FINAL REPORT

JUSTICE SYSTEM STRENGTHENING PROGRAM IN KOSOVO

Contract: AID-167-TO-16-00001

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**Annexes**

- Annex A. Monitoring, Evaluation, and Learning Plan
- Annex B. Infographics
- Annex C. Index of Deliverables
LIST OF ACRONYMS

ACDC  Advocacy Center for Democratic Culture
BIRN  Balkan Investigative Reporting Network
BRLO  Backlog Reduction Legal Officer
CCK   Constitutional Court of Kosovo
CDDCS Country Development and Cooperation Strategy
CMIS  Case Management Information System
CSO   Civil Society Organization
CUC   Court User Committee
D+    Democracy Plus
EAB   Ethics Advisory Board
ER    Expected Result
EU    European Union
FJC   U.S. Federal Judicial Center
FRRLS Functional Review of the Rule of Law Sector
FOL   Levizje FOL
GIZ   German Society for International Cooperation
GOK   Government of Kosovo
IR    Intermediate Result
ICT   Information Communication Technology
JIU   Judicial Inspection Unit
JSA   Justice Sector Agreement
JSSP  Justice System Strengthening Program
KJA   Kosovo Justice Academy
KJC   Kosovo Judicial Council
KJI   Kosovo Judicial Institute
KPC   Kosovo Prosecutorial Council
LDL   Law on Disciplinary Liability
MCLE  Mandatory Continuing Legal Education
MOJ   Ministry of Justice
ODC   Office of Disciplinary Council
OPDAT Office of Overseas Prosecutorial Development, Assistance and Training
PIO   Public Information Officer
PSA   Public Service Announcement
USAID United States Agency for International Development
EXECUTIVE SUMMARY

The Justice System Strengthening Program (JSSP) is pleased to present this Final Report for work performed under Task Order AID-167-TO-16-00001. This report summarizes the final status of component objectives, performance against established indicators and targets, lessons learned, challenges encountered and resolved, perceived issues with assistance provided, and opportunities for further expansion of the completed work.

PROJECT OBJECTIVES

In November 2015, the United States Agency for International Development (USAID) awarded JSSP to Millennium DPI Partners. JSSP was designed to build on USAID’s earlier investments in the justice sector, helping to ensure that the rule of law took root in Kosovo by strengthening the independence, professionalism, efficiency, and accountability of Kosovo’s judicial system.

JSSP’s activities focused on three main objectives:

- **Objective 1**: Strengthening efficiency and effectiveness in the administration of justice and the delivery of quality services by the Kosovo Judicial Council (KJC) and courts
- **Objective 2**: Enhancing the accountability and professionalism of justice system institutions and actors
- **Objective 3**: Supporting the functioning and integration of judicial structures in the North of Kosovo

STRATEGIC FRAMEWORK

JSSP supported USAID’s Country Development Cooperation Strategy 2014–2018 (CDCS) and the overall goal of Kosovo progressively integrating into the Euro-Atlantic community, with more effective and accountable governance. It specifically supported Development Objective 1, Improved Rule of Law and Governance that Meet Citizens’ Needs. Program activities were designed to advance the CDCS’ Intermediate Result (IR) 1.1, More Efficient, Transparent, Independent, and Accountable Justice Sector, by improving the administration and management of judicial institutions and by enhancing the skills of justice sector professionals. JSSP also furthered IR 1.3, Improved Integration of Ethnic Minorities, by improving access to justice for ethnic minorities.

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<tr>
<th>IR 1.1</th>
<th>More Efficient, Transparent, Independent, and Accountable Justice Sector</th>
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<td>Better Court Administration and Management of Judicial Institutions</td>
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<td>Enhanced Skills of Justice Sector Professionals</td>
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<td>Improved Legal Regimes in Key Areas with Stronger Implementation</td>
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<th>IR 1.3</th>
<th>Improve Integration of Serb-Populated North</th>
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<td>Sub-IR 1.3.1</td>
<td>Enhanced Capacity to Address Minority Issues</td>
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<td>Sub-IR 1.3.2</td>
<td>Increased Participation of Minority Populations</td>
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**Activity Goals**

JSSP tackled key issues identified in the CDCS, Kosovo’s Rule of Law Assistance Strategy 2016-2019, the KJC’s Strategic Plan 2015-2018, and other guiding documents. It addressed impediments to judicial efficiency, transparency, accountability, and integration to improve the performance of Kosovo’s justice institutions and actors and promote greater public confidence in the system. While, pursuant to its contract, assistance to the KJC was the centerpiece of JSSP’s efforts, support was also provided to other key institutional actors with a role in ensuring that Kosovo’s justice system operates in an efficient and effective manner, such as the Ministry of Justice (MOJ), Constitutional Court of Kosovo (CCK), Kosovo Justice Academy (KJA), and courts.

**Key Achievements**

**Objective 1**

Objective 1 focused on strengthening the administration of justice and delivery of services by the KJC and courts. Tasks required and successfully undertaken to achieve these goals included, among others:

- Finalizing and supporting the implementation of necessary sub-legal acts by the KJC;
- Conducting an initial stocktaking of the justice sector;
- Supporting KJC participation in the functional review of the rule of law sector led by the MOJ;
- Ensuring an appropriate budget planning and implementation process for the KJC;
- Improving the KJC’s capacity to fulfill its mandate through adjustments to its organizational structure, leadership, and working methods;
- Supporting the decentralization of administrative functions from the KJC Secretariat to courts;
- Supporting initiatives to give the judiciary more management control over non-judicial personnel;
- Supporting backlog reduction, and developing mechanisms for reducing trial postponements;
- Creating policies for records management and retention; and
- Developing uniform leadership and management skills for court administrators.

JSSP’s activities and accomplishments in these areas are detailed in the table below. Through these initiatives, JSSP met or exceeded each Expected Result (ER) for Objective 1.

**Objective 1 Expected Results and Accomplishments**

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<th>Expected Results</th>
<th>Accomplishments</th>
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| The KJC more effectively exercises its policymaking and operational support functions in support of the judiciary | • Strengthened KJC leadership to increasingly take the lead in proactively addressing systemic issues.  
• Restructured the KJC to effectively and efficiently fulfill its policy and oversight mandate, including: (i) increased the number of full time KJC members from 1 to 5; (ii) instituted a cabinet for KJC Chairman and leadership; (iii) expanded the mandate of the Judicial Inspection Unit to assess and improve case management; (iv) restructured the Secretariat to focus on its administrative functions. |
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<th>Expected Results</th>
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<td>support role; (v) provided legal basis for the background checking unit; (vi) established and enhanced the disciplinary process against judges; (vii) established and enhanced the operations of the Performance Evaluation Committee; (viii) established the Training Committee to manage professional development opportunities for judges and liaise with the Justice Academy.</td>
<td>• Developed a three-year Strategic Plan for the KJC, developed corresponding annual plans that sequenced interventions essential to achieving each strategic goal, and established mechanisms and tools to monitor and report on progress. • Developed an emergency preparedness plan to ensure continuity of court operations during COVID-19 pandemic. • Improved policy and regulatory development processes by making them evidence-based and inclusive. • Enhanced the effectiveness and proactiveness of all KJC committees, and instilled the ability to lead the development, implementation, and monitoring of policies and best practices.</td>
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<td>Court and KJC performance improved through policies, regulations, and best practices promoting increased professionalism, efficiency and accountability</td>
<td>• Introduced a disciplined approach to decision making by scheduling bi-weekly meetings and introducing protocols guiding KJC agenda development and decision making. • Established and continually enhanced the judicial performance evaluation process; developed resources materials for its implementation (e.g., evaluation manual). • Introduced Mandatory Continuing Legal Education to improve judicial professionalism. • Empowered court president to manage judges’ continued training, and the Performance Evaluation Committee to monitor judges’ compliance with mandatory requirements. • Introduced court and case management best practices - enhanced annual plans and reporting, active case management, backlog reduction and prevention, hearing productivity, etc. • Developed performance dashboard tool for monitoring, analyzing, and managing the performance of courts and judges. • Helped develop an internal performance dashboard for court presidents and the KJC, consisting more than 10 court performance indicators (e.g., clearance and disposition rates, length of proceedings, hearing productivity, etc.).</td>
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<tr>
<td>A detailed assessment of the justice sector, including the efficiency of the reorganized court structure, conducted with recommendations subsequently implemented</td>
<td>• Completed a rapid assessment of the justice sector. • Implemented key assessment recommendations, including those related to restructuring, leading to greater efficiency, transparency, and accountability in the judiciary. • Identified key priorities during the Functional Review of the Rule of Law Sector (findings guided the development of the rule of law strategy for the judicial sector). • Included relevant Functional Review recommendations in the KJC Strategic Plan and related annual plans.</td>
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<tr>
<td>Key sub-legal acts necessary for the implementation of the Justice Sector Agreement adopted and implemented by the KJC</td>
<td>• Amendment to the regulation on internal organization and functioning of the courts provided for Appellate Division in the north that is fully functioning. • Drafted regulation allowing for validation and recognition of decisions. • Adopted and supported the implementation of the decision allowing for language-based assignment of cases. • Harmonized key laws affecting the judiciary by enhancing Serbian translations.</td>
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<tr>
<td>Expected Results</td>
<td>Accomplishments</td>
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| Key operational support functions delegated to the courts. The courts trained and prepared to absorb and implement the new responsibilities, with particular focus on budget and human resources | • Developed roadmap identifying key competencies that would be retained by the Secretariat and those that would be transferred to the courts.  
• Provided training, manuals, and resource materials to help courts implement delegated administrative functions; created a feedback loop to promote continued improvement.  
• Based on experience with decentralization, assisted with the realignment of core administrative functions between the Secretariat and courts to maximize efficiency. |
| 70% of the backlog reduced and tools and processes introduced to improve caseflow management | • Reduced backlog by 83%.  
• Increased case clearance rates from on average 90% to over 125%.  
• Introduced best practices to improve case processing efficiency, including case screening.  
• Introduced differentiated case management at the Appellate Court.  
• Reduced overall case inventory of basic courts by 67% (from 408,803 cases in 2016 to 132,263¹ in 2020).  
• Introduced consecutive hearings as a tool to improve hearing productivity.  
• Introduced online hearings and the use of electronic communication with parties.  
• Drafted a legal opinion for the Supreme Court on the Law on Minor Offences that led to the enforcement of thousands of minor offense decisions pending since 2017. |
| Laws and/or regulations developed that enable the independence of court administration and other court personnel | • Ensured the inclusion of provisions bolstering the authority and independence of court administrators in the Law on Courts adopted in December 2018.  
• Increased the number of full-time KJC members from one to five, and built the organizational capacity to proactively address systemic issues.  
• Introduced a regulation to improve the utilization and accountability of professional associates. |
| KJC engaged professionally and effectively with the Government and Assembly in preparing its budget and effectively advocating for its interests | • Established and helped implement protocols for the KJC’s engagement with the Government and Assembly in preparing judicial budgets and advocating for the judiciary’s interests.  
• Instituted annual budget hearings with court presidents to instill greater discipline in the budget preparation process. |
| All court management teams trained to manage the courts effectively and are effectively using their skills | • Developed training program to bolster the management and leadership skills of court management teams.  
• Created a cadre of trainers within the KJA to continually improve the management skills of judicial leaders and managers.  
• Built analytic and reporting capabilities within management teams and staff.  
• Management skills used to effectively reduce backlogs and increase clearance rates. |
| KJC adequately budgets for CMIS implementation and maintenance and develops the sub-legal | • Mentored and monitored KJC’s efforts to effectively implement CMIS.  
• Developed budget template for KJC to forecast and budget for costs associated with CMIS’ implementation and maintenance. |

¹ As of September 30, 2020.
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<th>Expected Results</th>
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| acts required for its introduction. | • Assisted the CMIS team in designing an internal performance dashboard to help court presidents and the KJC manage court performance.  
• Assisted the CMIS in designing statistical reports to manage court performance based on CEPEJ indicators.  
• Assisted in the design of automatic case assignment via CMIS.  
• Linked KJC website features to CMIS, including the publication of case hearing schedules. |
| KJC, to the extent practicable, migrates data from the electronic case registry system to CMIS | • Helped develop a data migration plan.  
• Helped KJC and courts migrate data from manual registries into CMIS; all active case data was entered into CMIS as of January 2020 for the Basic Courts and the Court of Appeal. |
| Increased numbers of women judges have access to management skills training | • Introduced a mechanism to ensure equal representation of women at the KJC.  
• Introduced quotas for women judges to attend management and leadership training.  
• Launched women’s mentorship program to support women in management positions. |

**Objective 2**

Objective 2 activities were designed to enhance the accountability and professionalism of justice system institutions and actors. Tasks required and successfully undertaken to achieve these goals included, among others:

- Introducing Mandatory Continuing Legal Education (MCLE) for judges;
- Establishing a mechanism and practice for posting judgments on court websites in a timely manner;
- Assisting the KJC and courts in updating their websites;
- Developing best practice recommendations for judicial disciplinary bodies to use in initiating, screening, investigating, hearing, and resolving judicial complaints;
- Updating the judicial Code of Ethics to the standards set forth in the Bangalore Principles of Judicial Conduct and expanding training to justice sector employees on ethics;
- Establishing a process for posting disciplinary decisions on the KJC website in a timely manner;
- Supporting professionalism and public integrity initiatives to assist in a culture of lawfulness and independence of judges;
- Assisting the CCK in its transition to a full local composition;
- Supporting implementation of the CCK’s Legal Advisors Unit training plan;
- Supporting key CCK staff with increased management skills, and supporting improved communication with the public through the court’s website; and
- Improving the judiciary’s communications and engagement with the media, civil society, and public.
JSSP’s performance of these tasks and related accomplishments are detailed in the table below. As with Objective 1, JSSP met or exceeded each ER for Objective 2.

**Objective 2 Expected Results and Accomplishments**

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<th>Expected Results</th>
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<td>1. MCLE for judges established; cooperation between the KJC and KJA improved</td>
<td>• Instituted MCLE through the Regulation on Training.</td>
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<td>• Achieved 98% compliance rate with MCLE requirements in 2018 (the compliance rate fell to 54% in 2019 when MCLE requirements were expanded and are lower in 2020 due to the COVID-19 pandemic).</td>
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<td>• Helped the KJA create remote learning opportunities for judges (ethics), court translators, and interpreters.</td>
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<td>• Developed a protocol that established regular communication and information exchanges between the KJC and KJA.</td>
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<td>2. Mechanisms for ensuring compliance with training requirements established and implemented</td>
<td>• Developed and implemented monitoring tools and reporting templates for the KJA and KJC to track MCLE compliance and take actions against noncompliant judges.</td>
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<td>• Assisted the KJC and KJA in developing mechanisms to track judges’ compliance with MCLE requirements, including tracking training provided by other institutions and donors.</td>
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<td>3. Processes and resources in place to improve the quality and availability of judicial decisions</td>
<td>• Developed a handbook on legal writing for judges, containing templates and guidance on effective writing, legal reasoning, and justification.</td>
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<td>• Enhanced the KJA’s training curricula for legal writing and reasoning.</td>
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<td>• Drafted 29 judgment templates for the most common types of decisions (initial data shows that over 80% of published judgments are in compliance the templates).</td>
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<td>• Cooperatively developed a Manual on Civil Litigation.</td>
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<td>• Revised the Regulation on Publication of Judicial Decisions to bring it in line with the Law on Courts, requiring the publication of all judgments.</td>
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<td>• Monitored and reported on the publication of court judgments, which helped increase the number of decisions published from 87 in 2017 to over 31,000 in 2020.</td>
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<td>4. A portable set of best practices for initiating, screening, investigating, hearing, and resolving judicial complaints developed</td>
<td>• Developed a set of best practices for initiating, screening, and investigating disciplinary complaints.</td>
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<td>• Developed the regulation to implement the new Law on Disciplinary Liability.</td>
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<td>• Assisted KJC to continually review and enhance the disciplinary process, resulting in increased disciplinary actions against judges.</td>
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<td>• Secured the publication of unredacted disciplinary decisions against judges.</td>
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<td>• Developed a reference guide for Investigative Panels of the KJC and KPC for use in investigating judicial disciplinary matters.</td>
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<td>5. The Bangalore Principles of Judicial Conduct are adopted and all judges trained on the new ethical standards; KJA courses expanded to cover ethics training for all court administrators and judges</td>
<td>• Developed and secured approval for a judicial Code of Ethics based on the Bangalore Principles of Judicial Conduct.</td>
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<td>• Trained all judges on the new Code of Ethics.</td>
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<td>• Incorporated ethics training into annual MCLE requirements.</td>
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<td>• Developed a Commentary on the Code of Ethics.</td>
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<td>• Paved the way for creation of an Ethics Advisory Board to advise judges facing ethical dilemmas, including a guide and training materials for future members of the Board.</td>
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### Expected Results

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| 6. All CCK legal advisors trained; specialized training opportunities offered to select legal advisors | • Trained all judges and legal advisors on analytical and writing skills.  
• Established a partnership between the U.S. Federal Judicial Center and the CCK to provide remote capacity building opportunities for judges and legal advisors.  
• Conducted a training needs assessment for members of the legal advisory unit and developed recommendations for their training. |
| 7. Key administrative personnel in CCK trained on management | • Designed a long-term professional development program and resource book for Legal Advisory Unit staff.  
• Developed an orientation package for new CCK judges.  
• Trained CCK personnel on court operations management. |
| 8. Effective communication among KJC, courts, civil society, public, and media | • Launched new websites for the KJC and CCK to improve transparency and outreach (the KJC website included a performance dashboard, online court user survey, court fee calculator, case status lookup feature, disciplinary data, indexed judicial regulations and administrative instructions, court hearing schedules, court judgments, citizens’ corner, etc.).  
• Launched social media accounts for all courts and trained court staff in managing and updating content.  
• Increased publication of court decisions from 87 in 2016 to over 31,000 by August 2020.  
• Established collaborative problem-solving between civil society and the judiciary.  
• Held 9 Court User Committees in Mitrovica, Ferizaj and Prizren to identify and solve key court user concerns.  
• Completed court user and attorney surveys to assess the quality of court services, performance and transparency.  
• Launched a web portal monitoring court compliance with the recommendations resulting from the court user surveys and court user committees.  
• Aired television shows designed to inform and educate the public about the work and performance of the courts. |
| 9. Improved perception of the judicial branch’s performance | • Perception improved from 18.4% in April 2016 to 37.8% in 2018, before falling back to 24.8% in April 2020. |

### Objective 3

Objective 3 focused on supporting the functioning and integration of judicial structures in the north of Kosovo. Tasks required and successfully undertaken to achieve these goals included, among others:

- Advising the KJC in developing and implementing the necessary policies to implement the Justice Sector Agreement (JSA) for reorganization and integration of the judicial structures in the north;
- Supporting the KJC and MOJ in promoting the work of free legal professions in the north;
- Facilitating the transfer of judicial operations from the Vushtrri/Vučitrn Court to other courts in the north;
- Refurbishing court facilities to operational status;
- Assisting in establishing appointment procedures for the judges in the north, and providing guidance through orientation packages and training for newly appointed judges;
• Introducing MCLE requirements and court and case management tools in the north, consistent with the rest of Kosovo;
• Training court administrators and non-judicial court staff on the efficient management and functioning of the courts; and
• Establishing cooperation mechanisms between the judiciary, civil society organizations, and the public in the north to build awareness and trust among the citizens and the judicial structures.

JSSP’s performance of these tasks and related accomplishments are detailed in the table below. JSSP met or exceeded each ER for Objective 3.

**Objective 3 Expected Results and Accomplishments**

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<th>Expected Results</th>
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| 1. Blueprints developed for and implementation of the Justice Agreement in the North facilitated | • Developed a Transition Matrix (blueprint) defining steps necessary to implement the JSA.  
• Established an Oversight Committee within the KJC to facilitate and oversee integration.  
• Facilitated integration of courts in the north by (i) assessing infrastructure repairs; (ii) harmonizing laws; (iii) inventorying and transferring cases to new courts; (iv) launching a public information campaign; (v) developing orientation packages for newly appointed staff and judges; (vi) procuring furniture and equipment; (vii) establishing peer-to-peer training between newly integrated staff and other courts.  
• Fully functionalized newly integrated courts, allowing them to begin operations one month following integration.  
• Helped develop regulations establishing the Appellate Division in the north.  
• Developed and fostered ongoing communications between the KJC and the Basic Court of Mitrovica. |
| 2. Transfer of the operations from the Vushtrri/Vučitrn Court to the North implemented when practicable | • Inventoried 5,012 pre-2008 cases at Mitrovica Basic Court, Leposaviq and Zubin Potok.  
• Helped transfer cases and court operations from Vushtrri to the court facilities of Mitrovica Basic Court.  
• Helped close 2,942 pre-2008 cases. |
| 3. Two or more of the following court facilities refurbished to operational status if and when practicable: Leposavić/Leposaviq, Zubin Potok, Mitrovicë/Mitrovica Basic Court (the facility previously renovated under JSP) | • Conducted an assessment of court facilities in the north to make them habitable and ready to provide services.  
• Equipped courts with basic furniture and equipment to enable them to start receiving and reviewing cases, including the Appellate Division, Mitrovica Basic Court, and its branches. |
| 4. Judges in the new courts in the North participate in MCLE | • Judges are required to comply with MCLE requirements.  
• 34 judges in the north complied with MCLE requirements in 2018; the number dropped to 22 in 2019 when MCLE requirements were expanded. |
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| **5. Court and case management tools operational and implemented** | • Facilitated peer-to-peer training for integrated courts on case management, including case filing, case processing, and enforcement of civil and criminal decisions.  
• Translated (and improved existing translations of) KJC regulations governing court operations.  
• Established a Translation Unit at the Mitrovica Basic Court to enhance court efficiency and prioritize court translation and interpretation.  
• Implemented best case management practices at the Mitrovica Basic Court, including case screening, active case management, and hearing productivity initiatives.  
• Increased publication of decisions from 9 in 2017 to 604 in 2018 to 3,129 in 2020.  
• Developed training curricula (physical and online) for court translators and interpreters to improve their capacity for consecutive translation.  
• Established intake/registry offices where citizens could file new cases, within 3 months after formal integration, and helped courts hold emergency hearings. |
| **6. All Court Administrators and personnel trained** | • Trained all integrated court staff on court operations through peer-to-peer exchanges on caseflow management, budgeting, and human resource management to speed transition into the new system.  
• Facilitated training for judges on civil and criminal laws, court administration, and case management.  
• Provided new judges and staff with an orientation package of key laws, rules, manuals, and court administration procedures, giving them a comprehensive overview of Kosovo’s judicial system and its structure. |
| **7. Effective cooperation among the judiciary, civil society, and the public in the North established** | • Prior to integration, held roundtables and focus group discussions to familiarize citizens with judicial integration.  
• Conducted a public awareness campaign and aired a documentary about integration of the courts in the north into the Kosovo judiciary.  
• Held Court User Committee meetings to engage the courts in a service delivery improvement dialogue with citizens, civil society organizations (CSOs), and court users. |
ACTIVITIES AND RESULTS

OBJECTIVE 1: STRENGTHEN THE EFFICIENCY AND THE EFFECTIVENESS OF THE ADMINISTRATION OF JUSTICE AND DELIVERY OF QUALITY SERVICES BY THE KJC AND COURTS

Prior to the commencement of JSSP, public trust in the judicial system was extremely low, and courts were burdened by an enormous case backlog and operating under incomplete and sometimes contradictory mandates. Working with the institutions most directly responsible for the administration of justice - the KJC and the courts themselves - JSSP has achieved and in many cases exceeded expectations.

Activity 1.1: Conduct Rapid Stocktaking Assessment / Support Functional Review

As with any complex reform, it is essential to periodically evaluate progress and assess the extent to which the desired outcomes are being achieved. While JSSP incorporated a rigorous analytical approach to guide its own programming, it soon discovered that it was well-positioned to fill another need: advance understanding of the dynamic justice sector environment and the impact of reforms among Government of Kosovo (GOK) institutions. Accordingly, in addition to its planned Rapid Stocktaking Assessment, JSSP substantively assisted the MOJ with its Functional Review of the Rule of Law Sector (FRRLS), developed a roadmap for the transfer of responsibility from EULEX to Kosovo, and contributed to the formation of the Justice 2020 campaign, as further described below.

JSSP’s Rapid Stocktaking Assessment documented the impact of Kosovo’s 2013 court restructuring on operational efficiency. JSSP further reviewed the suitability of the KJC’s organizational structure to fulfill its policymaking mandate and documented progress towards implementation of the JSA’s integration goals. The Assessment, which identified gaps in the legal and operational frameworks and shortcomings in the capacity of justice sector institutions to fulfill their new mandates, provided a sound foundation for JSSP planned assistance. Specific assessment findings, and the resolution achieved with JSSP assistance, include the following.

Assessment Findings and Resolutions Achieved

<table>
<thead>
<tr>
<th>Key Assessment Findings</th>
<th>Results from JSSP Assistance</th>
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<tbody>
<tr>
<td>The Constitution was at odds with Council of Europe recommendations on KJC composition.</td>
<td>Constitutional amendment bringing the composition of the KJC into compliance was adopted.²</td>
</tr>
<tr>
<td>KJC’s leadership capacity was reactive and its policy making capacity weak.</td>
<td>Changes to the Law on KJC in 2018 that expanded the full-time membership of KJC, and enhanced leadership and management capacity to develop evidence-based policy and proactively address issues related to the administration of justice, performance evaluation, and discipline.</td>
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² The amendment increased the number of KJC members elected by their peers from five to seven.
### Key Assessment Findings

<table>
<thead>
<tr>
<th>Findings</th>
<th>Results from JSSP Assistance</th>
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<tbody>
<tr>
<td>Failure to adopt regulations limited KJC’s ability to monitor integrity and enforce accountability.</td>
<td>KJC competencies expanded with the adoption of a judicial Code of Ethics and implementing regulations (Activity 2.1); developed and continually strengthened the regulation on judicial performance (Activity 1.2); and initiative to establish an Ethics Advisory Board (Activity 2.1).</td>
</tr>
<tr>
<td>Case backlog in Basic Courts was increasing despite restructuring.</td>
<td>85% of civil and criminal case backlog in Basic Courts resolved, and partner courts dramatically improved their clearance rates.³ (Activity 1.5)</td>
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<tr>
<td>KJC’s Strategic Plan was purely aspirational, lacking a detailed action plan.</td>
<td>An Annual Work Plan, corresponding to the KJC’s three-year Strategic Plan, was developed, harmonizing it with FRRLS recommendations.</td>
</tr>
<tr>
<td>KJC’s public engagement was minimal.</td>
<td>Public consultations on policy making institutionalized; CSO capacity to engage increased via Court User Committees, public surveys, and ongoing monitoring activities (Activity 2.2); Performance Dashboard launched to inform and educate the public on court performance, backlog, publication of court judgments, and unredacted disciplinary decisions.</td>
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The quality of JSSP’s reform initiatives drew interest from the MOJ which had been tasked with heading the FRRLS. At the MOJ’s and KJC’s invitation, JSSP took on a substantive role in collaborating with other government actors, independent institutions, and CSOs that continued throughout the life of the project. JSSP experts provided statistical data, analysis, and substantive review for a broad range of policy papers. With embedded expert in the KJC, JSSP not only ensured that policymakers had timely and reliable statistical data on key performance indicators, but also built KJC capacity to generate such data in the future. Another JSSP expert led the commercial justice pillar of the FRRLS, producing an analysis of the institutional and legal frameworks for commercial justice in Kosovo, raising key issues on the administration of justice in this sector. JSSP’s work on the FRRLS framed the debate on judicial efficiency, integrity, accountability, and integration and facilitated fact-based policymaking.

JSSP’s collaboration with the MOJ expanded to include developing a roadmap for the transfer of responsibilities from EULEX to GOK institutions in June 2018. JSSP remained involved in the sensitive implementation phase, utilizing mutual legal assistance mechanisms to inform parties in Serbia of the decisions of the Kosovo Property Agency and the opportunity to appeal agency decisions to the Appeals Panel of the Supreme Court.

³ Court clearance rates went from a baseline of 83% to 167% in 2018 and continued to exceed expectations through March 2020, with clearance rates of 136% in 2019 and 127.56% in March 2020. Rates declined precipitously in mid-2020 as a result of reduced court activity during the COVID-19 pandemic. However, by sustaining a positive ratio of filings to dispositions, partner courts have demonstrated their capacity to systematically dispose of cases in a timely manner.

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"JSSP has given an immense contribution for the Kosovo Judicial Council as well as for the entire judiciary. Working with such a project has been one of the best as well as a necessary experience for us. Therefore, will I continue to work on implementing the reforms initiated by JSSP towards a more efficient judiciary."  

— Skender Çocaj - KJC Chair
Finally, at USAID’s request, JSSP compiled a comprehensive summary of the diverse policy paper recommendations relating to the judiciary. The recommendations were harmonized and grouped into thematic clusters, highlighting and sequencing the relevant ones to be incorporated into the judiciary’s 2020-2022 Strategic Plan. This document constituted a viable roadmap and facilitated collaboration among the main interlocutors, the MOJ, KJC, and the courts.

**Activity 1.2: Strengthening the Capacity of the KJC**

As the entity primarily responsible for setting the direction and implementation of judicial reform priorities, the KJC is central to the development of the justice sector. Its expansive role includes developing court rules and regulations to enhance efficiency, transparency, professionalism, and accountability; monitoring and overseeing court operations; developing the judiciary’s budget; hiring judges; and evaluating judicial performance. Stemming from the findings in the Rapid Stocktaking Assessment, JSSP carefully sequenced its technical assistance to address gaps in the legislative and regulatory framework, as well as inefficiencies in the structure of the KJC, its Secretariat and committees. JSSP worked collaboratively with the KJC throughout, building the institutional capacity required to promote judicial efficiency, transparency, and accountability after the project’s close.

