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JUSTICE SYSTEM STRENGTHENING PROGRAM IN KOSOVO (JSSP)

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DISCLAIMER

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LIST OF ACRONYMS

ACDC	Advocacy Center for Democratic Culture
BIRN	Balkan Investigative Reporting Network
CCK	Constitutional Court of Kosovo
CDCS	Country Development and Cooperation Strategy
CMIP	Court Management Improvement Plan
CPRU	Court Performance Review Unit
CSO	Civil Society Organization
EU	European Union
ICT	Information and Communications Technology
IR	Intermediate Result
JSA	Justice Sector Agreement
JSSP	Justice System Strengthening Program
KJA	Kosovo Justice Academy
KJC	Kosovo Judicial Council
MCLE	Mandatory Continuing Legal Education
MOJ	Ministry of Justice
ODC	Office of Disciplinary Counsel
RFP	Request for Proposals
USAID	United States Agency for International Development

ABOUT THE PROJECT

PROJECT OBJECTIVES

The Justice System Strengthening Program (JSSP) is a four-year rule of law program that builds upon the prior investments of the United States Agency for International Development (USAID) in advancing the rule of law in Kosovo. JSSP focuses on promoting a judicial system that adheres to high standards of efficiency, accountability, and professionalism, and on supporting the integration of judicial structures in the North.

Program activities focus on three main objectives:

- **Objective 1:** Strengthen the efficiency and effectiveness in the administration of justice and the delivery of quality services by the KJC and courts
- **Objective 2:** Enhance the accountability and professionalism of justice system institutions and actors
- **Objective 3:** Support the functioning and integration of judicial structures in the North of Kosovo.

STRATEGIC FRAMEWORK

JSSP supports USAID’s Country Development Cooperation Strategy 2014–2018 (CDCS) and the overall goal of Kosovo becoming an increasingly prosperous country, progressively integrating into the Euro-Atlantic community with more effective and accountable governance. Specifically, the Program supports Development Objective I, Improved Rule of Law and Governance that Meet Citizens’ Needs. This includes improving the institutional and human capacity of justice sector institutions to build a democratic and more inclusive society.

Program activities are designed to advance the CDCS’ Intermediate Result (IR) 1.1, More Efficient, Transparent, Independent, and Accountable Justice Sector, by improving court administration and the capacity of key justice institutions and enhancing the skills of justice sector professionals. They also further IR 1.3, Improved Integration of Ethnic Minorities, by improving conditions for ethnic minorities to have access to justice and a voice in building their country’s future. The relevant IRs and Sub-IRs for JSSP’s work are listed below.

IR 1.1	More Efficient, Transparent, Independent, and Accountable Justice Sector
Sub-IR 1.1.1	Better Court Administration and Management of Judicial Institutions
Sub-IR 1.1.2	Enhanced Skills of Justice Sector Professionals
Sub-IR 1.1.3	Improved Legal Regimes in Key Areas with Stronger Implementation
IR 1.3	Improve Integration of Serb-Populated North
Sub-IR 1.3.1	Enhanced Capacity to Address Minority Issues
Sub-IR 1.3.2	Increased Participation of Minority Populations

EXECUTIVE SUMMARY

The Justice System Strengthening Program (JSSP) is pleased to present its Annual Report for November 23, 2016 to November 22, 2017 (Year 2). The report highlights accomplishments to date and details progress made toward the Program's goals of advancing the rule of law in Kosovo by ensuring that the judicial system operates in a professional, efficient, and accountable manner.

The Annual Report begins with a summary by Program objective of JSSP's notable accomplishments during Year 2. It next describes the Program's objectives, the strategic framework and approaches guiding its work, and the challenges faced in continuing implementation. Finally, the report provides a detailed description of progress made toward each objective and impact achieved, before summarizing progress against Program indicators.

OBJECTIVE I

Objective I focuses on strengthening the administration of justice and delivery of services by the Kosovo Judicial Council (KJC) and courts. During Year 2, JSSP:

- Helped the Basic Courts reduce their civil and criminal case backlog by an additional 20%, or 7,735 cases, through backlog reduction and caseload management interventions. These efforts have helped the courts reduce their backlog by 57%, or 22,386 cases, since JSSP started.
- Directly assisted the Basic Courts in closing 16% of their civil and criminal case backlog (6,682 of 39,458 cases), bringing the cumulative total of backlog cases closed through JSSP's direct interventions to 33% (12,891 cases).
- Built a better regulatory framework for the judiciary by assisting the KJC in developing 14 concept notes, laws, regulations, and administrative instructions to guide judicial work (it has assisted in 37 legislative acts since the Program's inception).
- Enhanced the KJC's policymaking capacity, including setting policy and regulatory priorities and making decision and rulemaking processes more research-driven and evidence-based.
- Designed and implemented caseload management improvement plans at the Basic Courts in Pristina, Ferizaj, Gjakova, Gjilan, Peja, and Prizren to reduce current backlogs and prevent future ones.
- Introduced early case screening at the Pristina and Gjakova Basic Courts to address deficiencies in pleadings prior to case assignment and keep incomplete filings out of the system. In a one-month period in Pristina, 70% of the 520 cases screened were returned to plaintiffs for correction and/or payment of mandatory fees. Historically, such defects were only addressed later in the case management process, delaying case resolution and inflating the backlog.
- Developed measures and standardized templates for reporting on court performance in collaboration with the KJC and courts.
- Developed standardized quarterly reporting criteria and graphics for use by court presidents in managing and reporting the work of their courts, and by the KJC in monitoring progress in reducing backlog and improving case management.

- Completed a comprehensive inventory of active civil and criminal cases in Pristina Basic Court to help the court president better assess her court's performance and workload.

OBJECTIVE 2

Objective 2 activities are designed to enhance the accountability, transparency, and professionalism of justice system institutions and actors. Year 2 achievements include:

- Assisted the Office of Disciplinary Counsel (ODC) in publishing monthly statistical reports detailing the number of complaints received, designated for further action, and dismissed.
- Assisted the ODC in developing and publishing annual reports for 2011, 2012, 2013, and 2015 (a 2014 report was previously published).
- Developed a portable set of best practices for review and adjudication of disciplinary complaints.
- Developed practical guidance for judges on complying with the integrity, professionalism, impartiality, and confidentiality provisions contained in the judicial code of ethics.
- Drafted a code of ethics for judicial administrative/support staff, to be reviewed and approved by the KJC.
- Engaged civil society to work with the KJC and courts in improving communications and outreach, service delivery, and public understanding of Kosovo's court system.
- Conducted a court users' survey to evaluate the transparency, efficiency, and fairness of court services and identify potential improvements.
- Developed an official KJC Facebook page and started work on a new KJC website, to improve its public outreach and communications.
- Created and assisted the courts in implementing standard operating procedures for the publication of court decisions.
- Increased the number of court decisions published from 86 in 2016 to nearly 3,000 by the end of Year 2.
- Prepared, translated, and distributed to all judges a handbook on legal writing and decision drafting.
- Developed standardized templates for KJC and court press releases and media advisories.
- Held two public forums about access to court records and the use of social media to educate people on court decisions, both of which were streamed on Kallxo.com.
- Established mandatory continuing legal education (MCLE) for judges by helping the KJC draft and adopt a regulation on judicial training.
- Helped the Constitutional Court of Kosovo (CCK) amend its rules of procedure and harmonize them with court practice.
- Designed a new CCK website.
- Developed an orientation package for newly hired CCK judges and legal advisors.

OBJECTIVE 3

Objective 3 focuses on supporting the integration of judicial structures in the north of Kosovo. Highlights for the year include:

- Drafted a blueprint for integration, mapping the pre-conditions and the short- and medium-term actions required for its implementation (e.g., actions relating to staffing, training, logistics, case and records transfer, activation of free legal professions, etc.).
- Assessed the facility, furniture, and information and communications technology (ICT) needs of integrated courts. Findings were used to guide the KJC's work in readying the courts to do business.
- Identified training priorities for court staff and instituted training on human resources and court administration.
- Finalized an orientation package for newly hired judges and court staff, introducing them to key policies, rules, and procedures of Kosovo's judicial system.
- Procured nearly \$44,000 in furniture and equipment to ready northern court facilities for operations.
- Developed a case transfer protocol to guide the relocation of cases and files to appropriate courts in the integrated system.
- Facilitated four focus group discussions on integration with senior citizens, students, civil society and the academic community in the north to promote knowledge about the integrated judicial system.
- Provided the KJC with a communications plan and materials for use in conjunction with integration efforts.

JUSTICE SYSTEM STRENGTHENING PROGRAM - BY THE NUMBERS

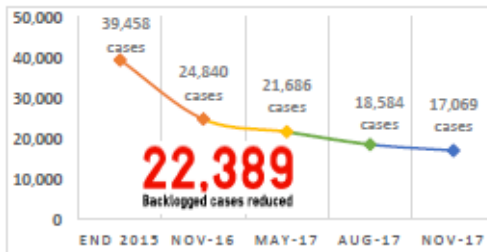


USAID's JUSTICE SYSTEM STRENGTHENING PROGRAM (JSSP) is promoting the rule of law in Kosovo by improving the judiciary's efficiency, accountability, and professionalism. JSSP is a four-year program (November 2015 - 2019).

PROMOTING JUDICIAL EFFICIENCY

USAID is helping Kosovo's courts reduce case processing delays and backlogs.

57% USAID's backlog reduction team helped Kosovo's Basic Courts decrease their civil and criminal case backlog by 57% in 24 months. 22,389 cases were resolved with the aid of USAID's backlog reduction and prevention strategies.



USAID's assistance helped increase the Basic Courts' clearance rate to 135% (outgoing cases/incoming cases). The courts now dispose more cases than are filed, and fewer cases await disposition.



USAID-designed Case Management Improvement Plans were adopted by six Basic Courts to improve case processing and introduce standardized performance measures.



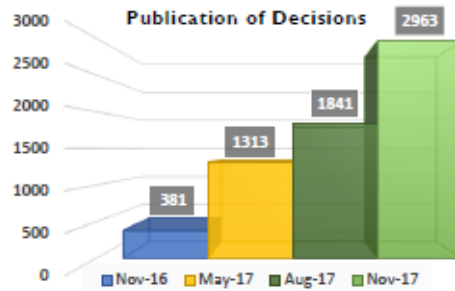
ENHANCING ACCOUNTABILITY

USAID is enhancing judicial accountability to promote greater integrity and increase citizen trust.



USAID helped draft 38 laws and regulations, promoting accountability, including requirements to publish court decisions and to use international standards when evaluating judge performance.

USAID's push for greater transparency resulted in an increase in the number of decisions published and available for public scrutiny, from 87 cases to 2,963 cases and rising.



USAID assisted the judiciary in adopting a modern code of ethics for judges. Higher ethical standards will raise judicial integrity and build public trust.



IMPROVING PROFESSIONALISM

USAID is building the capacity of judges, court staff, and young professionals to implement and sustain efficiency and accountability gains.



USAID enhanced the skills of judges and court staff through training on ethics, legal writing, human resources, budget preparation, procurement, public outreach, and case-flow management.

