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EFFECTIVE RULE OF LAW PROGRAM

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INTRODUCTION

This document describes USAID Kosovo Effective Rule of Law Program (EROL) progress on completion of Year 1 activities and deliverables and expected contributions to life-of-program expected results during the period October 1, 2011 through December 31, 2011. The report also highlights select project activities, outputs, results, successes, challenges, and opportunities. Rather than repeating information, already described in EROL weekly updates, this report provides a snapshot of project accomplishments and the status of milestones toward project deliverables and outcomes as of the end of Q3 and describes plans for Q4.

The purpose of the USAID Kosovo Effective Rule of Law Program (EROL) is to build upon USAID's prior activities to advance the rule of law in Kosovo. Specifically, EROL seeks to:

1. Strengthen the independence, accountability, efficiency, and effectiveness of the justice system; and
2. Bolster public confidence in the rule of law by increasing public knowledge of and participation in the justice system

The four objectives of the EROL project are to assist justice-related institutions in Kosovo to:

- i. Improve the effectiveness of justice sector institutions
- ii. Increase the efficiency of court operations
- iii. Improve the professionalism of justice system actors
- iv. Increase citizen awareness and role in ensuring the delivery justice

The report is broken down into the following sections:

- an initial summary of program progress to date and program highlights;
- a description of the current context within which EROL is carrying out activities, and both challenges and opportunities that might hinder progress or allow EROL to accelerate activities or deepen interventions to enhance results;
- component and sub-component activities, milestones, deliverables, and their expected contributions to expected results broken down by the four programs (see above) and further by the counterpart;
- a brief description of steps taken to ensure environmental regulatory compliance; and
- updated information on the status of budget expenditures.

Each section contains a description of prominent activities and their implications for EROL programming and institutional progress on applicable EROL objectives. Where appropriate, developments outside the scope of EROL activities that may influence activities and accomplishment of expected results are noted. A table in each section outlines relevant areas of workplan activities for the quarter, as well as Q3 milestones, deliverables, and their expected contributions to life-of-project results. The outline is intended to provide USAID with an easy way to understand the extent of EROL progress on completing each activity described in the Year 1 Workplan.

Following the main body of the report are two appendices that list of reports and deliverables, produced by EROL since the beginning of the project, and a summary of activities planned for Q4 to date; and all Performance Monitoring and Evaluation Charts in accordance with the current PMP.

PROGRAM PROGRESS AND PROGRAM HIGHLIGHTS

Following EROL's initial startup and the summer months, during which EROL focused on relationship building with counterparts, the team devoted the third quarter building on program credibility by increasing integration of project components and identifying strategic and cross-cutting issues. By the end of the third quarter, EROL had not only assisted both the Kosovo Judicial Council (KJC) and Kosovo Prosecutorial Council (KPC) to complete and publish legislatively-mandated roadmaps to guide the courts and prosecutorial system through preparations for the transition to the new court system in January 2013 but also to identify key strategic obstacles and alternative solutions for medium-term attention jointly with EROL to generate sustainable governance, decisionmaking, and operational improvements over the next three years. Dialog with counterparts and stakeholders generated ideas for Q4 workshops for both Councils, other counterparts and stakeholders, and for long-term capacity building strategies.

With a complete expatriate and local staff in place, EROL also accelerated and broadened transition planning support to the Kosovo Judicial Council (KJC); officially launched activities with the first eight USAID-approved Model Courts and finalized initial environmental compliance submissions; facilitated the continuation of constructive dialog between the Office of the President (OP), the KJC and the Kosovo Prosecutorial Council on critical judicial and prosecutor personnel issues related to the transition to a new court system and long-term professionalism and independence of the judiciary and prosecutorial system; reinforced prior training with Ministry of Justice staff on policy analysis for legislative drafting purposes; strengthened relations with the Kosovo Judicial Institute (KJI); and redoubled efforts to identify key obstacles and solutions to the currently lagging progress on minority community inclusion in the judiciary and prosecutorial system, and to efforts to improve access to justice for minority communities.

During this period, EROL balanced intensive work with counterparts to complete their more immediate and urgent mandates for 2011 and long-term capacity building. For example:

- **2011 Mandates**
 - ***The KJC and KPC both completed and published their Implementation Plans to guide transition to the new court structure under the Law on the Courts and Law on the State Prosecutor.*** EROL assisted the KJC and KPC to complete legislatively mandated planning for the transition to the new court structure, which will take hold on January 1, 2013, and to open a dialog with the Office of the President regarding selection, appointment, transfer, and dismissal of judges and prosecutors. As part of these planning and dialog processes, EROL assisted both Councils to assess internal and inter-institutional policies, as well as gaps in the legal framework, and to identify practical and legal obstacles to the restructuring process such as judicial transfers, court staff entitlements, and case registry templates, the current forms for which date back to 1978. EROL worked with each Council to consider alternative Implementation Plan options and coordinated the drafting of the KJC's Implementation Plan. EROL also supported the Implementation Planning process of the KPC by assisting the KPC to develop, in accordance with the Law on the State Prosecutor and the Law on the KPC, the overall goals and objectives of the Implementation Plan and informing the planning and drafting process with supplemental analysis and recommendations. As a result of EROL and the Councils' efforts, both plans were published on-time and together make up the backbone of the transition process for 2012 and beyond. EROL will play a leading role in supporting the KJC and the courts to execute its plan. EROL will play a less prominent role in the prosecutorial system's transition because of legislative and U.S. Embassy limitations on USAID support for operational activities of law enforcement agencies in Kosovo. However, EROL support for the Implementation Plan development process has helped the KPC to identify important policies and sublegal drafting initiatives that will need attention in Q4 of this year, as well as in Year 2.
 - ***EROL was instrumental in helping to build constructive, solution-oriented dialog among the OP, KJC and KPC*** aimed at ironing out remaining details of the processes of appointment, transfer and dismissal of judges and prosecutors. In Q2, EROL assisted the OP, the Kosovo Judicial Council, and the Kosovo Prosecutorial Council to draft separate internal regulations to guide both the

process and substance appointments. However, gaps and conflicts in the laws left some questions unanswered, and at the inter-institutional tensions were starting to get in the way of accelerating appointments to fill the large number of vacancies.

- **Long-term Capacity Building**

- ***EROL launched the Model Courts Program with the first 8 Model Courts***, selected to receive assistance under the expanded program. On November 16, 2011, the Norwegian Ministry of Foreign Affairs and USAID signed a memorandum of understanding (MOU) and thereby extended the MCP to cover all courts, excluding those already renovated under JSP, in Kosovo. The following day, EROL received approval from USAID for the first eight courts, proposed by the KJC for participation in the Model Courts Program in September 2011. Immediately following approval, EROL finalized the Initial Environmental Examination (IIE) for submission to USAID, as well the corresponding Environmental Report for all model courts. Additionally, EROL completed draft Site Specific Environmental Compliance Plans (SSECP) for submission to USAID for initial review, and EROL staff conducted a six-week Case Flow Management training module at the KJI for 15 candidate prosecutors and 41 candidate judges in the ILEP program. The rest of Q3 was devoted to developing a new participatory change management approach, informed by best practices in ensuring sustainable operational improvements in the courts, as well as enhancing the customer-service orientation of the MCP. EROL developed SOWs and recruited STTA, who combine both technical and extensive reform and performance improvement experience to provide assistance to the KJC and the courts in Q4 and beyond.
- ***EROL efforts laid a strong foundation for public awareness and participation activities*** aimed at reaching diverse communities with information about the courts, increasing participation in justice sector reforms, and modeling fair and transparent practices and procedures for civil society rule of law programming. In support of cross-cutting EROL objectives, Component 4 teams focused on minority access to justice, public information, monitoring and evaluation, and citizen participation in justice-sector reforms. SAF, Public Information, and Equal Access to Justice teams conducted outreach and focus groups with potential project partners and beneficiaries such as NGOs, journalists, and minority community and professional groups, to identify capabilities, concerns, interests, and priorities for improving communication and dialog with the court systems and prosecutors' offices. EROL also worked with institutional counterparts to identify capacity building requirements to ensure that increased public awareness and monitoring of the justice system through NGO activities are matched by judicial system capacity to provide information and respond to media and civil society inquiries effectively. Finally, EROL completed the SAF Grants Manual, as well as the first draft of the RFA for the Strategic Activities Fund.
- ***The KJI will benefit from assessments of both the Initial Legal Education Program (ILEP) and the Continuing Legal Education Program (CLEP) curricula, quality of teaching, and program implementation.*** In Q3, EROL delivered the CLEP assessment to the KJI. The report recommends both long-term program improvements and immediate course development to meet the needs of judges and prosecutors in the context of the new court structure, including training for individuals assigned to specialized courts and departments.

Training associated with Q3 activities involved a total of 75 participants, including 55 males and 20 females. Members of minority communities participated in activities, through which EROL provided technical assistance such as direct assistance to the KJC and KPC and conducted research on equal access to justice issues. However, the lack of representatives of minority communities in the current generation of candidates for judicial and prosecutor positions in the ILEP and the ethnic makeup of OP, KJC, and KPC officials, responsible for technical issues and procedures related to judicial and prosecutorial appointments, transfers, and dismissals, resulted in no members minority communities participating in formal EROL events.

EROL Q3 TRAINING AND EVENTS				
Capacity Building Events	Male	Female	Min/Others	Total
OP - 1 st roundtable on Judicial and Prosecutorial Appointment Process (Oct 11, 2011)	10	3	0	13
OP - 2 nd roundtable on the Transfer & Dismissal of Judges and Prosecutors (Dec 6, 2011)	5	1	0	6
Case Flow Management workshops (Nov -Dec 2011)	40	16	0	56
Total	55	20	0	75

CONTEXT: CHALLENGES & OPPORTUNITIES

With six months of the project completed, EROL turned inward to identify areas in which work with individual counterparts could be better coordinated and/or integrated in order to produce outcomes for the entire judicial system. EROL also assessed obstacles to developing common programming for counterparts, as well as the overlapping roles, conflicting priorities, politics, resource requirements, operational deficits, donor pressure, and other issues that hinder constructive inter-institutional dialog or cooperation. EROL program staff collectively reviewed the project Scope of Work (SOW) and Year 1 Workplan to determine which activities were most likely to contribute to achievement of life-of-project expected results and whether there had been changes in the operating environment since project launch. Finally, EROL examined common assumptions about problems that continue to nag the justice sector despite multiple donor and institutional interventions. As a result, EROL decided to launch programming to address the KJC's lack of adequate data collection and applied empirical analysis to inform policymaking and operations management. This effort will include, inter alia, immediate collection of data to support execution of Implementation Plans in Q4 and beyond, as well as assistance to the KJC to build an applied research capacity. EROL also decided to initiate greater stakeholder dialog on initial education, selection and appointment, training, performance evaluation, promotion, and discipline in order to create a vision for judicial competency that would inform the policymaking in these areas. EROL reemphasized the initial observation of local and international advisors that poor legal drafting protocols and processes were a key contributor to current confusion, political tensions regarding fundamental principles of judicial independence, and legal obstacles to rational operation of justice sector institutions.

EROL also expanded its inquiry into the root causes of the lack of applicants for judge and prosecutor vacancies and for the ILEP by conducting focus groups with minority community members at the local level and with law students and early-career legal professionals. Finally, EROL developed a concept paper for a pilot professional associate program aimed at attracting talented legal professionals from all ethnic groups to professions in the court system. Finally, EROL teams working with the KJI and MCP began to define Implementation Plan requirements and Model Court Program improvements that would complement one another if implemented concurrently.

In Q4, EROL will begin to develop training and technical assistance to address some of these "big-picture" justice system capacity building needs and to integrate activities across objectives by both ensuring that representatives from all institutions that might benefit from a specific training are invited to participate; facilitating methodologies for open and inclusive dialog on critical issues facing the justice system that can help neutralize the extent, to which personal and institutional agendas influence decisionmaking; and supporting unification of criteria and procedures for judicial and prosecutorial competencies at all career stages. Most of these efforts will be most visible in the Year 2 Workplan, but planning for Q4 and Y2Q1 activities such as a roundtable on national judicial

education strategy, web strategy and web portal development, change management for leaders, development of ethics codes for the KJC and KPC, and operational research is already underway.