**Policy and Regulatory Drafting.**

Inundated with a myriad of demands, the KJC’s approach to drafting was largely reactive and siloed within the Normative Committee. To remedy this, JSSP helped the KJC strategically and proactively address systemic issues rather than react to emerging problems by developing mid-term strategic priorities in Year 2 and establishing protocols for their disciplined pursuit. A three-year Strategic Plan and an Annual Plan were subsequently developed to translate the KJC’s strategic priorities into actionable items, with JSSP providing continued mentoring and capacity building in support of their implementation.

<table>
<thead>
<tr>
<th>KJC Strategy 2020-2022</th>
<th>Actions implementing the KJC Strategy</th>
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</table>
| 1. Increase Public Trust and Confidence | 1.1 Introduced policy mandating courts to improve public outreach  
1.2 Introduced innovative tools to improve access to court services and information.  
1.3 Increased website traffic from 3,891 in July 2019 to 2,785,812 visits as of September 2020  
1.4 Helped publish over 31,000 court decisions |
| 2. Efficient and Effective Administration of Justice | 2.1. Institutionalized backlog reduction and prevention strategies in courts (early and enhanced screening, active case management, and differentiated case screening)  
2.2 Increased number of professional associates  
2.3 Piloted electronic communication, online hearings, and consecutive hearings |
| 3. Increase Professionalism and Competence | 3.1 Introduced mandatory continuing legal education  
3.2 Improved objectivity of performance evaluation  
3.3 Strengthened disciplinary process  
3.4 Established linkages between performance evaluation and continuing training. |
| 4. Increase Transparency and Accountability | 4.1 Launched online tools to survey court services  
4.2 Published court and individual judge performance data  
4.3. Introduced public consultation on policy development |
| 5. Improve Access to Justice | 5.1. Launched citizens’ corner containing information for citizens accessing court services or requiring legal information or advice.  
5.2. Launched tools to facilitate access – court fee calculator, online survey, performance dashboard, etc. |
JSSP also helped all KJC committees, including the Normative Committee develop regulatory drafting plans that aligned with the KJC’s strategic priorities and deliberately sequenced regulatory interventions accordingly. Perhaps even more importantly, JSSP guided the committee’s shift from top-down policymaking, in which members mainly revised model regulations from other countries, to an inclusive, solution-oriented approach. Instead of having the committee itself develop initial drafts, JSSP piloted and instituted policy development protocols that empowered KJC legal officers to assume responsibility, with policy direction from the committee, thereby economizing on more limited resources as well as developing specialized skills among the legal officers. Once a draft was developed, JSSP encouraged the Normative Committee to solicit and consider broader input from other relevant KJC committees the courts, civil society, and citizens. Genuine and constructive engagement was achieved by giving appropriate KJC committees a stake in the outcome by affording them oversight responsibility for regulations within their area of expertise. Ultimately, in Year 4 of the project, JSSP introduced public consultations on regulations and other policy documents, including posting drafts on the KJC website for review and comment. In addition to the benefit of having input on drafts from diverse perspectives, the greater public engagement promoted trust in judicial processes.

As the KJC adapted to using the improved regulatory drafting approach, JSSP worked on building its capacity to develop evidence-based policy solutions and draft responsive regulations. Sustaining its involvement beyond isolated recommendations, JSSP mentored the Normative Committee’s legal officers on policy issues, guided their research on relevant law and best practices, and provided expert comment on various drafts, gradually building a sustainable internal resource for regulatory development. Further, to ensure the judiciary’s voice in legislation affecting it, JSSP developed protocols for the KJC’s engagement with the government and parliament, including tools for monitoring, tracking, and coordinating the judiciary’s input in drafting and finalizing legislation.

To preserve and maintain historical and actual regulatory records for ready reference, JSSP assisted the Legal Office in rebuilding a database of all secondary legislation currently in effect, as many regulations were lost. A new searchable database and tracking system for each committee is now available on the KJC website, providing easy access to all policy and operational documents.

**Strengthen KJC Operations.**

Beyond reforming the approach to policy development and regulatory drafting, JSSP introduced various other structure and process reforms, bolstering KJC’s capacity to efficiently manage the courts and implement comprehensive reforms. Structurally, JSSP introduced legislative and regulatory changes that: increased the number of “permanent” Council members from one to five, thereby providing greater management depth and oversight of operations; enabled the KJC Chairman to establish a cabinet for better organization of Council work; and revamped the roles and workflow of the KJC, Secretariat, and the Judicial Inspection Unit, and created legal grounds for the operation of the background checking unit.
At the practice level, JSSP helped streamline KJC meetings and reduce the need for “emergency sessions” by developing a regular bi-weekly meeting schedule together with protocols for logging, reviewing, prioritizing, and briefing business items for the agenda. These protocols resulted in the distribution of detailed agendas with briefings for each item 48 hours before each meeting, thus allowing members to prepare in advance of the meetings. KJC meetings focused on priority issues, and the debate was more informed and issue-based, as a result.

JSSP also began introducing a more disciplined approach to communications and information sharing between the KJC, its Secretariat, and the courts. Each Secretariat department manager now provides status reports about key activities, current priorities, and external contacts with other agencies and international organizations. Additionally, Secretariat staff learned to prepare structured briefing memoranda for the KJC and committee members on issues in a uniform and predictable manner.

Additional efforts focused on strengthening the KJC’s ability to oversee the work of the courts. At JSSP’s urging, for example, the KJC chairman began holding quarterly and needs-based meetings with court presidents to address performance and operational issues. JSSP, in collaboration with the European Union (EU) and Council of Europe, also developed a standardized template for annual plans and annual and quarterly reports through which court presidents provide the KJC with periodic performance data, including case inventory, filings and dispositions, clearance rates, and backlog. The templates replace a cumbersome format with a succinct, user-friendly design that courts can quickly complete, giving the KJC real-time data to monitor performance. Finally, JSSP helped the KJC to reactivate and expand the scope of the anti-corruption task force to develop recommendations for improving the management and processing of corruption cases. Such efforts included helping the KJC develop a plan to swiftly and effectively handle corruption cases utilizing best case management tools introduced by JSSP, as well as mechanisms to track implementation progress.

The COVID-19 pandemic in March 2020 presented unique challenges for the KJC, including implementing GOK guidelines regarding essential services. JSSP helped the KJC develop an emergency preparedness plan to ensure continuity of court operations in this, and any future, crisis. The plan outlines an institutional structure for crisis management, including the creation of management teams at the central and local level, decision-making procedures, and internal communications guidelines. It further suggests approaches to teleworking, conducting online hearings, social distancing and other safety measures necessary to preserve public health.

The KJC quickly moved to implement many of JSSP’s recommendations, including instructing courts to continue registering new cases throughout the pandemic. JSSP’s suggestion for rotating assignments for duty judges and staff to handle urgent matters was adopted, balancing the courts’ pressing needs with reasonable precautionary measures. JSSP’s action plan to prevent cases from being barred by the statute of limitations during the government-imposed lockdown was also endorsed by the KJC, providing steps courts should take to identify cases at risk of being statute-barred by the end of 2020 and actions to prevent such cases from reaching their statutory limitation deadlines.

Enhance Committee Operations.

The bulk of KJC’s operational functions are processed through its committees. However, most committees were underperforming and failing to provide policy leadership within their respective disciplines. To promote capacity in policymaking, budget, administration, and judicial performance, JSSP worked with the existing Normative, Budget, and Court Administration committees, and facilitated the creation of committees on Performance Evaluation, Training, and an ad hoc committee on Integration. Specific technical assistance provided to these committees is described below.
JSSP’s success in introducing a more efficient and effective approach to policymaking and drafting of sub-legal acts to the Normative Committee is detailed in the section dedicated to Policy and Regulatory Drafting, above. The Normative Committee’s improved capacity to develop policy and corresponding sub-legal acts complemented JSSP’s work reforming operational approaches and building capacity with other committees.

JSSP’s extended engagement with the Budget Committee started with promoting greater interaction with courts to understand their needs in relation to the KJC’s strategic priorities, as well as closer collaboration with the Secretariat’s Budget Office. Specifically, JSSP developed an internal budget hearing process, allowing courts to justify their budget requests and respond to questions. This process streamlined communications, facilitated mutual understanding of the respective needs and limitations, and led to a more efficient allocation of resources.4

Given the burden of the considerable case backlog placed on Basic Courts, JSSP immediately engaged the Court Administration Committee to actively monitor and strengthen performance. The committee, JSSP, and Basic Courts collaboratively developed detailed Caseflow Management Improvement Plans, which introduced active case management, enhanced utilization of professional associates and interns, and case screening protocols that contributed directly to a huge reduction in the backlog and disposition rates.5 Moreover, to build the committee’s capacity to monitor progress, observe trends, and address nascent issues, JSSP improved the flow of relevant data and established annual performance management goals and reporting requirements that were incorporated into the Caseflow Management Improvement Plans.

Similarly, the committee began receiving data on hearing continuances, allowing it to quickly spot and address issues of case delay.6 At JSSP recommendation, CMIS began to track and collect data on case continuances to inform court leadership on case delays and identify actions to improve hearing productivity. These actions included use of electronic communications, consecutive hearings, and enhanced early screening to verify parties’ identities and addresses.

Finally, JSSP helped the committee replace the onerous records retention procedures with a central records archive in conjunction with the Judicial Inspection Unit.7 JSSP assisted with revisions to the regulation on court archives and guidance on the new policy for the courts. The new procedure introduced uniformity in record retention across courts.

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4 For the hearing process to be effective, courts had to enhance their capacity to develop and justify rational budget requests. JSSP’s extensive work to enhance the budgeting process is described under Activity 1.3.
5 Improvements to court administration are fully elaborated under Activity 1.5.
6 JSSP’s work on curtailing the practice of hearing continuances is described further under Activity 1.5.
7 Formerly known as the Court Performance Review Unit.
Judicial performance evaluations presented JSSP with another opportunity to strengthen KJC capacity by establishing the new **Performance Evaluation Committee**. From a structural perspective, JSSP’s recommendations to implement a merit-based selection process for committee members and to stagger their terms to preserve institutional memory and continuity of operations were adopted. JSSP also improved the way in which evaluations were conducted. Evaluations had not taken place since 2010 and when they resumed in 2017 JSSP observed several inequities and inconsistencies. JSSP facilitated annual reviews, discussions and workshops with the committee and KJC regarding its recommendations to routinize the process by setting objective and weighted performance criteria based upon objective data generated by the KJC Statistics Office. Further, JSSP recommended using review panels rather than a single judge to guard against excessive subjectivity. With KJC approval, JSSP helped the committee amend the regulation on performance evaluation to incorporate JSSP’s recommendations. Assisting the committee with rolling out this reform, JSSP developed a performance evaluation manual, templates, and other resources to ensure that the policy is implemented uniformly. Further advancing equity and transparency of the evaluation process, the committee published the manual on the KJC website. The committee now independently reviews and enhances its performance evaluation process and criteria on an annual basis, based on lessons learned.

Finally, to operationalize judicial training needs, JSSP recommended the creation of a **Training Committee** to establish MCLE for judges, set curricula, and monitor compliance. The Regulation on Judicial Training was amended to establish the committee and authorize it to develop novel MCLE requirements. To support the new committee in this task, JSSP conducted a training needs assessment and provided technical assistance in formulating a curriculum that addressed identified needs. To make the MCLE initiative enforceable, JSSP helped the committee define disciplinary actions for non-compliance and incorporate those authorities into the regulation.

**Restructure the KJC Secretariat.**

From the outset, JSSP recognized that restructuring the Secretariat was necessary to bring it in line with key justice sector laws, optimize its effectiveness, and properly recast its role in supporting the KJC’s policy and performance management functions.

Although decentralization of budgeting, human resource, procurement and logistical functions was not formally delegated to the courts until early 2016, JSSP helped courts prepare for their enlarged roles in advance. To facilitate orderly implementation of the process, JSSP helped the Secretariat and courts establish a process for transferring duties, clarifying the allocation of administrative responsibilities between institutions, developing guidelines and procedures helping courts perform their new responsibilities, and creating a feedback loop to promote continued performance improvement. Decentralization was reversed in 2018, again re-distributing administrative competencies between the KJC and the courts.

The adoption of the Law on Kosovo Judicial Council paved the way for restructuring Council and its Secretariat to improve their overall performance and function. JSSP collaborated with the Normative Committee.

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8 Examples of objective criteria to be based upon data from the Statistics Office include hearing productivity, rate of reversed procedural and merit-based decisions, and use of CMIS.

9 JSSP’s engagement in the process is described in Activity 1.4.
Committee, Secretariat, and Judicial Inspection Unit (JIU) to determine the future structure of the KJC and its Secretariat. Issues of oversight of staff support for the newly established KJC cabinet and the revised disciplinary investigation process, organization of management, policy analysis, development functions in the KJC and Secretariat, and the role of the JIU were addressed in subsequent regulations defining the internal organizational structure of the KJC, the JIU and the Secretariat. The regulation on KJC also provided a legal foundation for the KJC’s background check unit, which had been operating since 2010 based on an agreement between the KJC and the International Judicial and Prosecutorial Unit. The regulations for KJC, Secretariat, and JIU operations were also updated, and the JIU was empowered to conduct studies and reviews of court practices for the purpose of improving case management efficiency.

**Strategic Planning and Annual Workplans.**

Fundamental to building institutional capacity is developing the ability to plan strategically for the future and plot the essential steps necessary to achieve identified goals. JSSP imparted these skills to the KJC, and supported collaborative strategic planning sessions among the KJC, Court Presidents, and international partners through which key strategic priorities for the next three years were identified. JSSP then demonstrated the development of corresponding annual plans, sequencing specific interventions essential to achieving each strategic goal, and inserting periodic milestones to measure progress towards that goal. An annual plan and related monitoring and reporting templates identifying timelines for action items, responsible committee members, and resource requirements were also developed to guide future strategic planning exercises and track progress made.

**Strengthen communication.**

Effective management necessarily involves developing solid communication and engagement with the courts. Recognizing that this was not taking place, JSSP established periodic meetings between the KJC chairman and court presidents, which created a lively exchange of ideas, as well as a forum for the presidents to present their challenges and concerns directly to the KJC. Streamlined quarterly reporting templates developed with the KJC allowed for the presentation of relevant data in a succinct format, helping both the providers and the consumers of the information. The quarterly reports start with a brief narrative on court priorities, challenges, and accomplishments, followed by standardized performance data on caseflow management and decision publication rates, and conclude with data on management support functions such as budget and human resources. Uniform graphics present the data in a way that lets the KJC readily spot issues, understand trends, and assess organizational performance.

Conversely, the KJC shares information with the courts and the public on an ongoing basis by posting its decisions and regulations on its website. For those courts unable to access the website, the KJC regularly circulates a succinct briefing memorandum, with recent developments to keep judges abreast of internal and external events impacting the judiciary.

To further strengthen coordination and communication with the courts, JSSP helped establish the Assembly of Court Presidents and Supervising Judges. With JSSP’s assistance, the Assembly has cemented its advisory role to the Council, actively engaging in informing and formulating policy matters.

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10 The quarterly reports also provide the KJC with the information necessary to monitor and evaluate the performance of the courts and their Court Presidents.
Demonstrating its growth into a leadership role, KJC asked to take the lead in coordinating relevant donor activities. JSSP helped the KJC assume this function by working with the KJC Office for EU Integration to develop a database of all current and planned donor activities at the KJC and courts. In addition, the KJC began leading quarterly coordination meetings with donors and implementers to discuss activities, progress, and challenges and to manage priorities for external assistance.

**Activity 1.3: Functionalizing Budget Planning and Decentralization**

Decentralization was a major shift in the way the KJC and courts operated, providing greater power to courts to assess and request budget and resources and foster greater interaction between KJC and the courts in the budget approval process. However, it likewise created challenges. No implementation plan or training programs were developed to support the transfer of competencies, leaving the courts ill-prepared to assume their new responsibilities. Additionally, positions required to implement decentralization remained vacant due to hiring delays.

JSSP helped establish a process for transferring duties, clarified the allocation of administrative responsibilities between the institutions, developed guidelines and procedures for the courts to perform their new responsibilities, and created a feedback loop to promote continued performance improvement. As a result, the courts were executing their new support functions by the end of Year 1. In Year 3, the Secretariat initiated a collaborative review of decentralization with courts, resulting in the re-centralizing of a number of competencies in the Secretariat, as further described below.

**Enhancing Budget Planning and Development.**

The decentralization process ultimately began in early 2016, having been delayed by the KJC due to a lack of preparation. However, even as of the beginning of 2016, there was no implementation plan and nothing had been done to help courts assume their new budgeting responsibilities. This unfortunate confluence resulted in calls by courts and KJC to re-centralize these functions. However, JSSP responded with intensive technical assistance, building courts’ budget planning capacities and facilitating the devolution of authority. By Year 3 of the project, court presidents unanimously agreed that the majority of budget planning competencies should remain with the courts.

JSSP initially built the Court Presidents’ support by seizing upon the 2017 budget development cycle to introduce a structure for an informed and interactive process. Past practice had courts submitting budget requests to the KJC, which reviewed them in an opaque manner. Upon closer inspection, JSSP discovered that not only were courts not called upon to justify their budget projections or alignment against strategic priorities, but they had neither the resources nor skills to do so. Reliable data to back up proposed requests was lacking in several categories, making their estimates largely aspirational and conjectural. For example, even data on current staffing levels to justify the budget request for personnel was not available. Accordingly, JSSP simultaneously worked with the human resources office to develop a
personnel database and with the budget office on how to use data to make defensible budget projections.

In subsequent years JSSP continued working with KJC and courts to build their respective budget planning capacities, including supporting staff assessments, developing budget request templates, conducting skills-building workshops, and facilitating ongoing dialogue between courts and KJC on budget planning. To institutionalize the practices introduced, JSSP helped the KJC’s budget office prepare guidelines for courts in formulating their budget requests, including a requirement that any request for a budget increase be supported by a detailed justification of how its improved key priorities of case management efficiency and/or transparency in court operations. Finally, under JSSP guidance, the KJC began aligning the budget with its strategic priorities, effectively transforming its Strategic Plan from an academic exercise to a practical planning tool. These newly-obtained skills were immediately put to use when the Ministry of Finance asked KJC to prepare a projection of budget needs for 2020-2022. JSSP provided advice and consultation as the KJC successfully completed this exercise.

Preparing for Decentralization.

Beyond the transfer of budgeting responsibilities, the decentralized approach required courts to take on responsibility for human resources, procurement and logistics. KJC department heads and court representatives acknowledged that they needed help building internal capacity to competently effectuate the transition. In response, JSSP devised a simple roadmap, clearly identifying the key competencies that would be transferred to the courts and those that would be retained by the Secretariat. JSSP’s roadmap further identified resources that would be needed and sequenced steps to be taken throughout the decentralization process. This roadmap served as a basis for clarifications on the division of responsibilities set forth in the administrative instruction transferring competencies.

With the revised administrative instruction and a roadmap for implementation in place, JSSP worked to ensure that the courts were prepared to execute their responsibilities. Four comprehensive reference manuals on budget, human resource, logistics, and procurement management were developed and disseminated, providing step-by-step, user-friendly instructions that served as standard operating procedures for these vital administrative functions. To familiarize staff with the manuals and the useful reference information and resource materials they contained, JSSP provided training for relevant court staff on their use, thus leaving courts in a strong position to grow their skills in successive years.

After three years’ experience with decentralization, the KJC and Court Presidents agreed to reconfigure the relative responsibilities of the Secretariat and courts for core administrative functions. Ultimately, in June 2019, a new administrative instruction reflecting their agreement on realigned administrative competencies was passed, clarifying their respective roles and responsibilities for each function and bringing their work in line with the new Law on the KJC and other relevant legislation. The realignment, supported by JSSP, improves the efficiency and expediency of procurement, logistics, budget, and human resource systems in the courts by placing responsibility where it can be effectively exercised. The realignment also cleared the way for the formal restructuring of the Secretariat and

11 The Administrative Instruction on Decentralization was revised accordingly, with the majority of procurement functions reverting from the courts to the Secretariat, and coordination of human resource and budget management reallocated to the Secretariat to allow for greater oversight by the KJC.
the reorganization and “right sizing” of human resources based on caseload and other objective factors.

**Activity 1.4: Improving the Independence and Capacity of Court Administrators and Staff**

Court administrators and most non-judicial staff were previously members of the civil service administered by the Ministry of Public Administration. To bolster the separation of powers, however, the Law on the Courts envisioned transferring court administrators and other court staff to the judicial branch, giving courts greater flexibility in recruiting, hiring, training, and retaining non-judicial personnel consistent with their newly assumed responsibilities for human resources. JSSP concurred with this conclusion and developed a concept paper justifying the advantages of a more autonomous system and documented the minimal difference in costs. Nonetheless, political considerations and a lack of support from the court employee union stalled the reform. Therefore, JSSP promoted independence and built the capacity of court administrators and staff through a series of trainings, curricula development, and training of trainers, building KJA capacity to carry this programming forward. Opportunity for further improving the independence of court administrators and staff was created through the regulation on internal organization and functions of the courts, which JSSP helped develop.

**Leadership and Management Training.**

JSSP recognized that the impact of ad hoc discrete training sessions tended to be extremely limited. Therefore, JSSP adopted an approach that included a series of trainings, using practical materials and following a well-developed curriculum that could be replicated for future iterations. In addition, JSSP supported training of trainers with the KJA to ensure that the capacity to deliver quality training programs would persist beyond the project term. To ensure that its training was indeed imparting relevant practical skills, JSSP surveyed participants months later to gauge the extent to which they were actually using the approaches, tools, and information from the trainings. The results confirmed that JSSP’s approach was highly relevant: more than 90% of participants surveyed indicated that they were applying the skills learned in the training; indeed, in the final 2 years, 96.5% of the respondents reported using the tools and information in their daily work.

Substantively, to prepare for their increased management roles, JSSP planned a series of training with the KJA, supplemented with ongoing mentorship for court presidents and administrators. JSSP developed curricula on team management for court executives, tailored specifically to their expressed interest in leadership and management, annual planning, organizational change, budget preparation and management, human resources management, management of judicial performance and accountability, ethics, and information technology management. Promoting continuity among related institutions, JSSP also delivered training on core responsibilities of courts, principles of leadership in a court environment, basic principles of case management, strategic budgeting, and accountability, in a workshop for court administrators and administrators of prosecution offices at the invitation of the KJC, KJA, and Kosovo Prosecutorial Council (KPC).

A separate training module was developed by JSSP on caseflow management, drawing on input from prospective participants. Specific case management techniques included in the training series were early case screening, inventorying and monitoring backlog cases, and active case management.\(^{12}\) The

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\(^{12}\) JSSP’s role in operationalizing each of these techniques, and their impact on court disposition rates and backlog, is described under Activity 1.5.
KJA is now able to carry these sessions forward, after JSSP trained three of its instructors and mentored them as they delivered their first two training sessions. Naturally, JSSP developed complete train-the-trainers program modules and trainers’ materials for the KJA’s future use.

To bolster the professionalism of professional associates, JSSP helped the KJC draft rules governing the recruitment, promotion, oversight, and performance evaluation of professional associates, as well as a concept document for their greater utilization in improving court performance.

Activity 1.5: Strengthening Court Operations and Processes

Courts in Kosovo were burdened by a tremendous backlog of cases, exacerbated by outdated staffing schemes and poor case management. When JSSP started, the number of cases disposed rarely exceeded the number of new cases filed, and the backlog was continually mounting. Exacerbating the problem, attrition as judges reached the mandatory retirement age threatened to leave courts understaffed with a surging workload.

Operationalizing the case disposition and screening techniques from its caseflow management training module, JSSP was able to greatly improve the courts’ clearance rates (the percentage of disposed cases to new filings). In 2019 alone the overall inventory of pending cases in Kosovo’s Basic Courts was reduced by nearly 12%. Even more impressively, the backlog was reduced by almost 85% during JSSP’s tenure. In short, JSSP will leave the courts with a more manageable backlog, as well as the tools necessary to continually reduce it over time and prevent future accumulation, while still timely dispensing justice.

Improved Case Management and Backlog Reduction.

Reducing case backlogs sustainably requires addressing the root causes and finding ways to rapidly dispose of older cases. At the outset therefore, JSSP conducted a thorough assessment of the courts’ case management procedures and examined the types of cases backlogged. The findings and recommendations from this research were set forth in JSSP’s Best Practice Guide: Improving the Management of Caseload in Kosovo, and presented to the presidents of JSSP’s partner courts in Pristina, Mitrovica, Ferizaj, Peja, Gjilan and Gjakova to secure their commitment to improve case processing.

JSSP assigned staff to work in each of its partner courts validating data for pending cases, identifying and classifying backlogged cases based on next actions to be completed, and implementing activities to dispose of backlogged cases. Cases with procedural flaws, such as exceeding the statute of limitations, were grouped together for dismissal. Other cases with similar substantive or procedural profiles were grouped together to allow block dispositions based on evidence from other official government sources. For example, KJC authorized the disposal of execution claims in which the judiciary was claimant, which resulted in the immediate disposition of

JSSP Initiatives Reducing Caseloads

- 25,000 cases closed by decision allowing Basic Courts to withdraw enforcement of cases to collect court fees and costs where the amount of the claim was 50 Euros or less.
- 50,000 minor offense cases closed after recommendation to direct Minor Offense judges to dismiss cases eligible for dismissal under the statute of limitations.
- Thousands of minor offense cases enforced based on JSSP’s intervention, reducing the backlog of cases.

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13 Backlog for tracking purposes is defined as pending for more than 24 months.
14 Approximately 33,400 backlogged cases were disposed of during the project period with JSSP assistance.
25,000 cases. For those backlogged cases that could not be readily disposed, JSSP developed case management plans to help Basic Courts process cases more expeditiously.

Disposition rates rose dramatically as a result. Removing inactive cases, in accordance with international best practice, immediately reduced the active caseloads.15

The court management plans and bench books championed by JSSP introduced other techniques such as initial case screening, hearing management, and mediation to improve case management.

**Initial case screening**, piloted in Pristina Basic Court, involves reviewing newly filed complaints to determine if they meet all procedural requirements.16 Cases that do not include the required information and fees are dismissed or returned to parties for correction. The screening process proved highly successful: over 60% of initial filings in Pristina during the testing phase were returned to plaintiffs for correction and/or payment of fees. Based upon these impressive results and at the KJC’s request, JSSP prepared draft protocols on initial case screening approaches for use in all courts.

Lack of effective **hearing management** is one of the key issues delaying disposition of cases. Over 66% of hearings in Kosovo were postponed or cancelled, often due to the failure of witnesses, attorneys and prosecutors to attend hearings. JSSP provided potential solutions, including employing consecutive hearings, using electronic communication to send notices and summonses, imposing fines on attorneys who fail to appear, and improving coordination with police, prosecutors, attorneys and postal services. At the request of the Assembly of Court Presidents, the KJC approved JSSP’s recommendations for combating continuance and improving hearing productivity, which are now being piloted by the Basic Courts of Ferizaj, Peja, and Prizren

**Reforms Put in Place to Enhance Caseflow Management**

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15 Inactive cases are those that cannot proceed due to the unavailability of a party. Such cases are not dismissed, but categorized as inactive and are not counted when measuring court and judge performance. They can be moved to active status if the defendant is located.

16 Procedural deficiencies could include failure to remit filing fees, identify and locate parties, or include required evidentiary and jurisdictional materials.
On JSSP’s recommendation, the KJC adopted a decision on improving hearing productivity through the use of electronic communication, consecutive hearings, a checklist for preparing and scheduling hearings, and other measures. The Honorable Chief Judge of the United States District Court for the District of Minnesota, John Tunheim, mentored judges, prosecutors and attorneys on the application and preparation of consecutive hearings.

As a result of the COVID-19 pandemic, many courts reduced their activities to emergency services only, resulting in an increase of case inventory and backlog. JSSP developed online protocols to help courts mitigate the pandemic’s impact, including a guide and equipment for conducting online hearings. The Basic Courts of Pristina, Ferizaj, Gjakova, Peja and Prizren used these tools to pilot the practice of online hearings in both criminal and civil cases. All courts now have the equipment and know how to hold remote hearings when needed.

Kosovo’s adoption of the Law on Mediation in July 2018 created momentum for promoting use of mediation as an alternative method of dispute resolution, relieving pressure on the courts. JSSP worked closely with the MOJ to inform citizens of the availability and advantages of mediation. Although cases have been successfully referred to mediation, its potential is limited by a lack of mediation clerks, budget allocations for mediation, and effective screening of cases amenable to mediation. In response, JSSP urged the KJC Secretariat to include funding for mediation clerks in its most recent budget request and helped the MOJ draft sub-legal acts that would regulate the training, certification, and licensing of mediators.

Improved Court Management.

Effective court management is essential to maintaining manageable caseloads and reasonable disposition rates. Inefficient staffing assignments, underperforming judges, or failure to respond to problematic trends can quickly lead to backups. To guard against this, JSSP developed the staffing, caseflow management, and informational tools to promote good management practices.

Significant staffing disparities across courts revealed an inefficient allocation of resources and contributed to case delay and backlog. In response, JSSP contributed to rationalizing staffing plans across courts by compiling a comprehensive database with detailed information on all existing positions and staff. The database includes mandatory retirement dates and is used by the Secretariat to monitor staffing requirements, eliminate unneeded positions through attrition, and recruit staff when needed. It further facilitates staffing models using a weighted caseload formula to objectively measure the overall need for judges and staff based upon the jurisdiction’s population and caseload.

