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## KOSOVO

### EFFECTIVE RULE OF LAW PROGRAM

### Quarterly Progress Report



Felona Bajrami, a first-year law student, reads court information brochures in Braille alphabet. EROL introduced brochures for the blind and sight-impaired community in Kosovo.

**Year 4 Quarter 2**  
**(July 1 – September 30, 2014)**

October 10, 2014

Implemented by  
Checchi and Company Consulting, Inc.  
Contract No. AID-167-C-11-00001

This Report is made possible by the support of the American people through the United States Agency for International Development (USAID).

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**Submitted to:**

Randall Olson, Deputy Director, Democracy and Governance Office  
USAID/Kosovo  
Department of State/USAID  
Attn: Democracy and Governance Office  
1520 Pristina Place  
Washington, D.C. 20521-9520

**Submitted by:**

Kelly Gavagan  
Chief of Party  
Effective Rule of Law Program – Kosovo  
Address: Str Jakov Xoxa No. 46, Tophane, Pristina,  
Kosovo Checchi and Company Consulting, Inc.  
[www.checchiconsulting.com](http://www.checchiconsulting.com)

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## INTRODUCTION

This document describes USAID Kosovo Effective Rule of Law Program (EROL) progress on completion of Year 4 activities and deliverables and expected contributions to life-of-program results during the period Quarter 2 (July 1, 2014 through September 30, 2014). The report also highlights selected project activities, outputs, results, successes, challenges, and opportunities, and provides a snapshot of project accomplishments and the status of milestones as of the beginning of Year 4, Quarter 2, and includes planned work for Year 4, Quarter 3.

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

This report is broken down into the following sections:

- Summary of program progress to date and program highlights
- Description of the 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 broken down by the four programs (see above)
- Brief description of steps taken to ensure environmental regulatory compliance
- Updated information on the status of budget expenditures.

Following the main body of the report is a set of appendices that show the various deliverables, trainings, charts, and PMP scorecards.

## PROGRAM PROGRESS AND HIGHLIGHTS

Backlog reduction activities dominated Year 4, Quarter 2 activities, with EROL's initial efforts fielding teams in two pilot courts showing success and future promise. EROL brought on board sixteen new professional associates, in cooperation with the Gjakova Basic Court and the Podujevo Branch Court (Pristina region). By the end of this reporting period, EROL and the backlog teams were moving toward proving a relatively simple hypothesis – that by engaging more professional associates to reduce judges' administrative workloads, judges would be free to focus on substantive cases, and reduce backlogged cases. The backlog teams' work accelerated through Quarter 2, as they cultivated relationships with the courts' judges and staff, and generally acclimated to the work flow. Backlog team

*"When the backlog team was hired and embedded in our court, I was hesitant about what they could really accomplish and how much assistance they would really provide. These were people new to our court, who didn't know our unique processes and how we work individually as judges and that was concerning. Now, just two months later, I can tell you I am absolutely stunned at what they have achieved, what they accomplish daily and how much assistance they provide to our court."*

**Judge Nikola Komoni**  
**Deputy President, Gjakova Basic Court**

members were not assigned to particular judges in their court. This model enabled them to flexibly move where backlog sits in the courts. As backlog work continues into Quarter 3, EROL will add to and coach its teams to focus on transferring its backlog reduction best practices to court staff so that the manner in which judges and staff prioritize and handle case disposition that will lead to sustained backlog reduction.

Another focus was on regulation drafting and review. Last quarter, EROL began working with the director of the secretariat to prioritize regulations and sub-legal acts needing revision. EROL then assembled an internal legal team, heading by the senior legal advisor, to begin evaluating regulations - some were in need of amendments or revisions, others required near re-writes. EROL now has a structured, iterative review process that includes input from the director of the secretariat as well as policy analysis and feedback from other counterparts. Key regulations were reviewed and re-drafted, then submitted to the council's Normative Committee. This effort moved forward successfully even without a council quorum; regulations must be reviewed by the KJC Normative Committee which then sends them to the council for adoption. Once

council re-convenes, these regulations will be on deck, ready for action. This process of regulation and legal review, analysis and drafting is now a central part of EROL support to the KJC and will continue through the end of the project.

EROL's work on the long term issue of court management and administration, particularly as the judiciary begins working towards a more decentralized organizational structure, will have a significant impact on the courts and the way they are managed. Working with the KJC Secretariat, EROL provided substantial support to initial efforts to identify certain KJC competencies that could be decentralized and transferred to the courts. The Secretariat developed three sub-working groups under the overall direction from the Secretariat's court administration working group. This is another key focus area for EROL through the end of the project.

The KJI working group on the development civil and criminal benchbooks and curricula moved ahead and met significant milestones – publication of both texts is on track for December. EROL also assisted with the development of a new course: procedural fairness. EROL plans to deliver the course to KJI trainers in a training-for-trainers format.

Implementation of improved and sustainable IT solutions continued. First, work began the wholesale re-design of the EROL-developed case registry database. The system basically outgrew its original mandate as a case inventory system set up to help the courts move hundreds of thousands of cases as a result of court re-structuring in 2012-2013. While the database is functional, the demand by judges and court managers for more timely and accurate information is straining the system. EROL's regional court liaisons face increased requests for reports - and as the focus on backlog reduction is a priority, the database as designed allows too many user errors that are not immediately identified. The new application will provide court staff with much more intuitive fields to enter case data (pull down data elements being the one of the major improvements) and a more functional and simple interface for generating reports.

*Note on above: The EROL-developed database is the most complete and accurate source for court information in Kosovo. The data collected on approximately 500,000 pending and closed cases (civil and criminal – but not minor offense or execution) is in demand. It is a regular, and often daily, source of information for the courts, and is used by the Secretariat’s statistical office to verify reporting. In addition, data from the EROL system is routinely shared with other USAID programs that require case related data.*

Under development since early 2014, the KJC’s web portal advanced significantly. The exhaustive scope of the portal – including pages for the Secretariat, the Supreme Court and its special chamber, and all basic courts – required a time-intensive, iterative process coordinating site features, functionality and navigability. To develop initial standardized methodologies for portal updates, data posting, user accessibility, and content management, EROL worked closely with the vendor, the director of the Secretariat, and a core working group from the Gjilan basic court. The portal is now ready for the Secretariat’s fine-tuning and user testing input, and launch is anticipated mid-November.

Stepping up its support to the Advocacy Training and Resource Center (ATRC) and USAID Forward sub-grantees, EROL assisted sub-grantee work plan and report writing, and delivered a communications workshop for sub-grantees on presenting court monitoring findings to the media and public. EROL also held a day-long workshop for the courts’ public information officers focusing on basic techniques for courts communicating through both traditional and social media.

A sixth media and justice round table in Gjakova highlighted court and media relations, with representatives from both sides discussing how to build better rapport. And, EROL accomplished a first this quarter with the publication of court information brochures for the sight-impaired. The brochures were published in Braille alphabet in Albanian, Serbian and Turkish, and according to the director of the Kosovo Association of the Blind, they are the country’s first set of their kind for blind citizens in Kosovo.

The follow-up court user survey field work began. Approximately 1,300 respondents, from all court regions, will be interviewed – at the court – regarding their satisfaction with court operations. The respondents will be asked approximately 30 questions (depending on the nature of their interaction at the court). Questions focus on service to the public, fairness and respect rather than judicial outcomes. In addition, demographic information is requested. Results are expected next quarter.

EROL continued working with the legal department’s advisors at the Office of the President, completing the revision of legislative guidelines and drafting an introductory preface to the reference work. EROL plans to publish the guidelines in cooperation with the legal department. At the Ministry of Justice, EROL activities were largely on hold at the State’s Advocate’s Office, with no state advocate yet in place. And, with no new Minister of Justice seated after Assembly elections, progress toward amending the justice sector laws were delayed, although EROL is ready to assist with drafting and review when the situation changes. Thus, EROL is scaling back – generally by project design – on work at the Office of the President and the Ministry of Justice.

The lack of a Council quorum significantly affected the KJC's ability to proceed with work (both theirs and EROL's). By the end of August, the Council was unable to fully act, and important work such as adopting regulations and other sub-legal acts, or appointment and evaluation of judges, was interrupted. The challenges posed because of the lack of quorum will continue. Five council positions are vacant and the Constitution requires that the Assembly fill them. Two positions have been open for more than two years, due in part to the lack of a procedure within the Assembly for making such elections. The judiciary could be severely damaged if the present situation continues. EROL undertook preparation of a slate of possible judicial candidates meeting Constitutional requirements for these positions, through the KJC and the Chamber of Advocates. The plan was to submit them to the Assembly's secretary so that everything necessary for the Assembly to act to fill the vacancies would be in place once it convenes. EROL's plan was modified by the Council which decided to submit 130 names of judges, making it difficult for the Assembly to use this information effectively. Nonetheless, EROL, along with EULEX and the EU Office in Kosovo, will continue to work together to educate the Assembly as to the severity of the problem, and to induce it to act to fill the vacancies once it is seated.

The KJC secretariat's ambitious decentralization initiative began this quarter. This process will challenge the KJC for some time – it is complex and weaves staffing and resource decisions together in such a way that it will be difficult to know the full ramifications in the short-term. EROL has had significant, constructive discussions with KJC and the Secretariat regarding optimal ways forward while acknowledging potential, significant risks. At the same time, this process is an EROL opportunity. The KJCS director recognizes that measurable success will not be achieved without the project's input. As decentralization moves forward, EROL will be heavily involved in the decentralization process through the remainder of the project.

The flat reporting structure of the secretariat makes it difficult for timely, reasoned decisions to be made generally, and almost unworkable in the absence of the director. For example, the need to obtain input on the KJC's web portal slowed development as EROL waited for information/feedback from an EU expert advising the Secretariat on publication of case decisions on the portal. (Note: EROL is moving forward with designing a template for the KJC and courts so that case decisions can eventually be added to the web portal, but this solution is imperfect.) In addition, the KJC Secretariat is also preoccupied with a myriad of "outside" issues, such as visa liberalization and EU accession. Combined, the increasing demand for decision-making coupled with a relatively inefficient decision-making model remains a challenge.

EROL continued to advance KJC and court public information officer training and implement a comprehensive communications strategy - one of the KJC's last acts prior to having no quorum was adopting the strategy. However, progress on implementation is slow. PIOs' lack of formal education in public and media relations, and the fact that some were recruited into the position without an understanding of its demands, will continue to impede PIO capacity to work with court presidents to provide the public with quality and accurate court information. Even so, EROL does recognize the outstanding contributions made by the PIOs at the Court of Appeals, Gjilan Basic Court and Constitutional Court. EROL will continue to use them as advisory and training resources for other PIOs.

The KPC was also sidetracked with organizational issues this quarter. With the selection of a new chief state prosecutor/council chair set aside by the Constitutional Court, the Council appointed an acting chief and

continued to meet. However, several key activities were postponed until the election of a new chief – including adoption of a strategic plan and a communications plan. EROL anticipates once the new chief state prosecutor is named, support on governance and policy issues will move forward.

The courts' case backlog remains a high priority and a significant challenge. EROL is working with two courts to review cases files and get them moving through the system to closure. Initial results are promising (detailed in the model court section), and EROL will use this opportunity to work closely with professional associates (similar to law clerks or staff attorneys) on procedures to speed up the case processing model. One challenge this quarter has been the absence of judges over the summer months. Access to case filed is sometimes limited when the judges are gone. As of the end of the quarter, most judges were back and the teams were working at full capacity.

The situation was unchanged at the MOJ's State Advocate's Office (SAO). EROL remains committed to providing training and support to state advocate attorneys once a state advocate is appointed and provides direction as to training needs

EROL learned early in 2014 that a potentially competing EU project was undertaking design of a case flow management initiative similar to the one EROL was coordinating with the KJC, courts and KJI. EROL met on several occasions with the EU project – Further Support to Kosovo Legal Education – to identify possibilities for both projects to compliment or supplement their work on the momentous task of advancing Kosovo's professional court administration. In Quarter 2, EROL agreed to lead updating policies and procedures regarding effective and efficient court management, while the EU project committed to addressing curriculum development and job descriptions. EROL and the EU project will continue this joint cooperation through Quarter 3.

EROL continued tracking events affecting the North. Gaining access to judicial and justice sector actors in the North has been a challenge. EROL began discussions with senior level judges (Supreme Court and Constitutional Court) who are Serbian to try and make inroads. EROL is working with these judges to develop low-key, non-invasive communications channels so that the issues facing potential judges from the North can be discussed and strategies developed to address them. As the Kosovo government works through its current political issues, EROL will be laying the ground work to rapidly (as possible) assist the KJC and the courts in the North become operational.

## ACTIVITIES

### OBJECTIVE 1: EFFECTIVE OPERATIONS OF JUSTICE SECTOR INSTITUTIONS

#### 1.1 KOSOVO JUDICIAL COUNCIL

On August 31, the KJC lost its quorum. No solution to this situation is anticipated in the short term, since all five Council vacancies must be filled by the Assembly, which was dissolved after elections in June in which no party received a majority of votes. Efforts to form a coalition among three parties other than the party receiving the most votes were challenged in the Constitutional Court by the party with the most votes. The court's decision had not resolved the crisis in government by the end of the second quarter. No Assembly was seated; no end to the standoff can be foreseen.

EROL led KJC efforts to seat Council members by preparing the Assembly to act as soon as possible. EROL assisted development of a list of potential judicial candidates for the vacant positions, even though the judiciary is

not obligated to do this. EROL provided the Assembly with a short roll of potential qualified candidates to make the Assembly’s job easier since it has no internal process for electing members to independent bodies such as the Council. Unfortunately, instead of considering the short list recommended by EROL, the Council voted to forward the Assembly approximately 130 judges’ names, complicating and probably slowing the Assembly’s selection whenever it is finally constituted and operating.

Despite this crisis, EROL’s work this quarter continued on several important activities. With substantial EROL support, the Council approved a package of Communications Strategy documents, and EROL trained the court PIOs on the new strategy. The KJC’s web portal neared completion by the end of Quarter 2, under EROL’s close coordination of the vendor’s work, and KJCS and court working group input. A key KJCS activity, its working group meetings to decentralize personnel, budget and finance, and procurement and logistics activities, was guided by EROL’s technical support. And, EROL took the lead in drafting a number of regulations for submission to the council’s Normative Committee. By quarter’s end, EROL had reviewed one regulation and a revised code of judicial ethics to submit to the committee; the committee in turn reviewed them, and they are now ready for Council’s approval. EROL is in process of drafting 11 more regulations. Finally, two backlog reduction teams are at work in the Gjakova Basic Court and the Podjuevo Branch Court of the Pristina Basic Court, under EROL supervision. These teams are showing impressive results in closing cases by reviewing files and preparing documents for judges to dispose cases.