USAID prepared a cadre of interns and law students to join the judicial work force through training on Kosovo's laws and legal system.



151 female
84 male

Update: November 2017

APPROACH & CHALLENGES

Throughout Year 2, JSSP utilized a results-driven approach to build efficiency, accountability, and professionalism in Kosovo's judicial system. Program activities built on Year 1 achievements and lessons learned and were implemented flexibly to respond to emerging opportunities for quick impact.

Additionally, JSSP has continuously evaluated the dynamics shaping its work and studied the actors and decision-logics within and among its counterparts and international organizations active in the rule of law field. This informal mapping led JSSP to recommend contract modifications to clarify its scope of work, mitigate external factors that negatively impacted program performance, and focus activities to achieve maximum results in line with existing resources. Its statement of work was modified in September 2017 in line with the requested modifications.

Securing and maintaining the political will and commitment of various judicial actors is, and will remain, a critical challenge to achieving the results desired under Objective 1. Maintaining their focus will be similarly challenging, as competing demands may shift the KJC's attention and resources away from JSSP's activities.

The September 2017 restructuring of JSSP's statement of work significantly reduced the challenges associated with Objective 2. Comparatively, the integration goals of Objective 3, much like the goals of Objective 1, require a level of political will and commitment from multiple actors that may prove difficult to sustain.

JSSP is confident that it will continue to meet these challenges — as it did in Years 1 and 2 — and deliver USAID's desired results. To do so, it will remain flexible and vigilant in identifying and pursuing activities that meet contractual objectives in Kosovo's dynamic judicial environment.

SECTION I – ACTIVITIES AND RESULTS

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

Objective I activities were designed to strengthen transparency, accountability, and efficiency in the administration of justice and in the delivery of quality services by the KJC and courts. As in Year 1, activities were implemented in thematic clusters designed to: (1) strengthen KJC operations, (2) improve KJC policy and regulatory processes, (3) functionalize budget planning, management, and decentralization, (4) improve the capacity of court administrators, and (5) strengthen court operations and case processing.

Below are key activities implemented by JSSP during Year 2.

Activity I.1: Conducting Rapid Stocktaking Assessment

JSSP tailored its activities to implement the recommendations resulting from the Stocktaking Report, conducted in Year 1 of the Program, and will continue to implement the ones that are relevant and timely.

The Government of Kosovo has appointed the Ministry of Justice (MOJ) to conduct a functional review of Kosovo's rule of law sector in collaboration with other government actors, independent institutions, and civil society organizations (CSOs). The review aims to review the legal framework governing the rule of law sector in Kosovo, evaluate the capacity and cooperation of related institutions, and provide recommendations to strengthen the rule of law in Kosovo. Per the MOJ's request, JSSP helped develop terms of reference for the review and committed consultants to assist in its implementation. JSSP's support was put on hold in May 2017, however, when the government called for early elections. The manner and level of JSSP's future support remains under review with USAID.

In agreement with USAID, JSSP will be supporting the KJC's participation in the functional review. To maintain direct assistance to the MOJ, JSSP will embed an advisor to work on legislative and other policy initiatives designed to strengthen the rule of law. The advisor was engaged in Year 2 and will begin work in Year 3.

Activity I.2: Strengthening the Capacity of the KJC

The KJC's capacity to develop and implement policy remains a work in process. With JSSP's support, the KJC continued to evolve as a policymaking body and address systemic issues. Similarly, the KJC's committees need to play a more effective role in policy development and oversight. JSSP is building their capacity to do so and developing standard operating procedures to guide their work.

Accordingly, efforts under Activity 1.2 were tailored to strengthen the capacity of the KJC to carry out its policy and oversight mandates. Year 2 activities centered on (1) strengthening KJC and committee operations, (2) supporting the restructuring of the KJC Secretariat, and (3) strengthening regulatory processes within the KJC.

Strengthen KJC Operations

The KJC is responsible for setting the direction and priorities for improving the administration of justice. This includes: developing court rules and regulations to enhance efficiency, transparency, and accountability; monitoring and overseeing court operations; developing the judiciary's budget; and hiring judges and evaluating judicial performance. JSSP's Year 2 activities served to strengthen KJC capacity to properly carry out these and other policymaking and oversight functions. In supporting the KJC, JSSP worked closely with EULEX and the European Union (EU) Twinning project to bolster the activities and provide unified and streamlined recommendations and advice.

By enhancing its policymaking capacity, JSSP helped the KJC strategically and proactively address systemic issues rather than react to emerging problems. Most importantly, JSSP helped the KJC establish the five mid-term strategic priorities listed in the accompanying text box.

JSSP next assisted the KJC in setting up protocols to pursue its strategic priorities and conduct its business in a more disciplined manner. Throughout Year 2, JSSP helped the KJC translate the priorities into practical actions that improved judicial administration and performance. Action items were identified for each priority item and buy-in secured from the KJC members and committees tasked with implementing related reforms. Related activities in Year 2 are described in other sections of this report.

JSSP also introduced a set of process improvements to bolster the KJC's reform agenda. Reforms underway include developing a regular KJC meeting schedule and developing protocols for logging, reviewing, prioritizing, and briefing items of business for the KJC's consideration. These reforms will help ensure that future KJC meetings focus on current policy priorities, agenda items are fully briefed, and emergency meetings become rare additions to the meeting calendar. 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 were continually mentored to enhance both their performance and the sustainability of policymaking improvements. As a result, staff more consistently used briefing memoranda to brief the KJC and committee members on issues in a structured and informed manner. Legal research and analytical skills continue to be a challenge and will require further mentoring.

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 regular meetings with court presidents to address performance and operational issues. JSSP also developed a reporting template through which courts will provide the KJC with quarterly data on their performance against key indicators (e.g., case inventory, case filings and dispositions, clearance rate, backlog, etc.). 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. As a result, the task force is in the process of developing a progress report on resolution of corruption cases for all courts. Efforts to address corruption cases are described under Activity 4.1.

KJC Strategic Priorities

1. Improve caseload management (see Activity 1.5)
2. Improve policy and regulatory development and management (see Activity 1.2)
3. Improve the work of the KJC Secretariat (see Activity 1.2)
4. Enhance the performance, transparency and accountability of the judiciary (see Activities 1.3, 1.5, 2.1 and 2.2)
5. Prepare for and implement Integration (see Activities 3.1-3.3)

Enhance Committee Operations

As previously noted, the KJC's committees must play a more active and effective role in policy development and court oversight. JSSP built their capacity to do so throughout Year 2.

First, JSSP helped the KJC's performance evaluation committee develop operating procedures for conducting performance evaluations. Last year, the KJC formally adopted a regulation on the performance evaluation of judges that JSSP helped craft. The regulation, among other things, requires the committee to standardize the evaluation process. In Year 2, JSSP helped develop templates, reports, manuals, and other resource materials to standardize and carry out the performance evaluation process in accordance with the regulation. The evaluation manual, which includes a structured scoring methodology and international best practices to guide the committee in its work, was even published on the KJC website to promote greater transparency.

In the beginning of 2017, based on the Regulation on Performance Evaluation of Judges, the KJC randomly selected one third of judges with a permanent mandate who would undergo performance evaluation during 2017. Consequently, approximately 70 judges have already been evaluated using the tools JSSP helped develop. The Committee will finalize and share the report for the first round of performance evaluations with the KJC in the first quarter of Year 3. In that quarter, JSSP will also facilitate discussions with the Performance Evaluation Committee and the KJC regarding the main findings and lessons learned during the process. Overall, JSSP's interventions helped ensure the committee's unified application of performance criteria in the evaluation process.

Second, JSSP pushed the KJC's court administration committee to take a more active role in monitoring and strengthening court performance. Early in the year, the committee, JSSP, and Basic Courts worked collaboratively to develop caseload management improvement plans. The plans include provisions for addressing existing backlog and improving case management efficiency, as well as performance management goals for measuring progress made. By mid-year, six of Kosovo's seven Basic Courts (Pristina, Ferizaj, Peja, Gjilan, Gjakova, and Prizren) were implementing their plans. JSSP will continue to work with other USAID projects to develop a unified approach to caseload management.

At JSSP's recommendation, the court administration committee subsequently calendared regular meetings with court presidents to discuss progress in implementing the plans and to address related policy issues. Such discussions resulted in the committee's recommendation — and the KJC's subsequent decision — to dismiss low value execution cases in which the courts are claimants and to develop another recommendation requiring the immediate dismissal of all minor offense cases that have reached the statute of limitations. JSSP estimates dismissal of as many as 50,000 to 60,000 minor offense cases. These are significant steps in advancing the KJC's policy development and oversight roles and in reducing the volume of stale cases clogging the courts.

The court administration committee and JSSP also worked with the KJC's Court Performance Review Unit (CPRU) to develop a proposed records retention schedule and updated policies for managing court archives. The committee subsequently approved the CPRU's recommendation for a central records archive to encourage more efficient storage of inactive records. Based on this approval, the CPRU set about establishing a retention schedule that was close to completion by the end of the Year 2. The proposed retention schedule should be submitted to the KJC for final adoption early in Year 3.

Third, JSSP helped the KJC's budget committee develop its 2018 budget request in line with the KJC's strategic priorities. Details can be found under Activity 1.3. Finally, JSSP's work with the KJC's disciplinary committee and normative committee are reported under Activity 2.1. and Activity 1.2 (Draft Law and Sub-Legal Acts), respectively.

Restructure the KJC Secretariat

Strengthening KJC capacity also requires improving the organization and operations of its Secretariat. The Secretariat should support the KJC's policy and performance management roles and, in light of decentralization, change in its operational role from providing centralized administrative services to assisting and monitoring decentralized ones.

The appointment of a new Secretariat director late in Year 2 brought an opportunity to examine the Secretariat's structure and operations. Seizing on this, JSSP and the director reviewed the current and other potential operational structures with the goal of optimizing Secretariat performance. A final proposal for restructuring the Secretariat will be forthcoming early in Year 3.

Draft Laws and Sub-Legal Acts

An informed and disciplined approach to policy development has a direct impact on the quality of policies and rules adopted by the judiciary. Year 2 efforts sought to instill and reinforce such discipline by making policymaking more orderly, inclusive, and evidence-based, with research and briefing materials in place to support proposed policies.

A notable process improvement in Year 2 was the development of a 2017 regulatory development plan for the KJC. The plan identified policy and regulatory priorities in line with the KJC's strategic priorities, assigned oversight responsibility for regulatory input to appropriate KJC committees, and identified Secretariat staff responsible for related research and drafting. While the KJC, with JSSP's assistance, made significant progress in implementing its regulatory plan, it fell short of its goals due to emergent issues (such as multiple revisions to the regulation on the appointment of court presidents in response to CCK rulings and requests from the international community).

The above-described process changes led to multiple substantive improvements in the judiciary's operational framework. For example, JSSP, in collaboration with USAID's Contract Law Enforcement Program, helped the KJC develop a draft decision/order for withdrawing and disposing of execution claims in which the judiciary was claimant. By the end of December 2017, 25,304 cases had been dismissed, approximately 99.7% of targeted cases. The remaining 70 cases were those which could not be located and which may have been previously disposed of but not reported. It is anticipated that full implementation of this decision will reduce the Basic Courts' active caseload by nearly 15%.