Detailed caseflow management improvement plans (CMIPs) were developed for each of JSSP’s partner Basic Courts, highlighting underutilized case management tools and setting performance
management goals, allowing the KJC, court presidents, and individual judges to monitor progress. Relatedly, the lack of robust **statistical reporting** was a significant impediment to effective court management, indirectly contributing to the growth of backlogs. In lieu of automated systems for collecting and processing data, the KJC’s Statistics Department, worked with limited data compiled in the courts manually. JSSP in coordination with the Council of Europe assisted the department in drafting protocols for the quarterly release of progress data using CEPEJ performance indicators. It also provided recommendations for developing performance dashboards for the KJC and court presidents to regularly assess court performance, and for publishing court performance data on the KJC website to increase transparency and accountability.

Finally, JSSP introduced features to the automated **Case Management Information System** (CMIS) that will greatly improve court management, starting with the coordinated and rapid migration of cases from the Pristina, Ferizaj, Gjilan, Prizren, Peja, Gjakova, and Mitrovica Basic Courts and branches, which significantly reduced clerical work with manual registries while notably improving the quality and quantity of data to inform management decisions. To capture such data in a readily accessible format, JSSP contributed to the development of internal **dashboards** for the KJC and Court Presidents as a tool for monitoring, analyzing and managing the performance of the courts and judges. A hearing module tracking postponements was added to the dashboard per JSSP’s recommendation, thus making it a powerful management tool. When a modified public dashboard was published on the KJC and court websites, it doubled as a transparency and communication vehicle, allowing the public to view key performance data on court productivity and performance, including clearance rates for the last three years, clearance rate trends, backlog, and individual judge performance. The data is displayed in an easy-to-follow format, thus enabling citizens to better understand court and judge effectiveness and use objective indicators to hold courts accountable.

**Objective 2: Enhance the Accountability and Professionalism of Justice System Institutions and Actors**

Accountability and professionalism are fundamental hallmarks of good governance. The justice sector, in particular, is predicated on public trust. Not only must courts deliver judgments that are objective, equitable and in accordance with the law, but the public must believe that they will be treated fairly, else they will not voluntarily submit their disputes to the courts or trust the outcomes. JSSP was therefore committed to improving the image of the courts to Kosovars, whose low perception of the courts and judicial personnel was reinforced by antiquated ethical standards, minimal civic engagement, and opaque processes. In parallel, JSSP promoted sustainable measures to ensure that court personnel lived up to the high standards set for them.

**Activity 2.1: Strengthening Ethics and Discipline**

Amid the many reforms to Kosovo’s judicial structure and legislative framework, nothing had been done to improve ethics and discipline. JSSP therefore set about to strengthen ethical standards, promote compliance with those standards, and improve disciplinary processes where conduct deviated from them.
**Code of Ethics.**

JSSP achieved a significant milestone early on, when the KJC adopted its recommended revisions to bring the judicial Code of Ethics in line with international standards. By incorporating the Bangalore Principles of Judicial Conduct\(^\text{17}\) and inserting clear standards for different types of judicial misconduct, JSSP managed to convert Kosovo’s 2006 code into a modern Code of Ethics. The new framework includes a clearly stated set of professional rules and standards of behavior to hold judges accountable, and eliminates provisions of the prior code that contravened international standards.

While judicial ethics are central to enhancing accountability in the courts, JSSP recognized ethical responsibility and accountability applies to court staff as well. Accordingly, it developed a code of ethics for court staff, mirroring the values of professional conduct embodied in the judicial Code of Ethics. It also convinced the KJC to rework its Regulation on Appointing Judicial Interpreters and Translators to include a code of ethics and a confidentiality agreement that translators and interpreters must sign affirming required conduct and the safekeeping of official information.

**Promoting Compliance.**

A code of ethics is only effective if it leads to conformity with its provisions. Judges must know its provisions, and there must be enforcement against those who run afoul of its standards. Upon KJC’s adoption of the new Code, JSSP thus turned its efforts to promoting compliance, developing promotion and education materials, and training judges on the ethics framework. First, JSSP helped the Kosovo Judicial Institute (KJI)\(^\text{18}\) revise and update existing ethics training materials to reflect the new Code and disciplinary regulation, including the development of a **Commentary on key ethical canons** that describes the practical application of the Code’s principles in real life situations. With its clear and unambiguous guidance on how to handle specific situations, the Commentary is a practical resource for judges in ethical quandaries.

JSSP then prepared KJI faculty through train-the-trainers sessions to deliver the updated ethics courses. Together, JSSP and the KJI later renamed the KJA, trained judges from all levels of the judiciary on the newly adopted Code and related regulation on misconduct. An online module was created for judges who could not attend live training. Most significantly, however, JSSP succeeded in having ethics training included as the **foundational Mandatory Continuing Legal Education requirement** for all judges, ensuring that the project’s achievements would continue for successive generations of judges.\(^\text{19}\) Finally, JSSP persuaded the KJC to create an Ethics Advisory Board (EAB), to serve as a consultative body for judges grappling with their new responsibilities under the Code. While the Commentary includes many practical examples, no document can anticipate all the

\(^{17}\) The Bangalore Principles represent the settled international standard of ethical conduct for judges based upon six core values—Independence, Impartiality, Integrity, Propriety, Equality, Competence and Diligence. See, [https://www.unodc.org/pdf/crime/corruption/judicial_group/Bangalore_principles.pdf](https://www.unodc.org/pdf/crime/corruption/judicial_group/Bangalore_principles.pdf).

\(^{18}\) KJI renamed the Kosovo Justice Academy (KJA) in 2018.

\(^{19}\) The MCLE activity is elaborated further under Activity 2.3.
potential issues that could arise, particularly in Kosovo’s fluid setting; the EAB will afford judges in the midst of an ethical dilemma the benefit of objective, expert advice.20

Enhancing Disciplinary Processes.
Promoting ethical behavior requires mechanisms to fairly consider legitimate complaints and discipline conduct that violates the ethical norms set forth in the Code. Court users must have the opportunity to raise questionable conduct for unbiased consideration and potential remedies. JSSP worked closely with Kosovo’s Office of Disciplinary Council (ODC) and KJC Disciplinary Committee to improve complaint mechanisms, emphasizing the need to address them in a fair and timely manner. When the ODC was disbanded with the passage of a new Law on Disciplinary Liability (LDL), JSSP quickly pivoted to develop a portable set of best practices that any disciplinary body could use to initiate, screen, investigate, and resolve complaints. JSSP collaborated with the U.S. Department of Justice’s Office of Overseas Prosecutorial Development Assistance and Training (OPDAT and the EU to develop secondary legislation guiding implementation of the new disciplinary mechanisms. It also helped develop a training program reflecting key aspects of the new disciplinary process, disciplinary offenses, complaint procedures, and responsible authorities for handling the complaints.

The LDL decentralized processes for filing and reviewing initial complaints against judges to court presidents and, in limited instances, the Ombudsperson. Court presidents were authorized to determine if complaints were grounded, and then inform the KJC, which retained the authority to establish panels to investigate complaints and decide on the underlying claims. To facilitate this process, JSSP assisted the KJC in developing and implementing uniform modules for registering complaints and establishing procedures for randomly selecting investigation panel members to avoid potential biases. Further, JSSP monitored the KJC’s compliance with the LDL in registering, reviewing and establishing investigation panels. Recognizing that implementation of the LDL was a work in progress in its final year, JSSP assessed the disciplinary procedures conducted under the LDL, prepared recommendations for future improvements, and developed best practices to guide the work of investigation panels and a template for reporting their conclusions.

Activity 2.2: Developing KJC Communications and Outreach
Building the public trust upon which justice sectors are predicated demands that courts regularly interact with the communities they serve, and that the public has the opportunity to independently verify the integrity of their work. To this end, JSSP helped the KJC and courts establish a positive relationship with civil society and the public, sharing information and engaging civil society productively towards their common goal of a transparent and accountable judicial system.

Public Integrity Initiative.
Coupled with the adoption of the Code of Ethics, JSSP supported a public launch event celebrating the judiciary’s commitment to a culture of integrity, transparency, and accountability, followed by a series of roundtable discussions in various cities between judicial officers, the legal community, and civil society to inform the public of the Code and solicit ideas on improving justice services. Civil society and the legal community made clear that they wanted greater efficiency and transparency in the system, such as ensuring that final judgments were published. JSSP used this strong sentiment to

20 At present, working group meetings are being convened to discuss the role, function, and organization of the EAB, as well as the weight, if any, EAB opinions would be accorded in the defense of any subsequent complaints. JSSP is helping the KJC finalize a policy document and developing training materials to guide future EAB members in discharging their duties.
leverage political will for its activities on improving the speed and quality of case processing (Activity 1.5) and publishing more judgments.

**Publication of Final Decisions.**

Early in 2016 and with JSSP’s support, the KJC approved an administrative instruction mandating the courts to publish all final judgments on the KJC web portal. After three months, JSSP found that courts were not complying. JSSP’s combination of internal pressure, e.g., preparing a note that the KJC Chairman circulated to all court presidents reminding them of their obligation and drafting a protocol setting forth the responsibilities of each department, and technical assistance increased the number of judgments published by the Basic Courts from less than 100 to more than 17,000 in early 2019. By also engaging civil society — Democracy Plus (D+) and FOL — to exert external pressure by monitoring compliance and informing citizens of the availability of judgments, the number of judgments published increased to over 31,721 by August 2020, making the KJC’s database of judgments one of the largest public databases in Kosovo.

Most importantly, JSSP introduced the habit of transparency to courts and introduced a sustainable mechanism for citizen-driven judicial accountability. It supported the KJC and courts in developing standard operating procedures for identifying, redacting, and publishing decisions, thus speeding the publication process. It helped streamline the structure of decisions so that personal information is included only on the first page, making redaction before publication simpler. When the new Law on the Courts became effective in 2019 and required the publication of all judgments instead of just final ones, JSSP helped update publication protocols, facilitate the use of CMIS to identify decisions to be published, engage court interns in data redaction, and introduce a new administrative instruction on the publication of judgments.

To bridge the gap between the judiciary and citizens, JSSP launched the My Court platform, a user-friendly tool that provides myriad information, templates, resources, and tools for citizens requiring help in accessing different aspects of the justice system. The platform can also be accessed via the KJC website at http://gjykataime.org/.

With the supply of judgments publicized improved, JSSP moved to enable the public to use these judgments to promote accountability. JSSP engaged the CSO consortium of Balkan Investigative Reporting Network (BIRN) and FOL to develop **Public Service Announcements** (PSAs) published on the KJC’s online platforms, and on their own, reaching more than 28,000 people. In addition, BIRN/FOL conducted a review of the best and worst performing courts in publishing judgments, identifying best practices as well as the biggest challenges. The results were used to develop a set of best practices that now guide courts in publication of judgments.

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21 As of August 22, 2020
Civil Society Engagement.
JSSP drew on the power of civil society partners BIRN, FOL, D+, and the Advocacy Center for Democratic Culture (ACDC) to bring citizens and courts closer by supporting informational activities (focus groups, articles, and PSAs), feedback surveys, and virtual Q&A sessions.

Recognizing that there were some gaps in their capacity to conduct research, collect data, and in their understanding of the judicial sector, JSSP designed activities to bolster their ability to conduct sound research, develop objective data, and derive meaningful insights. JSSP initially organized training for its CSO partners on program management and design. Additional training focused on monitoring and evaluation, activity planning, data collection, and identification of primary and secondary data sources (e.g., indicator settings, data collection methodologies, and data quality control). JSSP also conducted an organizational capacity assessment for partner CSO, evaluating effectiveness, efficiency, relevance, and sustainability, and provided specific recommendations for improvement.

In JSSP’s first round of CSO engagement, BIRN live-streamed meetings between students and judicial officers, where persons watching online were able to submit questions. BIRN also facilitated two other live-streamed discussions between the courts and citizens about public access to court archives22 and the use of social media to educate the public about court decisions.23 These discussions were held at the Basic Courts and streamed live through BIRN’s platform, kallxo.com, reaching thousands of Facebook users.

ACDC helped prepare citizens for integration, facilitating focus group discussions and KJC meetings on integration matters and facilitating court-community outreach in Mitrovica. Completing JSSP’s first round of CSO engagement, in Year 2 D+ conducted an initial survey to collect citizens feedback on the quality of services provided by the courts and on how courts can improve the transparency and quality of services offered. In response to this citizen input, several courts set up complaint boxes, adopted rules to limit ex parte communications, and started publishing hearing schedules on their websites.

D+ conducted a second round of court user and lawyer surveys in Year 4, which displayed increasing citizen satisfaction with court services, counteracting the media narrative of overwhelmingly negative experiences by Kosovo’s court users. During both Years 2 and 4, court users were asked a series of questions about transparency, efficiency, and fairness in the delivery of services by their courts, as well as questions about their experiences and perception of corruption at the court. Survey results were examined and validated through focus group discussions held at each Basic Court with citizens who had been parties in court proceedings during the previous 12 months, as well as with lawyers who practiced at the respective Basic Courts. Citizen scorecards were produced and published for each court, rating the satisfaction of court users with court provided services and ranking each Basic Court against the other six, thus alerting the public to

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23 The related video can be found at [https://www.facebook.com/kallxo/videos/1437749312961212/](https://www.facebook.com/kallxo/videos/1437749312961212/)
court performance and encouraging courts to continue to improve. Another consequential outcome was the launch of a court user survey on each of Kosovo’s courts’ webpages, enabling each court to continuously receive and address court user feedback. (See discussion below regarding the KJC/courts’ Website).

JSSP subsequently expanded its CSO programming to include monitoring the judiciary’s compliance with transparency and accountability. BIRN/FOL monitored KJC and court compliance with procedural requirements, including the courts’ publication of all judgments, as required by the amended Law on Courts. They also monitored the effectiveness and transparency of KJC meetings in compliance with the Law on KJC (adherence to schedules; member attendance and participation; publication of meeting agendas, meeting minutes and decisions; and use of official languages). Findings were published during anti-corruption week in December 2019 and used to push for greater compliance. BIRN/FOL also collected data related to the disciplinary process, including the number of complaints filed and dismissed, the number of requests for investigation submitted to KJC and completed, and the number of ongoing and completed cases per court. The related report was also published during anti-corruption week in December 2019 and identifies key findings and recommendations. The KJC soon addressed several recommendations, including publication of statistical data on disciplinary complaints on its website, publication of judges’ identity in disciplinary decisions, and further training judges on the LDL to improve compliance.

Consolidating its experiences on court user surveys, JSSP, together with the D+ and ACDC, launched the first Court User Committees (CUC) in Kosovo, piloting the concept in Mitrovica and later organizing a CUC in Prizren as well. CUCs assist courts in improving their services by engaging in an open face-to-face dialogue with citizens and court users such as lawyers, prosecutors, social services, corrections, etc. The CUCs aimed to make the courts less inwardly-focused by creating a platform for dialogue between court users and court staff on how courts can improve court services and access to justice. Discussions often centered on access to information and the court website as an information source, with topics including the usefulness of existing website content and the types of additional information that should be publicly available to help citizens better access justice services. Based on CUC recommendations, the courts took action to promote website awareness/use through social and public media, published additional hearing schedules on court websites and monitors, assigned court staff to handle citizen requests, and improved the workflow of translation services. Implementation of reforms resulting from court user surveys and CUCs are monitored through a public platform set up by D+ [https://gijykata.dplus.org/](https://gijykata.dplus.org/)

Finally, JSSP’s CSO partners celebrated anti-corruption week in December 2019 with a high-profile conference organized around the theme of “Increasing Judicial Transparency” which, among other things, marked the end of the first phase of BIRN/FOL’s monitoring activities related to the publication of court judgments and the effectiveness of the new disciplinary process. The buildup to the conference and the desire of the courts to be designated as “The Most Transparent Court” sparked a friendly competition to publish more judgments. Ferizaj Basic Court was ultimately designated the “Most Transparent Court” for 2019 after publishing 1,245 judgements in 7 months. Prizren more than doubled its publishing rate from 200/month to over 480/month in late 2019. Pristina went from publishing 100-200 judgments per month to publishing over 900/month in December 2019, thus becoming the nominee for the Most Transparent Court Award in Year 5. The consortium also published leaflets and brochures highlighting the most successful courts and gave an award to the KJC in recognition of its progress in promoting judicial transparency, including publication of draft regulations for public consultation, regular and timely publication of KJC meeting agendas, calendars, judgements, and documents, and publication of other valuable information on the KJC website.
To further foster dialogue between the judiciary and civil society, JSSP organized a roundtable discussion between its CSO partners and representatives from the judiciary. The discussion revealed challenges CSOs face when monitoring the judiciary, such as inconsistent availability of information, lack of policies governing public access to information, and overall lack of institutional transparency. The forum also provided the parties an opportunity to identify areas for collaborative engagement in pursuit of the shared goal of a judiciary that better serves the public.

**Engaging Court Public Information Officers.**

Complementing efforts to build the public’s engagement, JSSP also built upon USAID’s past support for outreach by the courts. JSSP’s predecessor project, EROL, assisted the KJC’s development of a communications and outreach strategy for the judiciary, which included a public information officer (PIOs) for each court. Despite these efforts, the courts remained reluctant to engage with the media and civil society.

In response, JSSP established an informal network of PIOs to facilitate coordination and peer-to-peer exchanges, as well as periodic workshops to review challenges and best practices. Further bringing civil society and courts together, JSSP engaged BIRN to prepare a manual on the use of official court-managed social media accounts and to mentor PIOs in improving courts’ use of social media and judicial transparency. By inserting the users’ perspectives, JSSP ensured that PIOs were learning how to communicate in a way that would be useful to those most interested.

JSSP supplemented BIRN’s training with its own workshop on improving services for court users, access to public documents, the new KJC website taxonomy and PIO obligations to maintain/update content, social media maintenance and strategies, video and photography skills, and developing court newsletters. During workshops, JSSP distributed several useful tools for PIOs, such as data visualization templates, media templates, and a hashtag concept document. These tools and templates were designed to be easily implementable, and PIOs have employed them in court website and social media outreach, contributing to improving the public’s understanding of the courts and building public trust in the judiciary.

One easily implementable idea JSSP identified to improve public outreach was opening the courts to student visits. JSSP used the World Day for International Justice to inaugurate what would become a regular practice, welcoming a group of students aged 7 to 12 to observe a public hearing at the Pristina Basic Court. Third grade students visited the same court, conducted a mini mock trial, and received a briefing from a judge about the rule of law and children’s rights. Since then, PIOs at several courts have regularly organized visits from students in their jurisdiction. Expanding the impact, these visits are covered on the court websites and social media pages, reaching thousands more constituents.

**KJC and Court Outreach.**

JSSP also recognized that the judiciary’s public interface needed updating, transitioning it from a monotonous repository to a dynamic, interactive site. With JSSP’s support, the KJC’s new website includes advanced features that modernize the user experience and incorporate a proactive approach to public outreach (https://www.giyqesori-rks.org/). Key features include a searchable database of court judgments, hearing calendars, and critical information about how to access court services and navigate judicial processes. To ensure that key content was easy to update, JSSP teamed with the CMIS project to facilitate automatic transfer of CMIS data covering hearing schedules, statistical reports and case status lookup.
JSSP also helped functionalize additional features, including subscriptions to content such as sub-legal acts, public consultations, news and announcements, annual reports, work plans, job vacancies, case law bulletins from the Court of Appeals, and legal opinions and guidance from the Supreme Court. Significantly, the KJC included a downloadable form on filing a complaint against a judge, and is publishing quarterly statistical information on disciplinary decisions and online assessments of court services. The total number of subscribed accounts by September 2020 had reached over 970, with subscriptions increasing by over 20% each quarter.

JSSP also introduced the KJC to social media, with the launch of its Facebook page, https://www.facebook.com/keshilligjyqesorikosoves. Initially, JSSP provided day-to-day assistance in maintaining the KJC Facebook page, posting content about KJC workshops and roundtables, judiciary vacancies and the employment application process, and also providing links in posts, which helped viewers access more detailed information from the KJC’s website. KJC has since assumed management of its own page, which has a following of over 6,000 people.

JSSP also assisted the courts in launching Facebook pages, and mentored PIOs in developing content, graphics, and public promotion tools to improve court outreach.

**Activity 2.3: Enforcing MCLE**

JSSP worked with the KJA, KJC, and the Supreme and Appellate Courts to build consensus around the need for, and creation of, an MCLE program. These efforts culminated in the KJC adopting a regulation on training that, among other things, obliged judges to attend MCLE programs, effective 2018. MCLE initially focused on ethics training, in which materials and commentaries developed by JSSP were employed.

In the year following the MCLE mandate, 97% of non-exempt judges completed the required ethics training in 2018. The percentage fell to 58% in 2019 and to less than 10% for 2020 (as of the time of this Report). The decline in 2019 was due to the expansion of MCLE to cover topics beyond ethics, as well as weak compliance tracking capacity at the KJA and KJC. The decline in 2020 was due in large part to the COVID-19 pandemic. To address the shortfall, JSSP helped create a remote learning version of the program (See Activity 2.1.), and secured the KJC’s appointment of a full-time staff member responsible for overseeing compliance. JSSP also assisted the KJC and KJA in developing monitoring tools and reporting templates to inform the Training Committee and the KJC Chairman of related developments. Finally, JSSP prepared a policy memorandum for the Training Committee about actions that can be taken in the future to improve compliance.

The regulation on training also addressed other deficiencies in the judicial training process. Previously, attendance was inconsistent and poorly tracked, with many judges rarely, if ever, attending training. Similarly, training requirements were not linked to performance. The regulation changed this by tracking attendance and requiring that deficiencies in judicial performance – as identified in the performance evaluation process JSSP helped establish (see Activity 1.5) – be addressed through MCLE training.

**Activity 2.4: Improving Judicial Decisions**

Before JSSP’s engagement, existing training modules on legal writing and reasoning had proven insufficient to elicit quality decisions with clear and consistent language, structure, and analysis. JSSP helped revise the theory-based training module into an effective writing course that included skills-
based instruction. It also helped collect exemplars of well-reasoned decisions from all court levels and develop templates for improved decision writing. Further, JSSP supported preparation of a **handbook on legal writing** containing templates and guidance on effective writing, legal reasoning, and justification.

To institutionalize these approaches, JSSP trained the trainers from the KJA faculty on legal writing and reasoning, increasing their capacity to train other judges and professional associates as part of the KJA yearly training program. These trainings introduced the IRAC method, which organizes legal analysis in logical sequential elements of Issue, Rule, Application, and Conclusions, bringing more uniformity and rigor to written decisions.

Another writing tool that JSSP advanced was the use of **judgment templates** as a means of limiting and confining the inclusion of personal data in judgments, and promoting consistent analysis and writing structure. JSSP-sponsored working groups of judges fashioned 29 templates (12 criminal and 17 civil) for the most common types of decisions. These templates were subsequently adopted by the KJC and disseminated to all judges as standard judgement templates. Recent data shows that over 82% of published judgments are now in compliance with the KJC decision.

Writing well justified opinions also requires sound understanding of the underlying law. To help in this regard, JSSP and USAID’s Property Rights Program cooperatively developed a **Manual on Civil Litigation**. The manual provides step by step guidance to judges and professional associates to resolve contested civil matters. In May 2019, the manual was distributed in Albanian and Serbian in hard and soft copy. A digital version can be downloaded from the KJC website at [http://www.gjyqesori-rks.org/dokumentet-e-ndryshme/](http://www.gjyqesori-rks.org/dokumentet-e-ndryshme/).

**Activity 2.5: Supporting the Constitutional Court**

In June 2016, the CCK transitioned to a full panel of local judges. Assisting with this monumental shift, JSSP designed a package of training for current and new CCK judges, built the capacity of the Legal Advisory Unit, and strengthened the CCK’s administration. Support included designing a long-term professional development program and Legal Advisory Resource Book for Legal Advisory Unit members, and creating an orientation package for newly hired CCK judges.

The **orientation package** provided new CCK judges with a comprehensive set of materials on court processes and procedures, making it easier for them to assume their new responsibilities. The inclusion of landmark decisions by the CCK and the European Court of Human Rights, as well as guidance on the Constitutional and legal bases for the Court’s mandate, were particularly beneficial in quickly building the capacity of new judges.

More broadly, JSSP helped strengthen the CCK’s operational capacity and procedures. These efforts focused on **harmonizing the CCK’s rules** with its actual practice. Prior to JSSP’s assistance, the CCK’s procedural rules had not changed even though the court had developed new practices to address its workload. JSSP and the court accordingly developed a series of recommendations to address these
internal inconsistencies and synchronize rules to practice. JSSP organized workshops facilitated by the Honorable Chief U.S. District Judge John R. Tunheim to assist CCK judges in finalizing revisions to its rules of procedure determining admissibility and publication of dissenting opinions, among other things.

JSSP provided CCK judges with valuable comparative experience by organizing a study tour to visit the U.S. federal courts in Washington, DC, including the Supreme Court. The delegation observed hearings at the District Court of the District of Columbia, Federal Courts of Appeals, and the Supreme Court, and then met with the sitting judge and/or staff to discuss issues that they observed and learn about the practices of their courts in hearing and managing cases. Meetings and briefings continued at the Federal Judicial Center (FJC), Administrative Office of the Courts, and American University. Initiatives inspired by the study tour that are being implemented by the CCK include the introduction of public hearings (oral argument) and the utilization of additional legal advisors (in the role of law clerks) to support judges. On the heels of the successful study trip, JSSP facilitated a long-term partnership between the CCK and the FJC, including distance learning opportunities for the CCK in the form of online lectures, discussions, and debates, typically engaging Judge Tunheim’s continued assistance.

JSSP also supported the CCK in improving case management. By the end of Year 4, JSSP helped map CCK caseflow, documenting all steps taken in a life of a case from filing to disposition, and identifying steps to improve the efficiency of the case management process.

Similar to its work with the KJC and Basic Courts, JSSP assisted the CCK in making its website an effective tool for communications and public outreach https://gjk-ks.org/. While the previous website included information that is important for the public — such as decisions, public announcements, and annual reports — its user interface made accessing such information difficult. JSSP developed a new CCK website that: allowed high-quality search capability; streamlined the clutter of links and buttons on the homepage; provided new search capabilities for the entire website (news, archive, reports and other information); provided compatibility with all major browsers and all portable devices; displayed content in Albanian, English, Serbian and Turkish; and supported alternative media formats, such as Vimeo and YouTube. The new website design achieves high standards for accessibility and accommodates routine changes in content by non-technical administrators.

To improve the CCK’s outreach, JSSP helped develop promotional material to upload on the website and disseminate via other channels. Complementing its outreach via the website, JSSP helped the CCK present its mission more directly to the public through a PSA describing the role of the Constitutional Court.
Objective 3: Support the Functioning and the Integration of the Judicial Structures in the North

Judicial structures in northern Kosovo were inactive from Kosovo’s 2008 declaration of independence through JSSP’s inception. EU-brokered negotiations resulted in the 2013 Justice Sector Agreement that provided broad parameters for integrating parallel judicial structures into Kosovo’s system, but lacked detailed steps for a successful transition. And while the February 2015 agreement on the judiciary signed by the Prime Ministers of Kosovo and Serbia represented another important step toward judicial integration, it had an ambitious deadline of October 2017 and lacked specificity on practical implementation issues. Fluctuating political will presented another impediment, as key judicial actors on both sides weighed the consequences of stepping out of sync with political negotiations.

Recognizing that integration was too important to fail, JSSP played a vital role in securing its success. It established a continuing dialogue between the parties on practical implementation matters, served as an honest broker to keep discussions moving forward, and shaped the practical interventions needed to integrate and operationalize the courts in the north. When an August 2017 agreement ultimately yielded the desired result of integration, and when new judges were appointed to Kosovo’s judiciary and court facilities opened in north Mitrovica, south Mitrovica, Leposavic, and Zubin Potok in October 2017, JSSP remained engaged to ensure that the system was ready to provide justice for all citizens.

JSSP concentrated on three areas: (1) facilitating institutional integration; (2) functionalizing court operations; and (3) strengthening human capacity. In general terms, and as described in greater detail below, JSSP’s accomplishments included:

- Planning for the transfer of people and cases into the Kosovo judiciary, and for facilities, equipment, and security needs;
- Ensuring that the newly integrated courts were ready to hear and decide cases, providing justice to all citizens in the north; and
- Building the capacity of the judges and court staff joining the Kosovo judiciary to perform their duties.

The chart below contextualizes the impact of JSSP’s integration activities, which are elaborated in the narrative that follows.

<table>
<thead>
<tr>
<th>Context</th>
<th>JSSP Activity</th>
<th>JSSP Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Logistical, facility, and operational issues remained unaddressed</td>
<td>Facilitate Institutional Integration of northern Courts</td>
<td>Institutions, judges, and staff successfully integrated within Kosovo justice system</td>
</tr>
<tr>
<td>Lack of planning for and commitment to starting court operations</td>
<td>Functionalize court operations in the north</td>
<td>Tools for court and case management transferred</td>
</tr>
<tr>
<td>New judges and staff required skills to operate in Kosovo’s system</td>
<td>Strengthen human capacity</td>
<td>Judges and staff recruited, trained and delivering justice to all citizens</td>
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</tbody>
</table>
Activity 3.1: Facilitating the Institutional Integration of the Northern Courts

JSSP played a key role in bringing structure and closure to the integration planning process. It moved quickly to identify, sequence, and execute the actions required to realize the aspirations of the JSA.