Moving a number of regulations and other sub-legal acts from initial drafting through the Normative Committee, and finally to Council, has been a slow process inhibiting efficient operation of the judiciary. The secretariat’s legal department has delivered low-quality drafting, slowing the process and often resulting in poor final products. Based on discussions with the director of the secretariat, EROL this quarter assembled an internal team to accelerate this process by preparing initial drafts of agreed-on regulations. This technical assistance is essential for the KJC and its internal administrative mechanisms to fulfill Constitutional mandates ensuring the independence and impartiality of the judicial system. EROL has offered to coordinate efforts with the legal department to build its capacity to the extent possible, reviewing laws, conducting initial discussions with the key KJC personnel for policy direction, review of international best practices and regulations in other countries in the area, and preparation of initial drafts for the Normative Committee. The director has declined the offer for now, stating that the legal department is preoccupied with other tasks.

EROL and the director identified several key regulations under the Law on the Courts and the Law on the KJC. In Quarter 2, EROL finalized three of these normative acts - a draft regulation for recruitment of candidates for judges from non-majority communities, - the code of ethics for judges and a regulation on the transfer of judges. The first regulation and the code of ethics are expected to be adopted by the Council once it is able to function. The third will be combined with a regulation on the internal appointment of judges and will include guidance for judges defining a career path for them within the judiciary. Several more are in progress and the remainder of the initial group of regulations is slated for completion in Quarter 3.

The chart below summarizes regulations EROL has committed to drafting, and their status:

Name of the Regulation	Status of work	Estimated timeframe
Regulation on Ensuring Representation and Recruiting Judges from Non-majority Communities	Draft completed; reviewed by the Normative Committee	Completed – ready to present to the Council

Code of Ethics for Judges	Draft completed; reviewed by the Normative Committee	Completed – ready to present to the Council
Regulation on the Transfer of Judges (art. 4.1.5), Including the Regulation on Appeals Against Transfer Decisions (art. 20.6)	Draft completed and translated into English	Completed – ready to present to the Council (Note: the regulation may be expanded to include internal appointment processes)
Regulation on Removal of Court Presidents and Supervising Judges	Draft amendments of the KJC Regulation on the internal organization of the courts are in process	October 2014
Regulation on the Appointment of Lay Judges	Draft is being prepared	October 2014
Regulation on the Performance Assessment of Lay Judges	Draft is being prepared	October 2014
Regulation on the Publication of Decisions of the Court of Appeals and Supreme Court	Drafting to start in October	October 2014
Regulation and Procedure for Disciplining Council Members	Drafting to start in October	November 2014
Regulation on KJC-Secretariat Internal Organization and Functions	Drafting to start in November	November 2014
Regulation on Conducting the Preparatory Exam	Drafting to start in November	November 2015
Regulation on the Organization and Functions of the Office of the Disciplinary Counsel	Drafting to start in November	December 2015
Regulation on Determining the Number of Judges in Courts, and Court Staff	Drafting to start in December	December 2015
Regulation on the Management and Disclosure of Information Retained by the Kosovo Judiciary	Drafting to start in December	January 2015

A key activity of EROL with the KJC this quarter was its role in a working group to develop a plan for delegating certain administrative competencies from the secretariat to the basic courts. EROL, along with EULEX advisors, committed to drafting amendments to regulations and instructions to support this decentralization, and EROL also provided guidance on the substantive issues involved in the process. The first meeting of the working group led to the formation of three sub working groups for personnel, budget and finance, and procurement and logistics. Each has met, with EROL participation. At the end of the quarter, EROL submitted an analysis of the process to the director of the secretariat. It is too early to determine how successful this process will be, or what the final organization will look like, but it will most certainly last beyond the life of EROL. EROL will continue its substantial input through the end of the project.

With the KJC's strategic plan approved by council last quarter, the Secretariat was supposed to hire a new staff member to monitor its implementation. The position was advertised, but as of the end of this quarter, no acceptable candidate had been selected; thus there is yet no mechanism in place for implementing and monitoring progress against the strategic plan.

The judicial web portal design and implementation neared completion this quarter. The vendor will continue fine-tuning the portal's technical and navigational functionality; EROL has contributed significant guidance to this effort, and to the KJCS with setting policies and protocols governing the portal's content. Training court and secretariat personnel is set to begin by the beginning of Quarter 3, with the Gjilan Basic Court working group taking the lead populating its page that will guide other courts in the process. The web portal is a single site of

pages providing the public access to information for each court, the Council and the Secretariat. These pages feature basic information such as contact information, hours and court schedules, and real-time job postings and instructions for obtaining forms and filings. Certain court decisions will be added in the near future as soon as guidelines for doing so are completed. Care has been taken to comply with all laws protecting personal privacy rights as well as all laws requiring public dissemination of information. The portal also includes internal access for the Secretariat and each court, with a suite of tools to update content, add files such as meeting minutes or laws and regulations, and general announcements. A discussion forum will also be available for internal conversations on pre-defined topics. The portal enables virtual dissemination of KJC and court information, to the extent previous efforts had hardly reached; it also helps the KJC and KJCS satisfy EU accession requirements for open and transparent access to justice sector information.

The communications strategy EROL developed with the KJC and the courts was unanimously approved by the council during its last meeting this quarter. The strategy encompasses regulations and instructions which were adopted by the council. The instructions outline obligations for court staff (particularly PIOs) in using modern media technologies and public relations best practices to ensure that Kosovo's court system is accessible and responsive to the public. The comprehensive package includes six documents - the KJC Communications Strategy, the Communication Strategy Implementation Plan, the KJC Media Guidelines, the KJC Crisis Communications Plan, the Regulation on KJC Communications Coordination Office, and the Regulation on the Court Public Information Officers. This work is the finalization of a thorough process conducted by EROL, in collaboration with the KJC, court presidents and staff, and public information officers. The communications strategy documents aims to improve and streamline all communications activities of the KJC and the courts.

EROL implemented its initiative proposed in Quarter 1 to review in selected courts backlog case files, research issues and draft status memos for the judges assigned to the cases along with recommended orders. Two courts were selected for the process – Gjakova Basic Court and Podujeva Branch Court of the Pristina Basic Court. The respective courts and the KJC approved the project. EROL is funding the project and the team members are EROL staff. The teams are overseen by lawyers to ensure quality and compliance with the internal process and all laws and regulations. More detail on the backlog reduction team initiatives is provided in the Model Courts section of this report.

EROL continued its excellent relationship with EULEX advisors to the KJC. Human Dynamics, with whom EROL has worked together collaboratively in the past, reached the end of its mandate. The project was extended until 2016, and a contract was signed shortly after the end of Quarter 2. EROL will now work with HD to assure that its work plan does not conflict with EROL's. EROL continues to be committed to maintaining collegial relationships with its European counterparts, and working with them on mutually synergistic activities.

## 1.2 KOSOVO PROSECUTORIAL COUNCIL

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The Kosovo Prosecutorial Council suffered a major setback thwarting its leadership and operational advancement. The process for selecting a new chief state prosecutor/council chair was challenged by two unsuccessful candidates in the Constitutional Court. The court directed the Council to hold another election, in conformity with its decision. There was not time enough for an election in conformity with the Constitutional Court's decision before the mandate of the sitting chief state prosecutor ended so that Council was compelled to appoint an acting chief state prosecutor. By the end of Quarter 2, the acting chief was in place, but the changes to the election regulation

necessary to conform to the Constitutional Court decision have not been done, and Council is unlikely to accomplish this before the end of the third quarter.

The Council failed to consider and adopt its strategic plan this quarter due to the election of a new chief state prosecutor. The plan is unlikely to be addressed by the Council by the acting chief heading the organization. EROL will approach the Council's administrators with counterpart Human Dynamics to seek approval on changes to the existing draft so that it can be ready for submission to the council once new leadership is elected. EROL expects to continue its strong collaborative relationship with Human Dynamics once its contract with the EU is in place.

The Council's administrators and its director of communications have expressed interest in EROL's support next quarter for finalizing its communications strategy, in a manner similar to that adopted by the KJC. EROL will provide this assistance once the KPC is ready to start the process, and work collaboratively with the director of communications and public information officers, and other key personnel to complete a suite of communications documents so that the KPC's dissemination of information to the media and public consistently improves.

### 1.3 MINISTRY OF JUSTICE

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EROL continued preliminary plans to provide technical assistance to the SAO on various levels once the state advocate is appointed and the office staffed. Plans include drafting and enactment of SAO regulations, refining case management and database capabilities, development and presentation of an orientation program for SAO staff, and a trial advocacy skills training program for SAO attorneys. As of the end of this quarter, the state advocate had not been appointed.

With Assembly work hindered by inconclusive election results, the appointment of a new justice minister is also on hold. Further EROL work on the four justice sector laws, such as the Law on Courts and the laws on the KJC and KPC cannot proceed until new MOJ leadership is in place. EROL is ready to support the ministry and its institutional counterparts in amending the justice sector laws once the new Assembly is constituted and begins acting.

### 1.4 OFFICE OF THE PRESIDENT OF THE REPUBLIC OF KOSOVO

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The president's legal department reviews legislation enacted by the Assembly that may impact citizens' human rights and other fundamental international legal norms. This quarter, EROL supported the legal team's efforts to complete its legislative review guidelines that include procedures related to evaluating laws enacted by the Assembly. These guidelines will lend a consistent approach to the promulgation of law in line with Kosovo's Constitution. They focus on steps for the legal department's consistent adherence to international best practices and standards during legislative review. The guidelines also provide the legal department instruction vis a vis public policy considerations in context of prevailing circumstances and timeframes. The guidelines are not an exhaustive 'how-to' manual; rather, they raise important matters which to be considered in light of potential complexities of each review. EROL contributed considerable support to editing the guidelines and drafting a preface to the text. EROL will complete the publication's technical formatting in Albanian, Serbian and English, and distribute them to the president's legal department.

Next quarter, EROL will continue its work with the president's office on assessing appointment processes for judges and prosecutors. The assessment coincides with EROL's review of KJC regulations that impacting

executive competencies such as judicial transfers, and judicial and prosecutorial appointments. EROL will work more closely next quarter with the president’s legal advisors on these regulations, and propose recommendations to the president’s office, the KJC and the KPC when appropriate.

## OBJECTIVE 2: INCREASE THE EFFICIENCY OF COURT OPERATIONS

### 2.1 ASSESS AND AMEND MODEL COURTS PROGRAM STANDARDS AND PROCEDURES

Following foundational work completed earlier this year, EROL successfully embedded two teams of legal associates in the Gjakova Basic Court and the Podujevo Branch Court. EROL also continued focus on the KJC’s court administration working group, facilitating efforts between the courts and the KJCS to improve backlog reduction action plans, an activity that will grow further next quarter. EROL provided targeted assistance to individual courts as needed, and continued working with court staff using the EROL-developed database, which is undergoing an extensive upgrade to improve user-friendly features.

Backlog reduction teams in Gjakova Basic Court and the Podujevo Branch Court started up and hit their stride by the end of Quarter 2. The eight-member teams are lawyers, with most having experience working in the courts. Early next quarter, two additional team members will join the court in Podujevo, and three will begin in Gjakova. The new staff will focus on backlog cases that are final decisions, but the decision has yet to be served to the parties, effectively stalling the appeals period and adding unnecessary delay to full disposition. EROL estimates that there are some 5,500 current and backlog civil and criminal cases between the two pilot courts.



Civil judge Binak Duqi working with the EROL backlog reduction team at the Podujevo Branch Court.

The backlog teams work collectively in both courts, sharing case loads. The cases are distributed evenly among the team, with skills-building among staff covering cross-training between the civil and criminal case types. Based on the courts’ workloads, the Podujevo team focused primarily on the criminal cases, while in Gjakova, staff focused on civil cases. Below is a summary of backlog reduction team activity through the end of Quarter 2:

#### Gjakova Basic Court

- Number of cases with required action steps completed: **697**
- Number of cases with more than one action step completed: **40\***

- Number of cases with no action ever completed by the court: **402\*\***
- Number of cases completed: **100\*\*\***
- Criminal and civil case types handled by the backlog team: **89% civil; 11% criminal**

### **Podujevo Branch Court**

- Number of cases with required action steps completed: **1266**
- Number of cases with more than one action step completed: **401\***
- Number of cases with no action had ever been completed by the court: **27\*\***
- Number of cases completed: **138\*\*\***
- Criminal and civil case types handled by the backlog team: **15.5% civil; 84.5% criminal**

\*These cases have two or more required steps completed since the backlog team arrived, ie: sending decisions for response, scheduling hearings, etc.

\*\*No action indicates that the case management process had stalled following assignment to a judge.

\*\*\*A final decision/judgment was entered and expedited to the parties.

During the first two months of backlog reduction pilots, several challenges were identified and resolved. In August, judges from both courts took extensive vacations, restricting access to many case files. The absence of judges underscored the need to implement a true central case records office with more consistent access to cases files, whether or not the assigned judge is in the office. Some judges hesitated to provide the backlog teams case files, slowing the review process and the volume of cases successfully handled during the start-up period. By the end of the quarter, the teams had gained the confidence of most judges, although a few continue to hold resolved cases back in order to build a buffer for their next month's norms. This issue is being addressed by president judges, as it runs contrary to an MOU signed by EROL, the KJC and the Gjakova and Podujevo courts.

In Podujevo, EROL discovered a lesser number of cases subject to statute of limitations than originally estimated. EROL first expected that about 30% of the Podujevo backlog were cases subject to the statute of limitations, and could be quickly closed. However, the KJC's policy prohibits judges from counting these cases towards their monthly norm, effectively deterring judges from handling these cases, even though they make up a significant piece of overall caseloads. In Quarter 3, EROL will begin working with the KJC to find a mutually agreeable solution to this issue so that these cases are resolved in a timely manner.

In Gjakova, the court implemented cost-saving policies such as double-sided printing to reduce the amount of paper used. This simple measure will be implemented in Podujevo next quarter. Another problem that sometimes interrupted backlog team were power cuts and internet outages. These are resolved as quickly as possible, through the joint efforts of EROL and court IT staff.

Following successful start-up of the backlog teams, EROL was invited by the KJCS to review and improve the courts' backlog reduction action plans. EROL worked with the Peja Basic Court to strengthen its plan by inserting case disposition projection charts that illustrate court workload status over time based on case intake and resolution rates. This data was used to craft tangible action steps that are measurable and can be monitored, with real impact on backlog. The action steps included moving two judges from civil to the criminal matters, and subsequently moving an experienced criminal trial judge to the serious crimes department. Additional steps followed, including setting a meeting schedule for the backlog reduction committee, increasing the norms of the

serious crimes judges, maintaining average resolutions within the civil area (the court's current average is higher than the required norm) and reallocating administrative staff to case categories failing to meet a 1:1 resolution rate, while increasing the court's goal to 1:1.25.