While the same contextual challenges that EROL faced during Q2, including nascent institutions and limited counterpart capacity to absorb assistance, weak donor coordination and consequent failure of counterparts and international partners to share information, EROL has made progress in adjusting assistance to the unique developmental and capacity levels of each counterpart and has benefited from a second round of introductory meetings following arrival of the new COP. Additionally, USAID and EROL have reached out to European partners and encouraged counterparts freely to share information about EROL activities. While the crowded donor field will continue to create complications EROL hopes to build a portfolio of activities that will affect progress across the justice system as envisioned by USAID and thereby set the stage for constructive dialog among counterparts and donors.

Q3 ACTIVITIES, MILESTONES, DELIVERABLES AND EXPECTED RESULTS

OBJECTIVE 1: EFFECTIVE OPERATIONS OF JUSTICE SECTOR INSTITUTIONS

1.1 KOSOVO JUDICIAL COUNCIL

Since project launch, the main priority of EROL's assistance to the Kosovo Judicial Council has been to assist the KJC to meet the planning requirements outlined in the Law on the Courts and to put into place the policies and procedures necessary to carry out all steps necessary to complete the planned transition to a new court structure in January 2013. In Q3, EROL continued and intensified staff assistance to the KJC and KJC Secretariat to implement the Action Plan, which was put together with EROL assistance in Q2 to guide the process of developing the Implementation Plan for the Law on Courts. EROL's technical assistance was instrumental in the completion, approval, and publication of the Implementation Plan as scheduled, on December 1, 2011 and is an important milestone for the transition to a new court structure. Organized into four sections, the Implementation Plan provides detailed actions and time frames for accomplishment of four critical elements of the transition by the KJC, KJC Secretariat and courts: (1) human resources (judges and court staff); (2) physical resources and materials; (3) court administration (case files and registries); and (4) logistics.

Following publication of the Implementation Plan, EROL continued to support tasks that were already underway to meet the requirements of the Law on the Courts and immediately began assisting the KJC to take the necessary steps to begin carrying out the Implementation Plan. At the urging of EROL, the KJC agreed to appoint an *ad hoc* committee, comprised of Supreme Court judges, to address judicial personnel issues such as the number of judicial positions in each court; the criteria for selecting and proposing judges for transfer/assignment to the Court of Appeals; and creation of a Court Administration Working Group of judges, court administrators, and representatives of relevant KJC Secretariat departments to address issues such as case files and registries. In Q4, EROL will provide support to both bodies, and will hire a team of regional court liaisons to work with basic court regions to ensure smooth implementation of instructions developed by the Court Administration Working Group.

EROL also provided assistance to the KJC to establish required policies and procedures identified in the Law on the Courts. For example, EROL supported preparation of a Draft Administrative Instruction on the Transfer/Assignment of Judges to the Court of Appeals. This draft instruction provides the criteria to be considered when making transfer/appointment recommendations for the new Court of Appeals. In addition, a formal application will be required from each judge requesting assignment and/or transfer to the Court of Appeals.

In addition to immediate assistance directly associated with the Implementation Plan, EROL advised on and assisted with the drafting the policies necessary for the efficient functioning of the courts. For example, EROL participated in the drafting of the Regulation on the Evaluation of the Performance of Judges. This regulation establishes criteria and procedures for President Judges to evaluate the work performance of subordinate judges, as well as criteria that will be used by the KJC Evaluation Committee to evaluate judicial performance.

The regulation will go into effect March 1, 2012. EROL staff also participated in working groups preparing the Draft Regulation on the Internal Activities of the KJC and the Draft Regulation on the Internal Operations of the Courts.

EROL identified, planned and implemented capacity building assistance aimed at improving the governance of the KJC and the effectiveness of the KJC itself and the KJC Secretariat. For example, EROL continued to monitor and advise on the KJC ICT strategy and assisted the KJC Spokesperson to develop the KJC's 2012 communications and public relations plan and budget; and worked with the IT Department and KJC Spokesperson to design a workshop on web strategy and web portal development that will be held in Q4. EROL will support the KJC's development of requirements and specifications for its new website in Y2 Q1.

Through direct support to the Office of the President, EROL followed up on assistance provided to the KJC to draft administrative regulations to guide the selection and proposal of judicial candidates to the OP for appointment. The Chairman of the KJC and the Director of the Secretariat participated in two EROL-facilitated working roundtables on Selection, Appointment, Transfer, and Dismissal of judges and prosecutors. The result was a clearer picture on the part of all participants of the gaps and/or conflicts in laws governing these procedures, and negotiated agreements on some – albeit less controversial – issues.

EROL's embedded advisor provided ongoing day-to-day support to the Chairman of the KJC and Director of the KJC Secretariat on policy and communications issues and maintained ongoing coordination with the two EULEX advisors assigned to the KJC.

In follow up to series of unstructured interviews carried out in Q2 with counterparts, minorities working in the justice system, donors, donor-funded programs, UMNİK, and NGOs that that work to improve access to justice, EROL conducted a process mapping of obstacles faced by legal professionals of minority communities in entering the legal profession and obtaining employment in the courts – whether as judges or court staff. EROL found that both real and perceived obstacles exist for recent graduates of foreign universities and non-native speakers of Albanian. Recent negotiations between Kosovo and Serbia will alleviate some of the obstacles, but EROL has also identified measures that could be taken to reduce barriers to entry into court-related professions and to recruit qualified minority community candidates. Additionally, EROL developed a protocol for focus groups and structured interviews with representatives of minority communities, as well as with law students, for whom the justice system should be a viable career choice. The results of these focus groups and interviews will be integrated into EROL's work planning for Year 2.

The process of developing the Implementation Plan has highlighted for EROL several areas in need of immediate or medium-term attention, including missing information and data, without which it will be difficult to make urgent decisions regarding judicial and staff transfers; needed operational improvements to meet existing standards on which the Implementation Plan is based; inadequate finances to cover anticipated costs of the transition; non-existent internal communications and training to prepare personnel for reform; unfunded logistics requirements; low public awareness of the justice system and complete ignorance of the planned court restructuring; and a lack of interest in on-the-ground planning that would enable adequate time, staffing, and resources to carry out the Implementation Plan itself. Additionally, the Model Courts Program will cause additional stress on the courts during the transition period – whether in terms of space accommodations required during refurbishments or the increased staff time and effort required to adopt court management standards. Integration of goals and objectives of MCP court improvement plans with Implementation Plan requirements for new standard operating procedures in line with the model court standards would minimize the heavy burden on model courts and maximize incentives for and sustainability of improvements.

Recognition of these challenges led EROL to draft a concept paper on strategic assistance to the KJC. The concept paper incorporates activities to address many of the aforementioned weaknesses in the system and prepare for the transition, and also lays out a roadmap for fundamental institutional capacity development and reform of the personnel management system to link standards and resources devoted to recruitment, initial education, training, continuing training, performance evaluation, promotion, and leadership development into a holistic strategy and approach. The latter would be accomplished through technical assistance and facilitation by EROL of a national judicial and prosecutorial education strategy coordination committee (see 3.1 Kosovo Judicial Institute below) that would develop a vision for the professionalization of judges and court professionals over the next 3-5 years. EROL and the KJI will host a roundtable on this topic in Q4. In December, EROL and the EROL

COP, Melanie Peyser, and the Director of the KJC Secretariat, Albert Avdiu, also discussed the need for improved applied empirical research and analysis to guide policy analysis and operational and strategic decision-making. EROL identified a volunteer from the United States Federal Judicial Center who will travel to Kosovo to provide technical assistance and training aimed at establishing internal resource capacity for the judiciary in Kosovo.

EROL also worked with the Federal Judicial Center and the KJC to plan a study tour to Washington DC on the topic of judicial ethics, conduct and discipline. The study tour has been postponed until spring 2012 to complete visa processing for members of the delegation.

The table below provides a summary of actions taken to complete activities outlined in the EROL Year 1 Workplan:

KEY Q3 ACTIVITIES	Q3 MILESTONES	Q3 DELIVERABLES	Q3 CONTRIBUTION TO EROL EXPECTED RESULTS
Assist the KJC in implementing the Law on the Courts (LOC)	The KJC Implementation Plan for the Law on Courts was approved and published by the KJC on December 1, 2011.	Implementation Plan for the Law on Courts.	Improved capacity of the KPC to administer the judicial system during a period of fundamental structural, operational and personnel change. Improved governance through a participatory process to develop standard policies and procedures for carrying out elements of the Implementation Plan.
Capacity Building for the KJC and KJC Secretariat	Ongoing mentoring of KJC Chairman and Director of the KJC Secretariat on governance and management issues delivered; and capacity-building needs for the KJC Secretariat and the KJC identified for programming in Q4 and Y2		Successful completion and publication of Implementation Plan, as well as identification of non-statutorily areas of operations in need of attention in preparations for transition to new court structure thereby contributing to improved KJC capacity to lead preparations for new system and carry out KJC mandate.
Development of Regulations and Administrative Instructions for the KJC	Two draft regulations completed and further advising, drafting assistance, and comments provided on Regulation on Internal Activities of the KJC.	Regulation on Evaluation of Performance of Judges completed and submitted to KJC for approval. Draft Administrative Instruction on the Transfer/Assignment of Judges to the Court of Appeals.	Developed regulations will contribute to development of sound personnel policies and transparent and fair evaluation standards for judges
Support for Minority Outreach	Semi-structured focus group protocols prepared and focus group meetings with minority community members initiated to provide data for analysis of obstacles/disincentives for minorities to enter court professions and/or access the justice system.	To be completed by beginning of Q4 following additional focus groups with stakeholders.	Identified initial problems and proposed solutions for increased participation of minorities within the judiciary and State Prosecutor's Office (i.e.: judges, prosecutors, and staff)
Assist KJC to develop a web strategy and improve availability and quality of online information about the court system	Draft concept and SOW prepared and STTA recruitment underway for website and database design advisor to work with KJC on web strategy.		Improved website that not only effectively provides general public awareness information but also meets the current informational needs of key target audiences and can grow to take advantage of new data that will become available when new CMIS becomes operable.

1.2 KOSOVO PROSECUTORIAL COUNCIL

During the reporting period, EROL provided strategic and reform planning advice and guidance to the KPC, as well as help to build the KPC's internal capacity. EROL assisted the KPC with development of its Implementation Plan. The Implementation Plan sets out the course, content, and character of the transition from the current organization of the State Prosecutor into that contemplated by the Law on the State Prosecutor. This will involve changes to every facet of the State Prosecutor, and the transition process will be guided, and to a great degree effected, by the KPC. The process will take place through 2012.

EROL also supported the KPC to draft a Strategic Plan for the period 2012-2016. The process of preparing the draft Strategic Plan motivated the KPC to look at its goals for itself and the State Prosecutor over the next four years. EROL also supported the KPC in working to integrate its transitional activities under the Implementation Plan into its goals under its Strategic Plan so that choices made during this year will be steps towards longer-term goals. Finally, work with KPC Public Relations staff supported the move towards a KPC that effectively communicates with citizens of Kosovo. Initial work on the Strategic Plan served as the basis for a presentation made by the Chief State Prosecutor at a donor coordination meeting hosted by the KPC. While the KPC had some difficulty linking its assistance requests with the Strategic Plan, donors were impressed with the KPC's progress in defining priority goals and objectives for performance improvement and reform.