Another decision developed with JSSP's support directed judges to identify and dispose of minor offense cases that have reached the statute of limitations. A survey of Pristina, Ferizaj, and Gjakova Basic Courts found that nearly half of their minor offense cases were eligible for dismissal in 2018 based on this decision. When implemented, it will significantly reduce the judiciary's total inventory of cases.

JSSP also helped the KJC develop detailed comments on two key draft laws governing the judiciary — the Law on the KJC and Law on the Courts. When the MOJ announced its intention to fast-track the legislation, JSSP quickly provided the MOJ and KJC with input on the laws, focusing on potential improvements to the KJC's operational framework. When the MOJ subsequently organized a workshop with key stakeholders to finalize its draft laws, JSSP helped the KJC develop issues-based

comments, which it then circulated throughout the judiciary for feedback, consistent with JSSP's goal of establishing a more inclusive policymaking process. The KJC's normative committee will finalize the judiciary's comments on the draft laws in December 2017 for submission to the MOJ.

Activity 1.3: Functionalizing Budget Planning and Decentralization

Greater responsibility for court operations was shifted to the courts in 2016 through the decentralization of budget, finance, human resource, logistics, and procurement functions. The transition to decentralized functions was initially slowed due to inadequate support from the KJC's Secretariat. While it gained momentum throughout Year 2, certain elements may be re-centralized in the future if the courts fail to reap anticipated operational benefits.

Support Decentralization of Administrative Processes

JSSP provided the courts with significant resource materials, training, and mentoring in support of decentralization throughout Years 1 and 2. Nevertheless, the courts continue to struggle with their new administrative responsibilities. To address this problem, JSSP helped the CPRU assess the successes and failures of decentralization, employing questionnaires, roundtables, and site visits. A final report summarizing findings and recommendations was prepared and presented to the KJC and court presidents late in Year 2.

A KJC/court workshop was subsequently held to review the findings. Many court presidents favored re-centralizing some or all administrative competencies at the KJC. Recommendations for such a realignment were accordingly developed, and a decision on the future of decentralization will be made in Year 3.

Enhance Budget Development

Following JSSP's guidance, the KJC — for the first time in history — formulated its 2018 budget request based on strategic priorities. First, the KJC chairman directed the courts to align their draft budgets with the KJC's stated strategic priorities (see Activity 1.2). Next, JSSP helped the KJC's budget office prepare guidelines for courts in formulating their budget requests. For example, courts were instructed that any request for a budget increase be supported by a detailed justification of how it improved case management efficiency and/or transparency in court operations.

While the budget instructions were successful in securing a targeted focus by courts, the 2018 budget process was ultimately hampered by a tight timetable due to the delay in establishing a new government. Still, the KJC secured funding for an additional 104 professional associates and 55 legal officers, who will greatly assist the courts in improving caseload management once hired.

Late in Year 2, JSSP reviewed the legal and regulatory framework governing the budget process. It also assessed the judiciary's budget development and execution processes to identify areas for potential improvement. Recommendations, including beginning the budget development process much earlier to sufficiently align budget requests with priorities and performance, will be reviewed with the KJC early in Year 3.

Activity I.4: Improving the Independence and Capacity of Court Administrators and Staff

Law on Judicial Administration

Currently, court administrators and most non-judicial staff are members of the civil service administered by the Ministry of Public Administration. The Law on the Courts, however, anticipates the transfer of court administrators and other court staff to the judicial branch. If and when related legislation is passed, it will give the courts greater flexibility in recruiting, hiring, training, and retaining non-judicial personnel.

JSSP developed a concept note for the required legislation in Year 1. The MOJ, however, did not view the legislation as a priority item either before or after the 2017 elections, due to objections received from the court employee union. JSSP therefore focused its resources elsewhere. It will revisit the matter with the KJC and MOJ and alternatively explore other avenues for addressing the underlying human resource issues in Year 3.

Court Management Training

JSSP also designed a training program to help prepare court administrators to take on additional management responsibilities. It developed a court executive training program to strengthen the capacity of court presidents and administrators to pursue operational enhancements and solve problems as a management team. Draft curricula and three training modules were prepared, focusing on leadership, ethics, and court management. It was submitted to the Kosovo Justice Academy (KJA) for review and approval.

Activity I.5: Strengthening Court Operations and Processes

Efforts to improve the administration of justice lose practical meaning if they do not result in better judicial services for Kosovo's citizens. JSSP's work to strengthen caseflow management and to reduce/prevent backlogs addresses this critical need.

Improved Case Management and Backlog Reduction

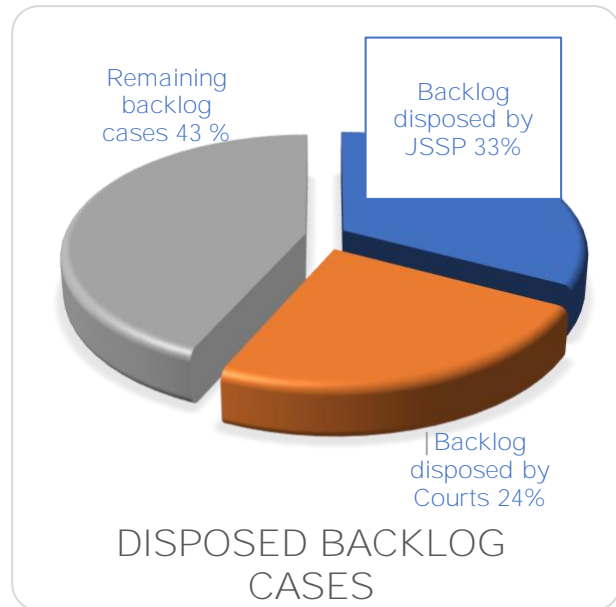
During Year 2, JSSP helped Kosovo's Basic Courts reduce their civil and criminal case backlog by 20%, or 7,735 cases. Its backlog reduction and caseflow management interventions have helped the courts reduce the backlog by 57%, or 22,386 cases, since JSSP started.

Key to these efforts is JSSP's utilization of young professionals, i.e., backlog reduction legal officers, who worked hand-in-hand with the courts to identify and take the actions necessary to dispose of backlogged cases. The young professionals gained firsthand experience with court operations and provided critical assistance to judges in closing years-old cases. They directly assisted the Basic Courts in closing nearly 6,700 backlog cases or 16.9% in Year 2 and nearly 12,900 cases since program inception. In turn, Kosovo's judges served as mentors for the next wave of judicial employees.

Backlog often results from poor caseflow management. Accordingly, JSSP broadened its focus to include both backlog reduction and prevention. It developed individualized caseflow management improvement plans (CMIPs) for each Basic Court, detailing various actions for reducing backlog and improving case processing efficiency. The CMIPs also included performance management goals and indicators through which the KJC and court presidents can measure progress.

To assist the courts in implementing their CMIPs, JSSP developed civil case management best practices for expediting case processing. These practices include screening newly filed cases to determine whether they meet initial filing requirements and screening all backlogged cases to determine the next appropriate action towards disposition.

The civil case screening protocols were piloted in Pristina Basic Court. They involve reviewing newly filed complaints to determine if they include all required filing fees and information (e.g., identify and locate parties, appropriate evidentiary and jurisdictional materials, etc.). 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 on these results, peer-to-peer exchanges were organized to educate other courts about screening's positive impact on caseload management and encourage them to replicate it in their courts.

Gjakova Basic Court and the Podujeva branch of Pristina Basic Court have since implemented the civil screening process with JSSP's assistance. JSSP and the courts will continue to refine the process and expand to other courts and will launch early screening of criminal cases in Ferizaj, Gjakova, and Pristina early in Year 3.

Improved case management also requires Kosovo's courts to reduce unnecessary continuances, which reports suggest are a key reason for delays in case processing. To address the issue, JSSP and the Basic Court presidents developed a format for tracking the number of continuances granted (per case and per judge) and the reasons why. The court presidents also agreed to gather monthly data and review their findings with JSSP. Based on the evidence gathered in Year 3, JSSP and the courts will develop interventions to reduce continuances.

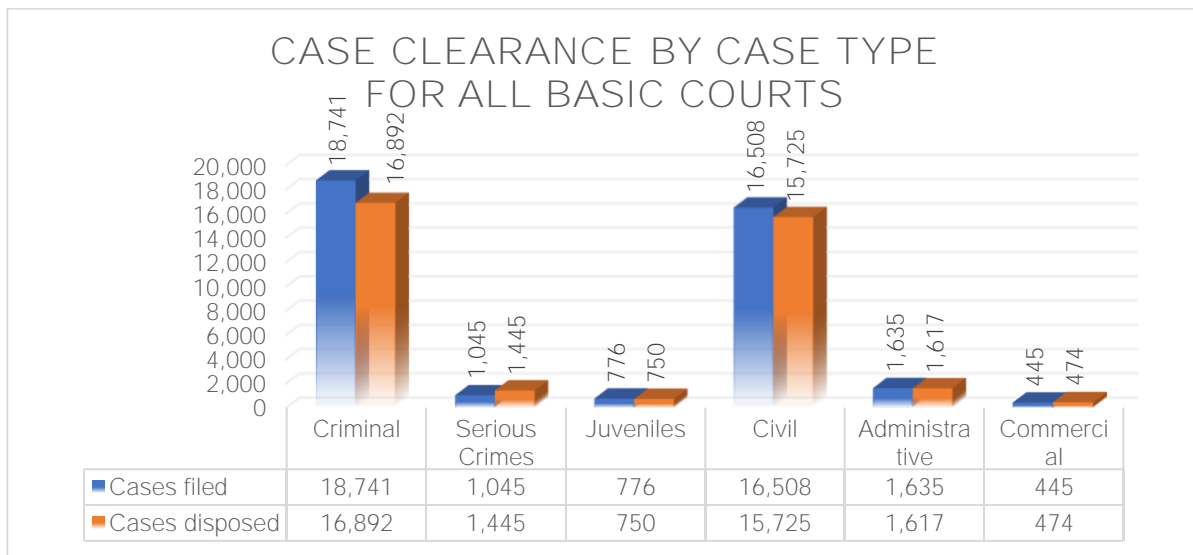
Resolving the backlog in Pristina Basic Court will go a long way to instilling greater confidence in the judicial system. In addition to other backlog reduction activities, JSSP helped the court conduct an inventory of all pending criminal and civil cases. The inventory allows the court president to more effectively assess the performance of individual judges and court departments. It will also assist the court and JSSP in determining the actions required to speed the resolution of backlog and other cases.

Improved KJC Case Management Monitoring and Policy Development

Significantly, JSSP convinced the KJC to play a more active role in monitoring case management. As noted under Activity 1.2, the KJC's mid-term strategic priorities include improving the accountability of the judiciary and the efficiency of case processing. In furtherance of these goals, the KJC met frequently with court presidents to obtain input on policy issues and discuss efforts to more effectively manage caseloads and reduce backlogs.