In Pristina, the basic court has no written backlog reduction plan. EROL jump-started this effort in Quarter 2, meeting with the court's president and the director of the Secretariat. EROL worked with the court and KJCS staff on statistical reporting for initial analysis; this will enable EROL in Quarter 3 to collaborate with the court to produce reasonable resolution rate projections for various case categories. EROL will draft the plan with the goal set at a 1:1.25 case disposition rate achieved within 36 months. EROL is also providing technical assistance on backlog plans to the Prizren, Gjilan, Ferizaj and Gjakova courts. These courts forwarded their current plans to EROL in late September for review and revision next quarter.

One backlog issue identified this quarter is minor offense cases in the Glogovc Branch Court. This court has failed to register almost all (approximately 95%) of its minor offense cases in 2014. This situation arose as the court decreased minor offenses staff after Kosovo's court re-structuring in 2013; at the same time, the area around the court experienced a significant increase in filings due to its proximity to a highway producing a large number of traffic violations. EROL will work through next quarter with the court and the KJCS to pinpoint a sustainable solution the court can manage.

As part of the backlog reduction and overall case processing initiatives, EROL worked with the KJCS to define a scope of work for a reporting and statistics advisor. The advisor will convene a working group to completely re-write the current reporting and statistics policies, procedures, forms and content for all internal and management reporting for the courts. The advisor will arrive midway through Quarter 3, and will ultimately draft a detailed reporting manual for all Kosovo courts. This work coincides with the re-design of the EROL-developed electronic case registry database, underway in Quarter 2. The re-write includes user-friendly features, and more exhaustive reporting capabilities enabling judges and administrators to more effectively manage their courts' statistics. Work on the database will be complete early 2015, with user training to follow.

EROL continued guiding the Court Administration Working Group's efforts on court administration curriculum development. The group includes members from all Kosovo regions, all court levels, and all position types within the court and the KJCS, as well as representatives from the EU-sponsored court administration project, the Norwegian-sponsored CMIS project and the KJI. Significant progress has been made through a series of working group meetings designed to analyze the gaps between the current state and best practices of caseflow management, and create a unified strategy for backlog reduction and improved judicial workload. Next quarter, the working group will begin developing criteria and standards for court management that are tailored to Kosovo. The group will submit proposals and recommendations to the KJC and KJCS on ways to improve the organization of court operations. In conjunction with these activities, EROL will guide the working group in updating a "*Manual on Court Management and Standard Operating Procedures*." As the decentralization process is unfolding, the timing is excellent for coordinating the manual's revision alongside the formation of new responsibilities being delegated to court administrators. EROL is actively collaborating with the EU-Further Support to Kosovo Legal Education Reform project charged with developing the KJI court management curriculum to ensure consistency and accuracy between policy and curricula.

## 2.2 SELECT AND IMPLEMENT MODEL COURTS PROGRAM IN THE COURTS

EROL has successfully refurbished 15 courts in Kosovo. This quarter, EROL completed renovation of branch courts in Shterpce and Malisheva, with the Shterpce Court inauguration held in September. EROL is on track to complete all of its planned court refurbishments by next quarter. In addition, EROL has budgeted for and is prepared to begin work immediately on the two remaining courts in Zubin Potok and Leposavic, should talks in the North reach an agreement.

In Shterpce and Malisheva branch courts, refurbishment followed international model court standards, featuring two new records management offices, new courtrooms (two in Shterpce and three in Malisheva), detention rooms and restroom facilities for detainees, and deliberation rooms and attorney/client meeting rooms. Spacious archives areas were also remodeled, as well as secure office spaces for judges and other administrative staff. As with other court refurbishments, EROL paid great attention to accommodating persons with disabilities, including ramps, lowered public service windows and counters, and modified bathroom facilities. The work resolved the operational and administrative challenges, including public posting of case filing procedures, electronic displays with current court hearings, schedules and locations, and additional signage directing litigants and attorneys. Renovated archive space enabled courts improved record keeping and better customer service for citizens and attorneys requesting case file information.

The Malisheva Branch Court inauguration will take place early in Quarter 3, with the last model court refurbishment - the Klina Branch Court - completed in November. Through the end of the project, EROL will revisit several courts to check for any issues with the renovated buildings.

## OBJECTIVE 3: IMPROVE PROFESSIONALISM OF JUSTICE SYSTEM ACTORS

### 3.1 KOSOVO JUDICIAL INSTITUTE (KJI)



President and supervisory judges learn about judicial bias presented by Judge Kevin Burke from Minnesota.

There was significant collaboration and progress on the KJI's the civil and criminal benchbooks. Both working groups completed their initial drafts so that the benchbook advisor could focus on substantive editorial review. The working groups and advisor met online, and shared documents using a collaborative work space to communicate. To maintain momentum, both working groups will meet with the advisor next quarter to finalize their respective texts by December. EROL will continue to support and improve KJI capacity to initiate, monitor and guide these types of editorial works.

EROL continues to assist KJI with developing curricula and delivering new courses applying adult education best practices. This quarter, EROL developed and delivered a new course on

procedural fairness and judicial bias to judges and KJI faculty. The curriculum was well-received, and focused on

factors impacting perceptions of procedural fairness, the key components of procedural fairness and how judicial behavior supports or detracts from these, including the importance of effective judicial communication skills. Participants also learned about the dangers of implicit bias on fairness, public trust and confidence and access to justice.

Additionally, EROL was asked on two occasions to deliver its resilient leadership course, developed by EROL, for participants from the KJI and the KJCS CMIS project. Both groups were exposed to the fundamental principles of stress management in the context of leadership and teambuilding exercises designed to improve communication and project management in the court environment. In response to the positive feedback from participants, the KJI director requested EROL conduct the training for judges and prosecutors attending the Initial Legal Education Program (ILEP), and pilot an eLearning version for judges, prosecutors and court staff.

EROL continues to vigorously support KJI staff development. A study tour to the National Judicial College (NJC) in Reno, Nevada is planned for November; the study tour's focus is to learn and adopt NJC's experience in designing quality training curricula, conducting needs assessments and program evaluations, and developing effective eLearning programs. NJC will also discuss leadership methods for ensuring sustainability of judicial branch institutes.

EROL also began work on a major revision to KJI's training-of-trainers program and Faculty Development Handbook. This effort supports faculty and staff capacity to design quality curricula and implement training using modern adult learning methods. The enhanced ToT includes modules on designing curriculum and planning lessons, assessing student needs, developing learning objectives, evaluating learning and program outcomes, and identifying and utilizing instructional strategies such as case studies, mock trials, role plays, simulations, videotaping, practice sessions, structured discussions and other experiential learning methodologies. A series of TOT's and workshops, planned for the remainder of Year 4, will provide KJI with the capacity to design advanced curriculum, filling gaps in their training program, along with tools to lend greater sustainability. EROL also began developing a staff orientation manual at the request of the KJI director. The manual addresses fundamental adult education issues, and will be completed next quarter.

*"I love my job as a judge. Judge Burke taught me that one of my leadership responsibilities is to encourage others to love their job too, and motivate them to be highly committed. I really want to say a great thanks to USAID and EROL for all the support and for providing the judiciary with the opportunity to hear useful practices through trainings. These are so important to supporting the courts' mission."*

**Kada Bunjaku-Percuku**  
**President Judge**  
**Mitrovica Basic Court**

## 3.2 CONSTITUTIONAL COURT

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EROL and the Constitutional Court charted considerable progress upgrading the court's case-tracking database. The court's IT staff, the vendor that is re-writing the database, and EROL worked to draft the agreement outlining the vendor's responsibilities for the design, development and hand-over on project completion. The agreement specifically spelled out the court's ownership of the database's code, and terms of confidentiality. Even though the EROL-vendor agreement included these terms, the court insisted on a separate agreement binding the vendor and its work. The court's IT director was actively involved and worked closely with the vendor on phase one specifications. The vendor complied with all of the court's recommended changes, particularly with migrating

archive data – the data migration will begin next quarter and include coding more than 1,000 cases in the current application before moving them to the new one. The vendor also re-configured the original database interface, so that it should be ready for testing in November. The court’s legal advisors will be included in database testing and training before the new application is rolled out to all court users.

EROL will deliver training for the court’s legal advisors early in December. EROL this quarter met several times with the court’s chief legal advisor to draft the training agenda, which will include a workshop with the Supreme Court’s legal advisors as well. A US federal judge/advisor and his clerk will conduct the training; during a workshop hosted by EROL earlier in 2014 to amend the court’s rules of procedure, EROL’s federal judge-advisor had recommended a significant change to language of an article concerning legal advisors’ work and role vis a vis judges. The workshop will address strengthening the legal advisor’s role and re-defining a mutual partnership with judges in which legal advisors contribute much more substantial support to judges, including legal opinion and analysis in memos and briefs, similar to US law clerks. The program will include joint sessions with the court’s judges and legal advisors. The court’s chief legal advisor is leading design of the training content and materials. EROL will provide technical assistance supporting this activity through Quarters 3.

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

### 4.1 STRATEGIC ACTIVITIES FUND

In Quarter 2, EROL provided on-going technical assistance and coaching for the Advocacy Training and Resource Center (ATRC), and its sub-grantees, in support of the USAID Forward grant program. In early July, EROL delivered a two-day workshop for 12 sub-grantees to improve their communication and messaging to justice sector institutions and the public. The workshops provided sub-grantees an opportunity to learn and discuss the importance of communicating their court monitoring activity with the donors, media, and the general public. Instruction focused on building solid media and public relations plans, how to plan and organize press conferences, how to prepare for interviews (including a TV interview role-play), how to tell success stories, and how to use social media proactively to inform the courts and their communities. Participants gave the workshop top marks, as most had never had formal communications training. One sub-grantee said that practicing a TV interview was a first, providing the opportunity to be an interviewee and assess his performance, while another participant said he had no idea how to make the best use of Facebook for his organization until the workshop. Workshop participants included 12 Albanians and 3 Serbians; 8 participants were men, 7 were women. EROL is planning to follow-up this training in Quarter 3 with targeted public and media relations assistance to individual sub-grantees.

EROL also assisted ATRC’s sub-grantees with drafting their court monitoring reports. EROL met with 12 sub-grantees to understand their organizational needs and provide one-on-one assistance. During these meetings, EROL discussed court monitoring report content and format. EROL thoroughly explained all the technical aspects of the report, and how to use charts and how to detail project methodology, and how to divide sections within the report. Most importantly, EROL discussed writing specific recommendations so the final product would be understandable and useful not only to judiciary, but also to the public. NGOs agreed sent their draft monitoring report to ATRC and EROL for feedback and further comments, before publishing them in Quarter 2 by the end of their projects.

EROL continued to include civil society sub-grantees in project activities, such as court refurbishment inaugurations. In September, the Shterpece Branch Court’s inaugural event included a panel discussion on role of the courts in protecting and advancing access to justice in Kosovo. EROL invited ATRC sub-grantee LISI from Shterpece, an organization monitoring that to contribute to the panel’s dialog.

EROL planned ATRC senior staff’s participation this reporting period in a grants management training program specifically tailored for non-US NGOs working with USAID grant funding. The training focused on compliance with USAID rules and procedures. Due to issues obtaining visas, ATRC senior staff was not able to attend the London workshops. EROL is evaluating other locations where the same training is provided.

#### 4.2 PUBLIC RELATIONS & OUTREACH

EROL’s assistance to the KJC, the courts and the KPC continued with outreach covering a broad spectrum of activities in Quarter 2. These are detailed below. EROL focused this quarter on building counterparts’ capacity to increase the public’s timely access to court information and services.



Public information officers Aishe Qorraj Berisha (KJC), Antigona Uka Lutfiu (SCt) and Selvane Bukleta (Peja BC) discuss ways to present positive news stories and to work in coordination with journalists.

EROL’s training for public information officers (PIOs) this year has graduated from the basics of public and media relations to implementing more sophisticated communications techniques. EROL’s workshop for justice sector PIOs was delivered by a U.S. municipal judge/advisor. The advisor focused PIOs on the effective strategies to increase the public’s understanding of the courts. He discussed proactive use of both traditional and social media to create relationships with the media, so that with PIO assistance, journalists seek out the positive news instead of regularly focusing on negative reporting. PIO workshop participants were from the Constitutional Court, the KJC and KPC, and the basic courts from Mitrovica, Gjilan,

Peja, Prizren and Ferizaj. Attendees also included the personal assistant to the director of the secretariat, who assists the director public communications.

EROL hosted its sixth round table for justice sector, civil society and media representatives this quarter, providing a forum for counterparts in this region to dialog openly about improved communications among themselves and to the public. The Gjakova Basic Court president opened the discussion, emphasizing the court’s continued work toward accurate and transparent information delivered to the public. Two local NGOs – USAID Forward sub-grantees Femrat Aktive të Gjakovës and Lëvizja FOL – presented their findings and recommendations on open access to the court. A public information officer’s position has been open in Gjakova for some months – the KJC has said qualified individuals have not responded to its call for applicants. The court president during the round

table renewed emphasis on staffing a PIO, so that journalists can rely on a point person at the court. The local television station Syri joined the round table, as well as two newspapers and two radio stations, one of which is a project of an NGO for Egyptian youth. EROL was interviewed on Syri's evening news broadcast.

EROL accelerated its assistance to the new Forum of Women Judges and Prosecutors this quarter, assisting the board and meeting with individual members. With EROL assistance, the Forum finalized its new logo, used to identify the organization in all their materials and documents. The logo was designed pro bono by a local company, whom EROL identified and worked with to design the logo at no charge to the Forum. Additionally, EROL created the Forum's first Facebook page and Twitter account. To maximize use of this social media network, EROL connected the page with other similar pages to increase the number of 'likes' and spread news about the group. The Facebook page includes information and photos of Forum activity since December 2013.

In cooperation with its partner OPDAT, EROL hosted a meeting of the Forum's board. Following routine board meeting business, EROL's judge/advisor led a discussion on how the organization can engage the courts and public in its communications, and specific techniques on effectively conveying messages to the media. EROL will continue to support the Forum's efforts to publicize its mission, particularly so that mentoring activities and messages reach women lawyers and law students.

EROL actively engaged in planning participation of four Forum judges in the US National Association of Women Judges annual conference. Participants are the Forum's chair, the president of Mitrovica Basic Court, and two basic court judges from Gjilan and Peja. The group will attend the annual conference in San Diego, followed by a dialog with the International Association of Women Judges, discussions with law school domestic violence clinics, and tours of the US Supreme Court and US Department of Justice libraries, among other meetings in Washington DC. EROL will track outcomes and contacts from the study tour, and will detail these for the next reporting period.