Given limited resources set aside for assistance to the KPC beyond Y2 Q2, EROL conducted an analytic review of priority policies and regulations for development by the KPC. This review will guide the KPC team's activities to support the KPC and its Secretariat to develop controlling regulations during Q4 and into Year 2. EROL currently plans to provide support in Y2 Q1 for preparation of a code of ethics and conduct for the KPC and for amendments and/or redrafting of codes for prosecutors and for prosecutorial system staff. EROL continues to navigate limitations on assistance to the KPC regarding "operations and training," and to try to optimize coordination with the U.S. Department of State, U.S. Department of Justice, and other donors and implementers. EROL will coordinate closely with USAID to clear any proposed assistance on other regulations and policies in Q4 and beyond.

Through regular meetings with the KPC Spokesperson, EROL's Public Information Officer identified capacity building needs for the KPC in the area of media relations and development of PR competencies, policies and protocols. The KPC Spokesperson, too, acknowledged a real need to improve public information capacities of the Council – and perhaps develop a department that could be embedded within the KPC or the KPC Secretariat. EROL has agreed to include the KPC in upcoming trainings for senior leaders and spokespersons on PR skills, including special techniques required with high-profile cases and crisis communications. EROL had completed SOWs for STTA technical assistance in media relations development, and will conduct training in Y2 Q1. The KPC has also expressed an interest in participating in the KJC web strategy and web portal workshop as the Council evaluates whether to develop its own web presence which would be separate from but linked to the existing State Prosecutor website.

Finally, the KPC participated in the working roundtables on the Selection, Appointment, Transfer, and Dismissal of judges and prosecutors. EROL facilitated the roundtables, and provided analytical and research, as support to the Office of the President in order to generate constructive dialog on these topics in a safe and confidential environment. The roundtables have highlighted differences in legislation applicable to the KJC and KPC, and have also provided a platform for the KPC to seek assistance and learn the KJC's experience with developing regulations and instructions and negotiating procedures with the Office of the President. In reality, the roundtables have served as a forum for discussing mistakes made by all three institutions and for making preliminary agreements about how to handle similar problems in the future. While the discussions have sometimes been heated, the KPC has already taken steps to improve, for example, the content of proposals for appointment submitted to the OP for review.

Below is a summary of EROL KPC-related activities and progress toward KPC expected results:

KEY Q3 ACTIVITIES	Q3 MILESTONES	Q3 DELIVERABLES	Q3 CONTRIBUTION TO EROL EXPECTED RESULTS
Create Strategic Plan and Annual Operative Plans	Coordination of Strategic Plan drafting and Draft Strategic Plan for 2012-2016		Finalized Strategic Plan expected in Y2, Q1
Develop Implementation Plan for the Law on the State Prosecutor	Implementation Plan completed and published with elements of EROL recommendations and text	KPC Implementation Plan	Improved capability of KPC to fulfill requirements of Law on the State Prosecutor and lead a smooth transition to the new court system
Support institutional structure and administration	Analytic review of Law on the KPC and roles and responsibilities of KPC.	Draft analytic review of KPC laws and regulations	Requirements and prioritization of new regulations and instructions identified.
Support development of KPC Secretariat	Technical assistance on strategic planning, standard operating procedures for KPC and KPC Secretariat. Draft ToRs for KPC Secretariat staff.	Draft SOP and rules and regulations for Secretariat Draft ToRs for Secretariat staff	Improved understanding of key mission areas, goals, and objectives of KPC and identification of critical areas of attention for policymaking and strategic planning processes.
Support development of KPC Public Relations Strategy	Weekly meetings with KPC Spokesperson. SOW and identification of STTA for PR strategy and skills training.		Roadmap for EROL- KPC collaboration to develop public information strategy, protocols, and policies for Q4 and Y2 Q1 and include KPC in EROL PI-related activities.

1.3 MINISTRY OF JUSTICE

Q3 served primarily as a preparatory and relationship-building period with respect to activities with the Ministry of Justice. EROL training for the Department of International Legal Cooperation (DILC) was temporarily delayed at the end of Q2 because of a complaint by EULEX regarding the proposed content of the planned EROL training on International Legal Cooperation. However, following an agreement by USAID, ECLO, EROL, and EULEX, under which USAID and EROL agreed to limit the content of EROL training to international legal cooperation in civil matters, to coordinate closely with EULEX advisors on the development of the training program, and to incorporate European standards for legal assistance in civil matters in anticipation of agreements with European Countries and/or accession to the EU, EROL was able to revise the SOW and recruit an American and European STTA to prepare and deliver the training. EROL worked with both of these STTA in December to finalize planned activities and the SOW. In January, one of the trainers will travel to Pristina to review the draft course curriculum and materials with an MOJ co-trainer, who will be identified by DILC. This co-trainer will both work with the EROL trainer to refine the training agenda and materials and will be responsible for repeating the training and revising the planned practice manual as laws and regulations are amended in the future.

EROL continued discussions with the MOJ regarding legal drafting assistance. The MOJ will release its 2012 Legislative Drafting Agenda in early 2012 and will offer EROL the opportunity to offer support for the drafting of specific laws. EROL has also continued discussions with the Litigation Unit and was able to negotiate attendance of three Litigation Unit attorneys at a KJI-sponsored trial advocacy training. EROL also expects to provide assistance to automate legal resources and develop a database of cases handled by the Litigation Unit in Q4 or early Y2.

The Litigation Unit is somewhat hampered in its capacity to absorb assistance by EROL because of its difficulty in recruiting and maintaining qualified litigation attorneys to staff the Unit; however, EROL assistance to improve efficiency of case handling and provision of other resource may serve to reduce the number of attorneys needed to staff the department and/or to improve the working conditions such that employment with the Unit will be more attractive to qualified candidates. In addition to other legislative drafting priorities, EROL hopes to provide assistance for the apparently planned preparation of a Law on State Advocacy, which will focus exclusively on representation of the Government of Kosovo in litigation.

KEY Q3 ACTIVITIES	Q3 MILESTONES	Q3 DELIVERABLES	Q3 CONTRIBUTION TO EROL EXPECTED RESULTS
Train Lawyers from the Department for International Legal Co-operation (DILC)	Workshop content and cooperation finalized with DILC, ECLO, and EULEX Training agenda and STTA finalized		ILC training in Q4 and improved effectiveness of MOJ DILC legal advisors and department in effectively providing assistance for civil cases requiring international legal cooperation
Train Litigation Unit lawyers and facilitate inter-agency cooperation	Attendance of 3 Litigation Unit lawyers attended trial preparation and advocacy training at KJI (attendance arranged by EROL)		Improved effectiveness of MOJ litigation attorneys to effectively represent GOK in court proceedings.

1.4 CHAMBER OF NOTARIES

Based on the relatively slow progress of the Swiss Development Aid project and guidance from USAID, EROL's role in support for the establishment of the notary system in Kosovo was minimal in Q3. However, EROL attended the meeting of the MOJ Working Group on the Law on Notary at the end of Q3. EROL presented a matrix of issues that the KJC would need to address within the court system in preparation for and following introduction of the Law on Notary. EROL agreed to continue to attend Working Group meetings, coordinate with Swiss Development Aid (SDA) as plans for the launch of the notary system are developed by the MOJ with support from SDA, and support the KJC to take measures to ensure policies and procedures are in place to handle documents and assist court visitors, whose transactions or questions must be referred to a notary under the new law. EROL will begin to work with the KJC on these issues in late Q4 or early Y1 Q1.

KEY Q3 ACTIVITIES	Q3 MILESTONES	Q3 DELIVERABLES	Q3 CONTRIBUTION TO EROL EXPECTED RESULTS
Provide recommendations for Law on Notaries (LOC) as needed	Draft Matrix for KJC analysis of impact of LON implementation plan and judiciary action plan to prepare for LON implementation in Q4		Effective preparation and response of KJC to implementation of LON ; effective court operations following implementation of LON; improved KJC coordination with justice-related institutions
Coordinate with Ministry of Justice and Swiss Development Aid	Attendance at MOJ LOC Working Group meeting		Improved efficiency of services to court users affected by the LON and improved court visitor satisfaction through development of procedures for handling requests for documents, referrals to Notary offices and other matters, as well as informational materials and assistance mechanisms to minimize the inconvenience to court visitors, who must be referred to notary services.

1.5 OFFICE OF THE PRESIDENT OF THE REPUBLIC OF KOSOVO

During Q3, EROL continued to support the Office of the President (OP) to strengthen inter-institutional dialog with justice-sector institutions and to harmonize the interpretation of Constitutional and legislative norms regarding judicial and prosecutorial appointments. Work with the OP on appointment procedures is important because of the urgent need to fill both judicial and prosecutorial vacancies ahead of the transition to the new court structure in January 2013. Additionally, the current administration is open to dialog, compromise, and formalization of standards for the processing of judge and prosecutor candidates and thereby has opened a window of opportunity to make progress on clarifying definitions and norms set forth in the Constitution, Law on Courts, Law on the KJC, Law on the State Prosecutor, and Law on the KPC.

On October 11, 2011, EROL hosted the First Working Roundtable for representatives OP, the Kosovo Judicial Council (KJC), and the Kosovo Prosecutorial Council (KPC) to discuss inter-institutional process for appointments of judges and prosecutors. The roundtable promoted dialogue between the OP, KJC and KPC on issues related to the selection, appointment, transfer, and dismissal of judges and prosecutors as a follow up to EROL-supported drafting and approval of administrative regulations and instructions by each of the three institutions. This first pilot roundtable was designed to provide a neutral and confidential venue for technical representatives of the three institutions to discuss shortcomings in the legal framework for selection, appointment, transfer, and dismissal of judges and openly express institutional interests and positions without official attribution. The roundtable was also meant to provide a platform for discussing problems that had already arisen and would benefit from discussion and refinement of procedures already in place.

EROL provided the venue and a facilitator for this first event but realized that additional support and analysis would be needed to inform discussion of more complicated and politically-charged issues, and to help participants juggle relevant constitutional and legislative norms distributed across multiple documents. Therefore, EROL conducted its own legal and process mapping of issues related to transfers, on the basis of which a summary of issues related to transfers was prepared and served as the starting point for the second roundtable, which was devoted primarily to transfers.

The Second Working Roundtable was organized by EROL in cooperation with the OP, the KJC and the KPC. The event gathered together representatives of the OP, KJC, KPC, USAID and EULEX, addressed the process and content for decrees issued by the President and in particular the question of whether decrees should specify the court or position, to which a judge or prosecutor is appointed. A change in the currently specific nature of decrees would make it easier for the KJC to transfer judges to different courts, something that might be necessary during the transition to the new court structure, and to promote judges and prosecutors without presidential approval in the future. The OP also expressed concern about the constitutional requirement that courts reflect the ethnic composition of the territorial jurisdiction, in which they are located, and the related interest of the OP to ensure conformity with constitutional norms related to the protection of the interests of minority communities. These are complicated issues that will likely require a series of similar discussions and possibly legislative amendments to solve completely; however, the dialog itself has helped all three institutions to focus on the "center of gravity" or critical gap or conflict in legal norms so that they can cooperate to identify effective legal or institutional solutions.

As part of EROLs assistance to improve legal review and drafting capabilities of the OP, EROL assisted the Office of the President with initial legal research and analysis on pardons and provided recommendations for establishments of principles and criteria, in accordance with which pardons should be granted. Through comparative analysis, EROL also developed a short list of additional factors and policy issues that the President might want to consider in establishing criteria and/or considering a pardon application. EROL expects to follow up further on this issue in Q4.

EROL continued research and analysis for a comprehensive report analyzing presidential competencies in the area of the justice sector. The report focuses on practical problems of clarifying presidential competencies and identifying gaps and conflicts of laws that influence the President's ability to exercise his or her competencies as envisioned in the Constitution.

