donors etc.)/tools to the KJI's Database developed.		- KJC and KPC will to support training of judges and prosecutors
ACTIVITIES	MEANS	OVERALL COST	ASSUMPTIONS
Activities to achieve Result 1: Advanced training capacities of the KJI - Further develop training needs identification mechanisms - Further enhance the professional capacities and training skills of the trainers in the identified fields and for administrative staff - Develop comprehensive curricula in the identified fields and for administrative staff - Further develop orientation programs of KJI Activities to achieve Result 2: Enhanced management of the KJI - Assist KJI in developing strategic planning - Further develop the professional capacities and skills of KJI's Management and staff - Update and supplement the current KJI's Database with additional modules/tools - Implement relevant trainings for KJI's staff	Twinning contract	1.0 million Euro	

Annex 2: List of relevant laws, regulations and strategic documents

1. Law No. 02/L-25 on Establishing the Kosovo Judicial Institute
2. Regulation No. 2006/23 on the Promulgation of the Law on Establishing the Kosovo Judicial Institute Adopted by the Assembly of Kosovo
3. Strategic Plan of the Kosovo Judicial Institute 2008-2011
4. Thematic Evaluation of Rule of Law, Judicial Reform and Fight against Corruption and Organised Crime in the Western Balkans – Lot 3, Main Report, December 2012, February 2013 respectively
(http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/evaluation/2013_final_main_report_lot_3.pdf)
5. The National Strategy for European Integration of Kosovo
6. The EU Enlargement Strategy 2012-2013
7. Assistance Strategy for the Rule of Law sector in Kosovo 2016-2019
8. The Mapping of Sector Strategies, Report for Kosovo
(http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/evaluation/2014/20140714-mapping-of-sector-strategies-final-report.pdf)