The Shterpce Branch Court inauguration ceremony featured remarks from Chris Edwards, USAID's acting mission director, the deputy ambassador of Norway, the Supreme Court president, the KJC chair, the Ferizaj Basic Court president, and the deputy coordinator of the NGO Lisi. Several basic court presidents, the Shterpce mayor, and representatives from the prosecution, UNMIK, OSCE and media also attended. The event was covered by Ferizaj's local TV TEMA, Shterpce's local station in Serbian TV Herc and RTK2 in Serbian language. Only two more inaugurations remain through the end of the EROL project.

EROL actively participated in the final event celebrating USAID's 15 years of service in Kosovo. More than 250 visitors stopped by the EROL booth in Mitrovica for brochures on the courts and prosecutor's offices and careers in law. EROL engaged the public, answering questions on the public's access to the Kosovo courts, and USAID's support to Kosovo's rule of law. The mayor of Mitrovica South visited EROL's booth to learn about program activities in his municipality and in Kosovo. Several online news outlets reported on the activity.

EROL's website at <http://www.usaiderol.org> continues to provide updated information of program activities in three languages (Albanian, Serbian, and English). Monthly statistics show a total of 11,033 visits (July - 3,714, August - 3,698 and September - 3,621). There were nearly 3,000 more visits to EROL's web site over Quarter 1. Web site hits totaled 49,688 hits during Quarter 2 (July: 19,612; August: 16,666; September: 13,410).

### 4.3 SUPPORT MINORITY OUTREACH

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EROL's outreach at private and public law faculties slowed this quarter, as students were on summer break. EROL will resume outreach events with three meetings scheduled early next quarter. EROL is ready to conduct outreach meetings in North Mitrovica, Zubin Potok and Leposaviq if circumstances there permit.

Recognizing lack of legal information for the sight-impaired, EROL this quarter published a set of brochures on the courts and prosecutor's offices in Braille alphabet in Albanian, Serbian and Turkish languages. EROL promoted the new literature during an event covered heavily by Kosovo's broadcast and print media. The USAID Deputy Director for Democracy and Governance, opened the event, with remarks following by the KJC chair, the Supreme Court's deputy president, a prosecutor from Pristina prosecution office, the president of the Association of the Blind of Kosovo and a blind law student. The new brochures are one of few resources available in Braille for Kosovo's sight-impaired. After the event, representatives from the Ombudsman's office expressed particular interest in how EROL accomplished printing brochures in Braille, and how they could do the same with their own materials. The event generated extensive media attention, with USAID interviews during the RTK morning program and RTK2's Serbian program, as well as print and online outlets country-wide. This quarter, EROL also made an affirmative effort to include persons with disabilities on its staff, hiring two law student interns who are sight-impaired.

### ENVIRONMENTAL REGULATION COMPLIANCE

During refurbishment work in Shterpce, Malisheva and Klina branch courts, EROL followed all environmental compliance requirements. No additional environmental regulation compliance activities took place during this reporting period.

### STATUS OF BUDGET EXPENDITURES

As of 30 September 2014, EROL had expended approximately \$19,618,053. During the reporting period, spending was approximately \$1,543,000. EROL has spent 86% of obligated funds. [Note: amounts are approximate as the September 2014 costs have not been finalized.]

## APPENDICES

### APPENDIX A: LIST OF REPORTS & DELIVERABLES

By the end of Year 4 Q2, EROL had completed the following reports and deliverables:

#### OBJECTIVE 1

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- Regulation on Supplementing the Regulation on the Internal Organization of the Courts
- KJC Strategic Communications Package

#### OBJECTIVE 2

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- Court Administration Working Group Meeting I
- Court Administration Working Group Meeting II
- "Making Better Courts for Kosovo" Open Discussion
- Shtërpce/Štrpce Branch Court Technical Acceptance
- Malisheva/Malisevo Branch Court Technical acceptance

#### OBJECTIVE 3

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- Resilient Leadership Training
- Procedural Fairness Training of Trainers

#### OBJECTIVE 4

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- Training "Public and Media Relations for NGOs"
- Logo for the Forum of Women Judges and Prosecutors
- Shtërpce/Štrpce Branch Court Inauguration Speech for Ferizaj/Uroševac Basic Court President
- Shtërpce/Štrpce Branch Court Inauguration Speech for Moderator

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**APPENDIX B: SUMMARY OF YEAR 4 QUARTER 2 TRAINING AND CAPACITY BUILDING EVENTS**

<b>Program/Event</b>	<b>Date</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Alb</b>	<b>Min/ Others</b>
PR & Media workshop for NGOs	July 08-09, 2014	15	8	7	12	3
Court Administration Working Group	July 25, 2014	12	10	2	11	1
KJI Resilient Leadership Workshop	Aug 26, 2014	5	4	1	5	0
Procedural Fairness TOT	Sept 3-5, 2014	18	13	5	18	0
KJCS Resilient Leadership Retreat	Sept 8-10, 2014	34	28	6	33	1
<b>Quarter 2 Total Participants</b>		<b>84</b>	<b>63</b>	<b>21</b>	<b>79</b>	<b>5</b>
<b>Life of Project Total<sup>1</sup></b>		<b>2,657</b>	<b>1,599</b>	<b>1,058</b>	<b>2,528</b>	<b>129</b>

During the second quarter of the fourth year of the EROL Program implementation 84 participants have participated on 5 Capacity Building events organized by all four components of the Program with Male = 63 and Female = 21; Alb = 79, Minority/Others = 5 participants.

The Life of Project total number of unique individuals trained is 2,657 individuals, with Male = 1,599 Female = 1,058 with Alb = 2,528 and Min/others = 129.

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<sup>1</sup> Life Project Total represents unique number of individuals trained with EROL Program.

On **July 08-09, 2014**, EROL organized a two-day training program on PR &Media for NGOs for representatives from 12 USAID Forward sub-grantees. The workshops provided sub-grantees the opportunity to learn and discuss the importance of communicating their court monitoring activity with the donors, media, and the general public. The training focused on why NGOs need solid media and public relations plans, how to plan and organize press conferences, how to prepare for interviews, how to tell success stories, and how to use social media proactively to spread the word about the work they do for the courts and their communities. This event was participated by 15 participants in total with Male = 8 and Female = 7, Alb = 12 and Min/Others=3;

On **July 25, 2014** EROL provided training on Court Administration. The purpose of this activity was to develop the capacity of the KJCS, judges and court administrators to identify current practices and gaps in court management; to develop best practices, policies and procedures for the Kosovo courts; that will later be used to to design court management core competency curricular materials for future training. The ultimate aim is to develop advanced court management competencies among working group members who will serve as the first cadre of court management trainers. This event was participated by 12 participants in total with Male = 10 and Female = 2, Alb = 11 and Min/Others=1;

On **August 26, 2014**, EROL delivered a leadership retreat for staff of the Kosovo Judicial Institute on “Resilient Leadership”. This curriculum designed and presented initially in Y4 Q1, addresses stress management in the context of leadership development. The aim of this course is to increase participant awareness regarding prevalent stressors in the court environment, personal risk factors, and strategies that increase resiliency and strengthen leadership ability. The 1 day workshop included a pre workshop survey, extensive group discussion, individual and group exercises, all designed to model sound adult education principles and techniques. This training was attended by 5 participants in total with Male = 4 and Female = 1, all of Albanian nationality;

### *Simple Case Study*

#### Improving Analytical Skills & Preparing Strategic Policy Analyses for MoJ staff

The purpose of this workshop was to improve staff capabilities in public policy analysis to inform legislative drafting activities. Specifically, the workshop was designed to highlight the need for problem identification, stakeholder consultation, and determination of whether legislation (v. agency practices, procedures, social change, etc.) is the best vehicle for solving identified problems. The senior legal advisors and legal advisors participated actively in the seminar and raised additional obstacles to successful legal drafting such as difficulty in determining the impact of new draft legislation on existing laws, harmonizing existing laws with new drafts, and ensuring the accuracy of translations of laws across all three required languages (Albanian, Serbian and English).

“This has been one of the best training I have received so far in-country and abroad. During this training we have been introduced with elements of strategy development based on practical examples and not only on theory aspects.” –  
Hysen Beqa, Senior Legal Advisor, Division for Policy and  
Legislation/Department of Legal Affairs/MoJ

### *Simple Case Study*

#### Workshop for Legal Advisers and Researches

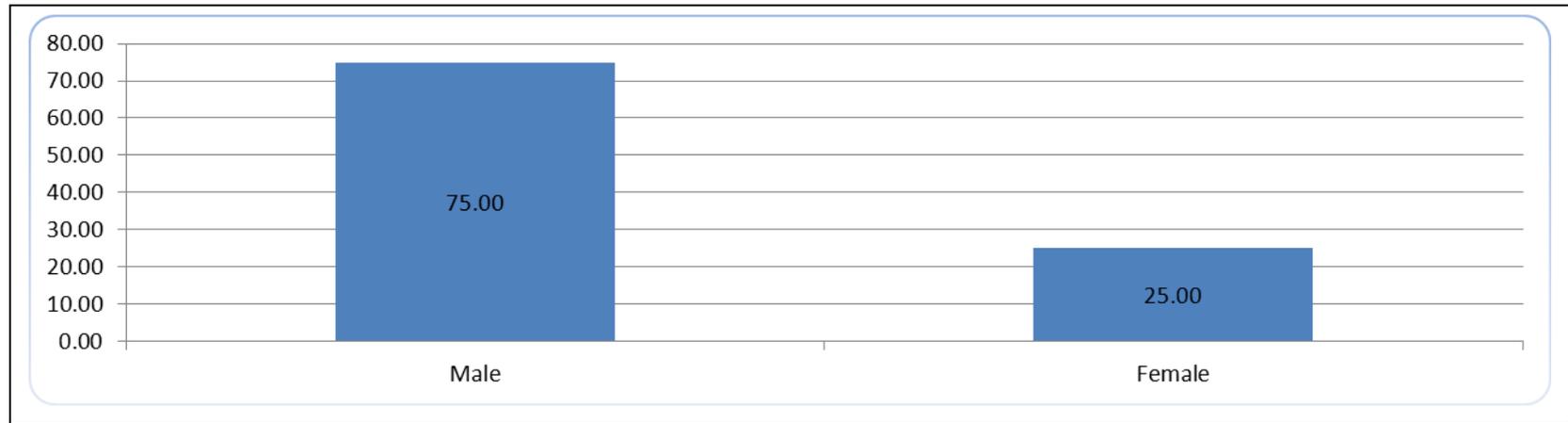
The Constitutional Court is newly established body and there is a need for further support in order to provide stability. The topics addressed with both trainings have addressed an important issue that the Constitutional Court Legal Advisors and Researchers deal on their day to day work. Provided training had carefully chosen topic and have been able to tackle important issues such as the “Rule 36 on Admissibility Criteria” and “Legal Time-Limit”. Various materials provided during the training have been found very valuable for the current and future Legal Advisors and Researchers. Provided materials are very thorough and informative and they will speed up the introduction period for every new Legal Advisor and Researcher.

“In general, the training was very good and many interesting issues including issues that we face in our daily work have been addressed in these trainings. Some aspects of Rule 36 that we use on daily basis were not clear not even for us that work with them on daily basis, until Prof. Swanson through these trainings addressed the issues and now, after the training we have better understanding which will enable us to better address our reasoning on the Court decisions.” –  
Radomir Laban, Legal Advisor, Constitutional Court.

On **September 3-5, 2014**, EROL delivered a new curriculum on Procedural Fairness. This course addressed how judicial leaders can alleviate public dissatisfaction with the judiciary with trust-building activities and explored general strategies to address implicit bias. The 3 day ToT was attended by 18 participants in total with Male = 13 and Female = 5, all of Albanian nationality;

On **September 8-10, 2014**, EROL delivered a leadership retreat for staff of the Kosovo Judicial Council Secretariat and Norwegian funded CMIS project on “Resilient Leadership”. This curriculum designed and presented initially in Y4 Q1, addresses stress management in the context of leadership development. The aim of this course is to increase participant awareness regarding prevalent stressors in the court environment, personal risk factors, and strategies that increase resiliency and strengthen leadership ability and to build better communications and project management skills. The 3 day workshop included a pre workshop survey, extensive group discussion, individual and group exercises, all designed to model sound adult education principles and techniques. This training was attended by 34 participants in total with Male = 28 and Female = 6, 33 of Albanian nationality;

Gender breakdown of EROL Capacity Building Events for Yr 4 Q2 represents satisfied representation between male and female participants. EROL staff across all four components has managed to engage 75% (63) male and 25% (21) female participants (Please, see **Figure 1**. Gender breakdown of EROL Capacity Building Events for Yr 4 Q2 on capacity building events provided during the first quarter of the fourth year of Program Implementation.



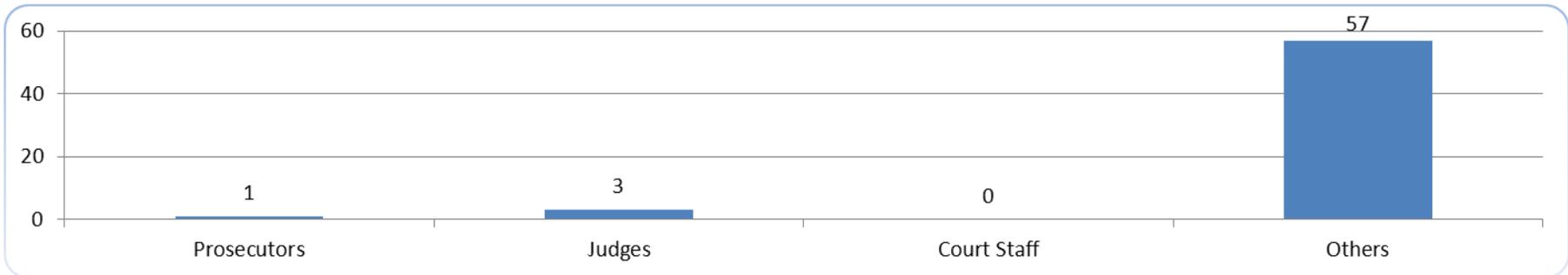
**Figure 1 - Figure 1. Gender breakdown of EROL Capacity Building Events for Yr 4 Q2**

Capacity Building Events organized by all four components of EROL Program included a total number of 84 participants. Ethnicity representation on these events is provided under the **Figure 2**. Ethnicity breakdown of EROL Capacity Building Events for Yr4 Q2 with Albanian = 79, and Minority Community/Others = 5 participant participated.