KEY Q3 ACTIVITIES	Q3 MILESTONES	Q3 DELIVERABLES	Q3 CONTRIBUTION TO EROL EXPECTED RESULTS
Facilitate intra-governmental roundtables on justice-related competencies of the President	2 inter-institutional "working roundtables on judicial and prosecutorial appointments (10/11/2012 and 12/6/2012) Interview to Radio Dukagjini with Chair of KJC and PO Advisor describing efforts to improve institutional coordination	1 st Intra-Governmental Roundtable on the Judicial and Prosecutorial Appointment Process including agenda and materials (10/11/2012), 2 nd Intra-Governmental Roundtable on the Judicial and Prosecutorial Appointment Process including agenda, presentations, and materials (12/6/2012)	Improved understanding of gaps and conflicts of laws regarding presidential competencies on appointments and transfers, increased coordination between justice sector institutions, improved effectiveness of appointment processes, increased public awareness of justice sector reforms, improved legal review and drafting capacities of PO Legal Department
Strengthen legal review and drafting capacities of the Legal Department	Consultation with Head of Legal Department and assessment of Department training needs; draft agenda for PO Legal Department staff on review of legislation submitted to President for signature; and finalized SOW for STTA trainer		Improved understanding of need not only to develop protocols for content and nature of PO reviews of legislation but also departmental organization and procedures to improve
Conduct legal analysis on justice-related issues of importance to the Office of the President	Draft White Paper on Presidential Pardons		Improved understanding of PO competencies re: pardons and effectiveness of PO in carrying out justice-related functions

OBJECTIVE 2: INCREASE THE EFFICIENCY OF COURT OPERATIONS

In anticipation of USAID approval of courts nominated by the KJC in early September 2011 for participation in the Model Courts Program (MCP), EROL continued to review and revise the Model Courts Standards and to identify lessons learned from the Justice Support Program's Model Courts activities. During October and November, EROL staff visited existing model courts and met with court leadership to gather information about perceived strengths and weaknesses of both refurbishment and technical assistance and training aspects of the JSP MCP.

For the most part, presiding judges, judges and court staff working in JSP-renovated model courts report improved job satisfaction and efficiency, as well as improved interaction with and satisfaction of court visitors. However, judges and staff noted some areas, in which EROL could improve designs and/or outcomes through modest changes.

Issues related to refurbishments included lack of space for continued use of large registry books; inadequate clearance between desks, shelving and service windows to allow for free flow of foot traffic between cases on shelves and work spaces; modesty issues for women in skirts caused by the combination of glass-enclosed central filing offices, high shelving, and the need to climb up steps stools to reach folders; security issues associated with open shelving; inappropriate contact by court visitors, who could now see whenever staff were present in filing and records offices; inadequate air conditioning in some facilities; ventilation, window, and security issues related to European standards for holding cells for defendants awaiting proceedings; and inadequate conference space despite refurbishment of conference rooms in some courts.

Courts' failure to purge files from archives and/or remove files of disposed cases from central filing offices also undermined successful implementation of court management standards designed to relocate the storage of active case files from judges' chambers to central filing offices as a way to improve efficiency and decrease delay. Similarly, the aforementioned modesty issue is one excuse used by courts for installing blinds or hanging cardboard or newspaper on internal windows installed for the purpose of increasing transparency. Similarly, despite measures taken to bar court users from visiting judges' chambers unaccompanied by opposing council and/or in contravention of international best practices for judicial security JSP moved judges' offices to higher floors in court facilities. However, in the absence of additional measures, the relocation of judges seems to have had little impact on court user access to the offices of judges' and court staff.

Court security employees suggested that cameras and CCTV technology could improve court user behavior and improve security of judge and staff offices as well as court security in general. In courts with the highest traffic, lines and wait times can be lengthy, and while there are a few chairs available in hallways for court visitors, other layouts could improve the comfort of visitors while they wait to file or request documents.

EROL staff noted opportunities to improve information point services and information available to court visitors. Currently, every model court has displays holding hundreds of "Your Court" brochures that provide general information about the court system and the court. Most courts in the country also have digital flat screens with docket information. However, detailed information or step-by-step guides for court users are not available, and information points seem either to be unattended or sometimes to serve as sitting areas for court security and/or staff on breaks.

Sustained compliance with Model Court Standards, on which KJC-promulgated Court Management Standards were based, is uneven, and it seems that few of the JSP Model Courts continue to operate in full accordance with any one standard. Improvements are notable in several existing model courts. The abject failure of CMIS and the minimal use of automation in the courts beyond preparation of duplicate registries and judgments in Microsoft Excel and Microsoft Word respectively limit the extent of improvements in efficiency.

In Q4 and as part of training plan development in Year 2 Q1, EROL plans to conduct a more thorough assessment of the application of Model Court Standards in existing model courts on topics such as public information, case management, and records management. This review will serve the dual purposes of improving the methodology, through which these standards are introduced by EROL and identifying any remedial measures that should be taken in JSP model courts. Such remedial measures will be important to ensure that they are given adequate support during the transition to the new court system and also because failures in the first 10 model courts in areas such as case processing and backlog reduction could undermine the court system's efforts to meet performance targets for key national initiatives and/or EROL and USAID mission performance targets.

In Q3, EROL also took steps to identify areas of overlap between Model Court Standards and required actions under the Implementation Plan for the Law on Courts and to take steps to prioritize the introduction of Model Court Standards that would facilitate successful execution of requirements under the Implementation Plan. EROL also began to identify measures mandated under the Implementation Plan that could have a negative impact on the long-term goals and objectives of the MCP if not designed or carried out in accordance with internationally-accepted court management standards. In Q4, EROL will continue this analysis and will develop integrated Court Improvement and Implementation Plan Action Plans for use with the first 10 Model Courts.

2.1 ASSESS AND AMEND MODEL COURTS PROGRAM STANDARDS AND PROCEDURES

As mentioned above, in Q3, EROL staff continued to review and refine Model Court Standards and to identify lessons from JSP. EROL also began to identify STTA requirements for training and technical assistance areas requiring specialized attention such as court registry design (to ensure that paper and/or electronic registries can easily be imported once the new CMIS becomes operational, court-user services, PR and public information, and possibly judicial security. A full set of revisions and orientation materials were developed during Q3 and were/will be used to introduce presiding judges and court improvement teams to the MCP.

KEY Q3 ACTIVITIES	Q3 MILESTONES	Q3 DELIVERABLES	Q3 CONTRIBUTION TO EROL EXPECTED RESULTS
Assess JSP MCP standards to identify lessons learned and required areas of improvement	N/A (Completed in Q2). Staff review of sections on public information, case management, records management, etc. SOW prepared and STTA identified to conduct facilitated court improvement planning sessions in Q4.		Syncing MCP standards with required reform of processes and procedures under LOC Implementation Plan will pro
Amend MCP Standards and Procedures	Continued collection of feedback from JSP model courts, KJC, EULEX, and others to identify areas for further attention.		Cooperation with KJC, courts, and other entities will result in increased understanding of areas in need of improvement or adjustment of standards.

2.2 SELECT AND IMPLEMENT MODEL COURTS PROGRAM IN THE COURTS

Through EROL efforts in Q3, the members for Model Court Improvement Teams were identified and teams were established for all 8 Model Courts, with the exception of the Supreme Court and the Pristina District Court, for which meetings are pending while USAID follows up with KJC. With the teams in place, EROL prepared the SOW and STTA for facilitation of 8 detailed Model Court Improvement Planning Sessions and Plans in Q4. Expert advisors will lead an inclusive planning sessions to ensure Model Court judges and staffs fully participate in the planning process designed to determine each court's renovation requirements and develop court renovation plans based on those specifications. The Court Improvement Plans will be used to finalize requirements for insertion into MCP procurement documents and solicitations for architectural/engineering services, building contractors, and furniture vendors. EROL is on track to complete all court improvement plans and court refurbishment plans by the end of Year 1.

EROL also provided support to both existing and newly selected model courts to develop public outreach activities and improve management of media relations. For example, EROL assisted the Municipal Court of Lipjan/Lipljane president to organize their first ever press conference, held on December 23. Support included talking points, venue set up and advising on possible questions from journalists.

As part of EROL's assistance to the KJC on web portal development and to model courts on community outreach and public information, EROL has selected the Gjilan District Court to pilot web content and functionality that could be replicated for all basic courts. One of the lessons learned from JSP is that District and Municipal courts seek a robust web presence with content and functionality that is useful to the community and limits the information burden on the courts. Additionally, courts recognize their obligation to publish decisions and see their websites as a vehicle for complying with this requirement. Representatives of the District Court will attend the KJC web strategy and web portal development workshop in Q4 and will receive follow up assistance from website and database STTA in Year 2 Q1.

The following table outlines Q3 activities related to implementation of the MCP in selected courts:

KEY Q3 ACTIVITIES	Q3 MILESTONES	Q3 DELIVERABLES	Q3 CONTRIBUTION TO EROL EXPECTED RESULTS
Identify and recommend 6-8 courts for participation in Model Courts Program (MCP)	KJC recommendations forwarded to USAID in Q2. All 8 nominee courts approved by USAID on 11/17/12.	Nomination Letter	Improved public access and pedestrian flow within the courthouses, customer service-oriented case intake centers and central filing offices, increased transparency of court proceedings, and improved efficiency.
Identify and assign Model Court Mentors and Improvement Teams	Candidates for all 8 Model Court Improvement Teams identified/ teams established for 6 courts		Improved operational decisionmaking and buy in of judges and court staff for operational and process improvements.
Develop a detailed Court Improvement Plan for implementation of the MCP in each court.	General Outline of Model Courts Standard Implementation Plan. SOW and STTA ready for facilitation of 8 detailed Model Court Improvement Planning Sessions and Plans in Q4.	Outline of Model Courts Standard Implementation Plan.	Plans will provide specifications and requirements for procurement of design and refurbishment services and completion of 20 Model Courts.
Train judges and court staff in core competency areas	EROL staff conducted a six-week Case Flow Management training module at the KJI for 15 candidate prosecutors and 41 candidate judges in the ILEP program.	Six-week KJI Case Flow Management Training Module and Course for 15 prosecutor and 41 judge candidates.	Case Flow Management courses will result in expedited case processing, streamlined workflow, and a reduction in Model Court's backlog.
Assist each selected model court to develop design and implement community-based public information campaigns about the MCP	The Media Assessment report underway. Weekly informational/ mentoring meetings with KJC Spokesperson initiated and initial assessment of courts' PI and community outreach capacity building and assistance needs underway. Gjilan District Court identified as pilot court for website development and beta testing.	Press Release and talking points for KJC representative for Norway-USAID MCP MOU Signing Ceremony (covered in digital media)	Increased public knowledge about significant justice-sector reforms.
Develop and implement court renovation plan for each court	SOW and STTA identified for Training and technical assistance to facilitate participatory court improvement planning and development of refurbishment requirements for 8 Model Courts	Initial Environmental Examination (IEE) for all Model Courts Environmental Report for all Model Courts Six Draft Model Court Site - Specific Environmental Compliance Plans (SSECP)	Sessions will result in list of priorities for operational improvements and full set of requirements and specifications for insertion into RFPs and task orders beginning in Q4.

OBJECTIVE 3: IMPROVE PROFESSIONALISM OF JUSTICE SYSTEM ACTORS

3.1 KOSOVO JUDICIAL INSTITUTE (KJI)

In Q3, EROL focused on a number of fundamental and long-term institutional capacity building objectives, including KJI program evaluation and development; institutional structure and inter-institutional relations; strategic planning; and development of new professional development programs and courses to enhance the KJI's current offerings.

Assessment of Initial and Continuous Professional Training Programs: EROL completed the initial phases of assessment of the KJI's two core programs: the Continuing Legal Education Program (CLEP) and the Initial Legal Education Program (ILEP). The CLEP Assessment was submitted to the KJI, and the first draft of the ILEP Assessment was submitted to EROL for review. Together, these two assessments will not only serve as the basis for assistance that EROL will provide to the KJI in the future but will also help the KJI to hone curricula for each program and tailor trainer professional development. In the short term, the CLEP Assessment also recommends additions to the CLEP curriculum to serve judges, who will be transferred to specialized court departments or courts following the transition to the new court structure in 2013.