Well before the integration process was finally triggered, JSSP partnered with the KJC and representatives from the north to develop a **Transition Matrix** that defined the steps necessary to implement the JSA. The matrix provided solutions for judicial and staff recruitment, resolution of legal issues (e.g., the validation of parallel court decisions), infrastructure issues (e.g., facilities, equipment, and ICT), and case management matters (e.g., Kosovo and parallel court case inventories, caseload allocation, and records management). Agreed to by the KJC and judiciary in the north, the matrix documented their respective commitments, set timelines, and increased KJC ownership of the process.

The first issue tackled was **recruitment**. While most judges and staff had been “pre-selected” to serve in the Court of Appeals division located in Mitrovica (Appellate Division), Mitrovica Basic Court, and court branches in Leposavic and Zubin Potok, JSSP’s survey showed that an additional 14 judges and 105 staff were needed. JSSP quickly helped the KJC create a recruitment committee tasked with filling these vacancies, worked with the committee to establish a transparent and meritorious recruitment process, and mentored the committee on its implementation. Through these efforts, a full slate of judges and staff was in place when the courts opened.

To address other practical integration issues, JSSP helped the KJC establish an **Oversight Committee** with overall policymaking authority for planning and overseeing integration. By including representatives from the Kosovo judiciary, parallel courts in the north, and international community in the committee, JSSP ensured that all relevant voices were heard and minimized the politicization of its work.

Individual task groups were organized to work on the resolution of legal and infrastructure issues and case management matters, thereby keeping preparations for integration moving forward even when political pressures threatened delay. These task groups worked collaboratively to assess court facilities, conduct ICT and equipment inventories, and inventory pre-2008 Kosovo cases, marking the first joint integration activities of the Kosovo judiciary and parallel courts.

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E.g., solutions for the validation of parallel court decisions, facility repair, equipment procurement, and ICT installation as well as inventory of parallel court cases, caseload allocation, and records management.
The task groups, with JSSP’s support, were integral to preparing newly integrated courts for opening. For example, the group charged with determining the courts’ furniture and equipment needs quickly assessed existing inventories, identified shortfalls, and helped prepare procurement documentation. By so doing, it paved the way for JSSP and the KJC to procure urgently needed items — JSSP provided $44,000 in furniture to support these make-ready efforts, while the KJC renovated and procured the remaining furniture, equipment and related items necessary for court operation.25

Revising relevant laws and regulations governing judicial operations was as important as upgrading the physical infrastructure of the courts in the north. This included amending the regulation on the internal organization of the courts to provide for an Appellate Division in northern Mitrovica and helping to identify and harmonize (in Serbian) key laws that had been poorly translated at the time of their enactment. In this regard, JSSP helped harmonize the Serbian versions of the Law on the Courts, the Law on the KJC, and the Rules for Internal Organization of Courts, among others, and shared additional translation needs with the KJC and donor community. Based on this information, the OSCE subsequently undertook a program to fast-track corrections to the Serbian translations of key laws.

JSSP subsequently brokered agreement on sensitive integration issues and developed multiple policies required to effectively implement critical elements of the JSA and ensure case processing efficiency. It also brokered practical solutions to seemingly intractable problems that threatened case processing delays, such as securing the KJC’s agreement to allow language-based case assignment at the Mitrovica Basic Court and other courts facing translation shortfalls. JSSP’s role as facilitator also led to a consensus among the KJC, the Supreme Court, the Court of Appeals and the Basic Court of Mitrovica that an Authentication Unit sitting at the KJC should handle all requests for validation of decisions of the parallel courts. Although disagreement over access to original parallel court records has delayed the validation process, these consensus building initiatives helped foster much needed trust and collaboration between the parties.

JSSP also helped resolve case assignment issues between the Court of Appeals and its Appellate Division in the north. First, it engaged the KJC to confirm that the JSA and subsequent agreements provided the Appellate Division with exclusive jurisdiction over cases originating in four Kosovar Serb-majority municipalities in the north (Zvecan, Mitrovica, Zubin Potok, and Leposavic), and gave the Appellate Court jurisdiction over cases arising in six Kosovar Serb-majority municipalities in the south. Second, it secured agreement that pre-integration appeals cases from the four northern municipalities could be reassigned to the Appellate Division upon request. Third, it assisted the parties in developing and adopting a formal case allocation plan that incorporated the above points, provided for the inclusion of Appellate Division judges in the pool of jurists that hears cases from non-majority communities throughout Kosovo, and assigned Appellate Division judges to hearing panels addressing the general caseload of the central Court of Appeals. An observable increase in appeals to the Appellate Division followed JSSP’s assistance - in 2019, the Court of Appeals sent 347 cases to the Appellate Division, a 50% increase compared to 2018. Importantly, 44% originated from Serb-majority

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25 Additional support by JSSP for equipment/facilities is described under Activity 3.2.
municipalities in southern Kosovo, reflecting a consensus on the Appellate Division’s jurisdiction over such cases.

Following February 2018 discussions in Brussels, the KJC sought JSSP’s assistance in addressing issues related to the validation and reconciliation of court decisions from parallel courts. Left unsolved, citizens in the north who received legal redress through the parallel courts will not have their decisions recognized by Kosovo’s courts.

Given the importance of these decisions to the lives and livelihoods of non-majority communities in the north, JSSP set about to effectuate the JSA provision giving decisions by the parallel court full legal effect. It drafted administrative instructions for validating and giving legal effect to these judgments, decrees, and other legal determinations. Where a conflict arose between existing decisions of the Kosovo courts and parallel court decisions, JSSP drafted a regulation on the resolution of conflicts that appears to have KJC support. Unfortunately, the need to access case files from the parallel courts has stymied the process. Although JSSP and several others have urged the KJC to solicit help from the EU Negotiator, it has yet to happen. The policies needed to address these matters are in place and ready to be implemented once political will is secured.

Activity 3.2: Functionalizing Court Operations in the North

Commencing court operations in the north was not only politically complex but also required significant effort to prepare the facilities, staffing and systems, to start up the integrated courts. JSSP’s contributions accelerated the functionalizing of court operations in the north in a copasetic and orderly manner.

Facility Renovation.

When JSSP started, judicial structures in north Kosovo had been inactive for seven years, so JSSP and the KJC first conducted site visits to the court facilities to evaluate their condition and furnishing needs. JSSP next developed a two-tier checklist establishing basic criteria for making all courts habitable. With the agreement of all parties, it used the checklist to evaluate the condition of the courts and identify the basic work required to make them habitable, as well as the additional work required to improve their functionality.

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26 Parallel court decisions are those rendered by Serbian-operated courts between the time that Kosovo declared independence and the JSA-based integration of the courts in October 2017.

27 Practical examples of the impact of the dual system on ordinary systems abound. For example, if a Kosovar who received a divorce decree in 2012 from a parallel court applied for a marriage license in Mitrovica 2018, the validity of the divorce would have to be established as a predicate for license’s approval. If title to property is held based on a parallel court decision, the right to the use – and value – of that property is tied to the validity of that decision.

28 While the instructions contemplated the creation of an Authentication Unit at the KJC to handle all requests for validation, such unit has not been created due to the continuing dispute over access to original court files from parallel courts to ensure authenticity.
This assessment subsequently guided the KJC’s refurbishment efforts and JSSP’s related support. Within four months, the KJC completed the roofing, heating, plumbing, lighting, painting and other improvements needed to meet the agreed upon criteria. KJC and JSSP procured the additional items needed to fully outfit the Appellate Division, Mitrovica Basic Court, and its branch courts, including desks, tables, chairs, bookcases, printers, copiers, and other items. In September 2018, USAID Mission Director Lisa Magno and Mitrovica Basic Court President Nikola Kabasic unveiled a plaque at the Zubin Potok branch commemorating USAID’s assistance in improving the working environment.

With these improvements in place, JSSP’s assistance turned to establishing **improved communication protocols** between the KJC’s Secretariat and the courts to ensure that any continuing furniture equipment, logistical, and similar administrative needs were addressed in timely fashion. It introduced a tracking form identifying the status of logistical and administrative integration issues that better organized logistical communications and resolved requests that had been open for an inordinate time.

**Case Inventory.** Many pre-2008 and parallel court cases were unresolved when integration occurred. JSSP helped catalogue over 5,012 of these cases, and ensured their assignment to specific courts and judges for resolution. JSSP’s backlog reduction legal officers (BRLOs) then helped the courts resolve over 2,942 of these cases.

**Translation and Interpretation Services/ Harmonization of Laws.**

The lack of adequate translation resources became apparent after integration and threatened significant delays in case processing. JSSP introduced an array of **interventions to minimize the risk of translation-related delays** and allow cases to move forward in timely fashion. Language-based case assignment (Activity 3.1) reduced the overall need for translation services. JSSP’s screening protocol (Activity 1.5) allowed cases to be disposed or dismissed with minimal translation of documents, helping to increase the productivity of Serbian speaking judges by over 200% on average (from disposing 4 to 20 cases per month). Workflow improvements – including the creation of a translation unit, improved licensing and qualification processes, and tools for recording, tracking, and monitoring translation/interpretation requests and assignments - helped ensure equal allocation of work, prioritization of critical translation needs, and reduced reliance on external resources.
To improve the quality of translation services, JSSP trained court and KJC translators on consecutive translation skills and the use of automated translation tools, and developed a cadre of future trainers. When additional training sessions were disrupted by the COVID-19 pandemic, JSSP pivoted to create an online training program that, going forward, provides the KJA with a highly accessible means for improving translation/interpretation skills in Kosovo courts and prosecution offices.

**Providing Basic Services in the Integrated Courts.**

The real arbiters of integration's success are the communities in the north — do they feel that they are being served? JSSP quickly helped Mitrovica Basic Court and its branches establish intake/registry offices where citizens could file new cases so that, within three months after formal integration, all court facilities were receiving cases and providing basic services. At the same time, JSSP helped the court conduct emergency hearings and process minor offense cases, sending the message that the courts were indeed open for business.

Additional service issues were addressed as they arose. A new regulation for the recruitment and appointment of lay judges was developed, and the list of available lay judges updated, to address the court’s immediate needs and generate a fresh roster of lay judges for its future workload. Problems encountered in delivering court documents were resolved in part through case screening. And when GIZ provided recommendations for improving workflow, the court turned to JSSP to help implement them.

JSSP started and later backstopped a dialogue between the courts and the KJC to ensure the Secretariat’s administrative support for court operations. By project end, these institutions were in direct contact to resolve issues related to staffing, statistics, finance, logistics, and procurement, and Mitrovica staff regularly participated in workshops and meetings with the Secretariat and other courts.

**Backlog Reduction and Caseflow Management.**

A combined strategy of backlog reduction and active caseflow management helped the courts keep cases moving forward in a timely manner. Using JSSP’s early screening process and backlog reduction tools, BRLOs helped the courts dispose of 2,942 criminal and civil cases, including 659 civil cases through the screening process, and 861 civil and 2,081 criminal backlogged cases. As these reforms took hold and the court became more comfortable in its work, JSSP transitioned from direct assistance to peer-to-peer mentoring of court staff to ensure continued use of JSSP’s backlog reduction and caseflow management tools.

**Court Transparency.**

JSSP trained and mentored professional associates and interns from Mitrovica Basic Court to publish the court judgments, hearing schedules, and other information now required on the KJC website (see

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29 JSSP worked with GIZ to include its Albanian/Serbian translation software and accompanying dictionary of legal terms into the training program. These tools can help substantially expedite document translation.
30 A dearth of qualified lay judges threatened to delay civil cases where lay judges sit on the trial panel.
31 Once screened, cases containing all required service (and other) information moved on to hearings. Those lacking the information required to identify and contact all parties were deemed deficient and returned to the plaintiff for correction.
32 Backlog reduction efforts targeted cases susceptible to early procedural disposition, such as statutorily limited criminal cases, utility debt cases, etc. The early screening process used to verify the legal sufficiency of civil pleadings was modified to meet the specific needs of the Mitrovica Basic Court. Screening occurred immediately after cases were assigned to judges, rather than before assignment as in other courts, to reduce the burden of translating case documents.
Activity 2.2). It further trained them on how to properly redact and anonymize judgments. As a result, the number of published judgments increased from 9 in 2017 to 604 in 2018 to 1,352 in 2019, with an additional 842 judgments published by the end of August 2020. 924 of these judgments are in Serbian.

Efforts to publish more court hearings on the website also yielded results, with the number increasing from 411 in 2018 to 2,194 by August 2020, a nearly 50% increase. It is also now possible to pull hearing information directly from CMIS into the website, thanks to the collaborative design efforts of JSSP and the CMIS team.

JSSP fostered an ongoing dialogue between KJC and Mitrovica staff to reap these transparency gains. They now work jointly to maintain and update the Mitrovica Basic Court’s website and the KJC website’s as well.

**Activity 3.3: Building Capacity of Human Resources**

Judges and court staff appointed to the integrated courts required capacity building to effectively operate within Kosovo’s judicial system and apply its laws and procedures. JSSP worked collaboratively with both institutional and international counterparts to address these capacity building needs.

**Priority Training. Orientation Materials.**

JSSP conducted an assessment to identify the priority training needs of judges and court staff joining the Kosovo system. Results were used to inform early training interventions by the international community, with JSSP supporting the U.S. Embassy and GIZ in developing the required civil and criminal training packages, and taking the lead in developing and delivering training on the judiciary’s framework laws (e.g., laws on the KJC and courts) and court administration. JSSP also provided new judges and staff with an orientation package of key laws, rules, manuals, and court administration procedures, thus giving them a comprehensive overview of Kosovo’s judicial system and its structure. Training and resource materials about core administrative functions that were developed in support of decentralization (see Activity 1.3) were also translated and made available in Serbian.

**Additional Training.**

Additional training focused on preparing new court staff at Mitrovica Basic Court and its branches to assume their roles in Kosovo’s judicial system. JSSP-sponsored peer-to-peer exchanges allowed experienced staff to transfer their knowledge and practices to new hires. Seasoned administrative and budget staff from the KJC and extant Kosovar courts developed and delivered specialized training modules on caseflow management, budgeting, and human resource management to speed transition into the new system. Invariably, a rapport developed during these sessions, bringing professionals from all parts of the judicial system together to enhance justice for citizens in the north.

Additional efforts quickly followed. Again using mentors from the KJC and courts, civil enforcement officers were trained on Kosovo’s enforcement system and procedures (in collaboration with USAID’s Contract Law Enforcement Program); court registrars trained on intake protocols for

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33 Such collaboration included updating all judges’ biographies in both languages, correcting errors in the Serbian version, and translating all KJC web notices and news from Albanian into Serbian.

34 Judges placed training on the criminal and civil codes and related procedural laws at the top of their lists, followed by training on the Law on the Courts and the Law on the KJC.
registering cases and creating case files; and criminal enforcement officers trained on the procedure for executing penal sanctions. Through these trainings, the core administrative capacity required to get Mitrovica Basic Court and its branches up and running was developed, and a support network was created that new staff could call on when needed.

A broad array of training was similarly provided to new judges on topics such as ethics, legal writing and reasoning, the civil and criminal procedure codes, and the administrative law. Continuing training needs were incorporated into MCLE and other KJA training programs, thus ensuring MCLE’s consistent application to all Kosovar judges.35

Notaries, enforcement agents, mediators, bankruptcy administrators, and other free legal professionals also were required for the courts to function efficiently. JSSP, together with the EU-funded Support to Free Legal Professions project, identified and educated young attorneys and law students from the north about these professions and how to prepare for related certification programs. JSSP also helped the MOJ conduct a public outreach campaign and train candidates interested in preparing for the notary exam. https://www.radiokontaktplus.org/oglasi/javno-obavestenje-za-polaganje-notarskog-ispita/309

Activity 3.4: Engaging Civil Society and the Public

JSSP engaged civil society to help build public trust and confidence that the integrated courts would provide equal justice and fairly and promptly settle disputes. Prior to integration in October 2017, focus group discussions were held with senior citizens, students, civil society, and the academic community, and “meet the judges” events were conducted with civil society to promote knowledge about the integrated judicial system. The questions put forward at these events demonstrated that citizens in northern communities still had little information about integration and were hesitant to use Kosovo’s courts after integration occurred.

Accordingly, JSSP’s efforts centered on educating the public on the integration process and the future work of the courts. In collaboration with ACDC, JSSP reached over 330 Serbian Kosovars through town hall meetings, focus group discussions, and roundtables held in Mitrovica, Zubin Potok, Leposavic, and Zvecan to inform citizens about the integration process, allay their concerns, and engage them in an interactive discussion about the JSA and challenges facing the judicial system. Concerns raised by citizens centered on how decisions from parallel courts would be recognized and the need to improve Serbian translations of Kosovo’s laws. Roundtable discussions were subsequently held with legal professionals from the same communities, allowing judges, prosecutors, attorneys, and court staff to identify challenges and possible solutions to integration issues.

35 JSSP’s provision of ethics training was instrumental in incorporating newly integrated judges into the MCLE program. Two Kosovar Serb judges attended a KJA/JSSP train-the-trainers program, and subsequently facilitated ethics training for northern judges to bring them into compliance with MCLE’s ethics requirements.
To inform a broader audience about integration efforts, a documentary titled “Integration of the Courts in the North into the Kosovo Judiciary” was aired on Radio Kontakt Plus. Topics discussed included the rule of law in northern Kosovo, access to justice, and citizens’ expectations about integration. Leaflets, posters, billboards, and a PSA were also developed and distributed as part of JSSP’s public awareness campaign. JSSP also developed a communication package, including brochures and a PSA, for the KJC’s and courts’ use in providing key information to the media and public about services in the integrated courts. The PSA was transmitted through public and private TV stations and social media, and the brochures disseminated at the Mitrovica Basic Court and its branches.

JSSP also sponsored a series of Court User Committees through the D+/ACDC consortium. The committees were implemented to engage the courts in a service delivery improvement dialogue with citizens, CSOs, and court users such as lawyers, notaries, and prosecutors. The first CUC meeting, held at the Basic Court of Mitrovica, included discussions about court efficiency and transparency (e.g., access to case-related information). Participants recommended setting deadlines to respond to citizens requests, setting up email addresses for parties to address their questions and concerns, organizing open court days, and increasing the number of translators to expedite court work as ways to improve the court’s work and responsiveness.

The second Mitrovica CUC meeting resulted in a lively discussion about court user concerns and actions needed to address them. Key recommendations that came out of the meeting were: (i) delegate a public relations officer to inform parties about the status of their case(s), (ii) develop and publish a protocol for handling citizens requests; (iii) update and improve translation of court website content in both official languages; and (iv) organize a promotional campaign to increase citizen’s use of the court website. Acting on these recommendations, and with JSSP’s support, the court quickly updated its website to post more information on court activities and better track scheduled hearings.

The court has since implemented a number of recommendations resulting from the CUCs, including updating and translating court website content, increasing the number of published judgments, publishing the schedule of court hearings, assigning an information officer to handle citizen’s requests, and promoting the use of the website via PSAs.

A third CUC meeting confirmed the importance of providing adequate translation resources for the courts. The discussion centered on the extent to which the courts treat parties fairly by providing quality translation and enabling parties to attend proceedings in a language they understand. Court users agreed that the court is doing its best to serve and communicate with parties in their own language by serving summonses, documents, and decisions in the official language (Serbian or Albanian). However, the discussion highlighted that the quality of translation is a continuing issue that needs to be addressed and that the court needs to increase the number of translators and hire more qualified translators.
CROSS-CUTTING ACTIVITIES

Activity 4.1: Anti-corruption

Anticorruption activities were implemented throughout JSSP’s tenure. They are grouped thematically below by anticorruption goal, e.g., promoting judicial independence, improving judicial policy and procedures, increasing judicial efficiency and effectiveness (case management), etc. These activities are discussed in greater length in other sections of this Final Report.

Judicial Independence. By improving Kosovo’s legal framework for judicial efficiency and independence, JSSP reduced opportunities for undue influence by other government institutions that could affect how cases are decided. Related activities included improving the KJC’s capacity for self-governance and reducing the executive branch’s control over judicial staff.

Judicial Policy and Procedures. JSSP strengthened KJC’s capacity to develop and implement policies and rules to effectively govern the judiciary, increase court efficiency, and improve the professionalism of judges. It also improved the transparency and quality of the KJC’s regulatory drafting process and resulting regulations, thereby decreasing opportunities for corrupt practice.

Case Management. By helping to improve caseflow management and reduce case backlogs in Kosovo’s Basic Courts, JSSP addressed flashpoints for delay and corruption. Caseflow management improvement plans and case screening were introduced at the Basic Courts to reduce current backlogs and prevent future ones. Differentiated case screening by the Court of Appeals helped address the backlog of procedural cases.

Ethics and Institutional Integrity. JSSP assisted the KJC in developing and implementing a new Code of Ethics for judges and integrating ethics training sessions into MCLE to promote compliance. Higher ethical standards help demonstrate that the judiciary is serious about raising integrity and building public trust.

Administrative Oversight. JSSP strengthened the KJC’s ability to monitor and oversee the work of the courts, including reporting template through which courts provide quarterly data on their performance against key indicators (e.g., case inventory, case filings and dispositions, clearance rate, backlog, etc.).

Transparency and Public Participation. Successful efforts to promote greater public access to information included promoting the publication of final judgments, launching new KJC and CCK websites and social media pages; training PIOs to improve public communication and conduct outreach initiatives to increase public trust and citizen engagement; and publishing hearing schedules, fee calculators, and other tools and information to ease the public’s engagement with the courts. Public participation was enhanced by survey tools and court user committees that engaged citizens in service delivery improvements. CSOs were engaged to work collaboratively with courts on reforms and to monitor their implementation.

Anti-corruption Working Group. JSSP supported the KJC’s anti-corruption working group in analyzing the problems impeding swift processing of complex corruption cases. Several patterns were identified - such as persistent delays in scheduling the initial hearings, a high number of postponed hearings, cases dismissed due to the statute of limitation and lenient sentences – and recommendations developed to improve the efficiency and quality with which courts handle these
cases. Lessons learned and recommendations were shared with KJC and incorporated in Annual Court Plans.

**Activity 4.2: Training**

During its five-year project, JSSP trained 1,984 justice sector personnel, including 1,020 women and 964 men. 9,333 hours of training were provided on topics including ethics, legal writing and reasoning, court management, budgeting, procurement, court translation and interpretation, case screening, and public outreach. These programs helped enhance the skills of judges and staff to perform their work; helped KJC legal officers develop better rules and regulations; mentored court staff on how to effectively carry out their responsibilities; and prepared a cadre of interns and law students to join the judicial workforce.

**Activity 4.3: Gender Empowerment**

Gender sensitivity was factored into all program activities to ensure that women were empowered to participate, manage, and lead. Specific gender efforts included:

- Successfully promoting the selection of a female KJC member from the Supreme Court and a new regulation requiring equitable gender representation of Council members elected by the Basic Courts.

- Working with the KJC, courts, and the Forum for Women Judges and Prosecutors to increase the participation of women judges and staff at all levels of the judiciary. As a result, the KJC and KPC:
  - Agreed to provide women with equal opportunity in the recruitment process for new judge positions.
  - Developed a Gender Empowerment Action Plan outlining specific interventions to enhance gender equality, including advocacy work to increase the number of female members appointed by Parliament, and provide leadership and management training for women judges.

- Securing the inclusion of a provision in the regulation on election of KJC members that guarantees an equal number of seats for male and female judges.

- Promoting the engagement and empowerment of young women in the judiciary through a Women Judge Mentorship Program designed to enhance performance, professionalism, and leadership abilities. Participants took part in discussions and training on work/life balance, public speaking, and leadership skills.
Activity 4.4: Improving Youth Engagement in the Judiciary

JSSP employed a range of activities to engage young people in the judiciary. These included CSO outreach programs, visits to courts by school students, JSSP’s internship program, and an awareness campaign in the north to inform law students and graduates about the free legal professions.

JSSP’s own internship program enlisted law graduates in preparing court decisions for publication and in backlog reduction and other caseflow management tasks. Monthly development programs were held in collaboration with the USAID-funded Justice Matters project to develop interns’ professional skills.

JSSP and ACDC held conferences for students in the north, where panelists from the judiciary discussed progress and continuing challenges in integration. Several outreach activities were conducted to identify law students and recent graduates in the north as potential candidates for the Bar and free legal professions.
LESSONS LEARNED

Several high-level “lessons learned” have been distilled from JSSP’s implementation and set forth below. These lessons may prove useful in addressing similar issues in future projects.

Retain Flexibility.
Judicial reform is not linear. One reform rarely leads to another in an orderly fashion. Instead, projects must periodically reevaluate demand for their assistance and engage counterparts where opportunity allows. Recognizing that various external factors would impact the scope and course of its activities, JSSP continually assessed the actors, implementing environment, and political dynamics related to the judicial sector in general, and to its activities in particular. This informal mapping allowed JSSP to determine where and how its activities were gaining traction, capitalize on opportunities where interests aligned, alert USAID when external factors threatened delays, and reallocate resources when necessary to maximize results. It also allowed JSSP to adapt and respond to emerging opportunities for quick impact as and when they arose. In this way, JSSP was able to foster buy-in, build and maintain reform momentum, and foster sustainable reforms.

For example, on-and-off negotiations between Kosovo and Serbia about the integration of parallel courts in the north into Kosovo’s judiciary threatened to undercut JSSP’s ability to implement one of its key objectives. JSSP quickly adapted and turned this potential risk into an opportunity to jumpstart integration efforts. Well before formal integration occurred, JSSP partnered with the KJC and representatives from the north to discreetly plan the required steps, commitments, and timeframes required to get integrated courts up and running. When formal integration was imminent, JSSP quickly mobilized its resources and partnerships to ensure a smooth transition into the new system. After integration occurred, JSSP continued its adaptive approach to ensure emerging needs and issues were promptly addressed so that the newly integrated courts in the north could effectively serve their communities.

Similarly, when the COVID-19 pandemic hit in early 2020, JSSP quickly worked with judicial leadership to develop and implement an emergency preparedness plan that ensured that courts’ continued work. The plan provided for the safety procedures, communication protocols, resource allocations, and operational changes required to enable judiciary to provide justice safely, and introduced a series of innovative tools to facilitate continued access to justice during the pandemic (e.g., online hearings, use of electronic communication, etc.).

Change and Reinforce the Rules of the Game.
While Kosovo’s judicial institutions are not monolithic, their behavior is slow to change. Their limited means and efforts to assess, introduce, and evaluate the need for — and effectiveness of — system improvements often resulted in the judiciary being reactive rather than proactive in initiating change. JSSP recognized that the need to “alter the rules of the game,” by identifying the bottlenecks and constraints that shaped the judiciary’s reactive behavior and working to change them,36 it also took steps to buttress and institutionalize improved behavior with rules, systems, and practical capacity, thus minimizing the risk that its institutional partners would slip back into their old ways.

For example, JSSP changed the rules of the game – and the way business was conducted - at the KJC by collaboratively building rules, systems, and capacity that enhanced its policymaking capacity and empowered it to strategically and proactively address systemic issues rather than react to emerging problems. These included, among others, introducing a disciplined approach to decision making and policy development, building strategic and analytic capacity to identify and prioritize systemic goals and issues, and establishing mechanisms to audit, study, and resolve issues affecting court effectiveness. Effective use of these mechanisms will allow the judiciary to police itself and continue improving efficiency and accountability.

**Build Leadership by Leading.**

Ideally, the KJC, Secretariat, MOJ, court presidents, and other institutional actors would have quickly taken ownership of JSSP's activities (i.e., its contractual tasks) and broader judicial reform initiatives. However, this hierarchy failed at times to capitalize on donor and JSSP assistance. Myriad issues accounted for this failure — opposition to the contemplated reform, donor fatigue, and limited absorption capacity, among them. The cause was often more innocuous — due to a revolving door of leaders and reform initiatives, those tasked with leading lacked the experience to do so, a problem exacerbated by insufficient institutional capacity and memory to support them.

JSSP changed this dynamic by strengthening the judiciary’s operational framework and the KJC’s ability to fulfill its policy and oversight mandates. This initially required labor-intensive efforts to identify and implement required institutional changes, and later transitioned to mentoring activities that built ownership and institutionalized reformed systems and practices. For example, JSSP strengthened the KJC’s leadership and management structure by expanding the number of full-time council members from one to five, thereby providing the KJC with the much-needed resources to more effectively fulfill its mandate. It also built the capacity and systems required to support the work of these full-time members, and helped clarify their roles and responsibilities. These changes invigorated the KJC’s leadership, which quickly developed and adopted 15 key policy reforms to the judiciary, including enhancements to performance evaluation and disciplinary systems, and best practices aimed to further improving case flow management.

**Engage Civil Society Differently.**

Kosovo’s donor community often engaged a small number of CSO policy groups to opine on judicial reform progress. These well-intentioned efforts gave civil society a much-needed voice in the reform process. They also risked two unintended consequences: (1) creating an echo chamber in which donors obtained information from a group of CSOs holding similar views, which inhibited evidence-based policymaking and created conflict between civil society and the judiciary; and (2) marginalizing advocacy groups who could better identify the reforms required to improve judicial service delivery for citizens.

In a more practical sense, these efforts left the judicial system with few CSO partners focused on specific operational improvements. As a result, court leaders had access to fewer voices, and CSOs had less capacity to articulate actionable recommendations for improving justice services. To address these shortcomings, JSSP recast CSO-judiciary relations by engaging CSOs to improve judicial transparency and accountability in direct collaboration with the KJC and courts.