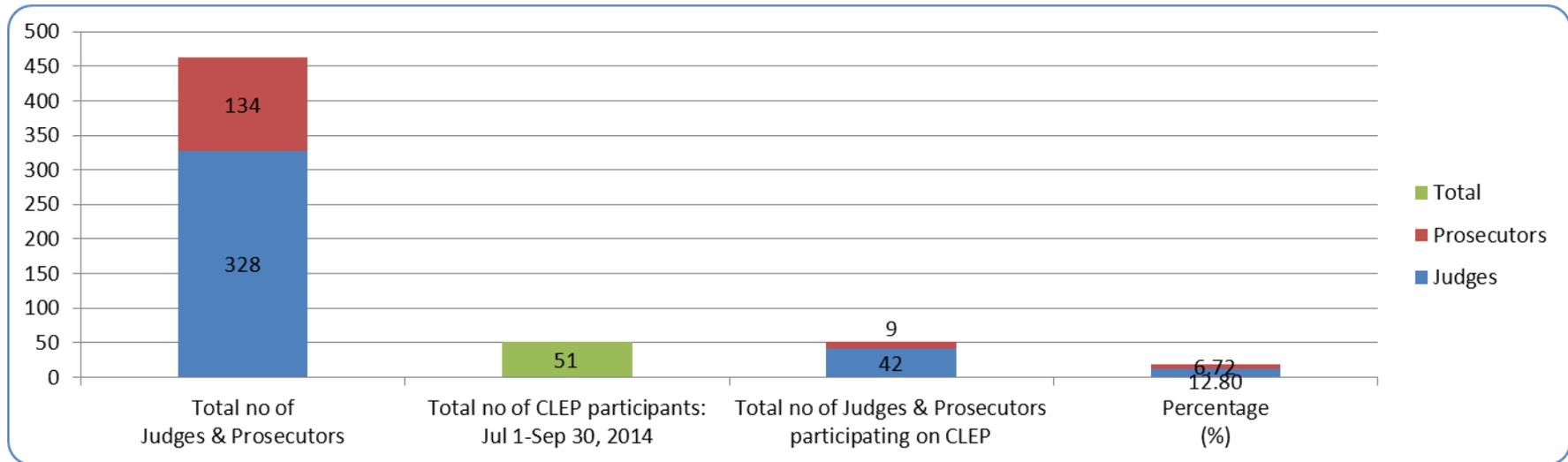
**Figure 2 - Ethnicity breakdown of EROL Capacity Building Events for Yr 4 Q2**

Among participants that participated on EROL Program capacity building events there were 3 Judges, 1 Prosecutors, and 57 Other Institutional representatives. (Please, see **Figure 3** for reference.)



**Figure 3 - Roles and Positions of Individuals trained during Yr 4 Q2**

During the period of Jul 1 – Sep 30, 2014 KJI provided Continuing Legal Education Program (CLEP) for sitting prosecutors and judges, including training courses for prosecutors and judges working in the judicial system seeking promotion and to the newly selected candidates. The total of 51 individuals participated on the Continuing Legal Education Program (CLEP) with Prosecutors = 9 and Judges = 42; (Please, see **Figure 4** for reference)



**Figure 4 - KJI CLEP training for Yr4 Q2**

APPENDIX C: MONITORING AND EVALUATION

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Actual	Yr 3 Actual	Yr 4 Target	Program Year 4 Actual To date				Comments
								Q1	Q2	Q3	Q4	
<b>IR2: IMPROVED DELIVERY OF JUSTICE</b>												
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  Baseline survey conducted Year 3 Quarter 1	76% positive for court users	--	--	76% positive for court users	84% positive for court users	-	-			To increase accuracy of results, the Program has proposed to separate the surveys into two separate activities.  Checchi has selected a Kosovo local company to conduct baseline and end-line surveys <sup>2</sup> . Preliminary draft has been submitted to EROL. Final report to be submitted to USAID for approval  Satisfaction percentage of court users is assessed to be at 76%. Final survey will be conducted in quarter 3.
2.1.	<b>Increased capacity of justice sector professionals</b>											

<sup>2</sup> The Objective of the survey was to measure perceptions of Kosovo court users in order to assess the relationship between the courts and court users and to identify potential improvements to court access and service delivery which might not be apparent from a strictly institutional analysis.

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Actual	Yr 3 Actual	Yr 4 Target	Program Year 4 Actual To date				Comments
							Q1	Q2	Q3	Q4	
2	# of justice sector personnel that received USG training Unit: #; disaggregated by sex and role		T= 200 M=140 F=60 Min=4  J.=27 P. =1 C. =147 O.=25	T=1,095 M=703 F=392 Min=47  J.=150 P.=102 C.=686 O.=157	T=1,196 M=639 F=557 Min=71  J.=240 P.=14 C.=859 O.=83	T=250 M=125 F=125 Min=25  J.=100 P.=10 C.=100 O.=40	T=105 M=75 F=30 Min=2  J.=70 P.=5 C.=19 O.=11	T=61 M=42 F=19 Min=5  J.=3 P.=1 C.=0 O.=57	T= M= F= Min=  J.= P.= C.= O.=	T= M= F= Min=  J.= P.= C.= O.=	During the Yr4 Q2 of the EROL Program implementation, 84 participants have participated on 5 Capacity Building events organized by all four components of the Program.  The total number of unique individuals trained during the fourth year Q1 of the Program is 61 with Male = 42 and Female = 19; Alb=56 and Min=5; Judges=3; Prosecutors=1; Court Staff=0; and Others = 57 individuals;
2a	Number of people/person days of training	9,500 days	1,857 days	3,847 days	5,745 days	800 days	306 days	178 days	days	days	During the Yr4 Q1 of EROL Program implementation, EROL staff provided capacity building events in total of 306 people/person days of training.
3	% of judges (J), prosecutors (P) and court staff (S) participating in CLE Unit: %; disaggregated by sex and status		N/A	--	--	J=85% P=85%	J=117 (36.28%) P=51 (38.81%)	J=42 (12.80%) P=9 (6.72%)	J= P=	J= P=	Target for Yr4 for the CLE Program is: J=85%; P=85%;  During the second quarter (Jul 1 – Sep 30, 2014) KJI provided Continuing Legal Education Program (CLEP) for sitting prosecutors and judges, including training courses for prosecutors and judges working in the judicial system seeking promotion and to the newly selected candidates.

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Actual	Yr 3 Actual	Yr 4 Target	Program Year 4 Actual To date				Comments	
							Q1	Q2	Q3	Q4		
												Number of individual participant for Yr4 Q2 is J=42 (12.80%) and P=9 (6.72%)  Cumulative progress toward set up target for this indicator for Yr4 Q1 and Q2 is:  J=49.08% and P=45.53%
4	# of legal courses or curricula developed with USG assistance  Unit: #	0	3	10	8	3	1	1				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.  (new target Year 4)  Target for Yr 4 of the EROL Program is 3 legal courses or curricula.  During the second quarter of Yr4, EROL developed new curriculum on "Judicial Bias" for the KJI.
5	# of executive branch sector personnel trained with USG assistance  Unit: # disaggregated by sex and role	0	9	6	7	0	3	0				<b><u>Standard F output indicator.</u></b>  For the Office of the President, training in areas of administration, management or leadership skills or good governance practices.  Target for Yr 4 is 0 staff member of the Office of the President.  Target completed during previous three years of Program implementation. In Yr4 Q2 EROL team has not conducted any training activity with the OP personnel.

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Actual	Yr 3 Actual	Yr 4 Target	Program Year 4 Actual To date				Comments
								Q1	Q2	Q3	Q4	
6	# of USG-supported trainers receiving pedagogical training (ToT) for their role in KJI and other judicial trainings, and 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.  (new target Year 4)	0	0	29	30	20	1	17			Target for Yr4 is 20 Train of Trainers (ToT).  During the Yr4 Q2 of EROL program implementation 17 ToT individuals received pedagogical training from KJI and other judicial institutions.  Unit #: 12 Male and 5 Female
7	Simple case studies of persons trained by EROL or EROL-trained instructors (e.g., judge, prosecutor, PR staff, KJI instructor)	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, job performance data or other relevant metrics.  (new target Year 4)	0	0	5	5	10	1	2			Target for Yr 4 is revised to 10 "Simple Case Studies".  Two "Simple Case Study" completed during Q2.
8	KJI Scorecard rating of EROL's progress with KJI goals	Benchmark outcome indicator. Progress on KJI scorecard toward approved and consensed activities in consultation with USAID and Kosovar stakeholders.  Measure: # of completed activities: Target – 17;	0	3	5	8	1	X	--			Please, see respective scorecard for the details of activities.
2.2.	<b>Increased independence and accountability of the judicial system</b>											

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Actual	Yr 3 Actual	Yr 4 Target	Program Year 4 Actual To date				Comments
								Q1	Q2	Q3	Q4	
9	Number of laws, regulations and procedures related to judicial independence supported with USG assistance  Unit: #	<b>Standard F output indicator.</b>  <b>Indicator 2.1.2-2</b>  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	6	24	14	8	5	1			Target for Yr 4 is 8 - laws, regulations and procedures.  During Yr4 Q2 EROL provided KJC with the support on the amendment on the Regulation on Supplementing the Regulation on Internal Organization of the Courts, adopted on July 16, 2014
10	Number of regulations and procedures that improve judicial transparency adopted with USG assistance  Unit: #	<b>Standard F output indicator.</b>  <b>Indicator - Custom</b>  Refers to 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 regulations/procedures may also cover independence.	0	6	24	14	8	5	1			Target for Yr4 is 8 regulation and procedures.  During Yr4 Q2 EROL provided KJC with the support on the amendment on the Regulation on Supplementing the Regulation on Internal Organization of the Courts, adopted on July 16, 2014
11	Number of government media relations staff trained with USG assistance  Unit:# Disaggregated by sex and office	<b>Standard F output indicator.</b> 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	10	59	5	8	5	0			Target for Yr4 is 8 Media Relations staff.  During the Yr4 Q2 of EROL program implementation no additional government media relation individuals have been trained.  Unit #:

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Actual	Yr 3 Actual	Yr 4 Target	Program Year 4 Actual To date				Comments
								Q1	Q2	Q3	Q4	
12	Constitutional Court scorecard rating of EROL's progress with CC's goals	Benchmark outcome indicator. Progress on CC scorecard toward approved and consensed activities in consultation with USAID and Kosovar stakeholders.  Measure: # of completed activities: Target – 17;	0	6	9	2	--	--	--	--		Please, see respective scorecard for the details of activities.
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.  Under an MOU, EROL has primary responsibility for judicial ethics and EC project has primary responsibility for disciplinary committee		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Improved performance on scale considering key factors of an acceptable disciplinary system <sup>3</sup> .
2.3.	<b>More effective operations of the justice system</b>											
14	# of USG-assisted courts w/ improved case management  Unit: # Listed by site and type of court, as applicable	<b>Standard F outcome indicator</b>  <b>Indicator 2.1.3-13</b>  Defined by Model Court norms. KJC to provide operational definition of floor measurement for "improved case management."	10	10	18	27	29	27	27			Number of USG-assisted courts with improved case management is 27. There are 29 courts including Zubin Potok and Leposavic – target should be to maintain Y3 achievements and only increase to 29 if the North opens - which is beyond our control

<sup>3</sup> To be more efficient, EROL and ECLO/HD agreed in 2012 that HD would take the lead in developing regulations for the Disciplinary Council while EROL would take the lead in developing the Code of Ethics and Conduct for Judges. EROL prepared a research memorandum at the request of the KJC regarding the rationale behind the practice of publishing disciplinary final decisions.

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Actual	Yr 3 Actual	Yr 4 Target	Program Year 4 Actual To date				Comments
							Q1	Q2	Q3	Q4	
	Baseline based on old court structure <u>Indicator is cumulative</u>										27 is based on the cumulative work from project start to date – 27 courts have implemented a variety of improvement initiatives and while no two courts are identical each has implemented elements to improve case management.
15	Ratio of all dispositions to new case filings in courts assisted by USG in the area of case management  Unit: Ratio	<u>Standard F outcome indicator</u>  <b>Custom</b>  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.	--	N/A	N/A	0.89	1.0	0.75	0.62		This quarter's disposition rate shows a drop in performance when compared to the courts 2013 baseline of .79.  This quarter saw 95% of all judges on holiday for upwards of 1 full month, if not more starting in mid July and running through early September. This affects not longer the actual number of resolutions but also the courts ability to produce timely statistics for the quarter.  As noted in prior reports Decreasing performance issues have been associated by the courts to the lack of sufficient judges (60 positions remain open and unfilled). However, it will be necessary to track performance over time to determine if there are cyclical trends that repeat on a quarterly or annual basis. Annual drops in performance in the high holiday period should be expected.

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Actual	Yr 3 Actual	Yr 4 Target	Program Year 4 Actual To date				Comments
								Q1	Q2	Q3	Q4	
15a	Ratio of new case filings to case dispositions in courts assisted by USG in the area of case management.  Unit: Ratio	<b>Standard F outcome indicator</b> <b>Indicator 2.1.3-15</b>  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.	--	N/A	N/A	1.12	1.0	1.33	1.61			
16	% of pending cases older than 24 months  Unit: %	REVISED  Mission Custom indicator. This indicator measures the percentage of pending cases that are older than two years. This is a standard court management measure	--	N/A	N/A	40%	30%	40.28%	40.50%			Within the total of all cases closed in Y4 Q1 (Apr – June) – 72% were cases that closed within 24 months of filing. This indicates that the courts are focused on adjudicating those cases designated as urgent and other newer cases. A focus on the backlog would result in a smaller percentage of cases being resolved within 24 months or less.
17	More efficient and professional Model Courts	Benchmark outcome indicator. Progress on scorecard toward measures to improve Model Courts in consultation with USAID and stakeholders. Each Model Court is subject to 9 standards and score range of 0-3 for each.	0	162 (162)	189 (351)	189 (540)	459	--				
18	Number of strategic plans for justice sector reform adopted with USG assistance	<b>Standard F output indicator.</b>  Indicator Custom  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	0	2	0	1	2	1	0			KPC Strategic Plan draft was completed in Y3Q2 but the Chair was waiting to submit it to the Council for approval until the negotiations with Serbia regarding the courts in the north are resolved. Later it was delayed because of the

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Actual	Yr 3 Actual	Yr 4 Target	Program Year 4 Actual To date				Comments
							Q1	Q2	Q3	Q4	
	consultation among key stakeholders. Sub-plans for departments or divisions developed as deemed useful and necessary by stakeholders.										retirement of the current Chair in August 2014. The process of electing a new chair was successfully challenged in the Constitutional Court and there is now an Acting Chief State Prosecutor/Chair. No activity is expected until a new Chief State Prosecutor/Chair is elected.
19	Median case disposition time in courts assisted by USG in the area of case management  Unit: months		--	--	13.6	12	9.8	7.5			<p>REVISED</p> <p><b><u>Standard F outcome indicator.</u></b></p> <p>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.</p> <p>In this quarter the median disposition time has dropped to 225 days or 7.5 months. While encouraging on the surface such a significant drop from the prior reporting period results (13.6 months and 9.8 months) requires further analysis. When taken into consideration with the result that 77% of all resolved cases were 24 months or less in age it reveals that, for this quarter, the courts were primarily working on cases legally defined as urgent and following those, primarily on new cases rather than working equally within the backlog and the current case load. This also shows that in a quarter when most judges are on leave the work becomes focused on resolving easy cases in order to support the achievement of the established norm.</p> <p>This indicator is one that should always be considered in light of other indicators and not</p>

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Actual	Yr 3 Actual	Yr 4 Target	Program Year 4 Actual To date				Comments
								Q1	Q2	Q3	Q4	
												ever taken on its own as indicative of the whole story regarding the performance of the courts.
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.  (Baseline measure Year 2)	93%	--	93%	--	95%	--	--			No activity to report on this quarter
Results/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr1 Actual	Yr2 Actual	Yr3 Actual	Yr4 Target	Q1	Q2	Q3	Q4	
21	Kosovo Judicial Council scorecard rating of EROL's progress with KJC goals	Benchmark outcome indicator. Progress on KJC scorecard toward approved and consensed activities in consultation with USAID and Kosovar stakeholders.  Measure: # of completed activities: Target - 19	--	7	2	9	1	X	--			Please, see respective scorecard for the details of activities.
22	Kosovo Prosecutorial Council scorecard rating of EROL's progress with KPC goals	Benchmark outcome indicator. Progress on KPC scorecard toward approved and consensed activities in consultation with USAID and Kosovar stakeholders.  Measure: # of completed activities: Target - 14;	--	0	1	12	1	X	--			Please, see respective scorecard for the details of activities.