These recommendations should help the KJI to develop its own new courses and to solicit support from donors and implementers to fill any identified gaps. The final ILEP will offer programmatic and organizational recommendations to improve the program from examination and entrance to practical training and graduation.

Strategic Planning and Potential Institutional Reform: While the KJI has suspended active strategic planning until issues surrounding a recently drafted (September 2011) but not widely circulated draft law on the Kosovo Judicial Academy, which would transform the current KJI into a "judicial academy." It is unclear what the implications of such a transformation might be – especially given the well-known interest of the Ministry of Justice to establish a "justice academy" that would serve the training and professional development needs of a broader justice target audience such as notaries, bailiffs, mediators, and possibly even members of the Bar. The academy, proposed by the Ministry of Justice, would also presumably be part of the Ministry rather than an independent professional education institution as the KJI has been since the Law on the Kosovo Judicial Institute originally came into force. EROL has not yet been able to review the draft Law on the Kosovo Judicial Academy or obtain reliable information about whether the Ministry of Justice initiative and the proposed draft Law on the Kosovo Judicial Academy are part of an agreed plan or are, in fact, two separate concepts. Given the lack of long-term policy analysis and inter-institutional collaboration in strategic planning or integration of mechanisms aimed at judicial and prosecutorial initial training, professional development, evaluation, and career advancement, EROL has proposed to hold a roundtable to introduce the concept of developing a 3-5 year National Judicial and Prosecutorial Education Strategy. The strategy would be by a National Judicial Education Strategic Planning Committee, comprising all stakeholders in judicial and prosecutorial education and training. EROL had hoped to conduct this roundtable in December 2011, but it has been postponed until Q4. Nevertheless, EROL hopes that progress toward in-depth analysis of long-term professional development needs, as well as the resources needed by judges, prosecutors, and staff of each system to meet the performance standards being developed by each Council would help all stakeholders to determine the best vehicle for different categories of education and training. Until such analysis has been done, any institutional changes would be foolhardy and likely to result in unintended consequences such as the decline of judicial and prosecutorial independence at both the institutional and individual levels.

New Curricula and Course Development in Court Administration and Management: EROL began the drafting of two pilot courses, both of which are being developed for court staff as part of a broader life-of-project aim to develop a robust program to improve the professionalism of court staff and the effectiveness of management and administration in the courts. The courses all focus on core competencies of court staff and range from training for senior court management and administration leaders to more junior and mid-level members of staff. EROL will support the design, development, introduction, and testing of each course, and will then work with the KJI to make necessary improvements to the syllabi and materials, identify and train trainers, and institutionalize the courses at the KJI. These two basic courses are designed to serve as basic courses that all court staff and appointment court administrators and deputy administrators of specialized courts, basic courts, and branches would be required to attend during the first year of service in the court system and that all current administrators and staff would attend over the next 2-3 years. Additional theoretical and practical courses would be added to the program and certified by the KJI for administration on-site at the KJI, through on-the-job training programs, and via the e-learning platform that the KJI is establishing through support from GIZ. EROL expects this program to be an essential element of training developed under the Model Courts program, and the timing of the introduction of the courses will depend, to a certain extent, on the deployment of the Model Courts Advisor in connection with the grant to USAID from the Kingdom of Norway.

Legal English Language Curriculum and Course Development: EROL and the KJI also came to an agreement regarding the development of a Legal English Language program aimed at expanding access to English-language resources for legal research, analysis, and case review by judges, prosecutors, and professional staff such as professional associates. By the end of Q3, EROL had developed a plan for the course development and drafted a comprehensive SOW for a Legal English Language Instructor, who would assist the KJI to develop the program and to train trainers. In Q4, EROL will recruit a qualified trainer and hopes to launch the training of trainers (ToT). By the end of the consultancy, EROL expects that the trainer will have assisted the KJI to develop courses for ILEP, CLEP, as well as for professional associates.

KEY Q3 ACTIVITIES	Q3 MILESTONES	Q3 DELIVERABLES	Q3 CONTRIBUTION TO EROL EXPECTED RESULTS
Review KJI organizational structure	Agreed with KJI to conduct National Judicial Education Strategic Planning roundtable to develop framework for assessing needs and developing programs.	Final CLEP Assessment	Improved organizational effectiveness of KJI through improved resource management and planning. Improved strategic planning with all stakeholders will assist in identifying needed structural changes.
Develop training curricula	CLEP Assessment submitted to KJI and approved by USAID. USAID. Draft ILEP Assessment completed.	Final CLEP Assessment	Improved and more target curricula built on existing offerings but based on needs assessment rather than purely on donor capabilities. Development of courses to support Implementation Plan for the Law on the Courts.
Develop Legal English Course	SOW competed and recruitment for STTA underway.		Increased legal research capabilities for judges and professional staff through use of English-language legal sources and enhanced trainer capacity via TOT for Legal English instructors.
Develop training program for court administration staff	Preparation for comprehensive course training modules on (1) Core Competencies for Senior Court Administrators and (2) Best practices for Court Staff underway		Initiation of development of comprehensive and effective training and professional development program for court staff. Improved professionalism and effectiveness of court staff in carrying out responsibilities in the court system.
Organize judicial conference	Initial plan in place; awaiting approval of President's Office.		
Improve KJI electronic capacity	Finalized technology requirements checklist. Developed draft SOW for STTA Database Design and Web Strategy Advisors. Recruitment underway. TA/Training planned for Q3 and Q4.		Improved data collection and use will allow the KJI to improve the efficiency and effectiveness of its trainee selection, registration, testing, and reporting systems thereby reducing costs and increasing efficiency and relevance of courses for CLEP and ILEP.

3.2 CONSTITUTIONAL COURT

EROL held a training workshop for Constitutional Court legal advisors and researchers in Q2 that focused on issue identification and analysis, legal research, and writing. The purpose of the workshop was to improve legal research and analysis capabilities of legal advisors and researchers, who are responsible for developing draft decisions and conducting research on constitutional, international, and comparative law to inform decisions. During the workshop, participants were given a homework exercise to draft legal judgments following the training based on newly acquired skills. In Q3, participants submitted their draft judgments to EROL, EROL reviewed those draft judgments. On the basis of these reviews, EROL began to identify key concepts for curriculum development of a follow up workshop in Q4, at which trainers will provide feedback and cover new material designed further to enhance analytical and drafting skills of continuing legal advisors and to bring new legal advisors and researchers up to a similar level of skill in carrying out their responsibilities.

EROL also continued to consult with the Constitutional Court on ways in which EROL can support professional development of Constitutional Court staff and judges in the context of other donor support for the Constitutional Court's information resources. The Court currently has adequate access to digital legal resources. However, EROL training on legal research, analysis and writing and follow up mentoring during Q3 suggests that the professional staff of the Court would benefit from continued training with increasing complexity and advanced skills development. The aforementioned workshop follow up activities will be carried out at the end of Q4, and additional training programs will be developed as necessary for Q4 and beyond. In addition, EROL began to design an international conference, which will be hosted by the Constitutional Court in Year 2, and will focus on improving the application of international and European human rights standards in Kosovo courts, which are bound by international law under the Constitution.

EROL support for the Constitutional Court is expected to remain limited; however, should Constitutional amendments be made in 2012, it may become worthwhile to work with the Court on resources for judges and staff of the Constitutional Court and to consider ways, in which the Court could assist in improving public awareness of new Constitutional norms and/or be involved in activities aimed at updating the knowledge of judges of the courts of general and specialized jurisdiction as they begin to apply these new norms.

KEY Q3 ACTIVITIES	Q3 MILESTONES	Q3 DELIVERABLES	Q3 CONTRIBUTION TO EROL EXPECTED RESULTS
Facilitate expertise and information exchanges	Preparation for high-level international conference on the application of international human rights standards in courts in Kosovo initiated.		Conference will draw attention to importance of international and European human rights conventions and other sources of international law in Constitutional review of domestic cases in Kosovo and potentially lead to improved observance of human rights standards through case law of the CC.
Train legal advisors	Follow up review of draft judgments prepared by legal advisor participants of EROL issues identification analysis and drafting training workshop for CC legal advisors held in Q2 completed with advisors.		Improved legal analysis and judgment drafting skills; more clear and well-reasoned decisions; and increased uniformity in interpretation and implementation of provisions of Constitution. Follow up review of draft decisions suggests improvements since Q2 workshop.

OBJECTIVE 4: INCREASE CITIZEN AWARENESS AND ROLE IN ENSURING THE DELIVERY OF JUSTICE

STRATEGIC ACTIVITIES FUND

During Q3, EROL conducted market assessments of potential grantees and subcontractors to help determine whether certain activities, envisioned under the SAF, could be carried out independently by grantees or subcontractors and/or would require technical assistance either by EROL or STTA. Specifically, EROL conducted assessments of:

- Consulting firms that offer survey, data collection and analysis, and other research services, as well as companies that provide consulting service to rule of law and justice-sector development programs and implementers. Several consulting firms, capable of conducting surveys and structured interviews, would be eligible to bid on SAF subcontracts for court user surveys. While capabilities for designing surveys are less certain, EROL would likely use the JSP survey as a starting point in order to collect and analyze comparable data.
- Programmatic capabilities CSOs and educational institutions with a focus on rule of law and the justice sector programming. The purpose of the assessment was to identify organizations capable of carrying out small grant projects aimed at increasing citizen demand for justice and participation in justice sector reforms.
- The ability of educational institutions, including secondary schools and universities, to receive grants directly or as subcontractors or partners of NGOs. Responses from secondary schools suggest that schools can participate in grant projects by partnering with NGOs that then serve as the primary grant recipients. Private secondary schools appear to have more flexibility, and all of the secondary schools, with which EROL met, were prepared to explore options for receiving grant funds. Several schools noted that their students already participate in justice-related activities through workforce development programs sponsored by UNDP or through student volunteer programs aimed at increasing public awareness of the rule of law.

EROL also conducted outreach to CSOs that either represent members of minority communities in ways related to rule of law and the justice sector or conduct rule of law related programming in minority community regions. EROL found that organizations in minority communities or representing minority communities were willing to participate in EROL activities.

The grants team finalized the draft RFA for submission to USAID and continued to develop review documents, including grant applicant screening form, evaluation forms and scoring sheets, review panel conflict of interest forms, and finalized presentation materials for information sessions on the SAF Grant Program, including a presentation agenda and a newspaper announcement. The SAF information sessions are planned to take place in Q4 in Prishtina, Gjilan/Gnjilane, Mitrovica, Peja/Pec, Prizren. The grants team also plans to organize an info session also in Gracanica in order to reach out the Serb community.

KEY Q3 ACTIVITIES	Q3 MILESTONES	Q3 DELIVERABLES	Q3 CONTRIBUTION TO EROL EXPECTED RESULTS
Develop RFA and solicit and provide grants to CSOs to monitor the justice sector	Review of draft RFP complete and revisions underway Market assessment of consulting firm capabilities to design and conduct surveys.		Once complete, RFA will contribute to transparent but targeted solicitation and review of grant proposals.
Monitor and build CSO capacity for reliable research and effective public outreach	Rapid assessment of CSO and Educational Institution capacity to receive grants; interviews with institutions and organizations and review of relevant legislation. Draft presentation for SAF informational sessions.	Rapid Assessment Report on NGOs and Educational Institutions	Improved EROL understanding of mechanisms for participation of educational institutions, including universities and secondary schools to receive grants. Improved understanding of role of students in court monitoring and public awareness grant projects and draft criteria to facilitate participation of educational institutions.