JSSP’s continuing push for more proactive case management had a broad impact on the overall performance of the courts. In addition to a dramatic reduction in the backlog of cases filed before 2013 (as described above), the courts also experienced a significant drop in the overall number of pending cases and an increase in their clearance rate. Both are signs of a healthy and productive system.

At the beginning of 2016, there were 408,000 cases pending in the Basic Courts. This inventory dropped to 365,862 cases by the beginning of 2017 and to 308,500 by September 2017 (a 25% reduction). The clearance rate for the first three quarters of 2017 was 135%, meaning that the courts disposed of significantly more cases than they received. And based on recent KJC policy directives relating to minor offense and execution cases, it is anticipated that the overall inventory of cases will continue to drop significantly in the coming months.



To further enhance court performance, JSSP worked with the KJC to establish a weighted caseload formula to objectively measure the overall need for judges and staff in the court system and determine the most effective allocation of judges to individual courts. Case weights can also be used to establish productivity standards and to estimate the judicial resource needs for reducing backlog. A final report and case weighting formula were provided to the JSSP for its review and consideration. JSSP will push for implementation in Year 3.

OBJECTIVE 2: ENHANCE THE ACCOUNTABILITY AND PROFESSIONALISM OF JUSTICE SYSTEM INSTITUTIONS AND ACTORS

Activities under Objective 2 are aimed at enhancing the accountability, transparency, and professionalism of Kosovo’s judiciary by strengthening ethics and discipline (Activity 2.1), developing KJC communications and outreach (Activity 2.2), promoting MCLE (Activity 2.3), improving the quality of judicial decisions (Activity 2.4), and building CCK capacity (Activity 2.5). Among other accomplishments in Year 2, and as further described below, JSSP interventions led to: a significant increase in the number of judicial decisions and disciplinary decisions published; the publication of monthly and annual reports by the ODC; formal adoption of MCLE for judges; greater engagement

of civil society in judicial reforms; and enhanced public outreach and communications by the KJC and courts.

Activity 2.1: Strengthening Ethics and Discipline

Year 2 activities focused on improving judicial accountability by promoting ethics and integrity. During the year, JSSP developed commentaries for improving the understanding of and compliance with the judicial code of ethics, created best practices for handling disciplinary complaints at the ODC and for increasing the transparency of the KJC's Disciplinary Committee, and drafted an ethics code for court support staff.

Work with the ODC

Early in Year 2, JSSP continued its prior efforts to improve the effectiveness and transparency of the ODC's disciplinary processes. This included introducing a new process for screening complaints, developing screening criteria for the classification and dismissal of complaints, and developing templates for periodic reporting on ODC activities. Progress was slow yet substantial, as JSSP's interventions effectively limited the discretionary power of individuals and opened the ODC's decision-making processes to an inclusive committee. These efforts stalled, however, when it became clear that pending legislation would dismantle the ODC.

JSSP therefore shifted its focus from changing business practices at the ODC to enhancing its transparency. A monthly reporting format was developed, pursuant to which the ODC could publish details on the number of complaints received, reviewed, and referred to the KJC and prosecutorial council for action. The ODC published monthly reports for several months and continues to publish data sporadically.

Recognizing that the ODC was unlikely to undertake further reform while awaiting news on its fate, JSSP worked with the KJC's disciplinary committee to ensure that all disciplinary decisions were published in timely fashion. Securing compliance with this standard, JSSP next facilitated a discussion between the KJC and civil society about whether judges' names should be included in or redacted from published disciplinary decisions. JSSP will continue to work with the KJC and its relevant committees to encourage non-redacted disciplinary decisions.

As noted above, the MOJ is currently drafting a new law on disciplinary liability for judges and prosecutors that would, among other things, eliminate the ODC. With many actors involved in the drafting process, USAID agreed that JSSP would instead focus on developing a "portable" set of best practices for registering, screening, investigating, adjudicating, documenting, and publishing the results of disciplinary processes. It did so late in Year 2, and these best practices will be reviewed with the KJC and courts and finalized in Year 3.

Commentary on the Code of Ethics for Judges

In Year 1, JSSP helped the KJC develop a new judicial Code of Ethics in line with the Bangalore Principles of Judicial Conduct. Judges, however, still face challenges in understanding and fully complying with key ethical principles laid out in the Code.

To address these challenges, JSSP developed a commentary on key ethical canons of the Code — integrity, impartiality, professionalism, confidentiality, and the relationship with public



Commentary on the Code of Ethics

and media. The commentary provides guidance on the practical application of ethical principles in real life situations, and provides clear and unambiguous guidance to judges on how to handle specific circumstances. The commentary will be presented to judges early in Year 3 and incorporated into ethics training programs conducted by the KJA as part of MCLE.

Non-judicial staff are members of the civil service and subject to the code of ethics for civil staff. The MOJ and KJC are, however, considering options to provide the judiciary with greater administrative authority over staff. In support of these efforts, JSSP drafted a separate code of ethics that would specifically apply to court staff. JSSP will finalize the code as and when discussions about the law on judicial administration move forward.

Activity 2.2: Developing KJC Communications and Outreach

Historically, the KJC and courts have been reluctant to embrace the media and civil society. Their reluctance has allowed others to fill the communications vacuum about the judiciary's priorities and performance and to paint an unflattering portrait. To change this, JSSP, the KJC, and the courts worked collaboratively on a series of initiatives designed to improve the judiciary's communications and outreach and promote civil society engagement, all with the goal of improving transparency and accountability in the judicial system.

KJC and Court Outreach

To enhance the judiciary's public interface, JSSP began developing new website and social media platforms for the KJC and courts. Together with the court system's public information officers, JSSP identified shortcomings in the current web portal and developed functional requirements for a new and improved website that will promote greater transparency and citizen engagement. It will publish a request for proposals to develop the website in the first quarter of Year 3.

Considerable progress was also made towards developing an official Facebook presence and related content for the KJC. This marks the KJC's first foray into social media and direct public engagement. The KJC's new Facebook page, which launched shortly after the close of Year 2, can be found at <https://www.facebook.com/kgjkofficial/>. JSSP established a protocol for content development and management for the KJC Facebook page, setting out responsibilities for content development, drafting, review, and uploading. A similar protocol will be developed for the KJC and courts' web portal.

JSSP also worked with the judiciary's public information officers to promote regular communications about the system's successes and continuing challenges. It developed templates for issuing media advisories and press releases on key developments, and provided guidance on using social media and publishing hearing schedules. JSSP's guidance quickly yielded gains: the Basic Courts of Pristina, Ferizaj, and Gjilan launched social media platforms to improve public outreach and transparency.

In addition to improving the KJC's public interface, JSSP promoted greater collaboration between the KJC and civil society. In this regard, it engaged three CSOs — the Balkan Investigative Reporting Network (BIRN),



*KJC CSO-Promoting Transparency kickoff event,
September 2017*

Democracy Plus, and the Advocacy Center for Democratic Culture (ACDC) — to help improve the judiciary’s public communications and outreach, enhance service delivery by the courts, and increase public knowledge of Kosovo’s court system.

BIRN was hired, among other things, 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. Democracy Plus was engaged to conduct a 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. Finally, ACDC was contracted to facilitate focus group discussions and KJC meetings on integration matters, establish mechanisms for building public awareness about integration, and facilitate court-community outreach in Mitrovica.



The use of social media to educate the public on court decisions, October 2017

By the close of Year 2, BIRN facilitated two live-streamed public discussions between the above-mentioned courts and citizens about public access to court archives¹ and the use of social media to educate the public about court decisions.²

Democracy Plus also completed its survey in Year 2. 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 with corruption. The results will be

further examined in Year 3 through focus group discussions with citizens and courts, with the goal of identifying improvements each court can make to improve service delivery. A citizen scorecard will also be produced and published for each court, alerting the public to court performance and encouraging courts to continue to improve their services.

Activity 2.3: Enforcing Mandatory Continuing Legal Education

Continuing legal education programs for judges remained voluntary throughout Year 2. That is about to change. With JSSP’s assistance, the KJC developed and adopted a regulation on training that, among other things, obliges judges to attend MCLE programs. MCLE takes effect in 2018, when judges will be required to attend a minimum number of ethics trainings based upon their years of judicial experience. Training materials and commentaries previously developed by JSSP will be incorporated into a new ethics training program that, with JSSP’s support, the KJA will implement. This marks an important step forward in promoting greater ethics and integrity within Kosovo’s judiciary.

In addition, the regulation addresses other deficiencies in the judicial training process. Attendance is inconsistent and poorly tracked, with many judges rarely, if ever, attending training. Similarly, training requirements were not linked to performance. The regulation changes this. Recognizing that improving professionalism requires judges to keep abreast of new developments in their areas of

¹ The related video and report (in Albanian) can be found at <http://kallxo.com/gjykata-e-prishtines-e-hapur-per-studentet-e-fakultetit-juridik/>.

² The related video can be found at <https://www.facebook.com/kallxo/videos/1437749312961212/>.

expertise, the regulation requires that deficiencies in judicial performance — as identified in the performance evaluation process JSSP helped establish (see Activity 1.5) — be addressed through training.

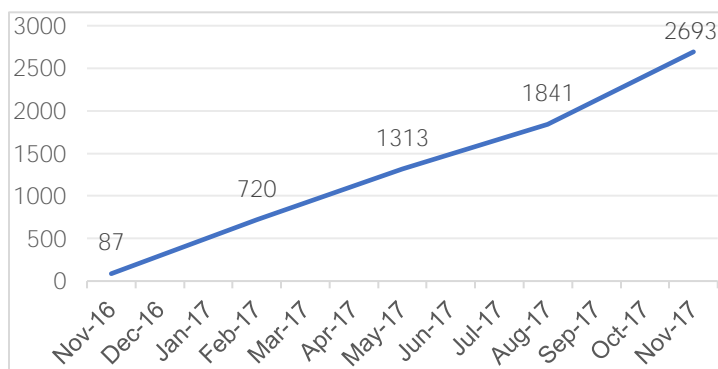
Activity 2.4: Improving Judicial Decisions

Publication of Final Decisions

Access to the work and decisions of courts is a hallmark of any democratic society. Yet prior to JSSP's intervention, less than 100 final Basic Court decisions were made available to the public, even though the Law on the Courts has mandated their publication since 2011. Nearly 3,000 decisions had been published by the end of Year 2, due in large part to JSSP's continuing push.

First, it assisted the KJC and courts in developing standard operating procedures to speed the publication of final decisions, which the KJC approved and distributed to the courts for implementation in Year 2. The procedures identify court departments and personnel responsible for identifying, redacting, and publishing final decisions, so that an efficient and accountable procedure is employed supporting timely public access.

Second, JSSP and the courts worked throughout Year 2 to address remaining obstacles to timely publication. The inclusion of excessive personal information in final decisions — telephone numbers, home addresses, etc. — is one obstacle. Redacting such information to comply with privacy laws can be slow and time consuming. Accordingly, JSSP recommended changing the structure of decisions so that personal information is included only on the first page, making redaction simpler. Recommendations will be discussed with Court Presidents and judges in a series of roundtables planned in Year 3 to solicit buy-in from judges, as part of the effort to further encourage the use of the Legal Writing Handbook.