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Actual	Yr 3 Actual	Yr 4 Target	Program Year 4 Actual To date				Comments
								Q1	Q2	Q3	Q4	
23	Ministry of Justice scorecard rating of EROL's progress with MOJ goals	Benchmark outcome indicator. Progress on MoJ scorecard toward approved and consensed activities in consultation with USAID and Kosovar stakeholders.  Measure: # of completed activities: Target – 11; *7 additional if SAO moves ahead	--	7	2	2	*7	X	--			Please, see respective scorecard for the details of activities.
24	<del>Chamber of Notaries scorecard rating of EROL's progress with CON goals</del>	<del>Benchmark outcome indicator. Progress on CON scorecard toward approved activities in consultation with USAID and stakeholders.</del>	--	--	--	--	--	--	--	--	--	EROL ceased assistance to the Chamber of Notaries in accordance with USAID's agreement with the Swiss Government and introduction of activities to assist the KJC and courts to prepare for the transition to the notary system under the Law on Notary
25	Office of the President scorecard rating of EROL's progress with OP goals	Benchmark outcome indicator. Progress on OP scorecard toward approved and consensed activities in consultation with USAID and Kosovar stakeholders.  Measure: # of completed activities: Target – 10;	--	4	4	1	1	X	--			Please, see respective scorecard for the details of activities.
2.3.1.	<b>Courthouse infrastructure improved</b>											
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.	10	10	12	22	27	--	2			During the second quarter of the Program implementation, EROL refurbished two additional courts: Malisheva Branch Court was completed on Sep 20, 2014 and Sterpce Branch Court on Aug 12, 2014  Refurbishment objectives ensure that courts are refurbished to maximize a courts ability to serve its customers in ways that promote

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Actual	Yr 3 Actual	Yr 4 Target	Program Year 4 Actual To date				Comments	
							Q1	Q2	Q3	Q4		
											efficiency, accountability, transparency and effectiveness. As each court refurbishment is completed it allows for the installation additional methods to serve the public in an open and receptive way - this includes the presence of a designated reception (information) desks, installation of brochure dispensers, increased and enhanced directional signage that promotes self-navigation throughout the court as well as the presence of well trained staff to help all customers as needed. The ability of a customer to walk into a well-organized reception area, find information readily and easily via signs, brochures and staff has been documented as one method to increase public trust and confidence in the courts - courts that look and feel open and receptive are perceived as such.	
<b>IR3: STRENGTHENED MECHANISMS FOR CITIZENS TO REPRESENT THEIR INTERESTS AND HOLD THE GOVERNMENT ACCOUNTABLE</b>												
27	# of page visits per month on the MOJ interactive website for pending legislation  Unit: # per month	Outcome indicator. The MOJ website invites citizen input on legislation. As citizen confidence increases, public participation and visits to website should increase. Difficult to determine whether increased knowledge of site or confidence is contributing to data. Website registration might request information on both.	0	N/A	9,376 clicks	217,528 clicks	300,000 clicks	198,168 clicks	149,200 clicks			Target for Year 4 of the EROL Program implementation has been revised to 300,000 clicks.  The total number of clicks during Yr4Q2 is 149,200 clicks.

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Actual	Yr 3 Actual	Yr 4 Target	Program Year 4 Actual To date				Comments	
							Q1	Q2	Q3	Q4		
28	Number of USG-assisted Civil Society Organizations that engage in advocacy and watchdog functions.  Unit: #											
	<b><u>Standard F outcome indicator.</u></b> CSOs must be actively engaged in these functions, and be able to demonstrate that they are so engaged  Not cumulative	0	0	2	26	15	1 grantee and 12 <sup>4</sup> sub grantees	0				During the second quarter ATRC announced third Call for Proposal, they expect to award 10 grants for court monitoring and 5 grants for raising public awareness. EROL will assist ATRC with their grant awarding board, one member of the Grant Awarding board is from EROL team, who will review 46 project proposals received  Under USAID Forward, one (1) grant has been awarded to local partner, Advocacy Training and Resource Center – ATRC awarded nine (9) grants for court monitoring and three (3) grants for public outreach programs.

<sup>4</sup> “POLIS”, Lipjan with project “Justice with citizen’s access to fair judicial services IP”

“Qendra për Politika dhe Avokim- QPA”, Prishtina, “For more transparent judiciary”

“AGRO – EKO”, Gjilan, “Effective Court-Justice for Citizens”

“Lisi”, Shtërpçë, “Justice for all citizens”

“Advocacy Center for Democratic Culture- ACDC”, North Mitrovica, “Raising the awareness on the importance of citizens participation in the justice system in Mitrovica region”

“ELITA”, Viti, “Women are entitled to their share”

“Prehja”, Skenderaj, “Citizen closer to justice (II)”

“Network of Peace Movement - NOPM”, Kamenica, “Monitoring language compliance, property and improving participation of non-majority communities in justice system”

“Shoqata e Intelektualëve të Pavarur- SHIP”, Deçan, “Monitoring of the Basic Court-Deçan branch”

“Communication for Social Development (CSD)”, Gracanica, “Is there justice after injustice?”

“EC Ma Ndryshe”, Prizren, “Linking communities to justice providers?”

“Kosova in EU”, Prishtina, “Awareness of Citizens for Justice and Privatization Process in Kosovo”

Result/Indicator/Unit of Measure		Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Actual	Yr 3 Actual	Yr 4 Target	Program Year 4 Actual To date				Comments
								Q1	Q2	Q3	Q4	
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.	10	10	12	22	27	--	25			Refurbishment objectives ensure that courts are refurbished to maximize a courts ability to serve its customers in ways that promote efficiency, accountability, transparency and effectiveness. As each court refurbishment is completed it allows for the installation additional methods to serve the public in an open and receptive way - this includes the presence of a designated reception (information) desks, installation of brochure dispensers, increased and enhanced directional signage that promotes self-navigation throughout the court as well as the presence of well trained staff to help all customers as needed. The ability of a customer to walk into a well-organized reception area, find information readily and easily via signs, brochures and staff has been documented as one method to increase public trust and confidence in the courts - courts that look and feel open and receptive are perceived as such.
3.1.	<b>Increased Professionalism of Citizen Groups and Journalists to Monitor Government Activity and Influence Policy</b>											

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Actual	Yr 3 Actual	Yr 4 Target	Program Year 4 Actual To date				Comments
							Q1	Q2	Q3	Q4	
30	# of USG-assisted campaigns to enhance public understanding; NGO support/media coverage of judicial independence and accountability  Unit: #		0	8	26	12	3	0			<p><b>Standard F output indicator.</b></p> <p><b>Indicator 2.1.2-5</b></p> <p>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 NGOs involved. Targets TBD as grant TORs are accorded with USAID.</p> <p>Year 4 target is in the North</p>
<b>New Indicators</b>											
31	Number of campaigns supported by USG to foster awareness and respect for rule of law		0	8	26	12	3	0			<p><b>Indicator 2.1.1-2</b></p> <p>This indicator measures the number of campaigns conducted by EROL that inform, educate and promote better understanding and respect for the rule of law. Campaigns are those initiatives and activities supported by EROL that deliver messaging, information to citizens with the goal of increasing awareness and adherence to the rule of law.</p>

Result/Indicator/Unit of Measure	Definition/Rationale/Utility/Limitations	Baseline	Yr 1 Actual	Yr 2 Actual	Yr 3 Actual	Yr 4 Target	Program Year 4 Actual To date				Comments	
							Q1	Q2	Q3	Q4		
												journalism are situated in Pristina: Public University of Pristina, Private University UBT and Private university AAB Pristina).  Meetings with students will be organized during November 2014 as the new academic year starts on October 1, 2014.
32	Number of judges and judicial personnel trained with USG assistance	--	T=174 J=27 M=20 F=7 Min=0  C=147 M=106 F=41 Min=4	T=836 J=150 M=111 F=39 Min=6  C=686 M=417 F=269 Min=30	T=1,099 J=240 M=172 F=68 Min=7  C=859 M=408 F=451 Min=60	T=500 J= M=250 F=250 Min=  C= M= F= Min=	T=89 J=70 M=52 F=18 Min=1  C=19 M=14 F=5 Min=1	T=3 J=3 M=3 F=0 Min=0  C=0 M=0 F=0 Min=0	T= J= M= F= Min=  C= M= F= Min=	T= J= M= F= Min=  C= M= F= Min=	During Yr4 Q2 EROL team trained total of 3 Judges and no Court Staff.	
33	Number of legal institutions and associations supported by USG											Indicator definition to be defined.

APPENDIX D: PMP SCORECARDS

KOSOVO JUDICIAL COUNCIL SCORECARD

Kosovo Judicial Council Scorecard		Targets and Actual				Remarks
Activity/Initiative	Target Completion (Year)	Actual Completion Year				
		1	2	3	4	
Support drafting of implementation plan LoC	1	X				Final Draft of the Implementation Plan submitted to KJC. Published by KJC December 1, 2011
Rapid assessment to identify focus of efforts (Action Plan)	1	X				Action plan completed in Q2 Yr1.
TA to KJC committees	1	X				KJC appointed Court Administration Committee and Budget, Finance and Human Resources Committee in March 2012.
TA to KJC for building strategic alliances	2			X		EROL continued to assist KJC to build strategic alliance with Federal Judicial Center, Administrative Office of U.S. Courts, State Court Judges and Administrators in Minnesota during a U.S. judicial ethics study tour with a Kosovo Delegation of KJC, ODC, and Court representatives.
Support KJC in inter-Ministerial legislation working groups	2			X		The MOJ has begun to consult on a high level with leaders of stakeholders. So far, however, no proposed changes have been made available to EROL or other advisors.
Support development of follow-on Strategic Plan	3			X		With EROL's support, the KJC has completed and adopted its 5 year Strategic Plan in Yr4 Q1
<b>Support HR functions of KJC</b>						
Define and standardize staff job descriptions	1				*	A process formally began in Q2 involving the Secretariat and Courts through a Working Group which will lead to the distribution of some Secretariat responsibilities to the Courts. Three sub-groups (personnel, budget and finance, and procurement and logistics) held their first meetings This is a complex process involving civil servants and is expected to take more than a year. EROL will support KJC and Courts during this process.
Staff recruitment/selection standards in place	1				*	
Staff promotion standards in place	1				*	
Staff discipline/dismissal standards in place	1				*	
Internship programs functioning successfully	2				*	
Judicial selection procedures improved	1	X				EROL assisted with drafting of Regulation and with OP.
Judicial evaluation procedures improved	1	X				Evaluation of performance of Judges completed, approved by KJC and introduced into force on March 2012.

Judicial promotion procedures improved	1		X			EROL provided substantial support to the KJC Steering Committee's effort to develop criteria for the selection/reassignment of Basic Court judges. The KJC Steering Committee approved 1) instructions for the appointment of president and supervising judges, and 2) regulations on reassignment of judges. EROL prepared a legal analysis of judicial salary setting under the new LoC. At the end of Y3Q4 the Normative Committee presented a regulation on promotion of judges to the Council
Judicial disciplinary procedures improved	1			X		Draft regulations were prepared by EULEX for the Disciplinary Committee in Yr3Q4 which are expected to be before the Normative Committee In Yr4
KJC database for judicial personnel in use	2				*	ECLO is developing this
Track legislation reviewed by legal office	2				*	The legislation referred to in this indicator refers to the package of laws, commonly referred to as "the five laws" that deals with justice sector institutions. Early in the program EROL worked as part of a working group to amend the five laws; however, the MOJ took that process over and has not involved outside technical assistance from EROL. If the MOJ opens the process for additional comment/advice/help, EROL will provide as much as possible. Since there may be no further involvement by EROL, anticipated completion is not scheduled here.
<b>Track implementation of procedures for effective court admin</b>						
Case flow, reception, assignment, management	2			X		EROL has reinvigorated the model court program (MCP) improvement teams at 8 model courts scheduled for MCP initiatives this year. Procedures for ensuring smooth transition to the new court structure under the LoC is well underway with working groups established and working on HR, court admin, public outreach, and logistics requirements.
Case files and records standards and procedures	2			X		All courts have improved records management
Attention to court users	2			X		Web portal assessments (web strategy and web development plans) have been submitted to the KJC for review.
Transparency and information access	2			X		With EROLs support a new web portal is being designed and EROL is developing content both for KJC and each individual court. This process is expected to be completed in Yr4 Q2.
<b>Increased and more effective use of automation</b>						
Assess IT needs, CMIS' contributions/gaps, and failure to use	1	X				Database assessment conducted.
Provide recommendations for system operation	2			X		The KJC is developing a new CMIS with support from the Norwegians. EROL has, and is providing, recommendations on the development of the system. The KJC and Norwegian team have been very open and consultative.
<b>Minority outreach efforts</b>						
Draft minority access assessment	1				X	EROL is drafting a regulation related to minority recruitment and advancement within the judiciary.
Draft outreach campaign	1		X			EROL drafted brochures to encourage minority community citizens to enter programs

					for professional positions in the judicial system – approved by KJC and USAID
Draft requirements for translator program	1			X	EROL provided support to KJC on drafting Regulation for qualification of court translators and interpreters.