ADDITIONAL YEAR ONE ACTIVITIES: PUBLIC OUTREACH

In addition to activities, described above, EROL carried out the following tasks in support of public awareness of justice-sector reforms and improved public access to information on the justice sector:

Assessment of Available Channels for Reaching Minority Communities through the Media. As part of the Rapid Media Assessment, EROL conducted interviews with media outlets that serve minority communities or publish/broadcast in languages other than Albanian. Additionally, EROL included media-related questions in interviews and focus groups conducted for the purposes of the Equal Access to Justice Assessment. Through these focus groups, EROL has found that while RTK broadcasts news editions in Serbian, Turkish, Bosnian and Roma languages members of most minority communities rarely watch minority-language programming on RTK. Some listen to radio programs broadcasts by stations owned and operated by representatives of minority communities or by NGOs that serve minority communities. Additionally, the Gorani community in Dragash/š appears to obtain most news through online news services. The only radio station that broadcasts in Gorani plays only music because of a lack of funding for news programs. Similarly, the representatives of the Roma community in Gjilan reported that their primary source of news is Albanian and Serbian television when available. According to interviewees, there are no local radio programs in Roma language, but they would watch short television news programs on the justice system or listen to comparable radio programs if they were available. EROL also met with IREX to obtain information about radio and television stations that receive USAID funding and broadcast to Serbian communities.

Outreach to Journalists. During Q3, EROL continued active outreach to journalists, editors, and donor-funded programs working with the media to establish a rapport and identify opportunities for EROL and counterparts to obtain coverage of activities and important issues. Through active participation in educational and other professional events for journalists and the press, EROL was able to obtain useful feedback during Q3 about press perceptions of the KJC, courts, KPC, and other justice-related institutions. Through events like Journalism Week, EROL found that journalists are uniformly critical of the lack of transparency on the part of the State Prosecutor's Office as evidenced in their opinion by the limited number of spokespersons in the justice system overall and the lack of public relations specialists or spokespersons at the district level; the failure of most courts to publish schedules for proceedings; the lack of a place to store telephones in the court during proceedings given the prohibition on mobile phones in the court proceedings; and the practice of conducting physical searches of journalists upon their entry into court facilities.

Press Coverage of EROL Events and Activities. EROL also independently publicized events or agreed with counterparts that an EROL staff member would participate in an interview, or EROL would seek print-media coverage of a topic or activity. For example, on December 7, EROL Legal Advisor Visar Morina gave an interview on the Second Roundtable on Appointment, Transfer, and Dismissal of Judges and Prosecutors as a guest on Radio Dukagjini's 1:00 p.m. live program. Similarly, EROL arranged a television interview for Mr. Morina and representatives of the Office of the President and the KJC on inter-institutional dialog on justice-sector issues. Press conferences and press releases such as for the signing ceremony for the Norway-USAID MCP MOU signing ceremony and the Constitutional Court Workshop for Legal Advisors and Researchers have generated news stories that address priority topics for EROL. Outreach to editors and news outlets during Q3 suggest that both broadcast and press media would be interested in publishing more news on the justice sector and on the reforms supported by EROL.

KEY Q3 ACTIVITIES	Q3 MILESTONES	Q3 DELIVERABLES	Q3 CONTRIBUTION TO EROL EXPECTED RESULTS
Conduct assessment of media coverage of justice-related issues	Draft assessment complete. Interviews with journalists continue. Informal meeting of journalists with EROL COP to discuss obstacles to reporting on court-related issues.		Improved understanding of reporting deficiencies, journalist perceptions of the judiciary and prosecutorial systems, and areas, in which KJC, KPC, and OP could improve public information capacity resulting in improved public understanding of justice system and image of the justice system.
Assist project teams with public outreach and media coverage			Improved public understanding of rule of law and justice sector, and improved understanding of judicial reforms.

ADDITIONAL ACTIVITIES: AD HOC ANALYSIS AND REPORTS FOR USAID

TOPICS	TYPE OF SUPPORT PROVIDED				DESCRIPTION
	LEGAL RESEARCH	REVIEW OF INTERNATIONAL PRACTICES	INFORMAL ADVICE (ORAL/EMAIL)	POLICY PAPER OR REPORT	
Concept Paper on EROL Strategic Support to the KJC				●	Proposal for a range of cross-cutting activities aimed at ensuring a smooth transition to the new court system and use of the reform process to build capacity and effectiveness throughout the court system.
State Prosecutor Policy on Electricity Theft		●	●		Worked with the State Prosecutor to adopt a policy to limit prosecution of electricity theft to large scale offenders after KEDS referred thousands of cases for prosecution
Memorandum on Presidential Pardons	●	●		●	Review of international and regional best practices to inform development of criteria and procedures for Presidential Pardons.
Concept Paper for MOJ DLA on Gvt. Representation	●			●	Concept paper with analysis of requirements for possible Law on Gvt. Representation.
Professional Associates Concept Paper				●	White paper proposal for establishment of specialized program to train and incentivize recent graduates to enter legal careers in the courts through a "professional associate program," positions and training similar to that offered judicial clerks in the U.S. and Legal Advisors in Europe.
Draft Speech/Talking Points for U.S. Embassy DCM for OSCE/KJI Judicial Conference				●	At USAID's request, drafted text of speech, delivered by DCM at OSCE/KJI National Judicial Conference in December 2011.

ENVIRONMENTAL REGULATION COMPLIANCE

During the reporting period, EROL reviewed environmental regulation compliance requirements, lessons learned from JSP court remodeling activities, and planned categories of court refurbishment envisioned under the Contract. In addition EROL completed an Initial Environmental Examination (IEE) for all the Model Courts that was submitted to USAID. An Environmental Report detailing environmental considerations for all Model Courts was also submitted to USAID. Finally, EROL completed six draft Model Court Site Specific Environmental Compliance Plans (SSECP) and submitted them to USAID for comment.

STATUS OF BUDGET EXPENDITURES

As of December, 2011, EROL had expended \$1,811,576.77. Q3 spending increased by \$145,507.82 to \$753,781.66. This represents an increase of almost twenty percent over Q2. EROL anticipates the burn rate to continue to increase in Q4 in connection with a sharp rise in STTA and training activities during the next quarter.

APPENDICES

APPENDIX A: LIST OF REPORTS & DELIVERABLES COMPLETED TO DATE (Q1, Q2, Q3)

By the end of the third quarter of activities, EROL had completed the following reports and deliverables:

OBJECTIVE 1

- Action Plan for Drafting the Regulation and the Implementation Plan for LOC
- Initial draft analytical report on regulations controlling the structure and staffing of the KPC
- Draft of Presidential decrees, circulars, and other official acts
- Action Plan for the Development of the Implementation plan for LOC
- KJC Administrative Instruction on the submission of Proposals for Appointment of Judicial Candidates (signed and introduced into force)
- KPC Administrative Instruction on the Submission of Proposals for Appointment of Prosecutor Candidates (signed and introduced into force)
- Workshop on Policy Analysis, "Analytical Skills and Preparing Strategic Policy Analyses". (September 12-14, 2011)
- Regulation on the Appointment of Judicial Candidates; Regulation on the Appointment of Prosecutor Candidates (signed and introduced into force)
- Implementation Plan for Law on Courts

OBJECTIVE 2

- Materials and agenda for a meeting of the Model Courts Consortium
- Workshop for Model Courts Consortium and KJC. (July 7, 2011)
- Workshop for Model Courts Consortium and KJC (September 1, 2011)
- Updated Model Court Core Standards
- Model Court Selection Criteria
- Approval request for 8 model courts
- KJI Case Flow Management Training Module and Course Materials
- Initial Environmental Examination (IEE) for all Model Courts

OBJECTIVE 3

- Agenda for a workshop for legal advisors and researchers focused on issue analysis, legal research and legal drafting.
- Workshop on Research and Analytical Skills for Constitutional Court (September 29-30, 2011)
- Continuing Legal Education Program (CLEP) Assessment

OBJECTIVE 4

- Draft Design of the Grants Manual for USAID
- Proposal for the KJC portal two-day workshop
- Short story on the workshop EROL organized for the Constitutional Court legal advisors and researchers, which was published on the CC website
- Press release on the First Working Roundtable on Selection, Appointment, Transfer, and Dismissal of Judges and Prosecutors, which was published by daily newspaper 'Bota Sot', the online version of 'Lajm' daily newspaper, and three online news agencies: Ekonomisti, KosovaLive and Kosova

- Summary of the morning program at RTK (public broadcaster) following the First Working Roundtable on Selection, Appointment, Transfer, and Dismissal of Judges and Prosecutors, which was the live interview of KJC Chair, OP Legal Advisor and Deputy Chair of KPC
- PR and outreach plan for the KJC Spokesperson for 2012 (drafted with EROL assistance)
- Press release on the ceremony of the signing of MOU between USAID and the Norwegian Government regarding the model court program, published by the daily newspapers: 'Koha Ditore', 'Bota Sot', 'Kosova Sot', and 'Lajm'
- Short story on the signing of the MOU submitted to USAID for USAID website
- Daily EROL local press reviews

AD HOC REPORTS

- Memorandum on Presidential Pardons

APPENDIX B: PERFORMANCE MONITORING AND EVALUATION CHARTS

Result/Indicator/ Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Actuals				Year I Total Target
				Q 1	Q 2	Q 3	Q 4	
IR2: IMPROVED DELIVERY OF JUSTICE								
1	% of citizens and court users satisfied with the justice system Unit: %. Disaggregated by sex, region, rural/urban, and minority groups.	Public opinion poll to determine whether reform has an impact on satisfaction with and knowledge of the justice system. Country-wide opinion change takes time, and factors outside the program's manageable interest can arise, overwhelming program effects.	TBD with first data collection	N/A	N/A	N/A	TBD with study design	
2.1 Increased capacity of justice sector professionals								
2	# of justice sector personnel that received USG training Unit: #; disaggregated by sex and role	Standard F output indicator. Shows coverage when compared to the universe. Disaggregation by gender and minorities will measure against related targets. Also disaggregated by role (judges, prosecutors, court staff, etc.) Targets TBD in consultation with USAID/Kosovo as training plans are finalized.	M=0 F=0 T=0 Min=0	N/A	M=1 3 F= 5 T= 18 Min= 2	M=4 0 F=16 T=56 Min= 0	M= F= T= Min=	The team offered training on KJI Initial Legal Education Program (ILEP) for 56 candidates. The training program was comprised of 12 hours of training on " Case flow Management " during the time period of four weeks. Among participants we had 41 Judges who attended "Judges Program" and 15 participants who attended "Prosecutors Program" with 40 Males and 16 Females of Albanian nationality.
3	% of judges (J), prosecutors (P) and court staff (S) participating in CLE Unit: %; disaggregated by sex and status	Mission Custom outcome indicator. Shows extent to which continuing legal education has been institutionalized in the justice system. Also shows coverage (denominator is universe of individuals.)	TBD from KJI records	N/A	N/A	N/A	N/A	

Result/Indicator/ Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Actuals				Year I Total Target
				Q 1	Q 2	Q 3	Q 4	
4	# of legal courses or curricula developed with USG assistance Unit: #	Output indicator. Legal courses or curricula improve skills and capacity of justice sector personnel or the general public regarding the legal system in Kosovo. Development could include significant modification of existing courses, or new courses.	0	0	0	1	TBD	3
5	# of executive branch sector personnel trained with USG assistance Unit: # disaggregated by sex and role.	Standard F output indicator. For the Office of the President, training in areas of administration, management or leadership skills or good governance practices.	0	0	0	0	TBD	6
6	# of USG-supported trainers receiving pedagogical training (ToT) for their role in KJI and other judicial trainings, who replicate skills learned Unit: #; disaggregated by sex	Output and outcome indicator. Must attend 80% of TOT training and pass post-test of knowledge, which may include observation of training practices as well as testing. In later program years training will taper for this audience.	0	0	0	0	TBD	10
7	Simple case studies of personnel trained by EROL STTA or EROL-trained instructors (e.g., judge, prosecutor, PR staff, conference staff,	Qualitative cases of trainees, identified through instructors, to discover training impacts on job performance and occupational behaviors. Range of roles - judge, trainee judge, other trainees. Depending on role studied, cases can include interviews, observations, data on job performance or other relevant metrics.	0	0	0	0	TBD	5