Initially, BIRN was engaged to facilitate live communications and publish news articles about judicial issues of public interest, develop the social media capacity of the KJC and the Pristina and Gjilan Basic Courts, and train the courts’ public information officers on compiling newsletters and other communication materials. D+ conducted surveys to collect citizens’ feedback on the quality of
services provided by the courts and on how courts can improve the transparency and quality of services offered. The resulting citizens scorecard provided feedback to courts for improving their efficiency and reputation. ACDC facilitated focus group discussions and KJC meetings on integration matters and facilitated court-community outreach in Mitrovica.

As cooperation between civil society and the judiciary took root, JSSP encouraged CSOs to work collaboratively in pursuing rule of law reforms. It jointly engaged BIRN and FOL to, among other things, monitor the judiciary’s compliance with its obligation to publish judgments and its handling of corruption and gender-based violence cases. JSSP re-engaged D+ and ACDC to monitor and measure court user satisfaction with the quality of judicial services and launch social accountability mechanisms in the form of Court User Committees, which gave citizens a greater voice in court reforms. These initiatives advanced USAID Forward/Local Solutions goal by engaging CSOs in the judicial reform dialogue/process and supporting the KJC in implementing collective recommendations.

Create and Shape the Dialogue.
USAID expected JSSP to promote and support the active participation of key stakeholders in judicial reforms. The project met these expectations by ensuring that the KJC, MOJ, judges, CSOs, and others were given proper voice in the ongoing reform dialogue, and by continually encouraging their participation. For example, during the MOJ-led Functional Review of the Rule of Law Sector, JSSP played a critical role in helping the KJC articulate its priorities and needs, shaping the first rule of law strategy for Kosovo.

JSSP also supported ways of gathering input and building consensus from various actors for key changes to ensure they reflected the realities on the ground. For example, JSSP created policy development protocols for the KJC that map the legislative development process and identify action points where the judiciary can intervene to shape justice-related legislation. The protocol further provides a structured mechanism for collecting and consolidating input from judges on legislative and regulatory matters, thus giving the judiciary both a greater and more unified voice in reforms. Finally, the protocols establish processes for the KJC to continually engage with relevant stakeholders on policy and legislative development, thus providing opportunity to shape and focus the dialogue around key efficiency, transparency, and accountability reforms. Elements of these protocols were routinely in use as the project drew to a close.

There were times where the project had to both create and shape the dialogue to move its contractual activities forward. This was most evident in JSSP’s successful integration efforts in north Kosovo, where judicial structures had been inactive since Kosovo’s 2008 declaration of independence. JSSP stepped onto an unwelcoming field — the EU-brokered Justice Sector Agreement lacked detailed steps for integration, and parties on both sides were hesitant to engage due to potential political repercussions. Recognizing that integration was too important to fail, JSSP jumpstarted the process by creating an informal dialogue between the KJC and parallel courts on practical implementation matters, played the role of international interlocutor to keep discussions moving forward, and shaped the dialogue around critical transition issues. These efforts were instrumental for integrating the parallel courts into Kosovo’s judicial system, and to delivering justice services to all citizens in the north.
ISSUES AND CHALLENGES

ISSUES AND CHALLENGES

JSSP faced a number of implementation challenges during its term, with various external factors often shaping its approach and results. These challenges, and how the program overcame them, are discussed below.

Securing Continued Commitment of Judicial Leaders.

Securing the commitment of judicial leaders to implement and sustain program reforms in a disciplined manner was a continuing challenge. Frequent leadership turnover at the KJC and courts periodically undercut reform capacity and momentum and undermined the ability to effectively preserve institutional knowledge and change. During JSSP’s five-year term, the program worked with three KJC chairmen, four Ministers of Justice, and numerous committee chairpersons. Each leadership change required JSSP to educate new leaders on its activities and secure their support for effective implementation.

Recognizing that sustaining institutional reforms required planning for leadership changes, JSSP forged strong relationships with leadership teams, judges, and staff at the KJC and courts to instill institutional knowledge of, and support for, its interventions. It also built and implemented systems and processes that allowed its partners to effectively manage leadership changes. For example, JSSP developed terms of reference for each KJC committee, as well as protocols and resources materials for their implementation. It also helped the KJC establish annual work planning and reporting processes for its committees, Secretariat, and JIU, translating the KJC’s strategic objectives and priorities into practical actions that could be monitored and measured by leadership. JSSP also developed orientation packages for incoming KJC members and committee chairpersons, and indexed all decisions, policy documents, and regulations related to the KJC’s work, thus documenting institutional memory and enabling smooth leadership transition.

Together, these relationships and systems allowed JSSP and its partners to seamlessly manage leadership changes and keep reforms moving forward with minimal delays. Proof could be found in the judiciary’s continued improvements in case processing efficiency (e.g., reduced backlogs, increased clearance rates, etc.), its implementation of legislative and institutional reforms required to enhance the work of the KJC and its Secretariat, and its adoption and continued implementation of multiple accountability and transparency mechanisms despite multiple leadership changes (e.g., significantly increasing the publication of judgments, conducting judicial performance evaluations, enhancing public access to court/case information, engaging CSOs and the public in reform initiatives, etc.).

To further reduce the risks associated with leadership changes, JSSP continually studied the actors, power relations, and decision-logics within and among its partner institutions. Through this informal mapping process, JSSP effectively identified risk factors and mitigation strategies for each Objective and activity.

Maintaining Counterpart Focus.

JSSP understood that sustainable change had to be driven by local actors. Yet, shifting and competing donor demands and timelines for reform, coupled with limited counterpart capacity to absorb multiple reform efforts, often took the focus away from JSSP’s initiatives. JSSP further understood
that “top-down” reform efforts were unlikely to take root due to political instability and leadership turnover, and that project-driven and “bottom-up” initiatives would stall if implementing partners were given room to wait out rather than embrace reforms.

Accordingly, JSSP changed decision-making incentives and built capacity, networks, and information flow among its partners so that they took ownership of, and built on, project-sponsored reforms. For example, in establishing the judicial performance evaluation process, JSSP supported the KJC’s leadership role in actively engaging donors and key stakeholders throughout the process, from conceptualization to implementation to continuous review/evaluation. By ensuring KJC leadership of the process and engagement of key actors, JSSP quickly transferred ownership of the reform and secured sustained focus on it. As a result, the KJC has continued to review and enhance its performance evaluation standards and criteria based on lessons learned, increasing the objectivity of judicial evaluations in the process.

**Managing Overlapping and Competing Reform Initiatives.**

As intimated above, many international actors occupied Kosovo’s ROL field during JSSP’s tenure. Their reform goals and initiatives were not fully coordinated at the donor/political level, resulting in implementing projects with competing mandates, approaches, and timelines for similar reforms. Left unmanaged, these conflicts would have given counterparts opportunity to delay or disengage from reforms.

Instead, JSSP proactively took the lead in bringing donors and implementers to the table to identify and pursue areas of collaboration. For example:

- The engagement of other USAID and Council of Europe projects in backlog reduction and court performance interventions similar to those of JSSP could have undermined the successful implementation of JSSP’s backlog reduction strategies if court staff failed to embrace and implement them consistently. Instead, JSSP shared its best practices and worked with others to build consensus around specific strategies and efforts to improve court performance.
- Restructuring and improving the performance of the KJC and its Secretariat were key priorities of several donors, including USAID, the EU, and the United Kingdom. Diverging strategies and approaches to restructuring had the potential to create confusion and undermine trust in the reform process. JSSP actively engaged all stakeholders to collectively pursue a practical and comprehensive approach to restructuring — including restructuring KJC management, delegating authorities to full time members, expanding the JIU’s mandate, and establishing a legal basis for the background checking unit — and successfully aligned all donors behind the initiative.

Where collaboration was not possible despite best efforts, JSSP proactively sought modifications to its scope of work to reflect what could realistically be accomplished in Kosovo’s changing implementation environment. For example, early efforts by other donors to place judicial discipline under the MOJ and eliminate the ODC conflicted with JSSP’s contractual requirement to enhance the ODC’s autonomy, independence, and work processes. To still meet USAID’s goal of improving the institutional structure for disciplinary procedures in the judiciary, JSSP quickly pivoted to develop a portable set of best practices that any disciplinary body could use to initiate, screen, investigate, and resolve complaints. When a new disciplinary framework was finally put in place, JSSP collaborated...
with OPDAT and the EU to put in place secondary legislation guiding implementation of the new disciplinary mechanisms.

**Sustaining High-Level Reforms.**

Accomplishing and sustaining higher level goals - such as a justice system that provides high quality services - was a continuing challenge. Political instability undermined reform momentum and support. Entrenched interests undercut reforms that challenged the status quo. A lack of continuity in judicial leadership slowed reform momentum at times. To address these issues, JSSP promoted greater sustainability and self-reliance by building capacity, networks, and information flow among its partners around key strategic priorities, thus allowing its partners to sustain and build on project-sponsored reforms.

For example, JSSP helped the KJC strategically and proactively address systemic issues rather than react to emerging problems. In this regard, JSSP helped the KJC establish five mid-term strategic priorities for the judiciary that tied closely to the high-level reforms sought by USAID, other international donors, and reformers within the judiciary. By so doing, JSSP vested ownership of the reform process and dialogue in the KJC.

JSSP next helped the KJC translate these priorities into practical actions that improved judicial administration and performance. Action items were identified for each priority item, and buy-in secured from the council members and committees tasked with implementing related reforms. Related activities are described in other sections of this Final Report, such as Activities 1.2 and 1.5.

JSSP also introduced a more disciplined approach to communications and information sharing between the KJC, its Secretariat, and the courts, thus creating the evidence-based feedback loops necessary to evaluate, sustain, and build on reform initiatives. For example, each Secretariat department now provides status reports about key activities and priorities; courts set annual performance targets and submit quarterly performance reports; KJC committees report biannually to the full Council on their activities; and the KJC prepares a final report summarizing judicial performance for the year.

**Embracing a Performance Culture.**

Inadequate mechanisms for measuring and monitoring institutional and individual performance, and limited use and disaggregation of performance data, historically undercut judicial accountability. Similarly, inadequate structures and mechanisms for continually evaluating system improvements engendered judicial institutions that were reactive rather than proactive agents of change. In response, JSSP helped the judiciary identify ways to build new or improve existing systems (e.g., performance evaluation and monitoring systems) to foster a culture of accountability and provide citizens with information pertaining to court effectiveness.

Early on, and as discussed above, JSSP helped the KJC develop the policy framework on performance evaluation, instituting objective criteria and related tools and procedural safeguards to ensure objective evaluation. Understanding that the policy framework and tools were only of value if effectively implemented, JSSP engaged the KJC and performance evaluation committee in annually reviewing, revising, and enhancing the process. At the end of each evaluation cycle, JSSP facilitated
discussions with the KJC to review progress made and address perceived weaknesses. Leadership of this review process organically shifted to the KJC, which subsequently introduced innovative concepts to enhance the objectivity of performance evaluations (e.g., introducing a double-blinded evaluation that ensures anonymity for both the evaluating and the evaluated judge, thus removing any potential biases from the process).

To improve accountability to the public, JSSP designed and launched a performance dashboard that opens a window into court operations by presenting performance data on an accessible, user-friendly platform for court users, lawyers, civil society, media, and the public. The dashboard displays easy-to-read tables and graphs on key performance indicators, such as clearance rates, or total incoming and outcoming cases, and volume of backlogged cases for the judiciary and in each court, as well as individual judge productivity rates. Court performance data will be made available to the public on quarterly and annual basis, and data from 2017-2019 has already been entered on the platform, thus increasing public access to court performance data and fostering a culture of accountability.

CSOs were also actively engaged to strengthen accountability and encourage greater efficiency. With JSSP’s support, CSO monitoring activities and court user committees encouraged courts to improve transparency and court services. Their active oversight helped encourage courts to: increase the publication of court judgments; regularly publish court hearing schedules online; launch an online court evaluation survey; post complaint boxes; improve their outreach; improve the content upload and management of their website; and institute open court days.
OPPORTUNITIES AND VULNERABILITIES

OPPORTUNITIES FOR REFINEMENT, ENHANCEMENT AND EXPANSION

Continued Restructuring of the KJC and its Secretariat.

USAID made substantial investment in building the institutional capacity of the KJC and its Secretariat. Such investment paid off in the KJC’s evolution as a policymaking body. Through JSSP’s assistance, the KJC is better able to strategically address systemic issues affecting the judiciary, its committees are playing a more effective role in policy development and oversight, and its Secretariat is better structured to support the KJC’s policy and performance management role, as discussed in other sections of this Final Report.

Efforts to restructure KJC’s work, particularly that of its Secretariat, were slowed by several factors, including institutional resistance to change, changing views on the benefits of decentralizing administrative services, legislative impediments such as those that vested the executive branch with control over judicial staff, and regulatory systems that reinforced systemic weaknesses rather than resolve them. Not until Year 4, for example, was JSSP able to secure the legislative changes required to effectively restructure the work of the KJC, Secretariat, and JIU. Even then, the regulations required to operationalize the desired changes were not adopted until Year 5, leaving JSSP little time to secure their implementation and sustainability.

Thus, to secure and sustain its investment, USAID may wish to consider further extension of its institutional support for restructuring the work of the KJC and its Secretariat, including continued assistance in:

- Operationalizing the KJC cabinet, as envisioned in the Regulation on Organization and Functioning of the KJC, and institutionalizing its role in improving KJC decision-making, communications, and engagement with other public institutions and international donors.
- Monitoring utilization of the strategic and annual planning processes introduced by JSSP, and building additional systems and capacity as needed to ensure disciplined use with minimal diversion from strategic priorities.
- Supporting the JIU’s newly expanded research and audit functions (e.g., building staff capacity, refining planning processes, defining audit objectives, etc.).
- Sustaining the gains made by KJC committees in fulfilling their policy development and oversight roles, including working with the JIU, KJA, CSOs, and others to identify systemic weaknesses and develop appropriate solutions.
- Implementing and monitoring the Secretariat’s restructuring at the practical level to ensure that the legislative and regulatory gains made result in the desired outcome, i.e., an administrative body capable of effectively supporting the KJC’s policy and performance management role.

These continuing investments would support USAID’s Country Development Cooperation Strategy 2014–2018 (CDCS) Intermediate Result (IR) 1.1 - More Efficient, Transparent, Independent, and
Accountable Justice Sector - by further improving the management of key justice institutions (Sub-IR 1.1.1) and enhancing the skills of justice sector professionals (Sub-IR 1.1.2).

**Court Performance.**

JSSP made significant progress in enhancing court performance and reducing/preventing backlogs. The gains made, and positive behaviors instilled, should be reinforced to prevent slippage. If other donors are not engaged in monitoring and supporting improved caseflow management in the courts, USAID may consider providing continued support for:

- Further implementing case management best practices developed with JSSP’s assistance, including early and enhanced case screening.
- Encouraging the courts to experiment with additional practices for enhancing caseflow management (e.g., communications with parties, hearing scheduling, etc.) and to share successful interventions.
- Continuing to support the performance management role of court presidents, and building on the annual court planning processes developed by JSSP.
- Further engaging interns and professional associates in court reform initiatives.
- Working with the new cadre of court presidents who are eager to embrace change and improve performance, and present a real opportunity to introduce lasting change.

These efforts would support CDCS IR 1.1 by promoting a more efficient justice sector and enhancing the skills of justice sector professionals (Sub-IR 1.1.2).

**CSO Activities.**

The KJC and courts deserve credit for recognizing that the administration of justice is both a governance responsibility and a service. With JSSP’s support, they have used court user surveys, court user committees, and other tools to seek “customer” input on court reforms, and have collaborated with CSOs on multiple transparency and accountability initiatives. These initiatives were backed by JSSP with the joint goals of making the justice sector more service-oriented toward citizens and integrating CSOs into a collaborative dialogue with the judiciary on service delivery improvement.

USAID should continue to refine and enhance JSSP’s forays into engaging civil society and the public into the service delivery improvement dialogue. In this regard, USAID may wish to consider:

- Providing continued support to the Court User Committees that were established by JSSP to bring together judges, prosecutors, attorneys, CSOs, and the public in a conversation about citizen-friendly improvements.
- Continuing to monitor the publication of judgments by the courts, and recognizing/rewarding the most transparent courts.
- Monitoring the continued use and maintenance of the performance dashboard as a tool for keeping courts accountable and engaging civil society in performance measurement.
- Supporting the continued update and use of the Citizen’s Corner of the KJC website, which includes guides and materials to help citizens access justice and better understand court
services and processes (e.g., CSOs could be engaged to build additional resources in collaboration with the KJC and courts).

- Expanding the use of information technology to improve access to justice in remote areas and communities, and for disenfranchised groups.
- Utilizing grants to CSOs to further assist the KJC and courts in improving public communications and outreach, enhancing service delivery based on citizen input, and increasing public knowledge and understanding of Kosovo’s court system.

Such continuing investments by USAID would support CDCS IR 1.1 by making the justice system more transparent and accountable.

**VULNERABILITIES**

JSSP leaves the stage having put in place a myriad of legislative, regulatory, systems, and practice reforms that enhanced efficiency, transparency, and accountability in the judiciary. It helped change the way justice is administered and delivered in Kosovo, strengthened the ability of institutional and individual actors to perform their core functions sustainably, and helped turn the aspiration of judicial integration into reality.

Yet, as noted in Lessons Learned, above, justice reforms rarely proceed in linear fashion, and judicial institutions are often slow to embrace change. As with any capacity building project, it is ultimately up to JSSP’s counterparts to sustain and build on the achievements of the past five years. They face many vulnerabilities in continuing this work. Leadership turnover, shifting and competing demands, political will, reticence to “rock the boat,” and other challenges could, for example, cause backsliding and missed opportunities. Limited experience in implementing the systems and practices JSSP helped introduce to better measure and monitor institutional and individual performance, and for continually addressing system improvements, also presents a vulnerability. Similarly, CSOs require more funding for, and experience in, implementing the monitoring protocols JSSP helped put in place.

USAID may wish to consider a two-prong approach to minimize these vulnerabilities and secure the full benefit of its investment in JSSP. First, it could collaborate with other international donors to monitor the use of KJC/court performance tools introduced by JSSP, and push for compliance and/or provide additional capacity building when shortfalls occur. Second, USAID could continue to engage CSOs to actively monitor and report on KJC/court performance, and to broker a dialogue between the court and citizenry on continued service delivery improvement.
ANNEX A. MONITORING, EVALUATION, AND LEARNING PLAN

MONITORING, EVALUATION, AND LEARNING PLAN (MEL PLAN)

The Justice System Strengthening Program (JSSP) sought to strengthen the justice system in Kosovo to improve its effectiveness, efficiency, accountability, professionalism, and inclusiveness through policy guidance, technical assistance, training, and material support under three components: (1) effectiveness and efficiency of administration of justice, (2) accountability and professionalism of judicial institutions and actors, and (3) integration of northern judicial structures, while addressing cross-cutting themes of participation, ownership, coordination, anti-corruption, youth, and gender and minority communities.

The approved MELP consisted of 23 indicators selected from USAID indicator databases or custom-designed that enabled JSSP to track progress and impact while engaging counterparts in program implementation. The results and indicators were direct measures of progress that Kosovo has demonstrated to achieve progress toward EU accession standards and to implement donor-supported strategies and action plans, most notably the Kosovo Judicial Council’s (KJC) Strategic Plan 2015-2018, the National Backlog Reduction Strategy (2013), the Justice Sector Agreement (2014), and the Anti-Corruption Strategy 2012-2016.

Data was disaggregated by sex to highlight JSSP’s impact on women’s participation in the justice sector and representation in leadership positions, as relevant. Data was also disaggregated by ethnicity to highlight program impact on minorities, minority rights, and minority participation. Indicators 5 and 10 were disaggregated by both sex and ethnicity, while indicator 3 was a gender-specific indicator. Additional disaggregation of data was done based on geographic location, court or institution, and profession.

The MELP was designed as a robust monitoring system that collected and analyzed progress data through a combination of:

- Counterpart reporting of data extracted from their internal data maintenance systems
- Review of reports and indices published by international organizations
- Review of published meeting proceedings, laws, regulations, and other institutional decisions
- Scoring of progress against institutional development indices, scorecards, and milestones
- Analysis of annual public surveys and court user surveys
- JSSP data collection through its work on case screening and backlog reduction activities at the basic courts.
PERFORMANCE MANAGEMENT PLAN RESULTS

Contextual Indicator 1

Intermediate Result: N/A, Sector indicator
Sub-IR: Rule of Law improved
Sub-Indicator 1: Score on Worldwide Governance Indicators for Rule of Law

Precise definition(s):
The Worldwide Governance Project releases a report on governance annually. This report includes a cluster of data sources tracking the Rule of Law sector. The Rule of Law indicator is set based on 8 to 10 data sources reporting the perceptions of survey respondents and expert assessments worldwide. Data sources for this indicator are:
1. Bertelsmann Transformation Index
2. Economist Intelligence Unit
3. Freedom House
4. Gallup World Poll
5. HIS Markit World Economic Service
6. US State Department Trafficking in Persons Report
7. Varieties of Democracy Project
8. World Bank Country Policy and Institutional Assessments (CPIA)

The score for Kosovo was tracked annually under this indicator. Kosovo’s overall ranking fluctuated over the past five years, with a drop of 4 points in the percentile rankings in 2018 during JSSP’s third year of activities. In JSSP’s final two years of activities (2019 and 2020), the score leveled out where it began in Year 2.

Year 1:
No measurement.

Year 2:
In the 2017 Index, which the World Bank released in September 2018, the percentile ranking for Kosovo for 2016 changed from 37.98 to 39.90. As the World Governance Indicator official website (http://info.worldbank.org/governance/wgi/#faq-11) explains, “Changes over time in a country’s score on the WGI reflect a combination of three factors (i) changes in the underlying source data, (ii) the addition of new data sources for a country that are only available in the more recent period, and (iii) changes in the weights used to aggregate the individual sources. For large and statistically significant changes over long periods of time, changes in the underlying source data are most often the most important of these three factors. For the many smaller and often insignificant changes over shorter periods, a combination of all three factors contributes to changes in country scores.”
Year 3
The World Bank released its 2017 Index in September 2018. In the 2017 report, Kosovo received a percentile ranking of 35.58 in the Rule of Law indicator, compared to 39.90 in the 2016 report. The cause for the decline is unclear.

Year 4
The World Bank released its 2018 Index in September 2019. In the 2018 report, Kosovo achieved a percentile ranking of 40.38 in the Rule of Law indicator, compared to a rank of 35.58 in the 2018 report.

Year 5
Contextual Indicator 2

Intermediate Result: N/A, Sector indicator
Sub-IR: Legal framework and judicial independence improved.
Sub-Indicator 2: Score on Freedom House Nations in Transit Judicial Framework and Independence

Precise definition (s):
Freedom House releases an annual report on the state of democratic institutions of Nations in Transit. This report includes a cluster of indicators tracking the judicial framework and independence. Each country is ranked on a scale of 1-7, with 7 representing the highest and 1 the lowest level of democracy. Freedom House tracks four main areas of the rule of law: (i) is there an independent judiciary (max 4 points); (ii) does due process prevail in civil and criminal matters (max 4 points); (iii) is there protection from the illegitimate use of physical force and freedom from war and insurgencies (4 points); and (iv) do laws, policies, and practices guarantee equal treatment of various segments of the population (4 points).

The score for Kosovo is tracked annually. The score remained steady over the past four years, with Kosovo continually scoring lower in the first two areas (receiving 1 of 4 points in each) and slightly higher in the third and fourth areas (receiving 2 points in each). The report noted that Kosovo remains susceptible to political interference, particularly from the executive branch.

Year 1:
The 2016 score reflected progress made in 2015. As such, it did not reflect JSSP’s Year 1 work. Future reports captured JSSP’s activities for the prior year, e.g., the 2017 report captured 2016 progress, etc.

Year 2:
The Judicial Framework and Independence rating decreased from 5.75 to 5.50, as the government delayed approval of Constitutional and legislative amendments to increase the number of judges at the KJC. The KJC was also lat in adopting secondary legislation to comply with the Law on KJC and the Law on Courts.

Year 3:
The 2018 score was 5.50 against a target of 5.40. The Judicial Framework and Independence rating remained the same as the previous year.

Year 4:
Freedom House did not produce a report by the end of the reporting period.

Year 5:
The 2020 score was 5.50 against a target of 5.30. The Judicial Framework and Independence rating remained the same as in the two previous years.
Performance Indicator 3

Intermediate Result: N/A, Cross-cutting indicator
Sub-IR: Increased representation of women in the judiciary.
Sub-Indicator 3: Number of policies developed with USG assistance to promote women’s equal representation in the judiciary.

Precise definition(s):
A policy is defined as a new or amended law or sub-legal act (including a regulation, administrative act, or decision) governing Kosovo’s judiciary that aimed to promote women’s participation and equal representation. Developed with USG assistance meant that technical advisors from JSPP drafted the policy or provided technical guidance on drafting to counterparts during the drafting process. JSPP counted the policies developed to promote women’s equal representation and participation in the judiciary.

JSPP significantly impacted women’s representation in the judiciary by developing laws and regulations and promoting policies that advanced equal representation. As a result, 50% of the KJC members elected by the judiciary are women.

Year 3:
A new Law on KJC included equal gender representation as a key principle. Although the KJC did not adopt a formal regulation or decision in Year 3 regarding gender due to the late approval of the law, its institutional commitment to a gender-balanced judiciary was reflected in the recruitment of judges that took place late in Year 3 – 18 of the 37 judges appointed (48.6%) were women. In Year 5, 9 of the 27 proposed candidates for appointment (33%) were women. Before this recruitment, the judiciary was comprised of 394 judges, of which 122 were women (31.0%).

Year 4:
The Draft Regulation on Election of KJC members from the judiciary included provisions requiring equal gender representation of KJC members elected from the judiciary. The regulation is in effect and is widely respected by the judiciary.

Year 5:
Article 5 of the Draft Regulation on KJC Secretariat listed key principles that included non-discrimination on the basis of gender and ethnicity. Article 5 of the Draft Amendment of the Regulation on Performance Evaluation of Judges provided that the composition of the Performance Appraisal Commission should reflect ethnic and gender representation. Article 2 of the Amendment to the regulation on the Procedure for the Selection, Appointment, Suspension, and Dismissal of Court Presidents and Supervisory Judges provided for non-discrimination on any grounds. Article 5 of the Regulation on organization and functioning of the KJC required that the KJC composition have equal ethnic and gender representation.

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1 This indicator was added in Year 3 of the program.
Performance Indicator 4

Intermediate Result: N/A, Goal-level indicator
Sub-IR: Efficiency of courts improved.
Sub-Indicator 4: Number of USG-assisted courts with improved case management systems.

Precise definition(s):
Courts mean the Supreme Court, Court of Appeals, seven Basic Courts, and court branches of each Basic Court, including the north’s courts. USG-assisted means receiving direct technical assistance, training, or other forms of assistance through JSSP. Entities receiving one-time assistance or invited to participate in program activities as stakeholders or observers were not counted. Improved case management systems means that the systems, procedures, and practices through which courts receive, process, record, and archive cases are operating in a more functional and effective manner.

JSSP implemented improved case management systems in all Basic Courts of Kosovo and at the Appellate Court, including the north’s appellate division. Courts are implementing early and enhanced screening and active case management.

Year 1:
Backlog reduction activities and recommendations to improve case management were launched in 6 Basic Courts (Pristina, Ferizaj, Mitrovica, and Gjakova Basic Courts and their branches, the Suhareka branch of Prizren Basic Court, and the Klina branch of Peja Basic Court).

Year 2:
Backlog reduction and prevention activities were implemented in 6 Basic Courts, including the Basic and branch courts in Pristina, Ferizaj, Mitrovica and Gjakova, the Suhareka branch of Prizren Basic Court, the Klina branch of Peja Basic Court, and the Viti branch of Gjilan Basic Court. Case Management Improvement Plans (CMIPs) were approved and implementation started.

Year 3:
Backlog reduction and prevention activities were implemented in the courts identified above. CMIPs were approved and being implemented in the Basic Court of Pristina and its branch in Podujeva, the Basic Court of Gjakova and its branches in Malisheva and Rahovec, and the Basic Court of Mitrovica. As these courts were previously assisted, there was no increase in the cumulative total.

Year 4:
Backlog reduction and prevention activities were implemented in all Basic Courts and the Court of Appeals. As these courts were previously assisted, there was no increase in the cumulative total. JSSP assisted the Court of Appeals in screening incoming cases and fast-tracking procedural cases. It also helped review the case management methodology of the Special chamber of the Supreme Court.

Year 5:
Backlog reduction activities were implemented in all seven Basic Courts and their branches. JSSP assisted the Court of Appeals in screening incoming cases and fast-tracking procedural cases.
Performance Indicator 5

Intermediate Result: N/A, Goal-level indicator
Sub-IR: Professionalism of justice sector personnel increased.
Sub-Indicator 5: Number of hours of training per justice sector personnel trained with USG assistance

Precise definition (s):

Justice sector personnel means judges, court administrators, legal/professional associates, non-judicial staff, and other staff in the regular courts and Constitutional Court, as well as legal officers and other staff in central institutions of the justice sector such as the KJC, MOJ, and ODC. USG training means any organized activity aimed at imparting information and/or instructions to improve participants’ skills and knowledge organized with JSSP technical assistance or logistical support, including programs delivered by the KJA on the basis of curricula developed or revised with JSSP’s assistance. A sign-in sheet and an evaluation form were circulated at training events, and completed forms collected at the end of the events.

During five years of activities, JSSP trained 1,984 judicial and non-judicial staff, comprised of 1,020 women and 964 men, for a total of 9,333 training hours. Trainees included 1,401 representatives from the judiciary, 552 interns and law students, 11 ODC members, and 20 CSO staff.
Ethnicity: 1,681 Albanian, 278 Serbian, 22 Bosnian, 2 Turkish, 1 RAE.