## KOSOVO PROSECUTORIAL COUNCIL SCORECARD

Kosovo Prosecutorial Council Scorecard		Targets and Actual				Remarks
Activity/Initiative	Target Completion (Year)	Actual Completion Year				
		1	2	3	4	
Facilitate development of strategic plan	1			X		EROL facilitated drafting of KPC Strategic Plan with Council and working group members. In Y3/Q1, a proposed strategic plan was revised and submitted to the KPC Normative Committee in anticipation for consideration and adoption by the full Council in Yr4/Q2.
Facilitate development of annual plans	1			X		EROL facilitated annual planning activities, including macro action plan development, sharing of template in connection with the creation of KPC's Strategic Plan.
Facilitate development of implementation plan and committees	1			X		The Implementation Plan was completed in Yr2, and it was based on a simplified version of the draft developed by USAID/EROL. EROL facilitated the establishment of committees/commissions/working groups, which are included in an amended regulation on the organization and activity of the KPC
Instruction manual (SOP) with regulations, policies, procedures	1			X		In Yr2, EROL drafted various guidelines and plans in the spheres of PR communications and website design for the KPC. EROL also assisted in drafting/amending the Five Justice Sector Laws, several pieces of secondary legislation, Ethics Codes for KPC Members, Prosecutors, and Support Staff, and the KPC's Strategic Plan. In Y3/Q1, EROL continued to support KPC drafting activities.
Support implementation of SOP across KPC	1			X		EROL participated in working groups that assisted KPC in drafting/amending regulations concerning discipline <sup>5</sup> and prosecutor performance & evaluation, and an administrative instruction on setting annual performance norms, and amendments to amended regulation on the organization and activity of the KPC.
Develop job descriptions/TORs for KPC Secretariat staff	1		X			In Yr2, job descriptions were developed and revised as part of the strategic planning process as part of a collaboration with ECLO and the KPC

<sup>5</sup> By agreement, EUOK is responsible for the development of disciplinary regulations, and EROL is responsible for ethics matters.

<b>Train KPC in needs-based budgeting and justification</b>	1			X		In Yr3/Q1, EROL and the KPC examined budget issues and identified specific needs through the strategic planning process. More concrete plans will be put in place with Action Plan development.
<b>Legislative drafting support: secondary legislation</b>	1			X		In Yr2, EROL participated in working group that assisted KPC draft/amend regulations concerning discipline <sup>6</sup> and prosecutor performance & evaluation, and an administrative instruction on setting annual performance norms. In Y3/Q1, EROL continued to provide technical assistance in support of KPC drafting activities.
<b>Development of new staff training module</b>	1				X	This is included in the draft strategic plan and EROL provided significant support to its development. However, the KPC is currently undergoing a change in leadership (Chief State Advocate). Once the CSA is appointed and is engaged in this effort, EROL will support it.
<b>Draft public relations strategy</b>	1			X		EROL finalized and presented to KPC for consideration public relations strategy, media guidelines and a crisis communication plan. EROL transmitted a proposed Communications Plan to the KPC Normative Committee in Yr3/Q1. Now that the KJC has adopted a Communications Strategy, the KPC has asked for EROL support to revisit the proposed plan and develop its own Communications Strategy.
<b>Draft public relations training modules and materials</b>	1			X		In Yr3/Q1, EROL provided technical assistance to the KPC regarding training modules for a new KPC spokesperson and specially-designated prosecutors/public information officers. Since then EROL has included KPC PR officers in its training of court PIOs
Train public relations staff	1			X		In Yr2, EROL trained KPC staff/spokesperson. In Y3/Q1, EROL provided technical assistance to the KPC regarding training of a new KPC spokesperson and specially designated prosecutor/public information officers. EROL provided training for the KPC PIO along with PIOs for the KJC, KJI and each of the courts in Yr3Q3. Since then EROL has included KPC PR officers in its training of court PIOs
Support formulation of external/internal communication plans	2			X		In Yr2, EROL finalized and presented to KPC for consideration public relations strategy, media guidelines and a crisis communication plan. In Y3/Q1, EROL transmitted a proposed Communications Plan to the KPC Normative Committee in anticipation of consideration and approval by the full Council. Now that the KJC has adopted a Communications Strategy, the KPC has asked for EROL support to revisit the proposed plan and develop its own Communications Strategy.
Incorporate public messages into overall outreach activity	2			X		In Yr2, EROL drafted media guidelines and conducted Media and the Criminal Justice Workshop attended by legal professionals and journalists. In Y3/Q1, EROL provided technical assistance to the KPC regarding the integration of a new KPC spokesperson and specially designated prosecutor/public information officers into KPC public outreach strategies.

<sup>6</sup> By agreement, EUOK is primarily responsible for advising the KPC on disciplinary activities.

## MINISTRY OF JUSTICE SCORECARD

Ministry of Justice Scorecard	Targets and Actual					Remarks
Activity/Initiative	Target Completion (Year)	Actual Completion Year				
		1	2	3	4	
<b>Legislative drafting</b>						
Draft training modules	2		X			Legal Process workshop in Peja conducted during Q2. Eight professionalization training modules were under development during Q3.
Implement training program in legislative drafting	1	X				Workshop completed on public policy analysis and development and on public input and legislative drafting. Legal Process workshop in Peja conducted in Yr2 Q2.
Draft legislative enactment plans	1	X				Public policy analysis and development protocol completed
Define guidelines for public participation	1	X				Guidelines for Public Consultation were published by GOK in Sep 2011
Capacity development for public participation	1			X		Workshops on Legislative Drafting, including drafting of secondary legislation and protocols for public participation, were conducted.
Support for secondary legislation drafting	1			X		
<b>International Legal Cooperation Department (ILCD)</b>						
Training needs analysis report	1	X				Per agreement with EULEX/ECLO, EROL providing training on civil aspects of legal cooperation (excluding family law)
Develop training modules for ILCD	2		X			Training Module developed and provided.
Develop international legal assistance manual	1	X				Conducted 2-day workshop on international legal cooperation in civil matters and delivered Practice Manual
Training MOJ officials in implementation of roles	1	X				Conducted 2-day workshop on international legal cooperation in civil matters and delivered Practice Manual. In Yr2Q1, prepared a comprehensive sensitive case file use and storage protocol, which was accepted for use by the Acting Director of the ILCD. The training on the negotiation, conclusion and implementation of bilateral agreements on civil matters was successfully delivered on 3-4 October 2013. In Yr4 Q1 EROL delivered three training sessions regarding the international legal cooperation in civil matters for the legal officers at the DILC and for the civil judges from the Basic Courts in Kosovo. 5 (five) legal officers from the MoJ/DILC have attended the program while 60 judges from the basic court in Kosovo have attended

						the program. The first training was conducted on 28-29 April 2014, and continued with the second training on 19-20 May, concluding with the third training on 20-21 June 2014.
Complete agreements with interested nations	2				*	To support the DILC in its efforts to conclude agreements with other nations, EROL has prepared a practice manual on international legal assistance in civil matters.  To support the DILC in its efforts to conclude agreements with other nations, EROL has prepared a practice manual on international legal assistance in civil matters, Guide is designed to assist the legal practitioners in the Ministry of Justice in understanding and implementing their legal and procedural obligations with respect to requests to and from Kosovo. It is also designed to provide assistance to the DILC in developing and/or clarifying internal and inter-institutional processes for handling cases.
Exchanges with EJM and EuroJust	2				*	This has not been interest from the DILC to support the MoJ in its activities regarding exchanges with EJM and EuroJust. Therefore, no activities have been initiated nor is there anything to report.
<b>Litigation Unit</b>						
Training needs analysis report	1	X				Three (of six) lawyers in Division for Judicial Litigation attended NITA-style trial advocacy training conducted by KJI; EROL prepared proposal to the Department for Legal Affairs to define and increase MOJ capacity to represent GOK in litigation.
Develop training modules	2				*	EROL's work with the litigation unit of the MOJ (State Advocate's Office) was postponed until appointment of a new state advocate general. Even though that appointment is not anticipated in the near future, EROL is ready to implement training programs for SAO attorneys and professional associates immediately. EROL in Year 4 is also prepared to submit a concept paper to form a working group preparing draft SAO regulations.
Training in inter-Ministerial coordination for litigation	2				*	
Training in oral and written advocacy skills	2				*	
ToT for local trainers	2				*	
Training in administrative litigation	3				*	
Training in civil litigation	3				*	
Compilation of training into a reference book	2				*	

OFFICE OF THE PRESIDENT SCORECARD

Office of the President Scorecard	Targets and Actual					Remarks
Activity/Initiative	Target Completion (Year)	Actual Completion Year				
		1	2	3	4	
<b>Report on justice-related competencies of OP</b>	1				X	An assessment of the justice-related competencies of the OP from the perspective of the Kosovo Constitution and the relevant legislation has been completed in the form of specific reports and concrete analysis, which have critically examined the role of the President in the justice sector and the interaction with the Kosovo Judicial Council and the Kosovo Prosecutorial Council regarding the process of judicial and prosecutorial appointments
<b>Establish working group per Project design TORs</b>	1	X				Working groups are identifiable and operational. This constitutes the technical level group, which is comprised of the representatives from the PO and the KJC and KPC Secretariat.
<b>Support creation of coordination mechanisms</b>	1	X				Coordination mechanism as locus for institutional interaction and policy coordination [to address policy options, and to analyze or resolve legal conflicts or inconsistencies on matters involving but not limited to judicial and prosecutorial appointments] have been established and are operational. The coordination mechanisms include the PO Legal Advisor (including the Head of the PO Legal Department) and the Director of the KJC/KPC Secretariat.
<b>Intra-governmental roundtables</b>	1	X				The 3 <sup>rd</sup> in a series of Intra-Governmental Roundtables was held in Q4 (06 March 2012). The roundtables explored many issues of judicial and prosecutorial appointment/transfer/dismissal, and simultaneous applications to the KJC and the KPC by the same applicant.
<b>Draft PR strategy</b>	1		X			EROL has finalized the drafting of the media relations guidelines for the Office of the President. The purpose of the guidelines is to give effect to democratic principles of transparency and public participation in the justice system of Kosovo in order to ensure judicial and prosecutorial independence, impartiality and integrity and the fair administration of justice in the Republic of Kosovo.
Train public relations team members	2		X			In Year 2, EROL conducted a series of PR training sessions for the OP team in order to empower the professional skills in media interaction and enhance thus the President's communication with citizens on justice related matters. The following activities were undertaken to accomplish this objective.

						EROL conducted on October 24, 2012, a workshop for OP public officers on the development of a communications strategy. The workshop introduced participants with the contemporary approaches and techniques in overcoming public communication barriers, ensuring qualitative message delivery, and strategies for communicating matters involving judicial and prosecutorial appointments. On February 22, 2013, EROL conducted the other workshop with the justice sector institutions, including the Office of the President to discuss the media relations guidelines as prepared by EROL STTA.
Include outreach messages in overall PR strategy	3			X		Outreach messages in the PR strategy for the Office of the President have been included and are now part of the Media Relations Guidelines for the Office of the President.
Support drafting of written protocols/circulars/guidelines	2	X				KJC Administrative Instructions (2) on the Submission of Proposals for Appointment of Candidates as Judge/Prosecutor; PO Regulations (2) on the Appointment of Candidates proposed as Judges/Prosecutor. EROL provided PO with legal research and advice on matters pertaining legislation review, constitutional authority of pardon, and judicial and prosecutorial appointments. EROL continued to provide support for the Office of the President in the area of legal drafting and legislative review including but not limited to the development of procedures and protocols for the review of enacted legislation prior to its promulgation. EROL completed the Language English Program (LEP) for the legal team of the President's Office.
Support agencies to implement protocols	2		X			EROL supported the OP in the implementation of the technical guidelines for the exercise of OP constitutional competencies with regard to the return of laws for reconsideration prior to promulgation. The result is that the OP is reviewing the legislation on the basis of the EROL designed guidelines. In addition, a team of legal officers of the OP attended the Legal English Program as developed by EROL. The program has successfully strengthened the professional capacities of the OP in providing better quality of legal services and has enhanced the process of the implementation of the existing legal framework and protocols. EROL in cooperation with NDI Kosovo hosted two Intra-Governmental Roundtables regarding challenges confronting the process of drafting secondary legislation and its implementation. Participants from the OP, the AoK, MoJ, KJC and KPC have highlighted a variety of technical problems in the process of drafting secondary legislation, including preparation of the fiscal and regulatory impact assessment as documents for ensuring efficiency, practicability and implementation of the draft legislation. EROL has taken an active role approaching the OP legal team to prepare and revise the existing protocols and rules regarding aspects of judicial and prosecutorial appointments. EROL and OP are in the process of publishing the guidelines on the review of laws enacted by the legislature.
Train legal officers of OP	2		X			In July 2012, EROL conducted a two-days training in the legislative drafting process. The training was attended by the legal officers of the PO, the KJC, the KPC and the MoJ. In October 2012, EROL conducted a two-day workshop on the "legislative review process". The training was attended by the legal officers of the President's Office and

						the Assembly of Kosovo. EROL conducted the training on the process of drafting of secondary legislation, which was held on 4-5 July 2013. The training aimed at supporting the legal teams of the OP, the AoK, the MoJ, the KJC and the KPC to draft secondary legislation following the entry into force of a new regulatory framework on legal drafting in Kosovo.

## CONSTITUTIONAL COURT SCORECARD

Kosovo Constitutional Court Scorecard		Targets and Actual				Remarks
Activity/Initiative	Target Completion (Year)	Actual Completion Year				
		1	2	3	4	
Needs Assessment - expertise and information needs of judges	1	X				EROL is preparing topics for a judicial training conference to be held in Q1 or Q2 in Year Two of Program
Support program and materials for CC judges drafted	1		X			EROL elicited and organized the presentations of eight formal presentations on substantive constitutional and legal issues for the international conference on Human Rights sponsored by EROL and Constitutional Court, on June 29-30, 2012.
Training modules developed for new CC judges	1		X			
Support attendance at regional or international conferences	1		X			
Needs Assessment - training needs for legal advisors	1	X				Training Needs Assessment Completed
Training modules developed for legal advisors	1	X				Workshop conducted at end of Q2 and second workshop done in Q4
Training provided to legal advisors	1	X				Workshop conducted at end of Q2 and second workshop done in Q4
Exchanges with international jurists (visits to Kosovo or travel)	1		X			Target completed through the above conference, which included presentations by judge who served on European Court of Human Rights, two federal court judges from United States, and one lawyer from Ireland.
Preparation of research papers for conference	1		X			
Conference on constitutional jurisprudence and adjudication	1		X			
Internship program launched (year 2) and monitored (2-4)	2				*	KCC asked us to defer on this and provide training to legal advisors
Materials created and distributed as bench references	2		X			EROL prepared summaries of the 93 cases decided in 2011, as well as a complete subject matter index, for inclusion in the Court's Bulletin of Case Law 2011, which will be widely distributed to judges and other legal professionals for use and reference

						manual.
<b>Library needs assessed and materials procured</b>	2				*	GIZ is doing this
<b>Training module developed for internet research</b>	2		X			The Legal English Program Legal Research Module, prepared in conjunction with KJI, will be offered to legal advisers and legal researchers with sufficient English language proficiency at Constitutional Court.
<b>Reference manual created and distributed</b>	3			X		As part of that process, in Yr3/Q1, EROL and KCC representatives distributed a special international human rights edition of "E Drejta", which is the result of a KCC/EROL/Law Faculty collaboration, and provides guidance on the implementation of international human rights mandated by the Constitution, which was released to judges of the Court, KCC legal support staff members, the "ordinary" courts and legal support staff members, law professors, students, lawyers, and members of the public in hard copy and in electronic format on institutional online Websites.
<b>ToT in adult learning principles</b>	2		X			Training for Legal Advisers completed.
Local and international trainers train advisors together	3	X				Legal Advisor Training conducted.
Local trainers begin to train on their own	3	X				Orientation and training for new researchers conducted by CC Trainers using EROL-produced materials.
<b>Deploying software for full-text searchable decisions online</b>	3			X		In Yr3/Q2, the KCC database/search engine was fully deployed. The full-text searchable feature is available in Word format, and is being debugged in the PDF format; the full-text search feature is expected to be available during Y3/Q3 or Y3/Q4.