The number of court decisions published has risen dramatically with JSSP's assistance

Third, JSSP continually encouraged the KJC and courts to formally track the publication of decisions. By the end of the year, the KJC agreed in principle to require regular reports from the courts on the volume of final decisions reached and published and to start collecting the required data from each court in 2018. To assist the courts and KJC in complying with and monitoring this new reporting requirement, JSSP developed a template for collecting the required publication statistics.

Legal Writing Handbook

JSSP also provided judges with other practical tools designed to improve legal writing and, as mentioned above, limit the volume of personal information included in decisions. In collaboration with the KJA, it developed and published a handbook on legal writing providing guidance on effective legal reasoning and decision writing. The handbook also contains numerous templates to assist judges in drafting better structured and reasoned decisions, and in avoiding unnecessary references to personal data.

JSSP facilitated roundtable discussions with civil and criminal judges to review the content of the handbook and promote the use of its decision templates. JSSP, as noted above, will hold discussions with judges to review the handbook and develop mechanisms to update the templates, with particular focus on decision templates. The judges praised the handbook as a valuable resource developed by practitioners for practitioners, and JSSP continues to receive requests from both judges and prosecutors for additional copies.

Activity 2.5: Provide Capacity Building for Constitutional Court Transition

Capacity Building

The CCK's anticipated transition to a full panel of local judges still has not occurred. It is now expected to occur in Year 3, with the addition of five new local judges to replace international and local judges whose mandates are expiring. JSSP helped the court prepare for this significant transition by developing orientation packages for judges and legal advisors and revising the rules of procedure that guide the work of the court.

The orientation package provides new hires 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, will be particularly beneficial in quickly building the capacity of new judges.

More broadly, JSSP also assisted the CCK in strengthening its operational capacity and procedures. These efforts focused on harmonizing the CCK's rules with its actual practices. Prior to JSSP's intervention, the CCK's rules had not changed in over three years, 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. Draft revisions to the rules are currently being reviewed by the CCK and are expected to be adopted early in Year 3.

Communications and Outreach

JSSP also assisted the CCK in making its website a more effective tool for communications and public outreach. While the existing website includes information that is important for the public — such as decisions, public announcements, and annual reports — its user interface makes accessing such information difficult. To remedy this, JSSP developed a new CCK website with a high-quality search capability that can find decisions from their content. In addition, the new website will: reduce the number of links/buttons on the homepage; provide new search capabilities for the entire website (news, archive, reports, and other information); be compatible with all major browsers and all portable devices; be rendered and allow for ease of administration in Albanian, English, Serbian, and Turkish; and support other media, such as Vimeo and YouTube. The new website design meets high standards for accessibility and is flexible enough to accommodate routine changes in content by non-technical administrators.



CCK Website Working Group Meeting, October 2017

Design work was substantially completed by the end of Year 2. The launch of the new website is targeted for January 2018.

OBJECTIVE 3: SUPPORT THE FUNCTIONING AND THE INTEGRATION OF THE JUDICIAL STRUCTURES IN THE NORTH

Judicial structures in north Kosovo have been inactive since the 2008 declaration of independence. The EU brokered negotiations between Kosovo and Serbia resulted in the 2015 Justice Sector Agreement (JSA) that provided broad parameters for integrating northern courts into Kosovo's system. Several subsequent agreements failed, however, to move integration forward.

An August 2017 agreement for implementation of the JSA ultimately yielded the desired results. As agreed, new judges were appointed to Kosovo's judiciary in October 2017, and court facilities in north Mitrovica, south Mitrovica, Leposavic, and Zubin Potok opened. JSSP played a critical role throughout, helping the KJC plan for integration, prepare court facilities to do business, and build capacity to deliver justice.

Activity 3.1: Facilitating the Institutional Integration of Northern Courts

JSSP recognized that the JSA lacked the guidance needed for successful integration of personnel and cases into Kosovo's system and for getting court facilities in disrepair ready to do business. It moved quickly to identify, sequence, and execute the required actions. These included: assessing court facilities and identifying the repairs needed to make them habitable and operational; helping the KJC prepare the written request required for the President to appoint new judges; developing protocols for transferring cases from the parallel courts into Kosovo's system; developing protocols for transferring cases already in the system to appropriate courts; and identifying and addressing the ICT, furniture, and equipment needs of new court facilities.

JSSP also consolidated various analyses and resource materials it previously developed into a single "blueprint" for addressing staffing, logistics, training, and other practical implementation issues related to integration. This blueprint was approved and ultimately used by the KJC and judiciary in the north to help guide and sequence integration activities. For example, once the August 2017 agreement set an October 2017 deadline for integration, JSSP helped KJC-appointed task groups inventory and evaluate furniture and equipment needs and their associated costs. It subsequently procured over \$44,000 of furniture for the courts to help meet immediate needs.

When integration occurred, JSSP worked closely with the KJC to ready new court facilities for operations, helping to address heating, plumbing, and other habitability issues. It also provided the KJC with a communications strategy and materials for explaining the implications of integration to citizens in the north, and helped foster a continuing dialogue between the KJC and newly appointed judges for addressing integration issues. As their relationship strengthened, JSSP's role transitioned from facilitating a dialogue to monitoring results.

Legal Framework

In addition to addressing the practical issues discussed above, JSSP reviewed the legal framework governing Kosovo's judiciary to identify any rules that needed to be amended in support of integration. It recommended, for example, that the rules relating to the organization of courts in the

north, as referenced in the JSA, be amended to follow the rules guiding other courts in Kosovo.³ Additionally, JSSP helped judges and administrative staff from the north identify and prioritize key laws to be harmonized in Serbian and shared its findings with the KJC and donor community.

Activity 3.2: Operationalizing Courts in the North

Successful integration requires fully functional courts that provide fair and timely services to all of Kosovo's citizens. To help reach these goals, JSSP continued throughout Year 2 to help the KJC, its task groups, and the courts prepare for integration and bring court services on line.

Facility Renovations

Early in Year 2, JSSP supported the KJC's facility task group in evaluating the condition of the five court facilities to be established through integration — the Basic Court of Mitrovica (one facility each in north and south Mitrovica), the appellate division, and court branches in Zubin Potok and Leposavic. Identified renovations were divided into two categories: (1) those required to make the facility habitable, i.e., to allow the courts to open for business and provide basic services; and (2) those needed to improve the appearance and functionality of the facilities in the long term. Findings were shared with the KJC, Ministry of Dialogue, and donor community to solicit financial support for the required works. These efforts helped secure EU funding for basic renovations of the two Basic Court facilities in north and south Mitrovica.

After integration commenced in October 2017, JSSP worked with the KJC and the Mitrovica court president to identify and complete additional work needed to make all facilities habitable and operable. It was clear, however, that additional renovations will be required in Year 3 to sustain these efforts. USAID and JSSP agreed to defer additional renovation efforts to Year 3, providing additional time to monitor continuing needs and target support accordingly.

Furniture, Equipment, and ICT

JSSP also helped a second KJC task group assess the furniture, equipment, and ICT needs of the new courts, inventory and evaluate available goods, and determine additional items to be procured. Cost estimates were also developed, allowing the KJC to request required procurement funding from the government and/or donor community.

The assessment showed that the KJC did not have enough furniture to outfit judges' offices, nor could it complete the related procurement in 2017. JSSP stepped in to fill the gap, procuring nearly \$28,000 of furniture for all newly appointed judges so that they were adequately equipped to assume their roles. (This amount is included in the \$44,000 procurement figure mentioned above.)

Providing Basic Services in the Integrated Courts

All JSSP integration efforts supported one common goal — ensuring that the Basic Court of Mitrovica and its branches could provide services for citizens. JSSP quickly moved to help the court and its branches establish intake/registry offices where citizens could file new cases. By the end of Year 2, all court facilities had functioning intake offices that were receiving cases and providing basic services to citizens. JSSP also helped the court president establish working conditions for conducting emergency

³ Regulation on the internal organization and systematization of positions in Mitrovica BC (09/15) and regulation on the internal organization and systematization of the positions in Court of the Appeal (04/15)

hearings and processing minor offense cases to reinforce the rule of law and send the message that the courts were open for business.

Other issues emerged as integration moved forward. Language barriers, for example, proved a significant impediment for the newly integrated courts, as few judges and staff spoke both Albanian and Serbian. The issue was compounded by the lack of translators/interpreters to translate case documents and interpret at hearings and meetings. JSSP addressed this issue in the short term by brokering translation support from the international community until the KJC can fill the required positions.

Additional assistance included: inventorying all second instance criminal cases located at the Basic Court; establishing protocols for the transfer of cases to appropriate court branches; and transferring case files to/from other courts. Given the significant progress made in Year 2, the courts are expected to be fully operational early in Year 3.

Activity 3.3: Building Capacity of Human Resources

Newly appointed judges and court staff still require capacity building to operate effectively within Kosovo's judicial system. With various donors and implementers poised to address these needs, JSSP focused its efforts on providing basic orientation and developing caseload management and administrative training programs for judges and staff.

Orientation Package

JSSP previously developed an Orientation Package to support the transition of new judges and court staff from the north into Kosovo's judiciary. The package provides a comprehensive guide on the key policies, rules, and procedures governing the judicial system and its structure. Albanian and Serbian versions were published on the KJC's website and distributed to all judges and staff soon after integration.

Training

As noted above, JSSP focused its training interventions on court administration and caseload management. It helped the KJC organize a series of peer-to-peer exchanges, pursuant to which experienced staff transferred their knowledge and practices to new hires. It also developed specialized training modules on caseload management, budgeting, and human resource management. Related training will be conducted early in Year 3.

Additionally, JSSP and the EU's "Support to Free Legal Professions and the Bar Association" project investigated ways to ensure that the integrated judicial system had the notaries, enforcement agents, attorneys, mediators, and other professionals needed to adequately serve citizens in the north. JSSP then facilitated meetings between the EU project and the legal community in the north on the training and other steps required to prepare law faculty graduates to join these different legal professions.

Activity 3.4: Engaging Civil Society and the Public

As noted under Activity 2.2, JSSP engaged ACDC to facilitate public discussions on integration matters, establish mechanisms for building public awareness about integration, and facilitate court-community outreach in Mitrovica. Prior to integration, four 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.

When integration occurred, the content and timing of ACDC's programming was revisited to ensure continued relevance and reflect the new reality on the ground. After integration, community information campaigns turned from informing the communities in the north about the possible benefits of integration to imparting practical information about the services available from courts and how to access them.

Additionally, JSSP began developing a communications package — including notices, leaflets, and a public service announcement — that the KJC and Basic Court of Mitrovica can use to provide key information about court services to the media and public.

CROSS-CUTTING ACTIVITIES

Activity 4.1: Anticorruption

To improve the KJC's performance and accountability, during Year 2 JSSP prepared and presented to the KJC a concept for establishing an anti-corruption working group/task force to review management of corruption cases by the judiciary and develop recommendations to address deficiencies. At JSSP's request, KJC Chairman Idrizi met with court presidents and urged that their courts process corruption cases more efficiently. The Basic Court in Pristina, for example, has a high number of corruption cases that should be processed without delay. The Chairman also agreed to expand the focus of the judiciary's anticorruption working group to include recommending ways to reduce delay in corruption cases. A number of activities described above have impacts supporting integrity and anticorruption activities.