**Year 1**
1,413 participants attended JSSP organized trainings for a total of 2,274 training hours.
Gender: 221 women, 192 men
Ethnicity: 375 Albanian, 36 Serbian, 2 Bosnian
Institutions: Kosovo judiciary – 172; ODC – 11; interns and law students – 230

**Year 2:**
1,111 participants attended JSSP organized trainings for a total of 1,685 training hours.
Gender: 43 women, 68 men
Ethnicity: 95 Albanian, 13 Serbian, 3 Bosnian
Institutions: Kosovo judiciary – 99; interns and law students – 12

**Year 3:**
423 participants attended JSSP organized trainings for a total of 1,855 training hours.
Gender: 160 women, 263 men
Ethnicity: 345 Albanian, 74 Serbian, 3 Bosnian, and 1 RAE
Institutions: Kosovo judiciary – 414; interns and law students – 9

**Year 4:**
4,702 participants attended JSSP organized trainings for a total of 2,374 training hours.
Gender: 375 women, 327 men
Ethnicity: 579 Albanian, 112 Serbian, 10 Bosnian, and 1 Turkish
Institution: Kosovo judiciary – 570; law students and interns – 132

**Year 5:**

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2 A number of training participants, judicial and non-judicial staff, attended two or more JSSP organized trainings, JSSP uses the term participants not individuals.
335 participants attended JSSP organized trainings for a total of 1,145 training hours.
Gender: 221 women, 114 men
Ethnicity: 287 Albanian, 43 Serbian, 4 Bosnian, and 1 Turkish
Institution: Kosovo judiciary – 146; law students and interns – 169; CSO staff – 20
Performance Indicator 6

Intermediate Result: Better court administration and management of judicial institutions
Sub-IR: Effectiveness of KJC improved.
Sub-Indicator 6: Percentage of management systems and capacity elements rated as "performing" on KJC Institutional Capacity Scorecard.

Precise definition (s):

An Institutional Capacity Scorecard includes components reflecting systems, structures, and capabilities that are necessary for the efficient and effective operation of the institution and stages of development of each. Stages are (0) founding, (1) developing, (2) functioning, and (3) performing. Performing means operating at a level and in a manner that is consistently efficient, effective, and responsive, and demonstrates an ability to adapt and adjust to evolving circumstances. The index score is derived by totaling the number of capacity elements defined as "performing", divided by the total number of capacity elements and expressed as a percentage. Specific elements of the KJC Institutional Capacity Scorecard are:

- Mission/Leadership/Oversight
- Institutional Effectiveness
- Communications & Engagement
- KJC Secretariat Capacity

The KJC Capacity Index showed a significant increase in the KJC’s leadership and management capacity from 40% in Year 1 to 93% in Year 5. Institutional effectiveness also improved significantly, but did not reach the 100% target. There was notable improvement in the KJC’s capacity to oversee and administer the judiciary, as reflected in its development and pursuit of strategic priorities, a Strategic Plan, and related Annual Plans that translated goals into actions. Enhanced institutional effectiveness was also evidenced by the KJC Chair and Committee leaders effectively exercising their mandates.

There was similarly notable improvement in communications and engagement. Following the launch of the new KJC website, KJC staff increasingly took ownership in managing and uploading content. Other accomplishments include the publication of court decisions, maintaining the court performance dashboard, publication of unredacted disciplinary decisions and statistics on disciplinary proceedings, etc.

Year 1:
KJC capacity increased from 40% to 46% in Year 1, with improvements in: policy and regulatory development processes; the performance evaluation framework; committee operations/activation; and budget planning processes.

Year 2:
KJC capacity increased from 46% to 62%, with improvements in: leadership (proactive policymaking, advanced planning, committee operations/activation) and effective engagement of court presidents, judges, and non-judicial staff in policy and decision-making.

Year 3:
KJC capacity increased from 62% to 80%, with the most notable improvements in the areas of mission and oversight (leadership) and engagement (interaction between the KJC and court leadership, and in the human resource and budget elements of KJC Secretariat capacity). No progress was made in the area of
discipline, in large part due to pending changes to the disciplinary system as envisioned in the draft Law on Disciplinary Liability.

**Year 4:**
KJC capacity increased from 80% to 86%, continuing an upward trajectory though not meeting the 100% target. This is partly due to changes in leadership, delays in restructuring efforts, and adoption of new legislation that affects judicial administration. Notable improvement came in the KJC Secretariat structure (1.9 to 2.4), due to a strengthened Legal Office and resolution of the division of responsibility for core administrative functions between the Secretariat and court staff (e.g., budget, human resources, logistics, and procurement functions). The score for appointment edged up from 2.6 to 2.8 in light of improvements in managing and securing the testing process. Gains were also realized in leadership (2.5 to 2.7) and oversight-management (2.1 to 2.4), with implementation of the provisions of the revised Law on KJC which increased the number of full-time KJC members from one to five. This change allowed increased support for management of KJC policy, as well as broadened capacity for oversight of policy implementation. The strength of performance evaluation slipped slightly (2.5 to 2.4). Although significant effort was made to improve performance evaluation procedures through regulatory amendments and changes to the evaluation manual, there was some concern regarding the committees' implementation of changes.

**Year 5:**
KJC capacity increased from 86% to 93%, though did not meet the 100% target. There was a notable improvement in the KJC’s capacity to oversee and administer the judiciary, including the adoption of a Strategic Plan and related Annual Plans that translated strategic goals into actionable actions. Similarly, the communications and engagement saw significant progress following the launch of a new KJC website, with KJC staff increasingly taking ownership in managing and uploading content. Other accomplishments included the publication of court decisions, updating the data on court performance dashboard, publication of statistics on disciplinary proceedings, publication of court performance data, etc. Less progress is noted in the overall institutional effectiveness.
Performance Indicator 7

Intermediate Result: Better court administration and management of judicial institutions
Sub-IR: Legal framework for judicial efficiency and independence supported with USG assistance improved.
Sub-Indicator 7: Number of laws, regulations, administrative instructions, or procedures designed to enhance judicial independence and efficiency supported with USG assistance.

Precise definition (s):

Laws, regulations, and procedures mean any legislative or regulatory provision, including internal guidelines or other rules issued by Parliament, MOJ, KJC, ODC, or any other institution with a mandate to regulate justice sector matters. Supported with USG support means that technical assistance or drafting support was provided during the drafting process.

This indicator was successfully accomplished. JSSP helped build an inclusive regulatory framework for the KJC’s Normative Committee through public consultations. In partnership with the KJC, JSSP drafted legislative and regulatory acts, policies, and procedures designed to promote court efficiency, transparency, accountability, and integrity and enhance judicial independence.

JSSP assistance to KJC with drafting Laws, Regulations, A.Is, Decisions and other procedures for better Policy Making

YEAR 1 | YEAR 2 | YEAR 3 | YEAR 4 | YEAR 5
23 | 15 | 13 | 23 | 11
Performance Indicator 8

Intermediate Result: Better court administration and management of judicial institutions
Sub-IR: Management of Human Resources and Budget functionalized.
Sub-Indicator 8: Percentage of milestones achieved on Human Resources and Budget scorecard.

Precise definition (s):

Functionalized means providing guidance and management tools/resources to the KJC and courts in support of the allocation of human resource and budget management functions of the KJC Secretariat and the courts. A scorecard includes a list of actions or milestones to be implemented for purposes of progress towards a named outcome. The Index score is derived by totaling the number of capacity elements defined as performing, divided by the total number of capacity elements, and expressed as a percentage. Scorecard elements include:

- Human resources and budget staff recruited, allocated between KJCS and courts, and incorporated in court and KJCS organograms
- Resource Manuals developed and distributed
- Staff trained
- Competencies allocated between KJCS and courts and transferred in full
- Competencies implemented
- Court-branch relations for implementation of competencies established
- Required forms and Reporting/Monitoring mechanisms in place

Year 1:
Progress was made in recruiting and appointing court staff, adopting resource manuals, and training staff. Courts are more fully implementing human resource and logistical competencies than procurement and budgeting functions.

Year 2:
Year 2 progress was made in developing resource materials to support decentralization. JSSP facilitated follow-up training and problem-solving workshops between court and KJC Secretariat staff on budget and finance, human resources, and procurement. In Year 2, JSSP and the CPRU launched an evaluation of how decentralization has been implemented. The evaluation indicated that both the KJC and courts desire to recentralize some competencies or to rebalance responsibility for administrative functions between the Secretariat and the courts. The focus on recentralization slowed down progress in fully functionalizing decentralization. As the recentralization discussions unfolds, a critical review and allocation of administrative competencies between the KJC and the courts that was omitted at the beginning of decentralization by KJC will finally take place.

Year 3:
Progress was made in the recruitment and appointment of staff, staff training on HR, and transfer of HR competencies. Some additional training will be required for court staff in HR, budget and procurement. The critical review and final determination of the level of decentralization was not completed by the KJC in 2018, in part due to pending changes to the Law on the Courts.

Year 4:
The critical review and final determination of the level of decentralization was completed by the KJC in 2019, based on an assessment of experience to date and changes in the Law on KJC. As the distribution
of responsibility has been re-balanced between courts and the KJC, budget and HR personnel have improved capacity to carry out their respective functions.

Year 5:
The critical review and final determination of the level of decentralization was completed by the KJC in 2019, based on an assessment of experience to date and changes in the Law on KJC. As the distribution of responsibility has been re-balanced between courts and the KJC, budget and HR personnel have better capacity to carry out their respective functions. Since that time, KJC Budget and Human Resource staff have improved their capacity to monitor court staff implementation of their revised competencies.
Performance Indicator 9

Intermediate Result: Better court administration and management of judicial institutions
Sub-IR: Needs-based budgets developed.
Sub-Indicator 9: Number of Basic Courts that develop needs-based budgets.

Precise definition (s):

Basic Court means the seven Basic Courts, including their branches. A needs-based budget means a budget that is developed to meet the requirements of the effective and efficient functioning of the Basic Court and its provision of quality, responsive, and accessible judicial services to citizens. For each Basic Court, JSSP tracked whether the budget was (1) needs-based, (2) submitted to KJC in a timely and complete manner, and (3) the budget request had a rationale justifying the request. Basic Courts that fulfilled these three criteria were counted.

Year 1:
JSSP initiated an internal budget hearing process where courts had to defend budget requests, setting the stage for developing needs-based budget requests in future years.

Year 2:
In Year 2, the KJC provided direction to the Basic Courts to base their budget requests on KJC strategic priorities of improving case flow management and enhancing transparency and public trust. Budget officers were also provided training. All budgets were submitted timely. While most courts included programmatic requests (increases in staffing for case management improvement), the reasoning was deficient.

Year 3:
In Year 3, JSSP assisted the Budget Finance and Human Resources Committee in establishing program priorities for court budget development and establishing performance measures. In addition, JSSP conducted workshops in each Basic Court to assist in the development of needs based, performance-based budgets. The KJC Finance Office issued instructions and forms for budget development based on requirements for sustaining activity, and requests for budget adjustments based on strategic priorities, along with performance goals. All courts used these forms to submit their budget requests, and budget hearings were conducted by the committee.

Year 4:
The KJC Finance Office issued instructions and forms for budget development based on requirements for sustaining activity, and requests for budget adjustments based on strategic priorities, along with performance goals. All courts used these forms to submit their budget requests, and budget hearings were conducted by the committee.

Year 5:
The KJC Finance Office issued instructions and forms for budget development based on requirements for sustaining activity, and requests for budget adjustments based on strategic priorities, along with performance goals. All courts used these forms to submit their budget requests, and budget hearings were conducted by the committee.
Performance Indicator 10

Intermediate Result: Better court administration and management of judicial institutions
Sub-IR: Knowledge and skills of court administrators and non-judicial staff improved.
Sub-Indicator 10: Percentage of trained judicial personnel, court administrators, and non-judicial staff applying skills and tools

Precise definition (s):

Judicial personnel, court administrators, and non-judicial staff means any judge or non-judicial staff employed by judicial institutions. Trained means staff attending training delivered with JSSP technical or material support. All training delivered by the program was taken into account for this indicator. The percentage was calculated by dividing the total number of training beneficiaries and their direct supervisors reporting use of skills and tools at least three months after training by the total number of training beneficiaries and their supervisors surveyed and multiplying by 100. Use of skills and tools was documented through the following questionnaire, customized to the specific training, by counting all responses "agree" or "strongly agree".

The Indicator was successfully accomplished. The reported increase in use of skills and tools throughout the years was based on surveyed participants who attended JSSP-supported training. The training beneficiaries were sent the questionnaire to assess their use of skills and tools at least three or more months after training.

Percentage of trained judicial personnel, court administrators and staff effectively applying skills and tools.

YEAR 1
YEAR 2
YEAR 3
YEAR 4
YEAR 5
91%
90.80%
96%
92%
97%
Performance Indicator 11

Intermediate Result: Better court administration and management of judicial institutions
Sub-IR: Case backlog reduced.
Sub-Indicator 11: Percentage of cases pending for more than 24 months.

Precise definition(s):

Case means any active, pending filing before a regular court, e.g., the Supreme Court, Court of Appeals, and the seven Basic Courts, including their branches. Any case that has been a pending resolution for 24 months or more is defined as a backlog.

The indicator was successfully accomplished. Since the program’s inception, 31,079 cases have been resolved through the direct intervention of JSSP’s team, including 20,925 backlogged cases. The courts disposed of an additional 12,522 backlogged cases. Collectively, JSSP and the courts made tremendous progress since May 2016, disposing 33,447 backlogged cases, or nearly 85% of the static backlog. This accomplishment resulted from JSSP’s introduction of the case management interventions, from policy-level changes championed by JSSP, and the recruitment of new judges and professional associates.
Performance Indicator 12

Intermediate Result: Better court administration and management of judicial institutions
Sub-IR: Increased case clearance rate.
Sub-Indicator 12: Ratio of new case filings to case disposition in courts assisted by USG.

Precise definition(s):

A Disposed Case is a case filed with a court that has been formally closed by a judge, recorded as closed in the court’s registers, and reported as closed to the KJC’s statistical office. Until a case is reported as closed, it remains part of the inventory. Cases that are suspended or interrupted procedurally may not be formally closed and may remain part of the inventory as a result. A New Case or Filing is a case received by a court and that has been formally accepted by the intake office, recorded as open in the court’s registers, and reported as open to the KJC’s statistical office.

The indicator was accomplished. The clearance rate reflects the ratio of disposed of cases divided by new cases filed from January 1 through June 31, 2020 in all Basic Courts and branches, based on KJC statistics. The overall case inventory reduction was achieved by JSSP’s introduction of the case management interventions, from policy-level changes championed by JSSP, and the recruitment of new judges and professional associates. The new Law on Minor Offenses also reduced the overall number of filed cases.

CASE CLEARANCE

Year 1: 112%
Year 2: 135.16%
Year 3: 166.79%
Year 4: 136.11%
Year 5: 121.55%

3 Data for Year 5 are not available as of September 22, 2020.
Performance Indicator 13

Intermediate Result: Enhanced skills of justice sector professionals
Sub-IR: Transparency of disciplinary decisions improved.
Sub-Indicator 13: Percentage of disciplinary decisions posted on the KJC website in a timely manner.

Precise definition(s):

Disciplinary decisions mean a decision made by the Disciplinary Committee or a disciplinary body established by law, confirming an ethical violation and imposing sanctions against a judge, such as: reprimand; reprimand with a directive to take corrective actions; temporary reduction of salary; or the proposed removal of a judge from office. Timely manner means as defined in the Law on Disciplinary Liability, from the day when the decision imposing such a sanction is final. KJC website means KJC web portal www.gjyqesori-rks.org. Posted means uploaded and publicly available.

The indicator was successfully accomplished. JSSP assisted the KJC in improving the transparency of disciplinary decisions. During Year 5, the KJC began publishing disciplinary decisions in unredacted form, making public the identity of disciplined judges. The KJC also made significant progress in implementing the new Law on Disciplinary Liability, and in updating disciplinary statistics on the KJC website.

Year 3:
During 2018, 3 final disciplinary decisions were reached; all were published on the KJC website.

Year 4:
In Year 4, 4 disciplinary decisions were reached and published on the KJC website. During the last quarter, 2 decisions were reached, however the new Law on Disciplinary Liability provides that the decisions must be final in order to be published.

Year 5:
In Year 5, 12 disciplinary decisions were reached, of which 8 were published unredacted on the KJC website. The 4 remaining decisions were non-official reprimands that are not required to be published under the Law on Disciplinary Liability.

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4 This indicator was introduced in Year 3. From 2011-2016 there were a total of 153 final decisions, out of which 14 disciplinary decisions from 2016 were published on the KJC website. During 2017, there were a total of 20 final decisions, out of which 16 were published on the KJC website.
Performance Indicator 14

Intermediate Result: Enhanced skills of justice sector professionals
Sub-IR: Legal education improved.
Sub-Indicator 14: Number of resource legal material, legal courses, or curricula, developed or upgraded with USG assistance.

Precise definition(s):

Legal course means any individual, standalone instruction module. Curriculum means a coherent set of modules designed to be delivered together as a series of instructions. Where JSSP supported several modules under a defined curriculum, it counted as 1. Courses or curricula were only counted where the instruction delivered was legal in nature. Legal learning materials means any material that serves as a self-learning tool for judicial and non-judicial staff, and includes commentaries, bench books, handbooks, etc. For example, courses or curricula developed on court administration, decentralized competencies, or case management did not qualify under this indicator where their focus was on administrative or management issues rather than legal and procedural issues. Developed means fully conceptualized and drafted. Upgraded means improved from an existing course or curriculum. With USG assistance means with any technical input, drafting support, facilitation, or material support received from JSSP.

The indicator was successfully completed. 9 training curricula were developed or upgraded during the life of the program. The most significant training programs included legal writing, court management, ethics, training for translators, and case flow management. Some of the programs were also developed as online training programs available during the pandemic.

Year 1:
Curricula updated: (1) Legal writing and reasoning for judges; (2) Judicial Ethics; and (3) Civil bench book for judges.

Year 2:

Year 3:
(5) Case flow management training curriculum; (6) Revising the code of ethics training.

Year 4:
(7) Legal Writing and Reasoning TOT; (8) Court Management Training.

Year 5:
(9) Training curriculum for Serbian and Albanian translators.
Performance Indicator 15

Intermediate Result: Enhanced skills of justice sector professionals
Sub-IR: Collaboration between KJC, civil society, and media improved.
Sub-Indicator 15: Number of USG assisted campaigns and programs that enhance public understanding, NGO support, and media coverage of judicial independence, transparency and accountability.

Precise definition(s):

Campaign means a defined event, activity, forum or set of events or activities focused to educate and/or increase understanding of citizens on judicial independence, transparency, and accountability, and integration. Campaigns targeted citizens to improve their understanding or awareness of judicial independence, transparency, civil society (NGOs) to increase their support, build coalitions and create forums for discussion of issues related to independence, transparency, efficiency and accountability; and the media to increase reporting on issues of independence, transparency, efficiency, and accountability. Campaigns included outreach initiatives developed collaboratively by KJC with civil society as a result of JSSP facilitation, media reports on KJC or court reforms and services, and monitoring of KJC, ODC, and court processes by civil society. Only campaigns with a defined focus, implementation mechanism, and information dissemination goal were counted. USG assisted means facilitated, designed, or carried out with JSSP technical or material support.

The indicator was successfully accomplished. Cumulatively, 30 sets of activities/events were held to increase and educate the public on judicial transparency and improve communications between the courts and the public. JSSP successfully engaged CSOs with courts and further enhanced the dialogue between the CSOs and the courts.
Performance Indicator 16

Intermediate Result: Enhanced skills of justice sector professionals
Sub-IR: Citizen’s satisfaction with judicial sector improved.
Sub-Indicator 16: Percentage of citizens who express satisfaction with court services.

Precise definition(s):

Satisfaction means that the citizen or the user is pleased with the quality and effectiveness of services provided by the court. In this context, satisfaction is measured by positive response of citizens and court users including, parties, lawyers, witnesses, experts and other support people. Satisfaction was measured through Public Pulse, an annual survey of the general public and JSSP-supported court user surveys to measure satisfaction of court users with services focusing on transparency, efficiency and fairness, and integrity. An index was generated from several court user survey questions bearing on transparency, efficiency, fairness and integrity. The index score generated was multiplied by 3, added to the Pulse citizen satisfaction score (an annual Pulse survey immediately preceding the close of the project year), and divided by 4.

Trust in the judiciary fluctuated over the years, largely reflecting political developments. The UNDP Public Pulse survey measuring citizens’ satisfaction (or exploring citizen’s perception of court services) showed a steady increase over the years, from 18.4% of citizens being satisfied with court services in 2016 to 24.8% in April 2020. JSSP-supported court user surveys conducted in 2018 and 2019 showed that more than 50% of court users were satisfied with court services. This difference is understandable since court users have direct experience with courts, whereas public discourse influences general public perception.

Year 1:
Baseline was set in Year 1.

Year 2:
The level of satisfaction with court operations increased from 22.1% in October 2016 to 36.9% in October 2017 per the November 2017 Public Pulse report. While it is difficult to assess the increase in public perception without follow-on discussions, increased clearance rates, backlog reduction, publication of court decisions, and high-profile trials may have improved the level of public trust. The JSSP court user survey indicated that court users have a much higher level of trust in the judiciary.

Year 3:
The level of satisfaction with court operations decreased from 36.9% in October 2017 to 31.2% in April 2018 per the June 2018 Public Pulse report. JSSP’s survey results (conducted between January and March 2018) found that satisfaction among court users was considerably higher (54%).

Year 4:

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5 In the UNDP survey a total of 1,306 Kosovan citizens over the age of 18 were surveyed. The sample included both men and women from all Kosovan municipalities and regions, covering both rural and urban areas. Specifically, the sample included 896 Kosovo Albanians, 210 Kosovo Serbs, and 200 Kosovo non-Serb minorities (namely Turkish, Bosnian, Gorani, and Roma, Ashkali and Egyptian (RAE) communities).
6 In the JSSP survey, a total of 817 court users were surveyed, of which 17.58% female and 82.42% male. Basic Courts of Pristina, Ferizaj, Gjilan, Prizren, Gjakova, Peja and Mitrovica were covered.
The level of satisfaction with court operations decreased from 37.8% in November 2018 to 18.7% in May 2019 per the August 2019 Public Pulse report. JSSP’s survey results (conducted between September and October 2019) on citizens’ feedback on the quality of services provided by the courts examined and validated through focus group discussions held at each Basic Court, combined with the Public Pulse level of satisfaction result, found the level of satisfaction among court users to be considerably higher (59.6%).

Year 5:
The level of satisfaction with court operations increased to 24.8%.

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7 In the UNDP survey a total of 1,306 Kosovan citizens over the age of 18 were surveyed. The sample included both men and women from all Kosovan municipalities and regions, covering both rural and urban areas. Specifically, the sample included 896 Kosovo Albanians, 210 Kosovo Serbs, and 200 Kosovo non-Serb minorities (namely Turkish, Bosnian, Gorani, and Roma, Ashkali and Egyptian (RAE) communities).

8 In the JSSP survey, a total of 1,307 court users were surveyed of which 13% female and 87% male. Basic Courts of Pristina, Ferizaj, Gjilan, Prizren, Gjakova, Peja and Mitrovica were covered. Out of 1,307, 25% or 333 were from the non-majority community, of which 20% female and 80% male.
Performance Indicator 17

Intermediate Result: Enhanced skills of justice sector professionals
Sub-IR: MCLE program is functional and attended by judges.
Sub-Indicator 17: Percentage of judges complying with MCLE requirements

Precise definition (s):

*Judges* means all appointed and active judges who are required to meet MCLE obligations. *MCLE requirements* means the number of continuing legal education credits a judge is obligated to fulfill annually. The percentage is calculated by dividing the total number of judges complying with their MCLE requirements by the total number of judges under the requirement and multiplying the result by 100.

MCLE was successfully introduced through secondary legislation. Its implementation initially noted significant progress. Once the MCLE requirement was expanded beyond ethics training to cover training in other areas, however, implementation lagged and was negatively impacted by weak tracking mechanisms and the COVID-19 pandemic.

**Year 1:** There were no MCLE requirements for judges in Year 1. JSSP drafted a concept note and framework for establishing MCLE.

**Year 2:** MCLE was formally adopted in November 2017 and became effective in 2018.

**Year 3:** Of 396 judges, 301 attended the required ethics training. 52 judges were exempt from MCLE requirements as they are attending the initial education program.
Gender: 100 women, 201 men.
Ethnicity: 263 Albanian, 34 Serbian, 3 Bosnian, 1 of RAE community.

**Year 4:**
Of 294 non-exempt judges, 171 complied with MCLE requirements.
Gender: 52 women, 119 men.
Ethnicity: 148 Albanian, 22 Serbian, 1 Bosnian.
Several factors induced lower compliance rates compared to the set target, including the decision to extend the deadline for compliance with MCLE requirements for 2018 until June 2019, and the expansion of MCLE requirements to areas beyond ethics. The impact of the expansion can be illustrated as follows - in 2018, all judges were collectively required to complete 57 days of training in aggregate; this number swelled in 2019 to 1,465 days of training in aggregate.

Of 294 non-exempt judges, 171 judges (58%) fully complied with MCLE requirements, including ethics and other mandatory training. The remaining 123 judges partially complied, with 12% complying with over 70% of the requirements. Reaching a 100% compliance rate will require commitment from the KJC to discipline non-complying judges and diligent monitoring by the KJA and Court Presidents.

**Year 5:**
Of the 336 non-exempt judges required to comply with MCLE, only 44 attended the ethics training, and only 18 complied with MCLE requirements (as of August 22, 2020).
Gender: 13 men and 5 women.
Ethnicity: 17 Albanian, 1 Bosnian.

The national lockdown between March and June of 2020 significantly reduced training opportunities for all judges. The KJA began to provide limited online training opportunities in late summer.
Performance Indicator 18

Intermediate Result: Enhanced skills of justice sector professionals
Sub-IR: Transparency of judicial decisions increased.
Sub-Indicator 18: Increased number of court judgments posted on court websites.

Precise definition(s):

A court judgment means a judgment resulting in the disposition of a case. Judgment for which publication is restricted should be eliminated from the count. Court websites mean the page of each individual court on the KJC web portal www.giyqesori-rks.org. Posted means uploaded and publicly available.

Throughout its project implementation, JSSP ensured transparency and improved the quality of judicial judgements, and established processes to facilitate the publication of judgments. In Year 4, JSSP supported CSOs to monitor the publication of judgments. Monitoring had a great impact on the publication process, as the courts continually increased the number of published decisions. Overall, the number of published decisions rose from 87 in 2016 to over 35,000 by the end of October 2020.

![Publication of Judgements Chart]

- Nov-16: 87
- Jan-17: 2,693
- Mar-17: 2,980
- May-17: 17,811
- Jul-17: 35,000
- Jan-18: 35,000
- Mar-18: 35,000
Performance Indicator 19

Intermediate Result: Enhanced skills of justice sector professionals
Sub-IR: Management systems of CCK improved.
Sub-Indicator:19: Percentage of management systems, and administrative capacity elements rated as "performing" on CCK Institutional Capacity Scorecard.

Precise definition (s):

An Institutional Capacity Scorecard includes components reflecting systems, structures, and capabilities that are necessary for the efficient and effective operation of the institution and stages of development of each. Stages are (0) founding, (1) developing, (2) functioning, and (3) performing. Functioning means operating at a level and in a manner that is usually efficient, effective, and responsive. Performing means operating at a level and in a manner that is consistently efficient, effective, and responsive, and demonstrates an ability to adapt and adjust to evolving circumstances. The Index score is derived by totaling the number of capacity elements defined as "performing", divided by the total number of capacity elements and expressed as a percentage.

Specific elements of the CCK Institutional Capacity Scorecard are:
- Leadership and Management
- Administrative Capacity Index

The indicator was successfully accomplished, with both areas monitored by JSSP demonstrating significant progress. Progress in leadership and management capacity was reflected in the CCK’s approval and implementation of its Strategic Plan. The CCK, over the past 3 years, planned and implemented activities to meet its objectives, including amending its rules of procedure to enable the more effective functioning of the court, staff professional development plans, case management plans, etc. Further, the court demonstrated progress in the area of administrative capacity, improving staff development, case processing protocols, and managing and updating its website. Further, the court held its first open or public hearing, and established a partnership with the Federal Judicial Center (FJC).

Year 1:
Activities geared to improving the CCK’s administrative and management capacities were delayed due to delayed completion of the CCK’s functional review.

Year 2:
The CCK’s management system showed marked improvement against the baseline set in 2016. The CCK took significant initiatives to improve its administrative and management capacities, such as clarification of departments and divisions mandates, improved transparency of the decision-making process, and
amendment of its internal rules of procedure to streamline court practices and procedures. In addition, the transition to a full local court will certainly affect the ability of the CCK to significantly address some management shortfalls.

**Year 3:**
CCK management and administrative capacity increased from 40% to 53%. Initiatives taken by the leadership to develop strategic plans, improve the legislative framework to address inefficiencies, improve the transparency of the court and communication with the public were clear indicators of improved management and leadership capacity. Administrative capacity improvements were also noted in the area of revision of Court Rules of Procedure.

**Year 4:**
CCK management and administrative capacity increased from 53% to 83%. The CCK Strategic Plan identified interventions to improve court efficiency and strengthen management structure. The CCK replaced the Head of the Legal Advisory Unit, improving the dynamics of the department, and launched a case flow review and an initiative to harmonize regulations and practices governing processing and adjudication of cases.