## KOSOVO JUDICIAL INSTITUTE SCORECARD

Kosovo Judicial Institute Scorecard		Targets and Actual				Remarks
Activity/Initiative	Target Completion (Year)	Actual Completion Year				
		1	2	3	4	
Assessment of KJI structure and curriculum, and their degree of alignment with LoP and LoC	1	X				EROL team conducted Kosovo Judicial Institute Initial Legal Education Program Assessment on March 2012
Draft training courses	1	X				In the CLEP Assessment, EROL undertook the responsibility for the preparation of several course modules for presentation in 2012. Drafts of two courses have been completed
<b>Training of Trainers (TOT)</b>						
Training of trainers program developed	1		X			In conjunction with KJI instructors selected by the Director, EROL prepared modules

						Legal Reasoning and Writing, Court Management, Case Management, and Judicial Ethics with interactive learning features that were introduced to all KJI instructors. Several programs were delivered with fulltime and adjunct KJI instructors participating in Q4.
ToT program carried out with KJI instructors	1		X			The above courses with TOT features were presented in Yr2 Q4; Two KJI trainers were trained to deliver the Workshop for Judges on Mock Trial (Civil) for the Kosovo Judiciary and the Information & Communications Technology (ICT) Considerations Module for the Kosovo Judiciary during Yr3/Q3 <b>Target Completed</b> in for Yr4 in Q1 – with delivery of Resilient Leadership ToT, May 26-28, 2014.
<b>English language TOT training</b>						
Training of trainers program developed	1		X			Legal English Program TOT Curriculum, Legal Research Module, Lower Intermediate Module, Intermediate Module and International Legal Cooperation in Civil Matters Curriculum conducted and completed during Yr2 Q1, courses presented in the CLEP and ILEP Programs.
ToT program carried out with KJI instructors	1		X			Legal English Program TOT Curriculum, Legal Research Module, Lower Intermediate Module, Intermediate Module and International Legal Cooperation in Civil Matters Curriculum conducted and completed during Yr2 Q1, courses presented in the CLEP and ILEP Programs. In Y3/Q1, an EROL trainer mentored KJI trainers in the delivery of the ICT Considerations for the Kosovo Judiciary program.
<b>Training program on OSCE recommendations prepared</b>	1		X			OSCE reports have been analyzed and administrative staff shortcomings are being addressed in a Best Practices course developed. In conjunction with KJI instructors selected by the Director, EROL is preparing a course module on court administration staff best practices. The course module development began in Yr2 Q3, continued during Q4. The Model Court Program delivered a series of professionalization classes to court support staff during implementation on the new law on courts.
<b>STTA provided in holding judicial conferences</b>	1			X		In January 2014 EROL provided an STTA to moderate and organize the KCC Conference on Self-Executing Nature of KCC Decisions.
<b>Judicial conferences held</b>	1			X		Conference on Self-Executing Nature of KCC Decisions took place in January 2014
<b>Develop list of potential local and int'l partner institutions</b>	1	X				List prepared and submitted to KJI.
<b>Support development of relationships with institutions</b>	1					EROL Team is coordinating study tour for KJI to the National Judicial College (NJC) for Nov 2014
<b>Support to attend international conferences</b>	1			X		KJI Director attended the International Organization for Judicial Training (IOJT) Conference in Washington D.C. in 2013 and EROL is encouraging wider participation of KJI staff at the next IOJT Conference.
<b>KJI website enhanced</b>						
Include reference materials and legal information on site	1			X		Full deployments of the KJI software and website happened in Yr3/Q2, and training of KJI staff was completed in Yr3/Q3.
Develop test version of KJI website	1			X		

Develop draft database of trainees	1			X		
Develop distance learning demonstration course	1			X		
Distance learning platform and catalog deployed and in use	2			X		KJI database and distance learning platform completed in Y3.

## MODEL COURTS PROGRAM SCORECARD<sup>7</sup>

Model Courts Scorecard	The Supreme Court	Pristina District Court <sup>8</sup>	Gjilan District Court <sup>9</sup>	Lipjan Municipal Court <sup>10</sup>	Istog Municipal Court <sup>4</sup>	Viti Municipal Court <sup>4</sup>	Rahovec Municipal Court <sup>4</sup>	Suhareka Municipal Court <sup>4</sup>
<b>KEY STANDARD</b>								

<sup>7</sup> The MCP Scorecard 1 includes first eight participant courts on EROL MCP as per their operation under former courts structure.

<sup>8</sup> As foreseen by the new LoC the Pristina District Court Jurisdiction from January this year is converted to the Pristina Basic Court and Court of Appeals. As per KJC and USAID agreement the Pristina District Court building was refurbished and transferred to the Court of Appeals. The MCP activities were focused on supporting new courts, the Court of Appeals and the Pristina Basic court.

<sup>9</sup> As foreseen by the new LoC, the Gjilan District Court and Gjilan Municipal Court are converted to one court - Gjilan Basic Court. The MCP assisted both courts on reaching the MCP standards and also implementing the new LoC

<sup>10</sup> The Municipal Courts as are listed on the scorecard 1 (Lipjan MC , Istog MC, Viti MC, Rahovec MC and Suheraka MC) starting from January 2013, as foreseen on the new LoC are converted to branch courts to their respective Basic courts.

1	Reorganize administrative duties between Presiding Judge and Court Administrator	2	2	2	2	2	2	2	2
2	Develop and implement a Court Training Plan	2	2	2	2	2	2	2	2
3	Maintain and updated open and closed case files accurately and chronologically	2	2	2	2	2	2	2	2
4	Develop and implement a plan for reduction of case backlogs in all types of cases	2	2	1	1	1	1	1	1
5	Develop and implement a plan for compliance with case processing time standards	1	1	1	1	1	1	1	1
6	Streamline procedures for effective procurement and use of court logistics and supplies	2	2	2	1	1	1	1	1
7	Enhance court communication with the public	2	2	2	2	2	2	2	2
8	Improve accessibility and security of court facilities	3	3	3	3	3	3	3	3
9	Ensure that court proceedings are open and that all that appear before the court have the opportunity to participate effectively	3	3	3	3	3	3	3	3
<b>TOTAL:</b>		19	19	18	17	17	17	17	17

## MODEL COURTS PROGRAM SCORECARD<sup>11</sup>-II

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<sup>11</sup> The MCP Scorecard 2 includes second eight new participant courts that joint EROL MCP on the Yr2 Q4.

<b>Model Courts Scorecard</b>										
<b>KEY STANDARD</b>		Pristina Basic Court -Podujeva Branch <sup>12</sup>	Pristina Basic Court – Glogovc Branch <sup>6</sup>	Ferizaj Basic Court –Kacanik Branch <sup>6</sup>	Gjakova Basic Court –Klina Branch <sup>6</sup>	Gjakova Basic Court –Maliseva Branch <sup>6</sup>	Peja Basic Court – Decan Branch <sup>6</sup>	Prizren Basic Court – Dragas Branch <sup>6</sup>	Mitrovica Basic Court – Vushtrri Branch <sup>6</sup>	Court -Sterpce Branch <sup>13</sup>
1	Reorganize administrative duties between Presiding Judge and Court Administrator	2	2	2	2	2	2	2	2	2
2	Develop and implement a Court Training Plan	2	2	2	2	2	2	2	2	1
3	Maintain and updated open and closed case files accurately and chronologically	2	2	2	2	2	2	2	2	2
4	Develop and implement a plan for reduction of case backlogs in all types of cases	1	1	1	1	1	1	1	1	0
5	Develop and implement a plan for compliance with case processing time standards	1	1	1	1	1	1	1	1	0
6	Streamline procedures for effective procurement and use of court logistics and supplies	1	1	1	1	1	1	1	1	1
7	Enhance court communication with the public	1	1	2	1	1	1	2	1	1
8	Improve accessibility and security of court facilities	3	3	3	2	2	3	3	1	2
9	Ensure that court proceedings are open and that all that appear before the court have the opportunity to participate effectively	1	2	2	1	1	1	2	1	1
<b>TOTAL:</b>		14	15	16	13	13	14	16	12	10

<sup>12</sup> As foreseen on the new LoC the Branch Courts operate under the Basic Courts which

<sup>13</sup> During this year EROL added Ferizaj Basic Court – Branch of Sterpce to the MCP activities.

EROL MODEL COURT PROGRAM– PMP SCORING DESCRIPTION CRITERIA

Key Standard	Scoring	
	Score	Criteria
Reorganize administrative duties between Presiding Judge and Court Administrator	0	No formal description of court administrative responsibilities.
	1	Assessment of court administrative functions completed.
	2	Plan for division of responsibilities developed and implemented. With the endorsement of the new Regulation on Court Internal Operations EROL facilitated discussions to clarify the roles and responsibilities of President Judges and Court Administrator. Additionally EROL assisted the Supervisory Judges and Assistant Administrators in the Branch Courts understand the appropriate communication chain between the Branches and the main office of the Basic Court.
	3	Results of implementation reviewed, plan adjustments considered.
Develop and implement a Court Training Plan	0	No formal Court Training Plan.
	1	Assessment of training needs completed.
	2	Court Training Plan developed and implemented. During the Y 2 Q1, Q2 and Q3 EROL conducted a significant number of training programs for court staff relevant to the implementation of the new court structure. Trainings were focused on change management, case transfer, new case registers, communications, time stamps, data base use and statistics.
	3	Results of implementation reviewed.
Maintain and update open and closed case files accurately and chronologically	0	No written plan for file management.
	1	Status of current file management assessed and deficiencies noted.
	2	Plan for case record maintenance, updating, and routing with accountability noted adopted. EROL MCP developed a database program that will streamline the workflow, as well as enable the KJC Sec and Courts in collecting more reliable and accurate statistical data.
	3	Status of file management reviewed.
Develop and implement a plan for reduction of case backlogs in all types of cases	0	No formal plan for backlog reduction/prevention.
	1	Assessment of current case backlog completed. Through database and data entry personnel the EROL MCP is collecting data for all pending cases. At this stage the courts are able to identify cases by party name and filing date.
	2	Plan for reducing backlog, with targets and responsibilities, adopted.

Key Standard	Scoring	
	Score	Criteria
	3	Case backlog reassessment completed and changes to the plan undertaken.
Develop and implement a plan for compliance with case processing time standards	0	No formal plan for compliance with case processing time standards.
	1	Assessment of case processing procedures completed. Through database and data entry personnel EROL MCP is collecting data of all pending cases as well as cases with a disposition date after 2013. At this stage the courts are not able to identify cases by disposition date since data entry process is ongoing.
	2	Plan for timely processing of cases and compliance with time standards developed and adopted.
	3	Case processing procedures reassessed and changes to the plan identified.
Streamline procedures for effective procurement and use of court logistics and supplies	0	No procedures for effective procurement and use of court supplies developed.
	1	Inventory of court logistics and supplies completed. Under the new court internal structure significant improvements were achieved across the courts in Kosovo. Merge and consolidation of the Basic Court logistic offices and inventory and update of the listed information are positive highlights that deserve to be acknowledged as improvements toward accountability on the maintenance and use of court inventories and equipment
	2	Plan for tracking and managing use of supplies developed. As the new court internal structure was developed by the sub-working group on human resources and became effective January 2013, each basic court recruited a staff member who will deal with court logistic issues. This effort will improve the supply tracking system and enhance communications with KJC Secretariat.
	3	Evaluation of the supply and inventory system completed with problems identified.
Enhance court communication with the public	0	No organized public communication or community outreach.
	1	Identification of court outreach activities to enhance court/community relations. During the quarter 3 and this quarter as well, EROL successfully managed to develop and finalize the design plans for refurbishment on branch courts of Klina, Decan, Podujeva, Malishevo and Sterpce. The developed design plans successfully address all standards for improvements in area of communication, access, transparency and safety.
	2	Plan for public communication and community outreach developed. EROL MCP, in conjunction with the EROL communication specialist and STTA, facilitated communication training for court information coordinators and court administrators. A court signage plan has been developed for all MCP courts undergoing refurbishment. Court directories and information booths are in place. Designing and printing of court brochures are in the process of finalization.
	3	Outreach activities monitored and changes made to the plan based on evaluation.
Improve accessibility and security of court facilities	0	Court is not safe and accessible.
	1	Facility evaluation completed for potential safety and accessibility improvements.

Key Standard	Scoring	
	Score	Criteria
	2	Plan for improvements in facility safety and accessibility developed and construction activities started. The refurbishment design plans and specifications incorporate all necessary measures to increase safety in the courts. Additionally the designs improve access and transparency to all court operations. During this quarter the refurbishment activities were completed in Kacanik court;
	3	Facility improved and reassessment completed. In addition to last quarter where 2 courts completed the refurbishments, in this quarter 5 other courts completed refurbishments. With the refurbishment completion of these 5 courts the improvements increased the safety , access and efficiency of court operations.
Ensure that court proceedings are open and that all that appear before the court have the opportunity to participate effectively	0	Public access to court hearings is limited or haphazard.
	1	Barriers to access identified (including physical, language, gender, security, ethnic barriers).
	2	Plan for improvement to eliminate barriers to access developed. Designs for refurbished facilities increased the number of courtrooms by 100% over current court use. This increase will enable more members of the public to attend open hearings and court sessions. In each of the refurbishment designs is foreseen increase of the court rooms up 100% more that currently court use. So, the increase of the court rooms which enable courts to receive more public to the open hearings. Courts successfully continued publishing court hearings through the monitors on public area.
	3	Accessibility reassessed and plan modified based on new information.