Result/Indicator/ Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Actuals				Year I Total Target
				Q 1	Q 2	Q 3	Q 4	
	KJI instructor)							
8	Kosovo Judicial Institute scorecard that rates progress on EROL goals for that body	Benchmark outcome indicator. Progress on tab "KJI" toward approved and consensed activities, in consultation with USAID and Kosovar stakeholders. Total score possible: 68 over four years (cumulative in parens)	0	0	12	15	TBD	Total Target for Year I = 32
2.2 Increased independence and accountability of the judicial system								
9	Number of laws, regulations and procedures related to judicial independence supported with USG assistance Unit: #	Standard F output indicator. Refers to laws, regulations and procedures that are official and have been passed or amended in accordance with the country's legal requirements. Laws, regulations and procedures lay out the legal basis for building judicial independence and provide one significant indicator of government commitment. Some laws may also cover transparency.	0	0	0	0	TBD	Total Year I Target = 4;
10	Number of regulations and procedures that improve judicial transparency adopted with USG assistance Unit: #	Standard F output indicator. Refers to regulations and procedures that are official and have been passed or amended in accordance with the country's legal requirements. Output indicator. Laws, regulations and procedures lay out the legal basis for building judicial independence and provide one significant indicator of government commitment. Some regulations/procedures may also cover independence.	0	0	5 AI 2 Reg	1 IP	TBD	Total Year I Target = 4; The Implementation Plan (IP) for the Law on the Courts published by the KJC on December 1, 2011

Result/Indicator/ Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Actuals				Year I Total Target
				Q 1	Q 2	Q 3	Q 4	
11	Number of government media relations staff trained with USG assistance Unit: #; Disaggregated by sex and office.	Standard F output indicator. Staff must be employed by government, and media relations must be at least one of their substantive responsibilities. A free, effective and informed press depends on government support for freedom of the press, and on responsible, responsive and professional government officials working with the press.	0	0	0	0	TBD	10
12	Constitutional Court scorecard that rates progress on EROL goals for that body	Benchmark outcome indicator. Progress on tab "CC" toward approved and consensed activities, in consultation with USAID and Kosovar stakeholders. Total score possible: 56 over four years (cumulative in parens)	0	0	12	13	TBD	Total Target for Year I = 20
13	Improved performance on scale considering key factors of an acceptable disciplinary system Unit: Scale of 0-3	Outcome indicator. Based on key factors of an acceptable disciplinary system (including ensuring timeliness of disciplinary hearings, the presence of a system for processing complaints and adherence to that system, and a review of sanctions executed against sanctions imposed), a score of 0-3 will be assigned.	TBD	N/A	N/A	N/A	N/A	N/A
2.3 More effective operations of the justice system								
14	# of USG-assisted courts with improved case management Unit: #; listed by site and type of court, as applicable	Standard F outcome indicator and defined by model court norms. KJC to provide operational definition of floor measurement for "improved case management."	10	0	0	0	TBD	15

Result/Indicator/ Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Actuals				Year I Total Target
				Q 1	Q 2	Q 3	Q 4	
15	Ratio of all dispositions to new case filings in courts assisted by USG in the area of case management Unit: Ratio	Standard F outcome indicator applied to the model courts. Shows whether backlogs are increasing. Speed and efficiency of the courts serve as proxies for effectiveness of the justice system and of justice sector actors as a whole.	TBD[1]	N/A	N/A	N/A	N/A	N/A
16	% of cases heard and resolved within 24 months Unit: %	Mission Custom indicator. Similar to standard indicator above, although this one has a 2 year span before being counted.	Data to be collected in MCPs	N/A	N/A	N/A	N/A	N/A
17	More efficient and professional model courts	Benchmark outcome indicator. Progress on scorecard toward measures to improve Model Courts, in consultation with USAID and Kosovar stakeholders. Each MC is subject to 9 standards, with a score of 0-3 on each. Total score possible: 540 over four years (cumulative in parents)	0	0	0	0	TBD	162 (162)
18	Number of strategic plans for justice sector reform adopted with USG assistance.	Standard F output indicator. EROL will work with several bodies to develop strategic plans for justice sector reform, matching priorities with tasks, establishing timelines and benchmarks, and including broad consultation among key stakeholders. They will have sub-plans for departments or divisions as deemed useful and necessary by stakeholders.	0	0	0	0	TBD	KPC- 1 MoJ- 1 KJI - 1 SUM=3

Result/Indicator/ Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Actuals				Year I Total Target
				Q 1	Q 2	Q 3	Q 4	
19	Mean case disposition time in courts assisted by USG in the area of case management Unit: Mean number of months	Standard F outcome indicator. Median case disposition time is measured from filing to the date parties are notified of case resolution by the court. Courts as defined by specific jurisdiction. Tracking the mean case disposition time permits a better understanding of the overall disposition rate of the courts.	TBD from KJC	N/A	N/A	N/A	N/A	N/A
20	Improved administrative performance, as defined from prosecutors' perspectives Unit: % improved	Outcome indicator. Model court and KPC activities should improve administrative performance. Measured through questionnaires given to sample of prosecutors.	TBD upon first data collection	0	N/A	N/A	N/A	N/A
21	Kosovo Judicial Council scorecard that rates progress on EROL goals for that body	Benchmark outcome indicator. Progress on KJC scorecard toward approved and consensed activities, in consultation with USAID and Kosovar stakeholders. Total score possible: 84 over four years (cumulative in parens)	0	0	9	11	TBD	22 (22)
22	Kosovo Prosecutorial Council scorecard that rates progress on EROL goals for that body	Benchmark outcome indicator. Progress on KPC scorecard toward approved and consensed activities, in consultation with USAID and Kosovar stakeholders. Total score possible: 44 over four years (cumulative in parens)	0	0	3	4	TBD	24 (24)
23	Ministry of Justice scorecard that rates progress on EROL goals for that body	Benchmark outcome indicator. Progress on MoJ scorecard toward approved and consensed activities, in consultation with USAID and Kosovar stakeholders. Total score possible: 80 over four years (cumulative in parens)	0	0	11	11	TBD	Total Target for Year I =18

Result/Indicator/ Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Actuals				Year I Total Target
				Q 1	Q 2	Q 3	Q 4	
24	Chamber of Notaries scorecard that rates progress on EROL goals for that body	Benchmark outcome indicator. Progress on CoN scorecard toward approved and consensed activities, in consultation with USAID and Kosovar stakeholders. Total score possible: 26 over four years (cumulative in parens)	0	0	1	1	TBD	(8)
25	Office of the President scorecard that rates progress on EROL goals for that body	Benchmark outcome indicator. Progress on OP scorecard toward approved and consensed activities, in consultation with USAID and Kosovar stakeholders. Total score possible: 30 over four years (cumulative in parens)	0	0	6	9	TBD	Total Target for Year I =12
2.3.1 Courthouse infrastructure improved								
26	# of Court Improvement Plan refurbishment objectives achieved Unit: cumulative #	Outcome indicator. Tracks the impact of the Model Courts' Fund in terms of rehabilitated or improved infrastructure projects. Achievement is equal to completing the plans, and being rated as a "true model court" by raters.	0	0	0	0	TBD	8
IR3: STRENGTHENED MECHANISMS FOR CITIZENS TO REPRESENT THEIR INTERESTS AND HOLD THE GOVERNMENT ACCOUNTABLE								
27	# of page visits per month on the interactive web site on pending legislation Unit: # per month	Outcome indicator. The MOJ web site invites citizen input on legislation. As citizen confidence increases that input is considered, the hits should increase. Difficult to determine whether increased knowledge of site or confidence is contributing to data. Web site registration might request information on both.	0	N/A	N/A	N/A	N/A	N/A

Result/Indicator/ Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Actuals				Year I Total Target
				Q 1	Q 2	Q 3	Q 4	
28	Number of USG-assisted Civil Society Organizations that engage in advocacy and watchdog functions. Unit: #	Standard F outcome indicator. CSOs must be actively engaged in these functions, and be able to demonstrate that they are so engaged.	0	0	0	0	TBD	2
29	# of functioning Public Reception and Orientation Platforms (PROPs) in model courts Unit: #	The PROPs increase transparency and access to information while ensuring that court users are oriented in new systems. To be counted, a PROP must meet TBD standards as tested by auditors posing as court users.	0	0	0	0	TBD	6 (6)
3.1 Increased Professionalism of Citizen Groups and Journalists to Monitor Government Activity and Influence Policy								
30	# of USG-assisted campaigns and programs to enhance public understanding, NGO support and media coverage of judicial independence and accountability Unit: #	Standard F output indicator. Tracks inputs that strengthen those mechanisms focused on public understanding, NGO support and media coverage of judicial independence and accountability. Campaigns designed to support GOK initiatives. Definitions must be shared/vetted with all NGO involved. Targets TBD as grant TORs are accorded with USAID.	0	0	0	0	TBD	

KOSOVO JUDICIAL COUNCIL SCORECARD

Kosovo Judicial Council Scorecard Target/Actual (per Quarter)	Year 1					Description
	Target	Q 1	Q 2	Q 3	Q 4	
Support drafting of implementation plan LoC	2	1	1	2	TBD	Final Draft of the Implementation Plan submitted to KJC for review and comment. Published by KJC December 1, 2011
Rapid assessment to identify focus of efforts (Action Plan)	2	1	2	2	TBD	Action plan completed and draft Implementation Plan of LOC submitted to KJC.
TA to KJC committees	2	1	1	1	TBD	The KJC has not appointed any permanent committees other than the Judicial Discipline Committee. The KJC has appointed various working groups that have been drafting regulations and administrative instructions.
TA to KJC for building strategic alliances						
Support KJC in inter-Ministerial legislation working groups						
Support development of follow-on Strategic Plan						
Support HR functions of KJC						
Define and standardize staff job descriptions						
Staff recruitment/selection standards in place						
Staff promotion standards in place						
Staff discipline/dismissal standards in place						
Internship programs functioning successfully						
Judicial selection procedures improved	2	1	1	1	TBD	EROL provided in the LOC Implementation Plan recommended criterion for the selection and assignment of judges to the Court of Appeals
Judicial evaluation procedures improved	2	0	1	1	TBD	The KJC has appointed a working group to draft a Regulation for Judicial Evaluations in which EROL staff are participating in the working group.
Judicial promotion procedures improved	2	0	0	0	TBD	The KJC has not appointed a Committee for this task
Judicial disciplinary procedures improved	2	0	0	1	TBD	The KJC has advertised for filling the ODC Directors position
KJC database for judicial personnel in use						
Track legislation reviewed by legal office						
Track implementation of procedures for effective court admin						
Case flow, reception, assignment, management						

Target/Actual (per Quarter)	Target	Q 1	Q 2	Q 3	Q 4	
Case files and records standards and procedures						
Attention to court users						
Transparency and information access						
Increased and more effective use of automation						
Assess IT needs, CMIS' contributions/gaps, failure to use	2	1	1	1	TBD	The KJC employed consultants to review the CMIC and made the decision to develop a new CMIS and an IT Strategic plan.
Provide recommendations for system operation						
Minority outreach efforts						
Draft minority access assessment	2	0	1	1	TBD	Draft report on Minority access needs assessment prepared, and submitted for comments to COP.
Draft outreach campaign	2	0	1	1	TBD	Draft Media Assessment to be used as the foundation for the general communications strategy for the KJC prepared and submitted for comments to the COP. Media Relations Guidelines prepared/ submitted to the KJC Secretariat and Spokesperson. Draft proposal for a campaign on LOC submitted to USAID. Meetings with Pristina-based and regional journalists. Contact list of minority media representatives created.
Draft requirements for translator program	2		0	0	TBD	No progress to report on this task this quarter
Totals	22	5	9	11	TBD	