**Year 5:**
CCK management and administrative capacity increased to 86.70%. The CCK implemented its Strategic Plan and began drafting a new Strategy. It also undertook a series of reforms to improve case flow management, improve its internal rules of procedure, and restructure its staffing to improve efficiency. The court continued to review and plan a series of reforms to strengthen court operations. In addition, it held its first open hearing for the public.
Performance Indicator 20

Intermediate Result: Increased participation of minority populations
Sub-IR: Judicial structures in the north integrated.
Sub-Indicator 20: Number of milestones achieved on Transition Matrix to implement the Justice Sector Agreement (Brussels Agreement on integration).

Precise definition (s):

The Justice Sector Agreement means the agreement reached between Kosovo and Serbia regarding the justice sector of Kosovo and its operations in the north. A Transition Matrix was developed in close collaboration with counterparts under JSSP Component 3 for the purpose of implementing the agreement. The transition matrix included a list of actions/activities or milestones to be implemented for purposes of progress towards a named outcome. One point was assigned to each action or milestone. The score was determined by adding the number of points achieved. Actual content of the Transition Matrix was divided into categories, as outlined below:

- Oversight Committee
- Judicial Recruitment
- Staff Recruitment
- Budget Task Group
- Facility Renovation Task Group
- Equipment Task Group
- IT Task Group
- Kosovo Case Inventory Task Group
- Case Inventory
- Training
- Other

JSSP accomplished 48 of the 50 identified milestones. The two remaining milestones required political action beyond JSSP’s reach: a) adoption and implementation of a system for the validation of parallel court decisions; and b) assisting the KJC in identifying long-term facility options for the Mitrovica Basic Court south.
Performance Indicator 21

Intermediate Result: Increased participation of minority populations
Sub-IR: Public engagement increased.
Sub-Indicator 21: Number of court-civil society initiatives implemented to build citizen trust in the north.

Precise definition (s):

*Initiative* means a defined event, activity, or set of events or activities focused on increasing citizen awareness, acceptance, confidence, and trust in the judiciary, such as outreach and open court events developed collaboratively by courts with civil society. Only initiatives with a defined focus, implementation mechanism, and trust-building goal were counted. Similarly, only initiatives facilitated, designed, or carried out with JSSP technical or material support were counted. *Implemented* means carried out.

The indicator was successfully accomplished. A total of 51 activities were implemented (counted as 22) related to integration of the courts in the north, including post-integration PSAs and Court User Committee meetings.
Performance Indicator 22

Intermediate Result: Increased participation of minority populations
Sub-IR: Improved judicial services
Sub-Indicator 22: Court User Committees established and meet regularly in the municipalities of northern Kosovo.

Precise definition(s):

Established means court users have expressed willingness to be part of and be an active member of a committee, and the clear purpose of the committee is stated. Regularly means that the committee meets at regular intervals (quarterly) to discuss and assess communities’ satisfaction with court users.

The indicator was accomplished. The Court User Committee of the Mitrovica Basic Court was established and working to improve communication between court users, citizens, and the judiciary. Four meetings were held with court users, including judges, prosecutors, attorneys, mediators, representatives of CSOs, and citizens. Issues related to court access, the quality of translation, timely disposition of cases, access to information were discussed. Of the seven recommendations resulting from the committees, the Basic Court of Mitrovica implemented three.

Following the successful implementation of Court User Committees in Mitrovica, similar committees were launched at the Ferizaj and Prizren Basic Courts to improve citizen engagement in improving and shaping court services.

Court User Committee gender representation

- Female: 20%
- Male: 80%
Performance Indicator 23

Intermediate Result: Increased participation of minority populations
Sub-IR: Minority citizens’ acceptance of integrated judicial structures.
Sub-Indicator 23: Increased number of civil cases filed in Mitrovica Basic Court.

Precise definition(s):

A civil filing means a petition submitted by a minority citizen to the integrated court in the north. Minority citizen means any representative of a non-Albanian community. A court civil cases involves a dispute between people, entities or businesses over a monetary, moveable or immovable disagreement, or any injury to personal rights. Integrated courts include the Basic Court of Mitrovica, and its branches in Leposavic and Zubin Potok.

The indicator was successfully accomplished. After the integration of parallel courts into Kosovo’s judiciary, citizens have increasingly turned to Kosovo’s courts to resolve their disputes, with the number of civil cases filed growing steadily. In 2018, citizens in the north filed a total of 478 civil cases. In 2019, the number increased to 1,530, an increase of 69%. An additional 1,221 cases had been filed by October 2020.
### Performance Management Plan – Outcome and Indicator Chart

<table>
<thead>
<tr>
<th>Expected Result</th>
<th>Indicator</th>
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<th>Actual Year 5</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Rule of Law improved.</td>
<td>Score on Worldwide Governance Indicators for Rule of Law</td>
<td>World Bank Institute's Worldwide Governance Project report reviewed and analyzed by JSSP staff</td>
<td>Outcome Annually</td>
<td>37.98 percentile</td>
<td>No measurement</td>
<td>2016 Index 2.5%(^\text{10}) increase</td>
<td>2016 Index 2%(^\text{11}) increase</td>
<td>2017 Index 4% increase</td>
<td>2017 Index 4% decrease</td>
<td>2018 Index 6% increase</td>
<td>2018 Index 4% increase</td>
<td>2019 Index 4% increase</td>
<td>2019 Index 0.5% decrease</td>
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<tr>
<td>2. Legal framework and judicial independence improved.</td>
<td>Freedom House Nations in Transit Judicial Framework and Independence Score</td>
<td>Freedom House Nations in Transit report reviewed and analyzed by JSSP staff</td>
<td>Outcome Annually</td>
<td>5.75</td>
<td>2016/5.50</td>
<td>2016/5.75</td>
<td>2017/5.40</td>
<td>2017/5.50</td>
<td>2018/5.40</td>
<td>2018/5.50</td>
<td>2019/5.30</td>
<td>2019/5.50</td>
<td>2020/5.30</td>
<td>2020/5.50</td>
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</table>

**Context, Goal-level, Sector and Cross-Cutting Indicators**

1. Rule of Law improved.

2. Legal framework and judicial independence improved.
   - The 2020 score is 5.50 against a target of 5.30. The Judicial Framework and Independence rating remain the same as in the two previous years.

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\(^\text{10}\) No measure was anticipated in Year 1 due to the timing of Index release.
\(^\text{11}\) Percentile rank among all countries (ranges from 0 (lowest) to 100 (highest) rank). The increase refers to the increase in ranking in % points.
\(^\text{12}\) In the 2017 Index the World Bank released on September 2018, the ranking for Kosovo for Year 2016 is changed from 37.98, as JSSP reported in its Year 2 Annual Report for Year 2, to 39.90. The World Governance Indicator official website (http://info.worldbank.org/governance/wgi/#faq-11) in the “What accounts for changes over time in country scores on the WGI” section, provides an explanation for this change, quote: “Changes over time in a country’s score on the WGI reflect a combination of three factors (i) changes in the underlying source data, (ii) the addition of new data sources for a country that are only available in the more recent period, and (iii) changes in the weights used to aggregate the individual sources. For large and statistically significant changes over long periods of time, changes in the underlying source data are most often the most important of these three factors. For the many smaller and often insignificant changes over shorter periods, a combination of all three factors contributes to changes in country scores.” Therefore, the Year 2 Actual target in this report is modified from 0% increase to 2% increase.
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<tr>
<td>3. Increased representation of women in the judiciary.</td>
<td>Number of policies developed to promote women’s equal representation in the judiciary. Cumulative</td>
<td>JSSP staff through recording of the number of policies developed.</td>
<td>Outcome Annually</td>
<td>0</td>
<td>NA</td>
<td>NA</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>6</td>
<td>(1) Draft Regulation on KJC Secretariat - Article 5 - Basic Principles - Non-discrimination on the basis of gender and ethnicity; (2) Draft Amendment of the Regulation on Performance Evaluation of Judges - Article 5, paragraph 1, provides that the composition of the Performance Appraisal Commission should reflect the ethnic and gender representation; (3) Amendment of the Regulation on the Procedure for the Selection, Appointment, Suspension, and Dismissal of Court Presidents and Supervisory Judges - Article 2 - Basic principles, which include non-discrimination on any grounds; (4) Regulation on organization and activity of KJC - Article 5 - Composition of the Council - refers to the law on the KJC and ethnic and gender representation. The goal was exceeded as the KJC did not finalize and delayed the approval of regulations drafted in Y4.</td>
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<tr>
<td>4. Efficiency of courts improved. (Activities 1.5, &amp; 2.5, 3.2) F indicator 2.1.3-13</td>
<td>Number of USG-assisted courts with improved case management systems. Cumulative Max. = Est. 107 Disaggregated by location</td>
<td>JSSP staff through records of assistance delivered by the program.</td>
<td>Outcome Annually</td>
<td>0</td>
<td>3</td>
<td>6</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>7</td>
<td>10</td>
<td>7</td>
<td>14</td>
<td>17</td>
<td>Backlog reduction activities were implemented in 7 Basic Courts, including the Basic Courts in Pristina, Ferizaj, Mitrovica, Prizren, Gjilan, Peja and Gjakova. JSSP assisted the Court of Appeals with screening of incoming cases, fast tracking procedural cases. JSSP was also part of the review process at the Special chamber of the Supreme court in supporting the KJC's Judicial Inspection Unit. The process was to revise the methodology on the case management methods. Court activities were expanded to cover branch courts in the north of Mitrovica and Gjilan.</td>
</tr>
<tr>
<td>5. Professionalism of justice sector personnel increased. (Activities 1.2, 1.3, 1.4, 2.1 2.4, 2.5, &amp; 3.3, 3.4) F indicator 2.1.2-7</td>
<td>Number of training hours per justice sector personnel trained with USG assistance. Disaggregated by gender, ethnicity, and institution or profession.</td>
<td>JSSP staff through use of participant sign-in sheets at JSSP-sponsored training events.</td>
<td>Output At each training</td>
<td>0</td>
<td>600</td>
<td>2,274</td>
<td>800</td>
<td>1,685</td>
<td>1,000</td>
<td>1,855</td>
<td>1,000</td>
<td>2,374</td>
<td>1,000</td>
<td>1,145</td>
<td>During Year 5, 335 participants attended JSSP organized trainings for a total of 1,145 training hours. Nos of people trained disaggregated by gender: 221 women, 114 men. By ethnicity: 287 Albanian, 43 Serbian, 4 Bosnian, and 1 Turkish. Cumulative, a total of 1,984 participants attended JSSP organized trainings, for a total of 9,333 training hours. Disaggregation: Gender: 1,020 women, 964 men. Ethnicity: 1681 Albanian, 278 Serbian, 22 Bosnian, 2 Turkish, 1 RAE. Institution: Kosovo Judiciary 1401, Interns &amp; Law students 552, ODC 11, CSO staff 20.</td>
</tr>
</tbody>
</table>

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13 A number of training participants, judicial and non-judicial staff, attended two or more JSSP organized trainings, therefore JSSP uses the term participants not individuals.
### Objective 1: Strengthen the efficiency and effectiveness of the administration of justice and delivery of quality services by the KJC and Courts

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<tr>
<td>6. Effectiveness of KJC increased. (Activities 1.2, 1.3 &amp; 1.4)</td>
<td>Percentage of management systems and capacity elements rated as &quot;performing&quot; on KJC Institutional Capacity Scorecard Max = 100% Cumulative</td>
<td>Roundtable review of Institutional Capacity Scorecard by a panel of KJC and JSSP representatives and one external evaluator representing other donor projects.</td>
<td>Outcome Annually</td>
<td>40%</td>
<td>45%</td>
<td>46%</td>
<td>65%</td>
<td>62%</td>
<td>85%</td>
<td>80%</td>
<td>100%</td>
<td>86.1%</td>
<td>100%</td>
<td>93%</td>
<td>KJC Capacity Index increased from 86% to 93% in Year 5. The KJC Institutional strengthening is showing a growth trend, even though it does not meet the 100% target.</td>
</tr>
<tr>
<td>7. Legal framework for judicial efficiency and independence improved. (Activities 1.2 &amp; 1.5)</td>
<td>Number of laws, regulations, and procedures designed to enhance judicial independence supported with USG assistance</td>
<td>Final drafts of legal acts (primary legislation &amp; subsidiary rules) proposed or amended with JSSP technical or other assistance. Copies kept in program files.</td>
<td>Output Quarterly</td>
<td>0</td>
<td>20</td>
<td>23</td>
<td>15</td>
<td>15</td>
<td>10</td>
<td>13</td>
<td>5</td>
<td>23</td>
<td>5</td>
<td>11</td>
<td>During Year 5, JSSP supported the drafting of four (4) Regulations, supported the amendment of two (3) regulations, and assisted KJC to amend one (1) Guide, governing the organization of the electoral process of KJC members among the judiciary, develop (1) Guide for Disciplinary Investigation panels, (1) JIU package (JIU manual, Evaluation Report Template, work plan template, template on indexing JIU recommendations), and (1) Protocol for policy and regulatory drafting and public consultation. Actuals supersede the target for Y5, as some regulations, legislative acts &amp; procedures came upon KJC of a higher priority at the end of 2019, and some regulations were pushed to 2020 because of the high volume of work.</td>
</tr>
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<tr>
<td>8. Management of human resources and budget functionalized. (Activity 1.3)</td>
<td>Percentage of milestones achieved on human resource and budget functions scorecard. Cumulative</td>
<td>JSSP staff through recording of the percentage of completed milestone and review of supporting documents.</td>
<td>Output Quarterly</td>
<td>0</td>
<td>50%</td>
<td>54%</td>
<td>90</td>
<td>64%</td>
<td>70</td>
<td>77.8%</td>
<td>80</td>
<td>88.9%</td>
<td>90% 14</td>
<td>90.7%</td>
<td>The critical review and final determination of the level of decentralization was completed by the KJC in 2019, based on an assessment of experience to date and changes in the Law on KJC. As the distribution of responsibility has been re-balanced between courts and the KJC, budget and HR personnel have better capacity to carry out their respective functions. Since that time, KJC Budget and Human Resource staff have improved their capacity to monitor court staff implementation of their revised competencies.</td>
</tr>
<tr>
<td>9. Needs-based budgets developed and allocated. (Activity 1.3)</td>
<td>Number of Basic Courts that develop needs-based budgets. Max. = Est.7 Disaggregated by location.</td>
<td>JSSP staff through review of budget submissions by courts to KJC.</td>
<td>Output Annual</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>3.5</td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>KJC Finance Office issued instructions and forms for budget development based on a) requirements for sustaining activity, and b) requests for budget adjustments based on strategic priorities, along with performance goals. All courts used these forms to submit their budget requests, and budget hearings were conducted by the BFHR Committee.</td>
</tr>
</tbody>
</table>

14 The change in distribution of responsibilities between the KJCS and the Courts has been accomplished. The key support required has shifted to ensuring that budget and human resource staff are appropriately place in court and KJC organizational frameworks, and that human resource and budget planning functions are supported at the court and KJCS level.
<table>
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<tr>
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</thead>
<tbody>
<tr>
<td>10. Knowledge and skills of judges, court administrators and non-judicial staff improved.</td>
<td>Percentage of trained judicial personnel, court administrators and staff effectively applying skills and tools.</td>
<td>Joint collection by JSSP, KJC, courts, and KJA through standardized training impact evaluation.</td>
<td>Outcome On-going within 6 months of each training program</td>
<td>0</td>
<td>30%</td>
<td>91%</td>
<td>50%</td>
<td>90.8%</td>
<td>80%</td>
<td>96%</td>
<td>80%</td>
<td>92%</td>
<td>95%</td>
<td>97%</td>
<td>The reported increase in use of skills is derived based on responses of surveyed participants that attended JSSP trainings. The Y5 actuals reflects the results obtained from participants surveyed during quarter 1 and 3 of Year 5. Data disaggregated by: Gender: 25 women, 37 men Ethnicity: 55 Albanian, 7 Serbian Institution: Basic Courts – 58; Court of Appeals – 3; KJC - 1</td>
</tr>
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<tr>
<td>11. Case backlog reduced. (Activity 1.5)</td>
<td>Percentage of cases pending for more than 24 months (e.g., backlog).</td>
<td>JSSP staff quarterly collection of court and KJC statistical reports</td>
<td>Outcome Quarterly</td>
<td>39,458 backlog cases15 (excluding enforcement)</td>
<td>15% decrease</td>
<td>37% decrease</td>
<td>40% decrease</td>
<td>56.74% decrease</td>
<td>60% decrease</td>
<td>70.72% decrease</td>
<td>70% decrease</td>
<td>80.77% decrease</td>
<td>85% decrease</td>
<td>84.77% decrease</td>
<td>Kosovo Basic Courts, with assistance from JSSP’s backlog reduction teams, disposed of 33,428 or 84.72% of the total civil and criminal backlog through June 31, 2020. In addition, 19 or 0.05% backlog cases were subsequently disposed by JSSP interventions from July 1, 2020 through August 22, 2020, bringing the total number of backlog cases reduced to 33,447, or 84.77% of the total backlog. JSSP’s backlog reduction teams during Year 5 Quarter 3 directly intervened in disposing of 0.06% of the total criminal and civil backlog, or 23 cases. Since May 2016, when JSSP’s backlog reduction activities started, JSSP’s backlog reduction teams through direct intervention disposed total of 20,925 cases or 53.03% of total backlog cases. Based on court backlog reporting through June 31 2020. JSSP direct intervention through the BRLO teams and prioritization of ‘low’ hanging fruit cases’ has made the number of backlog cases be significantly reduced.</td>
</tr>
</tbody>
</table>

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15 Data on backlog cases are current as of December 2015. The baseline was updated at the beginning of April 2016 to reflect the number of backlog cases as of December 2015. The data on backlog present official statistics received from the KJC Secretariat.
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</thead>
<tbody>
<tr>
<td>12. Increased case clearance rate. (Activity 1.5)</td>
<td>Ratio of new case filing to case disposition in targeted courts assisted by USG. Disaggregated by court type and case type over time Cumulative</td>
<td>JSSP staff quarterly collection of court and KJC statistical reports</td>
<td>Outcome Quarterly</td>
<td>83%</td>
<td>100%</td>
<td>112%</td>
<td>95-100%</td>
<td>135.16%</td>
<td>95-100%</td>
<td>166.79%</td>
<td>95-100%</td>
<td>136.11%</td>
<td>95-100%</td>
<td>121.55%</td>
<td>The clearance rate reflects the ratio of disposed cases divided by new cases filed, as of May 2016, in all Basic Courts and branches, based on KJC statistics. The clearance rate during the second and the third quarter of Y5 noted a significant decrease caused mainly by COVID 19 and national lockdown measures to limit the spread of the virus.</td>
</tr>
<tr>
<td>13. Transparency of disciplinary decisions improved.</td>
<td>Percentage of disciplinary decisions posted on the KJC website.</td>
<td>JSSP staff based at the KJC quarterly collection.</td>
<td>Output Quarterly</td>
<td>9%</td>
<td>NA</td>
<td>NA</td>
<td>50%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>During year 5, eight (8) disciplinary decisions were made by the KJC, all of which were published on the KJC website un-redacted. Whereas the remaining four (4) non-official reprimands are not published, as foreseen by the LDL.</td>
<td></td>
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</tr>
</tbody>
</table>

**Component 2: Enhance the accountability and professionalism of justice system institutions and actors**

| 14. Legal education improved. (Activities 2.3, 1.4 & 2.4) | Number of materials and legal courses or curricula developed or upgraded with USG assistance. Cumulative | Final materials and legal courses or curricula developed or upgraded with JSSP technical or other assistance collected from KJA. Copies kept in program files. | Output Annually | 0 | 3 | 3 | 6 | 4 | 7 | 6 | 8 | 8 | 9 | 9 | During Year 5, JSSP developed (1) Training curriculum for Serbian and Albanian translators. Cumulative, a total of nine (9) training curricula were developed or upgraded during the life of the program. |

16 From 2011-2016 there were a total of 153 final decisions, out of which 14 disciplinary decisions from 2016 were published on the KJC website.

17 During 2017, there were a total of 20 final decisions, out of which 16 were published on the KJC website.
<table>
<thead>
<tr>
<th>Expected Result</th>
<th>Indicator</th>
<th>Data Source &amp; Collection Method</th>
<th>Type (Output or Outcome) &amp; Frequency</th>
<th>Baseline</th>
<th>Target Year 1</th>
<th>Actual Year 1</th>
<th>Target Year 2</th>
<th>Actual Year 2</th>
<th>Target Year 3</th>
<th>Actual Year 3</th>
<th>Target Year 4</th>
<th>Actual Year 4</th>
<th>Target Year 5</th>
<th>Actual Year 5</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>15. Collaboration between KJC, civil society, and media improved. Activity 2.2 F Indicator 2.1.3.17</td>
<td>Number of USG assisted campaigns and programs that enhance public understanding, NGO support and media coverage of judicial independence, transparency and accountability. Cumulative</td>
<td>Copies of reports collected by JSSP staff</td>
<td>Output Quarterly</td>
<td>0</td>
<td>6</td>
<td>10</td>
<td>12</td>
<td>13</td>
<td>20</td>
<td>19</td>
<td>25</td>
<td>23</td>
<td>28</td>
<td>30</td>
<td>During Y5, 40 events/activities (counted as 7) were held/undertaken to increase judicial transparency, improve communications of the courts with the public. 1.-Conference on &quot;Increasing judicial transparency&quot;; 1.-Conference on &quot;Citizen Scores on BC services&quot;; 9.-Published infographics on court judgements; 1.-Published infographic on project impact and results; 4.-Published infographics on Covid-19 Prevention measures; 1.-Published brochure on KJC Monitoring; 1.-Article on court judgements; 1.-Publication of the lawyers report online; 1.-Publication of the court user report online; 2.-TV shows, on Special Department and court performance; 3.-Publications of disciplinary complaints report; 1.-Publication of Corruption and Gender-based violence report; 1.-Publication of Judgement Report; 1.-Launch of the online Platform on the quality of services at the BCs in Kosovo; 1.-Report on accessibility of Basic Court Administrative Services in Kosovo; 6.-Court User Committees, three in Prizren and 3 in Ferizaj; 5.-Videos Promotional video on Judgments Report video, Promotional video on Disciplinary Complaints Report, Promotional video on Corruption and Gender-Based Violence Report, Court User Committee Video, and Online Platform Video.</td>
</tr>
<tr>
<td>Expected Result</td>
<td>Indicator</td>
<td>Data Source &amp; Collection Method</td>
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<td>Indicator</td>
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</tr>
<tr>
<td>16. Citizen satisfaction with judicial sector improved. (Activities 2.1, 2.2, &amp; 3.2)</td>
<td>Percentage of citizens who express satisfaction with the work of the judiciary. Disaggregated by gender, ethnicity, geographic location of respondent</td>
<td>Survey of general public and users conducted annually by USAID &amp; UNDP Public Pulse Survey and JSSP supported court user survey.</td>
<td>Outcome Annually</td>
<td>16.4%</td>
<td>N/A</td>
<td>5% points increase</td>
<td>15% points increase</td>
<td>10% points increase</td>
<td>17% points increase</td>
<td>20% points increase</td>
<td>22%</td>
<td>5 points increase</td>
<td>11.2% points increase</td>
<td>The level of satisfaction with the operation of Kosovo’s courts increased with courts standing at 24.8% which is an increase of 11.2% points from November 2019 (13.6%).</td>
<td></td>
</tr>
<tr>
<td>17. MCLE program for judges is functional and attended by judges. (Activity 2.3)</td>
<td>Percentage of judges complying with MCLE requirements Disaggregated by gender and ethnicity</td>
<td>Records of MCLE credits maintained by KJC and KJA</td>
<td>Output Annually</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>80%</td>
<td>97%</td>
<td>80%</td>
<td>58%</td>
<td>80%</td>
<td>5.3%</td>
<td>Of 336 non-exempt judges, only 44 have attended the ethics training, while only 18 judges have complied with MCLE. Gender: 13 men and 5 women. Ethnicity: 17 Albanian, 1 Bosnian. The national lockdown due to COVID 19 disrupted the work of key institutions, including the KJA. The KJA offered few courses for judges, thus limiting judge’s ability to meet their MCLE requirements</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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18 18.4% UNDP Public Pulse Survey – May 2016. The sample included both men and women from all municipalities and regions, covering both rural and urban areas. Data on geographic representation and users versus nonusers is not available in the Public Pulse report.

19 The level of satisfaction with the operation of Kosovo’s courts decreased by about 19.1 percentage points (from 37.8% in Nov 2018 to 18.7% in May 2019) per the August 2019 USAID funded Public Pulse report. While, in the JSSP survey results (conducted between Sept-Oct 2019) on citizens’ feedback on the quality of services provided by the courts examined and validated through focus group discussions held at each Basic Court, combined with the Public Pulse level of satisfaction result, the level of satisfaction among court users is considerably higher at 59.6%.

20 The increased compliance rate for MCLE for 2018 jumped from 87.5% as reported in Y3 Annual report to 97%. The reason behind the increase of compliance rate for Year 3 is the extended deadline for judges to enable them to comply with the MCLE requirements for 2018.
<table>
<thead>
<tr>
<th>Expected Result</th>
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<th>Target Year 3</th>
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<th>Actual Year 4</th>
<th>Target Year 5</th>
<th>Actual Year 5</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>18. Transparency of judicial decisions increased.</td>
<td>Increased number of court decisions posted on court websites.</td>
<td>JSSP subcontractors review of court websites and KJC of total number of published court decisions.</td>
<td>Output Quarterly</td>
<td>0 ²¹</td>
<td>25%</td>
<td>1%</td>
<td>40% ²²</td>
<td>7%</td>
<td>12,000</td>
<td>7,980</td>
<td>17,000</td>
<td>17,811</td>
<td>30,000</td>
<td>35,039</td>
<td>JSSP subcontracted with BIRN/FOL to monitor the publication of court judgments. Since monitoring began, the courts are increasingly publishing more decisions. The increase in publication of judgment is a result of CSO monitoring and public promotion of accomplishments by the CSOs and USAID. Courts positively responded to public scrutiny increasing the publication of judgments.</td>
</tr>
<tr>
<td>19. Management systems in CCK improved.</td>
<td>Percentage of management systems, and capacity elements rated as &quot;performing&quot; on CCK Institutional Capacity Scorecard</td>
<td>Roundtable review of Institutional Capacity Scorecard by a panel of CCK and JSSP representatives and one external evaluator representing other donor projects</td>
<td>Output Annually</td>
<td>35%</td>
<td>50%</td>
<td>0</td>
<td>75%</td>
<td>40%</td>
<td>75%</td>
<td>53%</td>
<td>75%</td>
<td>83%</td>
<td>85%</td>
<td>86.70%</td>
<td>CCK management and administrative capacity increased over the years from 53% to 87%. The CCK implemented its Strategic Plan and is in the process of drafting the new Strategy. In addition, it undertook series of reforms to improve case flow management, improve its internal rules of procedure and restructured its staffing structure to improve its efficiency. The court continues to review and plan series of reforms to strengthen court operations. In addition, it held its first open hearing for the public.</td>
</tr>
</tbody>
</table>

²¹ As of March 2016, no final decisions have been posted on court websites.