Administrative Oversight

JSSP strengthened the KJC's ability to oversee the work of the courts. It developed a reporting template through which courts will provide the KJC with quarterly data on their performance against key indicators (e.g., case inventory, case filings and dispositions, clearance rate, backlog, etc.). JSSP also helped the KJC establish an anti-corruption task force to develop recommendations for improving the management and processing of corruption cases. (See Activity 1.2.)

Judicial Policy and Procedures

In Year 2, JSSP helped the KJC translate priorities into practical actions that improved judicial administration and performance. Action items were identified for each priority item and buy-in secured from the KJC members and committees tasked with implementing related reforms, thereby supporting a more open, participatory process. This improved the transparency and quality of the KJC's policymaking and regulatory drafting process, as well as its resulting regulations. (See Activity 1.2.)

Case Management

Increasing court efficiency and effectiveness also serves as an anticorruption measure since corruption may be one of several causes for lengthy delays in case processing. Among other things, in Year 2 JSSP designed and implemented caseload management improvement plans at the Basic Courts in Pristina, Ferizaj, Gjakova, Gjilan, Peja, and Prizren to reduce current backlogs and prevent future ones. It also introduced early case screening at the Pristina and Gjakova Basic Courts. (See Activity 1.5.)

Mediation

Mediation is a valuable means of increasing judicial efficiency and litigant satisfaction. To support continued and expanded use of mediation as an alternative means of resolving court cases, and in anticipation of revisions to the Law on Mediation, the JSSP worked with the KJC and USAID's Contract Law Enforcement Program to ensure that mediation clerks were appointed in each of the Basic Courts. The mediation clerks are responsible for coordinating the referral of eligible cases for mediation, tracking the progress of mediation, and documenting the results of mediation in court records. JSSP worked with the KJC Chair, Court Presidents, and the KJC Human Resources Department to ensure the appointment of a mediation clerk in each court and inclusion of the position in court staffing plans. The Contract Law Enforcement Program developed a job description for the position and provided training and resource materials for the mediation clerks.

Ethics and Institutional Integrity

Early in Year 2, JSSP continued its prior efforts to improve the effectiveness and transparency of the ODC's disciplinary processes. When it became clear that pending legislation would dismantle the ODC, the program shifted focus to transparency matters such as the inclusion of court and individual identifiers in disciplinary decisions. (See Activity 2.1.)

This year, following on the adoption of the code of ethics for judges in Year 1, the Program produced a commentary on the code that explains the meaning and purpose of the rules and contextualizes them to Kosovo through scenarios that indicate how they would apply in practical situations that judges can connect to. (See Activity 2.1 and the Success Story on Integrity.)

Financing the Judiciary

The judiciary requires adequate and assured financing to combat corruption. JSSP reviewed the legal and regulatory framework governing the budget process and assessed the judiciary's budget development and execution processes. Its recommendations will be reviewed with the KJC early in Year 3. (See Activity 1.3.)

Transparency and Public Participation

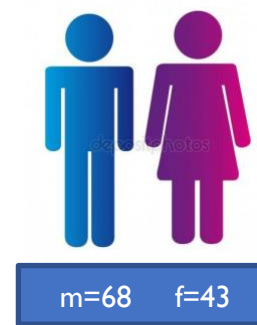
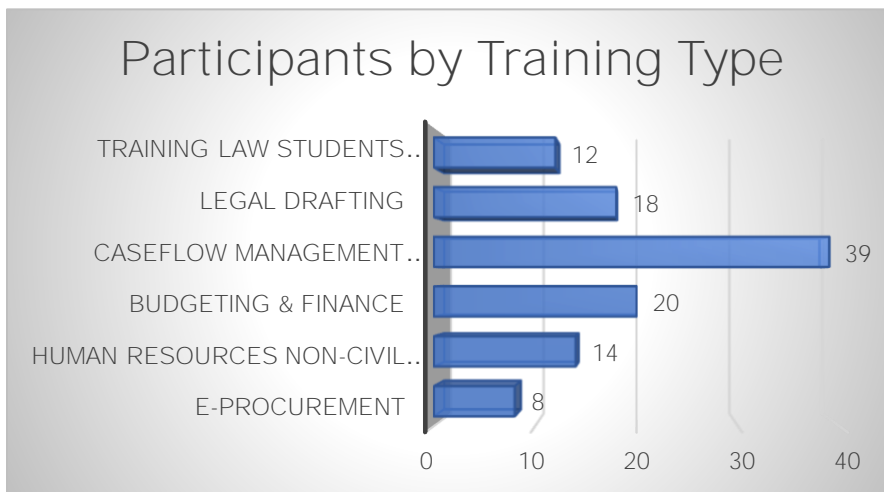
Substantial impact was achieved through Program activities promoting transparency and public participation. JSSP supported improved public communication by, among other things, providing guidance on using social media and the publication of hearing schedules. Consequently, the Basic Courts of Pristina, Ferizaj, and Gjilan launched social media platforms to improve public outreach and transparency. JSSP assisted them in creating the KJC's new Facebook page, which launched shortly after the close of Year 2. (See Activity 2.2.)

JSSP promoted greater collaboration between the KJC and civil society. It engaged three CSOs — BIRN, Democracy Plus, and ACDC — to help improve the judiciary's public communications and outreach, enhance service delivery by the courts, and increase public knowledge of Kosovo's court system. (See Activity 2.2.)

Transparency and public access to information about the courts was also promoted through live-streamed events where the viewers could ask questions of judges. BIRN facilitated two live-streamed public discussions between the above-mentioned courts and citizens about public access to court archives and the use of social media to educate the public about court decisions. (See Activity 2.2.)

Activity 4.2: Training

During Year 2, JSSP trained 111 judicial and non-judicial staff (10 individuals had 2 different JSSP trainings), including 43 women and 68 men. A total of 1,685 hours of training were provided on topics including e-procurement, budgeting and finance, human resource training, caseload management improvement, legal drafting, and free legal professions training for interns in northern Kosovo. These programs enhanced the skills of judges and court staff to perform their work; helped KJC legal officers develop better rules and regulations; mentored court staff on how to effectively carry out decentralized responsibilities; and prepared a cadre of interns and law students to join the judicial work force (see Activities 1.2, 1.4, 1.6, 2.1, and 3.4). Cumulatively, 524 participants (42 individuals benefitted from 2–3 different JSSP trainings), of which 264 women and 260 men attended one of more of 40 training programs, for a total of 3,950 training hours.



Activity 4.3: Gender Empowerment

Gender sensitivity is factored into all program activities to ensure that women are empowered to participate, manage, and lead. Specific focuses included development of gender sensitive policies, laws, and rules that promote equal participation of women. JSSP recommended and worked with the KJC and MOJ to include a provision in the Draft Law on the KJC stating that when electing and nominating members of the Council, the respective institutions should respect the principle of equal gender representation. (See also the Women in Justice Success Story.)

SECTION II – REPORTS AND DELIVERABLES

LEGISLATIVE AND REGULATORY ACTS

- Administrative Instruction on Compensation for Expenses Incurred by Witnesses in Criminal Proceedings
- Amending the Regulation on the Internal Operation of the Courts to address the management of professional associates
- Amendment of Administrative Instruction on Court Fees
- Direction to CPRU to Develop a Policy for Retention and Disposition of Court Records
- Draft decision on Withdrawal of Enforcement Fees for all cases in which the court is the creditor
- Law on Courts
- Law on KJC
- Regulation on Assembly of Court Presidents and Supervising Judges
- Regulation on Judicial Training (MCLE)
- Regulation on Mandate of the Commissioner on Supervising the Process of Interception of Communication
- Regulation on Professional Associates
- Regulation on Archiving, Storage and Usage of KJC archives
- Regulation on Recruitment and Management of Interns for the Courts and the KJC
- Regulation on Selection and Appointment of the Director of KJC Secretariat

OTHER DELIVERABLES AND REPORTING

- Annex to the Manual on Performance Assessment
- Blueprint for Integration of Mitrovica Basic Court in Kosovo Judicial System
- Caseload Management Plan Template
- CMIS CEPEJ Indicators and Recommendations for Required Change Report
- Commentary to the Code of Professional Ethics for judges, focusing on integrity, impartiality, professionalism and confidentiality, and communication with media and public
- Decentralization Review Framework & Action Plan
- Draft Best Practice Guide for Caseload Management and Backlog Reduction in Kosovo Courts
- Draft Training Curriculum Guide for Judges and Court Administrative Personnel
- E-Procurement Manual
- Handbook on Legal Writing
- Implementation of Civil Case Management Process
- JSSP's Recommendations on the Inclusion of Personal Data in Judicial Decisions
- KJC Mid-Term Strategic Priorities
- Kosovo Judicial Workload Assessment Report
- Kosovo Performance Dashboard (an automated system for monitoring the performance of Kosovo's judges and courts)
- MCLE Briefing Memo and Recommendations

- Media Advisory on Improved Case Management Efficiency
- Media Advisory on Improved Transparency
- Media Advisory on Performance Evaluation Committee
- Orientation Package for Constitutional Court of Kosovo
- Orientation Package for Judges and Court Support Staff
- Presentation on Weighted Caseload
- Pristina Basic Court Analysis & Case Management Plan and Appendices
- Pristina Civil Court Case Management Proposal and Timelines
- Recommendations for Changes to the KJC Statistics Department Report
- Recommended New Statistical and Performance Reporting Formats for Kosovo Courts
- Standard Operating Procedures on KJC Agenda Development (including task tracking system)
- Standard Operating Procedures on Publication of Court Decisions (in Albanian, English, and Serbian)

PROBLEMS ENCOUNTERED AND WHETHER SOLVED

Problem 1:

Competing demands made by other programs and donors conflict with JSSP plans and activities.

Problem 1 solved:

The September 2017 restructuring of JSSP's statement of work significantly reduced the external factors negatively impacting its work. By pruning activities where competing programs may have had a dominant interest, points of friction were eliminated. Beyond this, JSSP's long-term practice of collaborating wherever possible appears to have improved this circumstance.

Problem 2:

Securing the political will of various judicial actors has been a critical challenge to achieving the results desired under JSSP's contract.

Problem 2 continuing:

The issue of political will continues to limit the pace of reform of judicial institutions in Kosovo. These are issues of institutional culture and vested interests that are largely no different than elsewhere. Issues such as the publication of judges' names in disciplinary reports, the adoption of pre-assignment case screening (which may deprive judges of easy disposition points) and similar policies may receive some push-back. However, our partners at the KJC are committed to reform and, although the pace of progress is slowed at points, there continues to be an abiding desire for reform. This issue is otherwise dealt with through programmatic assumptions in the Year 3 Work Plan.