KOSOVO PROSECUTORIAL COUNCIL SCORECARD

Kosovo Prosecutorial Council Scorecard	Year 1					Description
	Target	Q1	Q2	Q3	Q4	
Targets/Actuals (per Quarter)	Target	Q1	Q2	Q3	Q4	
Facilitate development of strategic plan	2	0	1	1	TBD	Agreement and order by Chief State Prosecutor to develop Strategic Plan. Outline provided by EROL to KPC Secretariat for their comment.
Facilitate development of annual plans	2	0	0	1	TBD	To be completed in Q4
Facilitate development of implementation plan and committees	2	0	1	1	TBD	Draft Implementation Plan submitted to KPC and Working Group appointed by KPC to carry out review.
Instruction manual (SOP) with regs, policies, procedures	2	0	0	0	TBD	Draft administrative regulations prepared and submitted
Support implementation of SOP across KPC	2	0	0	0	TBD	
Develop job descriptions/TORs for KPC Secretariat staff	2	1	1	1	TBD	Select job descriptions developed
Train KPC in needs-based budgeting and justification	2	0	0	0	TBD	
Legislative drafting support: secondary legislation	2	0	0	0	TBD	Assistance on drafting of administrative regulations.
Development of new staff training module	2	0	0	0	TBD	
Draft public relations strategy	2	0	0	0	TBD	Weekly consultations with EROL PI Officer to begin in Q4; KJC training on web strategy expected to include KPC in Q4.
Draft public relations training modules and materials	2	0	0	0	TBD	Web strategy training planned for Q4 PR Skills Training planned for Year 2, Q1
Train public relations staff	2	0	0	0	TBD	See above
Support formulation of external/internal communication plans						PR Strategy and protocols development training/TA planned for Year 2
Incorporate public messages into overall outreach activity						
Totals	24	1	3	4	TBD	

MINISTRY OF JUSTICE SCORECARD

Ministry of Justice Scorecard	Year 1					Description
	Target/Actual (per Quarter)	Target	Q1	Q2	Q3	
Legislative drafting						
Draft training modules						
Implement training program in legislative drafting	2	1	2	2	TBD	One workshop completed on public policy analysis and development; one to do on public input and legislative drafting
Draft legislative enactment plans	2	1	2	2	TBD	Public policy analysis and development protocol completed
Define guidelines for public participation	2	0	1	0	TBD	
Capacity development for public participation	2	0	1	1	TBD	Will be suggested as part of legislative drafting workshop
Support for secondary legislation drafting	2	1	0	0	TBD	MOJ is not currently preparing secondary legislation.
International Legal Cooperation Department (ILCD)						
Training needs analysis report	2	1	2	2	TBD	Agreement reached with EULEX for EROL to focus on DILC in civil matters
Develop training modules for ILCD						A two-day workshop on DILC in civil cases planned for 31 January and 01 February
Develop international legal assistance manual	2	1	1	1	TBD	Manual to be presented at workshop on 31 January
Training MoJ officials in implementation of roles	2	1	1	1	TBD	Two-day training anticipated at end of third or beginning of fourth quarter
Complete agreements with interested nations						
Exchanges with EJM and EuroJust						
Litigation Unit						
Training needs analysis report	2	1	1	1	TBD	Three Division for Judicial Litigation attorneys attended preparation and advocacy training conducted by the KJI. EROL prepared a proposal to Department for Legal Affairs to increase the capacity of the MOJ to represent the gvt. in litigation
Develop training modules						
Training in inter-Ministerial coordination for litigation						
Training in oral and written advocacy skills						
ToT for local trainers						
Training in administrative litigation						
Training in civil litigation						
Compilation of training into a reference book						
Totals	18	7	11	10	TBD	

CHAMBER OF NOTARIES SCORECARD

Chamber of Notaries Scorecard	Year 1					Description
	Target	Q1	Q2	Q3	Q4	
Target/Actuals (per Quarter)						Description
Amendments to Law on Notaries drafted	2	1	1	1	TBD	Based on USAID guidance, EROL assistance limited to analysis of Law on Notary (completed in Q2) and assistance to KJC to identify implications of law and plan for transition to new notary system and participation in MOJ Working Group.
Amendments explained to Assembly	2	0	0	0	TBD	
Amendments adopted	2	0	0	0	TBD	
Present draft legislation at founding assembly	2	0	0	0	TBD	
Support to develop a strategic plan for the Chamber						
Develop public relations strategy on Chamber of Notaries						To be completed in Y2, Q1 based on delays in introduction of notary system.
Support creation of public complaint mechanism						
Outreach to minority groups to participate in future exams						
Study visits for notaries						
Totals	8	1	1	1	TBD	

OFFICE OF THE PRESIDENT SCORECARD

Office of the President Scorecard	Year 1					Description
	Target/Actuals (per Quarter)	Target	Q1	Q2	Q3	
Report on justice-related competencies of OP	2	1	1	1	TBD	Select portions of draft report completed.
Establish working group per Project design TORs	2	1	1	2	TBD	Working Groups are already identifiable and operational. This constitutes the technical level group, which is comprised of the representatives from the PO and the KJC and KPC Secretariat.
Support creation of coordination mechanisms	2	1	1	2	TBD	2 Roundtable dialogs conducted to create coordination mechanism at technical policy level. Regulations and Instructions on Judicial Appointments completed and signed into force by each institution thereby creating foundation for coordination in future.
Intra-governmental roundtables	2	1	1	2	TBD	Two roundtables held in 3 rd Quarter: The 1st Intra-Governmental Roundtable on the Judicial and Prosecutorial Appointment Process (11 October 2011) and Second Intra-Governmental Roundtable on the Transfer and Dismissal of Judges and Prosecutors (06 December 2011)
Draft PR strategy	2	0	0	0	TBD	Requested by PO. Pending USAID guidance
Train public relations team members						Pending USAID guidance will be invited to participate in Y2 PR training activities.
Include outreach messages in overall PR strategy						
Support drafting of written protocols/circulars/guidelines	2	1	2	2	TBD	KJC Administrative Instruction on the Submission of Proposals for Appointment of Candidates as Judge drafted and entered into force. KPC Administrative Instruction on the Submission of Proposals for Appointment of Candidates as Prosecutors drafted and entered into force. The PO Regulation on the Appointment of Candidates proposed as Judges drafted and entered into force. PO Regulation on the Appointment of Candidates proposed as Prosecutors drafted and entered into force. EROL provided PO Legal Department with legal research and legal advice on presidential review of legislation, constitutional authority of pardon, and judicial and prosecutorial appointments.
Support agencies to implement protocols						
Train legal officers of OP						
Totals	12	5	6	9	TBD	

MODEL COURTS PROGRAM SCORECARD

Model Courts Program Scorecard		MCs Year 1									
KEY STANDARD		1	2	3	4	5	6	7	8	9	10
1	Reorganize administrative duties between Presiding Judge and Court Administrator	0	0	0	0	0	0	0	0	0	0
2	Develop and implement a Court Training Plan	0	0	0	0	0	0	0	0	0	0
3	Maintain and updated open and closed case files accurately and chronologically	0	0	0	0	0	0	0	0	0	0
4	Develop and implement a plan for reduction of case backlogs in all types of cases	0	0	0	0	0	0	0	0	0	0
5	Develop and implement a plan for compliance with case processing time standards	0	0	0	0	0	0	0	0	0	0
6	Streamline procedures for effective procurement and use of court logistics and supplies	0	0	0	0	0	0	0	0	0	0
7	Enhance court communication with the public	0	0	0	0	0	0	0	0	0	0
8	Improve accessibility and security of court facilities	0	0	0	0	0	0	0	0	0	0
9	Ensure that court proceedings are open and that all that appear before the court have the opportunity to participate effectively	0	0	0	0	0	0	0	0	0	0
Totals		0	0	0	0	0	0	0	0	0	0

CONSTITUTIONAL COURT SCORECARD

Constitutional Court Scorecard	Year 1					Description
	Target	Q1	Q2	Q3	Q4	
Needs Assessment - expertise and information needs of judges	2	1	1	1	TBD	International Conference planned for Year 2
Support program and materials for CC judges drafted	2	0	1	1	TBD	International Conference planned for Year 2
Training modules developed for new CC judges	2	0	0	1	TBD	International Conference planned for Year 2
Support attendance at regional or international conferences	2	0	1	1	TBD	International Conference planned for Year 2
Needs Assessment - training needs for legal advisors	2	1	2	2	TBD	Training needs assessment completed.
Training modules developed for legal advisors	2	1	2	2	TBD	Follow up workshop and new modules planned for Q4
Training provided to legal advisors	2	1		2	TBD	Follow up workshop planned for Q4
Exchanges with international jurists (visits to Kosovo or travel)	2	0		1	TBD	Will be considered as part of the above-mentioned conference
Preparation of research papers for conference	2	0	1	1	TBD	Will be considered as part of the above-mentioned conference
Conference on constitutional jurisprudence and adjudication	2	0	1	1	TBD	Will be considered as part of the above-mentioned conference
Internship program launched (year 2) and monitored (2-4)						
Materials created and distributed as bench references						
Library needs assessed and materials procured						
Training module developed for internet research						
Reference manual created and distributed						
ToT in adult learning principles						
Local and international trainers train advisors together						Q2 workshop with local co-trainer. Q4 workshop will be based on same model.
Local trainers begin to train on their own						
Deploying software for full-text searchable decisions online						
Totals	20	4	12	13	TBD	

KOSOVO JUDICIAL INSTITUTE SCORECARD

Kosovo Judicial Institute Scorecard		Year 1					Description
Target/Actuals (per Quarter)	Target	Q1	Q2	Q3	Q4		
Assessment of KJI structure and curriculum, and their degree of alignment with LoP and LoC	2	1	1	1	TBD	CLEP Assessment submitted. ILEP Assessment visit completed; report expected in Q4. KJI has suspended strategic plan drafting b/c of judicial academy issues. In Q4 EROL will hold roundtable on national judicial education strategy.	
Draft training courses	2	1	1	1	TBD	3 draft curricula prepared: Work of the Judge, Core Competencies for Senior Court Administrators, and Best Practices for Court Administrative Staff	
Training of Trainers (TOT)							
Training of trainers program developed	2	0	0	0	TBD	KJI requested delay of ToT until new instructors are selected for 2012 courses	
ToT program carried out with KJI instructors	2	0	0	0	TBD	KJI requested delay of ToT until new instructors are selected for 2012 courses	
English language TOT training							
Training of trainers program developed	2	1	1	1	TBD	SOW for English language advisor prepared and selection of STTA in process; preliminary list of candidates for TOT program compiled.	
ToT program carried out with KJI instructors	2	1	1	1	TBD	See above	
Training program on OSCE recommendations prepared	2	0	1	1	TBD	OSCE suggestions incorporated in Draft Best Practices for Court Admin. Staff Course	
STTA provided in holding judicial conferences	2	0	0	1	TBD	KJI held national judicial conference with OSCE. EROL/KJI/KJC will conduct 2-day conference with separate follow up conference with PO for Q4 or Y2 Q1.	
Judicial conferences held	2	0	0	1	TBD	See above.	
Develop list of potential local and int'l partner institutions	2	1	2	2	TBD	List prepared and submitted to KJI	
Support development of relationships with institutions	2	1	1	1	TBD	EROL is waiting for further directions from the KJI	
Support to attend international conferences	2	0	0	1	TBD	Research for possible study tour to judicial training conference in DC in 2013.	
KJI website enhanced						SOWs for STTA Website Designer and Database Designer completed. KJI will participate in KJC Web Strategy Workshop in Q4 and follow up with KJI in Y2Q1	
Include reference materials and legal information on site	2	1	1	1	TBD		
Develop test version of KJI website	2	1	1	1	TBD	See above.	
Develop draft database of trainees	2	1	1	1	TBD	SOW for STTA database designer complete. Needs assessment and requirements to be developed in Q4 and Y2Q1 respectively.	
Develop distance learning demonstration course	2	0	1	1	TBD	EROL will propose the Work of the Judge course as a model to test on the e-learning platform following its incorporation into the new website	
Distance learning platform and catalog deployed and in use						Distance learning platform already developed by GIZ. EROL will work to create interoperability with website.	
Totals	32	9	12	15	TBD		