²² In agreement with USAID, the way this indicator is measured in Y3 and Y4 is changed due to unavailability of data to measure the % of published decisions against the total number of final decisions. It is unlikely that the data on the number of total numbers of final decisions will be available for the duration of the program. The targets for Y1 and Year 2 will remain the same.
<p>| Objective 3: Support the Functioning and Integration of Judicial Structures in the North |
|---|---|---|---|---|---|---|---|---|---|---|
| Expected Result | Indicator | Data Source &amp; Collection Method | Type (Output or Outcome) &amp; Frequency | Baseline | Target Year 1 | Actual Year 1 | Target Year 2 | Actual Year 2 | Target Year 3 | Actual Year 3 | Target Year 4 | Actual Year 4 | Target Year 5 | Actual Year 5 | Comments |
| Number of milestones achieved on Transition Matrix, including the Blueprint to implement the Justice Sector Agreement. | JSSP staff in collaboration with KJC through recording of completion date of milestone &amp; review of supporting document. | Output | 0 | 8 | 14 | 21 | 29 | 42 | 40 | 46 | 48 | 50 | 48 | The milestones comprising the Transition Matrix have been achieved, with the exception of two, that is: a) the adoption &amp; implementation of a system for the validation of parallel court decisions; and b) assisting KJC in identifying long-term facility options for the BC Mitrovica-south. Both activities are considered to be of a political nature. |
| Number of court-civil society initiatives implemented to build citizen trust. | JSSP staff through program records. | Output | 0 | 3 | 9 | 9 | 8 | 3 | 3 | 1 | 1 | 1 | In Y5, JSSP facilitated three (3) Court User Committee meetings, counted as one. The CUCs are also mentioned under indicator 22. Cumulative, a total of 51 activities were implemented (counted as 22) related to integration of the courts in the north, and activities after the integration such as the PSAs and Court User Committee meetings. |
| Court User Committees established and meet regularly in the municipalities of northern Kosovo. Disaggregated by gender &amp; geographic location. | Counting, monitoring and reviewing court user committee meetings. | Output | 0 | 1 (contingent on integration) | 3 | 0 | 0 | 0 | 4 | 1 | 2 | 3 | In Y5, three (3) Court User Committee meetings were held in Mitrovica North, with the purpose of assisting the court in improving its services by providing recommendations from various stakeholders (citizens, lawyers, CSOs, media, social services, judges, court staff, etc.). Total participants: 32 (female 7, male 25); Geographic location: Mitrovica North Cumulative four (4) CUC meeting were held in Mitrovica North (female 9, male 35) |</p>
<table>
<thead>
<tr>
<th>Expected Result</th>
<th>Indicator</th>
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<th>Target Year 4</th>
<th>Actual Year 4</th>
<th>Target Year 5</th>
<th>Actual Year 5</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>23. Minority citizens' acceptance of integrated judicial structures.</td>
<td>Increased number of court civil cases filed in Mitrovica Basic Court.</td>
<td>JSSP staff review of court civil cases filings.</td>
<td>Output Quarterly</td>
<td>4&lt;sup&gt;23&lt;/sup&gt;</td>
<td>NA</td>
<td>NA</td>
<td>500</td>
<td>478</td>
<td>700</td>
<td>1,530</td>
<td>1,600</td>
<td>1,221</td>
<td></td>
<td>During Year 5 (up to October 30), the Basic Court of Mitrovica and its Zubin Potok and Leposavic branches received 1,221 civil cases. The number is lower than the target as it does not cover the entire year. Disaggregation Mitrovica: 1,154 Leposavic: 21 Zubin Potok: 46 Cumulative, the Basic Court of Mitrovica and its Zubin Potok and Leposavic branches received 3,229 civil cases.</td>
<td></td>
</tr>
</tbody>
</table>

<sup>23</sup> Baseline is set based on the number of civil filings, initiated by the minority community in the period between November 1–22, 2017.
ANNEX B. INFOGRAPHICS

KJC Institutional Capacity Index

Leadership & Oversight

Institutional Effectiveness

Communications & Engagement
1. KJC-Court Meetings; 2. Engagement

KJC Secretariat Capacity
1. KJC Secretariat Structure; 2. Human Resources; 3. Budget & Finance; 4. Oversight & Monitoring

1. KJC Capacity Index
Performance Evaluation Committee

1. Developed operating procedures for conducting performance evaluation of judges

2. Performance Evaluation Committee

3. Strengthened & enhanced mechanisms for holding judges accountable for their performance & rewarding performance

4. By December 2017, the first round of performance evaluations was completed, since year 2010

5. Developed the evaluation manual - including a structured scoring methodology & international best practices

6. Strengthened the evaluation process making it evidence based, limiting opportunities for subjective evaluations

7. Amended the Regulation on performance evaluation of judges/Updated template annexes for judge’s evaluation & report template for the CP
KJC - Court Administration Committee (CAC)

CAC Capacity Building

JSSP provided its support to the Court Administration Committee and successfully refocused the committee on its primary tasks. JSSP helped the CAC to:

- Develop updated case weights to determine the need for judicial resources & allocating these resources among the BCs, overhauling the A/I on court fees that was active.
- The modified A/I increased the filing fee & eliminated the judgment fee.
- Court fees restructuring yielded practical case processing benefits & eliminated fee-related delays & backlogs.

Developed caseflow management improvement plans. The plans include:

1. Provisions for addressing existing backlog
2. Improve case management efficiency
3. Performance management goals for measuring progress made

Regular meetings were held between CAC and court presidents to discuss progress in implementing the plans and to address related policy issues.

As a result of these discussions, two decisions were made:

1. A decision to dismiss low-value execution in which the courts are claimants
2. A decision directing minor offense judges and court presidents to dismiss and close all minor offense cases that have passed the statute of limitations

By middle of year 2, six of Kosovo’s seven Basic Courts were implementing their plans:

- Pristina
- Ferizaj
- Gjan
- Peja
- Gjakova
- Prizren

As a result, over 22,600 minor offense cases were cleared from the courts’ dockets.

These were significant steps in advancing the KJC’s policy development and oversight roles and in reducing the volume of stale cases clogging the courts.

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3. **Court Administration Committee**
Training Committee

Supported the KJC in developing and implementing the Regulation on Training

Helped the KJC set-up the Training Committee

Worked with the Training Committee to implement the new Regulation on Training, which mandates Mandatory Continuous Legal Education (MCLE) for all judges

Developed the committee’s terms of reference & initial workplan, including protocols for planning, preparing, & implementing MCLE in subsequent years

Facilitated discussions between the Training Committee & the Academy, developing early phase protocols for coordination and information sharing between the institutions about training needs assessments, training schedules, attendance, & follow up trainings

Ethics training has been identified as a requirement for MCLE during the first year, whereby all judges were required to attend a four-hour training session

In subsequent years, all judges were required to attend a day of ethics training per year

Ethics training was provided to approximately 300 judges, ensuring that most judges complied with the MCLE requirements

JSSP supported the provision of the online ethics module through the Academy

Continually supported the Academy and the Training Committee in planning, preparing, & implementing MCLE

4. Training Committee
5. **Budget Committee**
From 2011-2016 there were a total of 153 final decisions, of which 14 disciplinary decisions from 2016 were published on the KJC website.

During 2017, there were a total of 20 final decisions, of which 16 were published on the KJC website.

Law on Disciplinary Liability approval - November 2018

(2018-2020) - All disciplinary decisions that were made by the KJC, were published in its website, with the exception of non-official reprimands, not required by the LDL.

Assist KJC in defining procedural & resource requirements for the implementation of the new Law on Disciplinary Liability

Assist KJC in the organization of staff support for disciplinary investigations.

Assist KJC develop a regulation on disciplinary procedures, and the organization of staff support for disciplinary investigations.

6.  Transparency of Disciplinary Decisions
Demanding Transparency in the Judicial System

Monitoring the Publication of Judgments

- **23,160** judgments published per month (January 2019 - September 2020)
- **9,061** judgments published per month (January 2016 - April 2019)

Monitoring of Kosovo Judicial Council meetings

- 18 monitored KJC meetings

Trainings

- 18 trained judges for public appearance

Monitored and analyzed corruption and gender-based violence cases

- **20** corruption cases
  - 13 high profile
  - 4 medium profile
  - 3 low profile
- **5** cases of gender-based violence

Monitoring of Disciplinary Complaints Against Judges

- **213** disciplinary procedures against judges

Published reports and brochures

- “A losing battle: The Judiciary’s response to cases of corruption and gender-based violence.” - 30 recommendations for handling of these cases
- Publication of judgments - 11 recommendation provided to all Kosovo courts and the Kosovo Judicial Council
- Disciplinary Complaints Against Judges – 10 recommendations for the court and Kosovo Judicial Council in handling of these cases
- Monitoring of Kosovo Judicial Council Meetings (May 2019 - August 2020) to assess compliance and level of transparency with the Law on the Kosovo Judicial Council

PSA

- 3 PSA Videos
- 2 TV shows over 300,000 views

Views of infographics

- **150 thousand**

Most Transparent Courts

- **PHASE 1**
  - Basic Court of Ferizaj
  - **1,245** judgments
  - **January 2019 – October 2019**
- **PHASE 2**
  - Basic Court of Pristina
  - **4,000** judgments
  - **November 2019 – August 2020**

Total: More than **30,000** judgments published on KJC's website

7. Demanding Transparency in the Judicial System
**Improved Professionalism of Judges**

1. Improved Court Management
2. Legal writing and Reasoning
3. Performance Evaluation
4. Ethics and Discipline
5. Mandatory Continuous Legal Education (MCLE)
6. Civil Benchbook
7. Judgement Templates development

8. Legal Education
9. Constitutional Court of Kosovo

With the intention of helping CCK prepare for the transition to a full panel of local judges, JSSP developed orientation packages for judges and legal advisors and revised the rules of procedure that guide the work of the court.

With the aim of improving the efficiency of the case management process, JSSP mapped CCK's case flow management, documenting all steps taken in a life of a case from filing to disposition.

In order to meet the training needs of CCK's Legal Advisory Unit, JSSP conducted a training needs assessment, which lays out the key long- and short-term needs for professional development of legal advisors, including resources the CCK should seek to establish to continually provide capacity building opportunities for the Legal Office.

So as to help young law students navigate CCK's website features to search court decisions, JSSP organized two presentations for University of Pristina law school students.

With the purpose of increasing CCK’s visibility, JSSP helped CCK with a awareness campaign conceptualizing a PSA describing the role of the Constitutional Court and its website's enhanced features.

In an effort to increase CCK's visibility, and make its existing website more effective tool for communications and public outreach, JSSP helped CCK develop a new website that includes fast and intuitive search capabilities, a user interface that is uncluttered and easily navigated, and a feature allowing web-users to subscribe to notification of new decisions from the court, as well as to the court's newsletter.

To support ongoing professional development of CCK judges and legal advisors, JSSP facilitated a study tour to the US, marking the beginning of a strategic partnership between the CCK and FJC. Initiatives inspired by the study tour that were implemented by CCK include utilization of additional legal advisors to support the judges, and holding of public hearings.

With the purpose of increasing CCK’s visibility, JSSP helped CCK develop a new website that includes fast and intuitive search capabilities, a user interface that is uncluttered and easily navigated, and a feature allowing web-users to subscribe to notification of new decisions from the court, as well as to the court's newsletter.
10. Integration Activities in the North

- Public awareness campaigns, dissemination of posters and billboards on judiciary integration
- Meeting between CSOs and Judges
- Roundtables on implementation of the Agreement on Judiciary in the North Kosovo
- Cour Users Committee Meetings in Mitrovica North
- Media coverage, TV and Radio and video spot
- Meeting between Citizens and Judges
- Lecturing at schools and EBCM
- Focus Group Discussions
- Free legal professions activities (career days, info sessions, outreach campaigns, mock trials, study visit to KCIC for interns)
ANNEX C. INDEX OF DELIVERABLES

**JSSP Reports and Deliverables** — See also the repository of all JSSP Project deliverables included on the attached CD-ROM depository.

### YEAR I

#### Regulations & Laws

- Code of Ethics for Judges (Albanian)
- Code of Ethics for Judges (English)
- Code of Ethics for Judges (Serbian)
- Regulation on Defining Misconduct for Judges (Albanian)
- Regulation on Defining Misconduct for Judges (Serbian)
- Regulation on Recruitment, Appointment, and Reappointment of Judges (Albanian)
- Amendment to the Regulation on Recruitment, Appointment, Reappointment of Judges (Albanian)
- Regulation on Procedures for Selection, Appointment, Suspension, Dismissal CP&SJ (Albanian)
- Amendment to the Regulation on the Procedures for the Selection, Appointment, Suspension, and Dismissal of CP&SJ (Albanian)
- Regulation on Appointment of Translators and Interpreters 2015 (Albanian)
- Regulation on Appointment of Translators and Interpreters 2015 (Serbian)
- Amendment to the Regulation on Appointment of Translators and Interpreters 2016 (Albanian & Serbian)
- Regulation on the Election of KJC members from the Judiciary 2015
- Regulation on Performance Evaluation of Judge 2016 (Albanian)
- Regulation on the Performance Evaluation of Judges 2016 (English)
- Regulation on Performance Evaluation of Judge 2016 (Serbian)
- Regulation on Court Experts_2015
- Annex to Regulation on the Internal Organization of Courts (Appellate Division in North Mitrovica) 2016 (Albanian)
- Annex to Regulation on the Internal Organization of Courts (Serbian)
- Regulation on Transfer of Judges (Albanian)
- Regulation on Transfer of Judges (Serbian)
- Regulation on the Commissioner for Oversight of Interception of Electronic Communication_2017
- Amendment - Law on the Judicial Council (Albanian) (drafted)
- Concept Law on Judicial Administration (English) (approved)
- Draft law on the office of disciplinary counsel (Albanian) (drafted)
- Draft Regulation on the Commissioner for oversight of interception of electronic communication
- Draft Regulation on Lay Judges (Albanian) (drafted)

#### Administrative Instructions

- A.I on the Anonymization and Publication of Final Judgments 2016 (Albanian)
- A.I. on Anonymization Publication of Final Judgments 2016 (English)
- A.I on the Anonymization and Publication of Final Judgments 2016 (Serbian)
- Amendment to the A.I. on Court Fees_2016 (Albanian)
- Amendment to the A.I. on Court Fees_2016 (Serbian)
- A.I. on Delegation of Responsibilities on Issues of Personnel, Budget and Finance, Procurement and Logistics_2015 (Albanian)
A.I. on Delegation of Responsibilities on Issues of Personnel, Budget and Finance, Procurement and Logistics_2015 (Serbian)

Other JSSP Deliverables

Stocktaking Report

YEAR 2

Regulations & Laws

Regulation on Assembly of Court Presidents and Supervising judges_2017 (Albanian)
Regulation on Judicial Training_2017 (Albanian)
Regulation on Mandate of the Commissioner on Supervising the Process of Interception of Communication_2017 (Albanian)
Regulation on Archiving, Storage and Usage of KJC archives_2017 (Albanian)
Regulation on Recruitment and Management of Interns for the Courts and KJC_2017 (Albanian)
Regulation on Selection and Appointment of the Director of KJC Secretariat_2017 (Albanian)
Law on KJC_2018 (Albanian, English, Serbian)
Law on Court_2018 (Albanian, English, Serbian)
Draft Regulation on Professional Associates

Administrative Instructions

A.I. on Compensation for Expenses Incurred by Witnesses in Criminal Proceedings_2017 (Albanian)
Amendment of A.I. on Court Fees_2017 (Albanian)

Other KJC Deliverables

Annex to the Manual on Performance Assessment (Albanian)
Annex to the Manual on Performance Assessment (English)
Kosovo Judicial Workload Assessment Report
Media Advisory Court Performance Evaluation (Albanian)
Media Advisory Court Performance Evaluation (English)
New reporting format for courts
Changes for KJC statistics department
Council Meetings Protocol (Albanian)
Council Meetings Protocol (English)
Decentralization Review Framework & Action Plan (Approved by KJC Chairman)
KJC Policy Priorities (Albanian)
Orientation Package (Albanian)
Orientation Package (Serbian)
Media Advisory Decision Publication (English)
Media Advisory Decisions Publication (Albanian)
Decision on Withdrawal of Enforcement fees (Albanian)
Development of Policy for Retention and Disposition of Court Records (Albanian)
Development of Policy for Retention and Disposition of Court Records (English)
Direction to CPRU to Develop a Policy for Retention and Disposition of Court Records (Albanian)
Direction to CPRU to Develop a Policy for Retention and Disposition of Court Records (English)
KJC Agenda (Albanian)
KJC Agenda (English)
Other JSSP Deliverables and Reports

Best Practices Guide for caseflow management & backlog reduction in Kosovo courts
Blueprint for Integration
Caseflow Management Plan Template
CMIS CEPEJ Indicators Report
Commentary Code of Ethics for judges (Albanian)
Commentary Code of Ethics for judges (English)
Commentary Code of Ethics for judges (Serbian)
Draft Handbook on Legal Writing (Albanian)
E-Procurement Manual (Albanian)
Implementation of Civil Case Management Process (English)
JSSP’s recommendations on the use of Personal data (Albanian)
Kosovo performance dashboard
MCLE Briefing Memo and Recommendations
Media Advisory Court Case management efficiency (Albanian)
Orientation Package Constitutional Court
Presentation of the Weighted Caseload by SSTA Experts
SOP on Publication of Court Decisions (Albanian)
SOP on Publication of Court Decisions (English)
SOP on Publication of Court Decisions (Serbian)
Training Curriculum Guide & Court Administrative Personnel (English)
Pristina BC Analysis & Case Management Plan STTA Final Report
Implementation of Civil Case Management Process (English)
Pristina Civil Courts Case Management Proposals (a) (English)
Pristina Civil Courts Case Management Proposals (Timelines) (b) - (English)
Analysis & Case Mgmt Plan - APPENDIX A (STTA Report)
Analysis & Case Mgmt Plan - APPENDIX B (STTA Report)
Analysis & Case Mgmt Plan - APPENDIX C (STTA Report)

YEAR 3

Regulations

Amendment to the Regulation on Performance Evaluation of Judges_2017
Recommendations on Changing the Reg. on Performance Evaluation of Judges (Albanian, English, Serbian)
Initial draft Regulation on the Judicial Archive of Kosovo
Draft Reg on Procedure for Adjudication of Conflicts (Albanian)
Draft Reg on Procedure for Adjudication of Conflicts (English)
Draft Regulation on the use of ICT in the Judicial System (Albanian)
Draft Regulation on the use of ICT in the Judicial System (English)
Initial Draft Reg. on Lay Judges (Albanian)
Draft Regulation on election of KJC members from the judiciary

Administrative Instructions

Draft A.I. - Certification of Judgments (Albanian)
Draft A.I. - Certification of Judgments (English)
Draft A.I. on Unified house rules (Albanian)
Other KJC Deliverables

Archive Records Inventory Worksheet (Albanian)
Archive Records Inventory Worksheet (English)
KJC Workplan 2018 (Albanian)
Workplan
Guide to establishing a central records repository Report final branded (English)
Guide to establishing a central records repository Report final branded (Albanian)
Performance Evaluation of Judges Analysis & Recommendations (English)
Report and Recommendations concerning the Kosovo Judiciary Budget Preparation and review Process (English)
Report on Kosovo Judicial Disciplinary system process portable best practices (Albanian)
Report on Kosovo Judicial Disciplinary system process portable best practices (English)
Recommendations on KJC organizational restructuring (Albanian)
Recommendations on KJC Organizational Restructuring (English)
Recommendations on KJC organizational restructuring (Serbian)
Draft Regulatory Development Plan
Draft Manual on Performance Evaluation of Judges (English)
Draft Manual on Performance Evaluation of Judges (Serbian)

Other JSSP Deliverables and Reports

Civil and Criminal Judgement Templates
ACDC Final Assessment Report (Albanian)
ACDC Final Assessment Report (English)
ACDC Final Assessment Report (Serbian)
BIRN Final Report promoting Transparency in the Kosovo’s Judicial System (English)
CCK - Rules of procedure (Albanian, English, Serbian)
CCK Orientation Package (Albanian, English, Serbian)
CMIS data transfer assessment (English)
Code of Professional Ethics for Judges_Meeting with trainers (Albanian, English, Serbian)
Code of Professional Ethics for Kosovo Judges (Albanian, English, Serbian)
Court Users Survey Report (Albanian, English, Serbian)
D+ Court Users Scorecards (Albanian, English, Serbian)
Final English Commentary-Code of Professional Ethics for Judges
Focus Group Discussion Report D+
Infographic-Lawyers Survey (Albanian, English, Serbian)
KJC Decision on using standard taxonomy (Albanian, English, Serbian)
Kosovo Ethics Training Course Module (Albanian, English, Serbian)
Manual on Media and Social Networks Utilization (Albanian, English, Serbian)
Report on Survey with Lawyers (Albanian, English, Serbian)

YEAR 4

Regulations

Amendment to the Regulation on Performance Evaluation of Judges_2019
Regulation on Lay Judges
SRB Regulation on Lay Judges
Regulation on Organization and Functionalization of Special Department within Prishtina BC and Court of Appeal_2019
Regulation on Organization and Functionalization of Special Department within Prishtina BC and Court of Appeal_2019(Serbian)
Regulation on referral of mediation of cases by court_2019
Regulation on referral of mediation of cases by court_2019 (Serbian)
Regulation on Disciplinary Procedures of judges_2019
Regulation on Disciplinary Procedures of judges_2019 (Serbian)
Amendment to the Regulation on Training_2019
Amendment to the Regulation on Training_2019 (Serbian)
Regulation on Certification of Court Translators and Interpreters_2019
Regulation on Certification of Court Translators and Interpreters_2019 (Serbian)
Regulation on Use of CMIS_2019
Regulation on Use of CMIS_2019 (Serbian)
Draft Regulation on JIU (Albanian)
Draft Regulation on JIU (English)
Draft Regulation on organization and activity of KJC (Albanian)
Draft Regulation on Professional Associates (Albanian)

Administrative Instructions
Draft A.I. Unified House Rules (Albanian)
A.I. on Division of Responsibilities of KJCS and Courts in personnel, budget and finance, logistics and procurement matters_2019

Other KJC Deliverables
Template of the Final Report of PEC members-annex 3 (Albanian)
Template of the Final Report of PEC members-annex 3 (Serbian)
Template of C.P. Report-annex 4 (Albanian)
Template of C.P. Report-annex 4 (English)
Template of C.P. Report-annex 4 (Serbian)
General Report Template of PEC - annex 5 (Albanian)
General Report Template of PEC - annex 5 (Serbian)
Evaluation Guide on Performance Evaluation of Judges (Albanian)
Evaluation Guide on Performance Evaluation of Judges (Serbian)
Decision on Guide for Social Media
Policy Paper on Disciplinary Procedure (Albanian)
Policy Paper on Disciplinary Procedure (English)
Policy Paper on Disciplinary Procedure (Serbian)
Policy document on special department (Albanian)
Instruction on Policy document on special department (Albanian)
Concept Paper on application of screening of cases received from basic courts and active and extended review of active cases in courts (Albanian)
Concept Paper on application of screening of cases received from basic courts and active and extended review of active cases in courts (Serbian)
Concept Paper on application of screening of cases received from basic courts and active and extended review of active cases in courts (English)

Other JSSP Deliverables and Reports
A review & analysis of legal provisions for training of court managers in Kosovo
Concept Document on Establishing of the Ethics Advisory Board (Albanian)
Court Mgmt Training Curriculum for Judges (Albanian)
Court Mgmt Training Curriculum for Judges (Serbian)
External Performance Dashboard (English)
JSSP_CSO Capacity Building Assessment Report
Manual for Users Content Management System of the Kosovo Judiciary Website (Albanian)
Manual for Users Content Management System of the Kosovo Judiciary Website (Serbian)
Preparing for judgements, pre-writing & outlining checklist (Albanian)
Preparing for judgements, pre-writing & outlining checklist (English)
Preparing for judgements, pre-writing & outlining checklist (Serbian)
Standard Operating Procedures on Developing and Managing Website Content (Albanian)
Standard Operating Procedures on Developing and Managing Website Content (Serbian)
Training Needs Assessment for court managers of BC&CoA
Case Flow Management Mapping Report (English)
Caseflow Management Project report (English)
Caseflow mapping (Albanian)
Caseflow mapping (Serbian)
CFM Training Presentation - ToT (Albanian)
CFM Training Presentation - ToT (Serbian)

YEAR 5

Regulations

Amendment to the Regulation on procedure and criteria on election of KJC members among the judiciary (Albanian and Serbian) Q1Y5
Amendment the Guide on procedure & criteria election of KJC members judiciary (available in Albanian and Serbian), Q1Y5
Amendment to the Regulation on the procedure for the Selection, Appointment, Suspension and Dismissal of Court Presidents and Supervisor judges (available in Albanian and Serbian) Q1Y5
Regulation on Internal Organization of Courts (available in Albanian and Serbian), Q2Y5
Draft Regulation on KJC Secretariat (Albanian, English), Q1-Q4, Y5
Draft amendment on Reg. and amendment on Performance Evaluation of judges, manual and templates (Albanian) _Q1Y5
Draft amendment on Reg. and amendment on Performance Evaluation of judges, manual and templates (English) _Q1Y5
Draft amendment on Reg. and amendment on Performance Evaluation of judges, manual and templates (Serbian) _Q1Y5
Regulation on organization and activity of KJC (Albanian) Q1 to Q4, Y5
Draft Regulation on amendment on procedures for selection and appointment of the Director of KJC Secretariat and Director of JIU (Albanian, Serbian) _Q1and Q4, Y5
Draft Regulation on Norm (available in Serbian and Albanian) Q2Y5
Reg. on Organization of KJC (Albanian) Q3Y5, approved
Reg. on JIU (Albanian, Serbian, English) Q3Y5, approved
Draft regulation on court archives (available in Albanian, English and Serbian), approved Q4,Y5

Administrative Instructions

A.I. on Unified House Rules (available in Albanian and Serbian), Q1Y5
Amendment of A.I. on publication of decisions (available in Serbian and Albanian), Q1Y5
Amendment of A.I. on publication of decisions 2019 (Serbian)
Other KJC Deliverables

KJC Decision approving recommendations to improve hearing productivity (available in Serbian and Albanian)
KJC Strategic Plan- 2020-2022 (Albanian)
KJC Strategic Plan- 2020-2022 (Serbian)
KJC Strategic Plan_2020-2022 (English)
Final Monitoring Report – Judges Performance Evaluation Process 2019 (English)
ToR for the Budget & Finance secretary (Albanian)
ToR for the CAC secretary (Albanian)
ToR for the PEC secretary (Albanian)
ToR for the Training secretary (Albanian)
ToR for the NC secretary (Albanian)
KJC Budget, Finance Committee & Human Resource Committee (BFHRC) Annual Workplans for 2020 (available in Albanian & Serbian)
KJC Court Administration Committee (CAC) Annual Workplan for 2020 (available in Albanian and Serbian)
KJC Normative Committee (NC) Annual Workplan for 2020_NC work plan (available in Albanian)
Recommendations to improve the annual & quarterly reporting format to enable monitoring judicial performance (English)
Recommendations to develop policies on data collection definitions and protocols by the KJC statistics department (English)
Report with recommendations on CMIS ability to capture data and generate reports on CEPEJ indicators (English)
Final Recommendations - Judicial Ethics Advisory Committee (available in Albanian, English and Serbian)
Concept Paper on Judicial Ethics Advisory Committee (available in Albanian, English and Serbian)
Training video for future members of the Ethics Advisory Committee (available in English, with subtitles in Albanian and Serbian)
Judicial Disciplinary procedure - Basic Reference Guide for Investigation panels (available in Albanian, English & Serbian)
KJC Disciplinary Procedure – Basic Reference Guide for pre-investigation & Investigation Disciplinary bodies (available in English, Albanian and Serbian)
KPC Disciplinary Procedure – Basic Reference Guide for Pre-investigation & Investigation Disciplinary bodies (available in English)
JIU package - JIU manual, Evaluation Report Template, work plan template, template on indexing JIU recommendations (available in Albanian, English and Serbian)
Guide – KJC Orientation Package with organograms (available in Albanian and Serbian)
Protocol for media communication of the KJC Chair office (available in Albanian and Serbian)
Protocol for policy and regulatory drafting and public consultation (available in Albanian and Serbian)
Protocol for the preparation of memoranda - informative opinions for the KJC Chair (available in Albanian and Serbian)
Protocol on the participation of KJC in drafting legislation (available in Albanian)
Speech preparation protocol for the KJC Chair (available in Albanian and Serbian)
Template for the decision on appointing KJC Chair Cabinet members (available in Albanian & Serbian)
TOR for the KJC Chair cabinet members (available in Albanian and Serbian)
Draft Judiciary Anti - Corruption and Organized Crime Action Plan (available in Albanian)
Best Practices Guide - Improving the Management of Caseload in Kosovo Courts (*available in English, Albanian and Serbian*)

Comments & Recommendations on the dashboard for the KJC (*available in English*)

Report on Judicial statistics & court performance monitoring (*available in English*)

Performance Overview - Manual for the use of CMS (*available in Albanian*)

Recommendations on improving formats & type of data included in CMIS statistical reports (*available in English*)

Recommendations regarding the Dashboard for the Kosovo Judicial Council (*available in English*)

Memo for Collective Agreement (Albanian)

Memo for execution of minor offence cases (Albanian)

Communication protocol between KJA and KJC (Albanian)

Indexing of KJC Regulations and AI-2016-2018 (Albanian)


Indexing of KJC Regulations and AI- 2019-2020 (Albanian)

Indexing of KJC Regulations and AI-2013-2015 (Albanian)

Memorandum on the Draft Regulation on the KJC Secretariat (Albanian and English)

Other Deliverables and Reports

Protocol on ensuring adequate translation and interpretation at Mitrovica BC (Albanian and Serbian)

Training Curriculum for Court Interpreters and Translators (available in Albanian and Serbian)

Online Training Program for court and prosecution translators on Notetaking for Consecutive Interpreting (available in Albanian, Serbian)

Court User Committee - Final Report (*available in English*)

D+ and ACDC report on Accessibility of basic admin services in Kosovo (*available in English*)

JSSP, BIRN & FOL Corruption and Gender-Based Violence Report (*available in English*)

JSSP, BIRN & FOL Monitoring of Judgments Report (*available in English*)

JSSP, BIRN & FOL Monitoring of KJC Meetings (*available in English*)

JSSP, BIRN & FOL Disciplinary Complaints Report (*available in English*)

Courtroom Observation study (*available in English*)

Quality of services provided by Kosovo Basic Courts – As evaluated by Lawyers, D+ and ACDC (English)

CCK Case Process Map (*available in English*)

report on the assessment of the internal regulatory framework of the Constitutional Court of the Republic of Kosovo (English)

Comprehensive Comparative Report of Constitutional Court Laws (English)

Justice Sector Agreement Review (English)

**PSAs:**

1. Improving court effectiveness by introducing and instituting best case management practices (*available in English, Albanian & Serbian*)
2. Case Status Lookup PSA (*available in Albanian, English & Serbian*)
3. Case status feature tutorial (*available in Albanian, English & Serbian*)
4. Citizens Corner PSA (*available in Albanian, with English subtitles*)
5. Enhanced constitutional court effectiveness and transparency (available in English)
6. Improved communication and engagement of the judiciary with the CSO-s (available in Albanian, with English subtitles)
7. USAID Donation with online hearings equipment for Courts (available in Albanian, English & Serbian)
8. Online module for court translators/interpreters (available in Albanian, with English subtitles)
9. Instituting a disciplined and transparent policy development process (available in English)
10. Facilitated and functionalized integration of the court in the north (available in English)
11. Improved the effectiveness of the council through restructuring and reorganization (available in Albanian, with subtitles in English and Serbian)
12. Brochure on Program Highlights and Accomplishments Brochure (available in English, Albanian and Serbian)