SECTION III – PMP PROGRESS

SEE FOLLOWING PAGES FOR PMP TABLES

PERFORMANCE MANAGEMENT PLAN – OUTCOME AND INDICATOR CHART

Expected Result	Performance Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2	Target Year 3	Target Year 4	Comments
Context, Goal Level, Sector and Cross Cutting Indicators									
1. Rule of Law improved.	Score on Worldwide Governance Indicators for Rule of Law.	2014/37.98 percentile	N/A		2016 Index 2.5% increase	2016 Index 0% increase	2017 Index 4% increase	2018 Index 6% increase	The World Bank released its 2016 Index in September 2017. Kosovo remained in the 37.98 percentile in the Rule of Law indicator.
2. Legal framework and judicial independence improved.	Freedom House Nations in Transit Judicial Framework and Independence Score.	2015/5.75	2016/5.50	2016/5.75	2017/5.40	2017/5.50	2018/5.30	2019/5.25	The 2017 score reflects progress made in 2016. Judicial Framework and Independence rating improved from 5.75 to 5.50 due to structural changes resulting with greater independence for the judicial and prosecutorial councils.
3. Justice Sector Agreement implemented.	Scale of progress on the Big Deal report, monitoring implementation of the Justice Sector Agreement.	Some Progress	Partially Completed	Some progress	Partially Completed	Completed			On Aug 31, the President of Kosovo and the President of Serbia, signed an agreement setting October 17 th , as a date for integration of courts in the north. The actual appointment ceremony was held on Oct 24, where 42 judges and 107 court support staff were sworn into Kosovo's judiciary. The courts were opened on October 30, 2017.
4. Women in justice sector empowered.	Percentage of females who report increased degree of empowerment at the conclusion of USG-supported training or programming. <i>Disaggregated by profession/institution</i>	4	N/A	N/A	2.5%	2%	4%	6%	Based on a survey completed by 15 respondents (11 Albanian and 4 Serbian), women in Kosovo's judiciary feel relatively empowered with an average score of 6.7 on a scale from 1 to 10, with 10 representing highly empowered. The response rate was particularly low during this period of the year due to the holiday season. Disaggregated; Institution; Basic Court of Peja, Gjakova, Prizren, Mitrovica, and Pristina, and two KJC Secretariat.

Expected Result	Performance Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2	Target Year 3	Target Year 4	Comments
5. Efficiency of courts improved. (Activities 1.5, & 2.5, 3.2) F indicator 2.1.3-13	Number of USG-assisted courts with improved case management systems. <i>Cumulative Max. = Est. 10⁴ courts</i> <i>Disaggregated by location</i>	N/A	3	6	6	7	8	10	Backlog reduction 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 Viti branch of Gjilan Basic Court. Case Management Improvement Plans (CMIPs) have been approved and implementation has started.
6. Professionalism of justice sector personnel increased. (Activities 1.2, 1.3, 1.4, 2.1 2.4, 2.5, & 3.3, 3.5) F indicator 2.1.2-7	Number of training hours per justice sector personnel ⁵ trained with USG assistance. <i>Disaggregated by gender, ethnicity, and institution or profession.</i>	0	600	2,022	800	1,685 ⁶	720	720	In Y2, 111 participants (10 individuals had 2 different JSSP trainings) attended 12 training programs for a total of 1,685 training hours. Disaggregation: Gender: 43 women, 68 men. Ethnicity: 13 Serbian, 3 Bosnian, 95 Albanian. Institutions: Kosovo judiciary 99, Interns and law students 12.

⁴ A Court is defined as the Supreme Court (1), Court of Appeals (1), Constitutional Court (1), and Basic Courts (7), including courts in northern Kosovo. Branch courts are considered part of a Basic Court. This corresponds to a total of 10 courts. This indicator tracks support provided to the Basic Courts under Objectives 1 and 3, and to the Constitutional Court under Objective 2.

⁵ Justice sector personnel include court administrators and non-judicial staff (Objective 1, Activity Clusters 1.3 & 1.4); women judges and staff; judges, court administrators, and non-judicial staff (Objective 2, Activity Cluster 2.1); Constitutional Court judges, legal advisors, and staff (Objective 2, Activity Cluster 2.5); judges, court administrators, and non-judicial staff in North Kosovo (Objective 3, Activity Cluster 3.3); and women judges and staff in North Kosovo (Objective 3, Activity Cluster 3.5).

⁶ Cumulative 524 participants (42 individuals had 2-3 difference JSSP trainings) attended 40 training programs for a total of 3,950 training hours.
Disaggregation:
Gender: 264 women, 260 men.
Ethnicity: 49 Serbian, 5 Bosnian, 470 Albanian.
Institutions: Kosovo judiciary 251; ODC 18; Judiciary in the north 20; Interns and law students 208; Interns and law students North 27.

Expected Result	Performance Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2	Target Year 3	Target Year 4	Comments
Objective 1. Strengthen the efficiency and effectiveness of the administration of justice and delivery of quality services by the KJC and Courts									
7. Effectiveness of KJC increased. (Activities 1.2, 1.3 & 1.4)	Percentage of management systems and capacity elements rated as “performing” on KJC Institutional Capacity Scorecard Max = 100% <i>Cumulative</i>	40%	45%	46%	65%	62%	85%	100%	KJC capacity increased from 46% to 62% in Year 2, with improvements in: leadership leading the Council in a proactive, effective and planned manner; committee operations/activation and effective engagement of court presidents, judges, and non-judicial staff in policy and decision-making.
8. Legal framework for judicial efficiency and independence improved. (Activities 1.2 & 1.5) <i>F indicator 2.1.2-2</i>	Number of laws, regulations, and procedures designed to enhance judicial independence supported with USG assistance	Baseline N/A as indicator records program impact	20	23	15	15	10	10	In Y2, JSSP supported the drafting and/or reviewing of 15 regulations, administrative instructions and KJC decisions. For the complete list of policy and legal acts developed throughout Y2, please see the narrative part of the Annual Report.

Expected Result	Performance Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2	Target Year 3	Target Year 4	Comments
9. Decentralization functionalized. (Activity 1.3)	Percentage of milestones achieved on decentralization scorecard. Max = 100 <i>Cumulative</i>	24%	50%	54%	90%	64%	100%	100%	Year 2 progress was made in development of resource materials to support decentralization, including an annex to the human resource and procurement manuals. JSSP facilitated follow up training and problem-solving workshop between court staff and KJC Secretariat staff on budget & finance, human resources, and procurement. In Y2, JSSP and CPRU launched an evaluation of implementation of decentralization. The evaluation indicated that both the KJC and the courts lean to re-centralizing some of the competencies or balance of responsibility for management support functions between the Secretariat and local courts. The re-centralization process is ongoing and slowed down the progress in fully functionalizing the decentralization. With the so-called recentralization process, the process of critical review and allocation of administrative competencies between the KJC and the courts, omitted at the beginning of decentralization by KJC, will be done.
10. Needs-based budgets developed. (Activity 1.3)	Number of Basic Courts that develop needs-based budget. Max. = Est.7 <i>Disaggregated by location.</i>	N/A	0	0	3	7	7	7	In Y2, following achievements made in Y1, KJC sent to all courts internal budget development instructions, which included directions to base budget increase requests on strategic priorities established by the KJC (including improved case flow management and enhancing transparency and public trust). All courts responded positively to developing needs-based budget resulting with an increase in actual versus target. However, more work needs to be done to increase the courts' capacities to develop needs-based budgets on their own.

Expected Result	Performance Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2	Target Year 3	Target Year 4	Comments
11. Knowledge and skills of court administrators and non-judicial staff improved. (Activity 1.5)	Percentage of trained court administrators and staff effectively applying skills and tools. <i>Disaggregated by gender and ethnicity</i> <i>Cumulative</i>	2015/N/A	30%	91%	50%	90.8%	66%	80%	Based on 39 survey responses out of 111 training participants (11 of whom participated in two trainings). Disaggregation: Gender: 17 women, 23 men. Ethnicity: Albanian. Institution: Basic Courts – 24; Court of Appeals – 1; Supreme Court – 1; judiciary in the North – 12. A high level of use of skills and tools was reported by participants, perhaps higher than actual rates. However, after training sessions all participants noted the usefulness of training attended, so reports may reflect high uptake.
12. Case backlog reduced. (Activity 1.6)	Percentage of cases pending for more than 24 months (e.g., backlog). <i>Disaggregated by court type and case type</i> <i>Cumulative</i>	39,458 backlog cases ⁷ (excluding enforcement)	15% decrease	37% decrease	40% decrease	56.74% decrease	60% decrease	80% decrease	Kosovo Basic Courts disposed of 22,389 or 56.74% of the total civil and criminal backlog. JSSP's backlog reduction teams with direct intervention disposed total of 12,891 cases or 32.67% of total backlog cases. JSSP's backlog reduction team during the 4 th Quarter of Y2 directly intervened in disposing 3.83% of the total criminal and civil backlog, or 1,515 cases. During the Y2, JSSP BRLO's disposed total of 6,682 civil and criminal cases or 16.93% of a total backlog.

⁷ The baseline was updated at the beginning of April 2016 to reflect the number of backlog cases in the system at the end of 2015 (i.e., the number of cases that had been in the system for more than two years as of December 31, 2015). Backlog data is based on official statistics provided by the KJC Secretariat.

Expected Result	Performance Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2	Target Year 3	Target Year 4	Comments
<p>13. Increased case clearance rate.</p> <p>(Activity 1.5)</p>	<p>Ratio of new case filing to case disposition in targeted courts assisted by USG.</p> <p><i>Disaggregated by court type and case type over time</i></p> <p><i>Cumulative</i></p>	<p>2015 83%</p>	<p>100%</p>	<p>112%</p>	<p>95-100%</p>	<p>135.16%</p>	<p>95-100%</p>	<p>95-100%</p>	<p>The clearance rate reflects the cases filed and disposed through 3rd Quarter of 2017 (January-September 2017), in all Basic Courts and branches, based on KJC statistics.</p> <p>Criminal general department: Cases filed-18,741; Resolved 16,892 (90.18%)</p> <p>Serious Crimes: Cases filed-1,045; Resolved 1,445 (138.28%)</p> <p>Juvenile: Cases filed-776; Resolved 750 (96.65%)</p> <p>Civil: Cases filed-16,508; Resolved 15,725 (95.25%)</p> <p>Administrative: Cases filed-1,635; Resolved 1,617 (98.90%)</p> <p>Commercial: Cases filed-445; Resolved 474 (106.52%)</p> <p>TOTAL for ALL case types in all Basic courts: 135.16% The change of management in Pristina Basic Court and direct JSSP intervention on case backlog and delay prevention has brought about the desired impact on case clearance rates.</p>

Expected Result	Performance Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2	Target Year 3	Target Year 4	Comments
14. Women leadership promoted. (Cross-cutting)	Number of women assuming leadership positions or roles. <i>Disaggregated by ethnicity and institution</i> <i>Cumulative</i>	9 ⁸	1	5	2	7	2	3	2 women (Albanian) were elected in leadership and management positions. One is the President of the Basic Court of Prishtina and one as the Supervisory Judge of the Kacanik court, branch of the Basic Court of Ferizaj. JSSP does not have a direct impact on recruitment, selection and appointment of judges and court staff. JSSP promotes and assists in development of gender equality principles and encourages their fair application. In this regard, JSSP developed a policy to ensure that KJC members elected by the judiciary and the Parliament respect gender equality policies. JSSP has also encouraged the KJC to apply gender equality principles to all its decision making, including recruitment, promotion, training, professional development, etc.
Objective 2. Enhance the accountability and professionalism of justice system institutions and actors									
15. Effectiveness of disciplinary system improved. (Activity 2.1)	Percentage of admissible disciplinary complaints filed.	2015/12	10% increase	33% decrease	33% increase	Not available	50% increase	66% increase	The last report published by the ODC was in April 2017. Despite multiple requests, the ODC failed to publish additional reports and failed to respond to JSSP's requests. From May 2017 JSSP was not involved in cooperating with the ODC, due to recent changes related to the draft law on ODC, which foresees the ODC office closure.

⁸ The number of women holding leadership positions in the judiciary includes Court Presidents, Supervising Judges, KJC members, etc.). At project inception, 8.3% of leadership and management positions (9 of 108) were held by women, of which one was a representative of a minority community.

Expected Result	Performance Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2	Target Year 3	Target Year 4	Comments
16. Legal education improved. (Activities 2.3, 2.4 & 2.4)	Number of legal courses or curricula developed or upgraded with USG assistance. <i>Cumulative</i>	2015/0	3	3	6	4	7	8	Training Curriculum Guide for Judges and Court Administrative Personnel. JSSP is in the process of developing two additional resources, including a caseflow management training curriculum, and leadership and management training, as well as revising the ethics training. Due to a large number of other donors involved in training, including the EU Twining, GIZ, OSCE, JSSP is closely coordinating to avoid duplication of efforts and to seek niches that are overlooked by others.
17. Knowledge and skills of judges, administrators, and non-judicial staff improved. (Activities 2.1 & 2.3)	Percentage of trained judicial personnel applying skills and tools. <i>Disaggregated by gender, ethnicity, and profession.</i> <i>Cumulative</i>	2015/ 0%	25%	89%	45%	N/A	65%	85%	The trainings conducted in Y2 all fall under Performance Indicator # 11.

Expected Result	Performance Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2	Target Year 3	Target Year 4	Comments
18. Collaboration between KJC, civil society, and media improved. (Activity 2.2) F indicator 2.1.3-17	Number of USG assisted campaigns and programs that enhance public understanding, NGO support, and media coverage of judicial independence, transparency and accountability. ⁹	2015/0	6	10	12	13	20	25	In Y2, 4 events/activities were held to increase judicial transparency, improve communication of the courts with the public and educate and inform citizens on integration. This includes launching of an informative event on CSO activities at the KJC, Pristina, and Gjilan Basic Courts, and in North Mitrovica; training of the Public Information Officers by CSOs on Social Media, and two live public discussion with the Basic Court of Pristina and Gjilan with students and interested citizens, covering topics such as transparency, access to court hearings, and students' access to court archives for study purposes. Reflecting a cumulative figure, the target was exceeded due to a substantial excess of the Y1 target it built on.
19. Citizen perception of judicial sector improved. (Activities 2.1, 2.2, & 3.2)	Percentage of citizens who express trust and confidence in the courts <i>Disaggregated by gender, ethnicity, and geographic location of respondent as well as user v. non-users.</i> <i>Cumulative</i>	18.4% ¹⁰	N/A	N/A	5% increase	14.8 % increase	8% increase	12% increase	Exceeded the target. The level of satisfaction with the operation of Kosovo's courts increased by about 14.8% (from 22.1% in Oct 2016 to 36.9% in October 2017) per the November 2017 USAID funded Public Pulse report. It is difficult to assess the increase in public perception without follow-on discussions, however, 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 indicates that court users have a much higher level of trust in the judiciary. JSSP does not have the final report from the court user survey and will incorporate the data in the next quarterly report.

⁹ Campaigns and programs include outreach initiatives developed collaboratively by KJC and civil society as a result of program facilitation, media reports on KJC or court reforms and services, and monitoring of KJC or court processes by civil society.

¹⁰ 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.

Expected Result	Performance Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2	Target Year 3	Target Year 4	Comments
20. MCLE program for judges is functional and attended by judges. (Activity 2.3)	Percentage of judges complying with MCLE requirements <i>Disaggregated by gender and ethnicity</i>	0	N/A	N/A	75%	N/A	80%	90%	On November 16 th , 2017, the KJC approved the Regulation on Judicial Training and on December 7 th established the Training Committee. Up until now there were no MCLE requirement for judges.
21. Transparency of judicial decisions. (Activity 2.4)	Percentage of final court decisions posted on court websites. <i>Disaggregated by language</i>	0 ¹¹	25%	1%	40%	7%	66%	80%	The process of publishing final court decisions on the KJC web portal is slow due to insufficient commitment of human resources required to collect and redact court decisions. Due to courts' failure to track the number of final decisions issued on a regular basis, the denominator for this indicator is an estimate based on the historic monthly average of decisions from January 2016 to February 2017. Pristina Basic Court is an exception, providing more up to date information, due to the engagement of two interns by JSSP dealing with judicial decisions.

¹¹ As of March 2016, no final decisions had been posted on court websites.

Expected Result	Performance Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2	Target Year 3	Target Year 4	Comments
22. Management systems in CCK improved. (Activity 2.5)	Percentage of management systems, and capacity elements rated as “performing” on CCK Institutional Capacity Scorecard	35%	50%	0	75%	40%	100%	100%	CCK management system marked an improvement compared to Y1 results. The main increase in the leadership and management capacity occurred at the improved decision-making process. The improvement in the Administrative Capacity took place in clarification of mandates of all heads of divisions and departments. Changes in the schedule of activities, demanded by the CCK, delayed JSSP efforts to provide the planned management training. In addition, the transition to a full local court will certainly affect the ability of the CCK to significantly address some of the management shortfalls. JSSP predicts that actuals in the coming year will fall under initial targets and may require readjustment of targets.
Objective 3: Support the Functioning and Integration of Judicial Structures in the North									
23. Judicial structures in the North integrated. (Activity 3.1)	Number of milestones achieved on Transition Matrix to implement the Justice Sector Agreement ¹² .	N/A	8	14	13	15	21	21	In Y2, JSSP completed 8 out of 13 milestones targeted for this year in the Transition Matrix. In addition, because integration took place, JSSP updated the Matrix to include additional steps that guide full functionalization of the courts in the north. The updated Matrix will serve as a monitoring tool for integration.

¹² The Transition Matrix used to measure progress was developed by JSSP and approved by the KJC and representatives from the North. It differs from the sample included in the original PMP.

Expected Result	Performance Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2	Target Year 3	Target Year 4	Comments
24. Public engagement increased. (Activity 3.4)	Number of court-civil society initiatives implemented to build citizen trust.	2015/0	3	9	9	2	9	12	The actual for Y2 is well below the target of 9 because: 1) the scoring of this indicator excludes overlapping activities counted under Indicator 18, and 2) the activities counted here are limited to northern Kosovo where a tightly integrated program, involving 12 sub-activities, was adopted as the best way to support public receptiveness to judicial integration. The 2 activities listed are divided into: a) an initiative raising public awareness about court proceedings comprised of a Mock trial event (simulation of court hearings with interns) and b) an initiative aimed at raising awareness about judicial integration: four focus group discussions, two meetings between citizens and Judges, one meeting between CSOs and Judges, a lecture at a school, a roundtable, video spot, billboards, and a TV show. JSSP anticipates requesting a reduction in Y3 and Y4 targets.
25. Citizen acceptance of judicial structures. (Activity 3.4)	Percentage of citizens of Serb-communities who report likelihood to use judicial structures in the North for dispute resolution <i>Disaggregated by gender, & geographic location of respondent as well as user v. non users</i>	18.4	N/A	N/A	5% increase	4% increase	10% increase	15% increase	JSSP cannot report on this indicator at the moment. JSSP relies on the UNDP Public Pulse survey. The report currently does not disaggregate data based on regions on minorities trust and confidence on judiciary.
26. Improved judicial services.	Court User Committees established and meet regularly in the municipalities of northern Kosovo. <i>Disaggregated by gender & geographic location.</i>	Baseline to be set after the Committee has been established (contingent on integration)	1 (contingent on integration)	N/A	3		4	4	The integration of the courts took place at the end of Year 2 and courts had not started to provide full services to citizens. JSSP will work with the Basic Court of Mitrovica to establish Court User Committees, once courts are fully operational.

SECTION IV – SUCCESS STORIES AND BRIEF ECONOMIC ANALYSIS

Success Stories (4) provided separately

BRIEF ANALYSIS OF GENERAL ECONOMIC CONTEXT OF KOSOVO

Kosovo's economy continues to develop favorably, with some emphasis on promoting foreign investment. This may create an environment conducive to reforms in the justice sector promoting transparency, access to information, and efficiency.

Kosovo continued to demonstrate positive economic growth of 3.8 percent in 2016. Economic growth has averaged 3.4 percent since independence in 2008. A recent interview with the finance minister and the International Monetary Fund's *Finance and Development* publication underlined that Kosovo needs to continue to undertake structural reforms to reduce high unemployment and high trade and current account deficits. The minister highlighted a number of areas such as support for small and medium enterprise development and promoting investment in the agricultural sector, energy, and mining as areas that may reduce unemployment and spur increased economic growth.

Kosovo ranked 40 out of 190 countries in the World Bank's Doing Business 2018 report. The regional average is 71.33, and nearby Balkan EU member countries Bulgaria and Croatia rank 50 and 51 respectively. It has obstacles to starting a business, reduced trade barriers, and one of the most competitive labor costs and tax policies in Europe. The US Commerce Department has underlined that Kosovo's investment climate is attractive and should continue to attract foreign direct investment, which has included construction of a 450-megawatt coal fired power plant and a €600 million project to build a new highway to Macedonia.

The Millennium Challenge Corporation recently signed a \$49 million Threshold Agreement with the Government of Kosovo to support two projects to spur increased economic growth. The first project is the Reliable Energy Landscape Project, which will support less expensive sources of heating and reduce barriers to financing private power production. It also promotes women's employment and provides support for SMEs and entrepreneurs. The second is the Transparent and Accountable Governance Project, which will support open government reforms to ensure public access to an electronic case management system and court data, among other areas. The Threshold program will therefore complement the good governance objective of JSSP and other reforms to promote transparency, reduce corruption, and promote accountability and may foster greater investment and economic growth in the future.

Environmental Status Report. No ESR is submitted because JSSP has a categorical exclusion, and a negative determination with conditions for the refurbishing of two Northern Courts per the Initial Environmental Examination dated December 1, 2014 and Millennium DPI's task order Section H.5. There is no change to report in the JSSP environmental status.

SUCCESS STORIES



SUCCESS STORY

Kosovo Court Integration Becomes a Reality



Photo by: USAID JSP Program

Nikola Kabašić, the newly appointed Court President of the Mitrovia Basic Court

“It is our job is to show to our citizens that they should not have any reason to be afraid of Kosovo institutions because we are here and we are in the first steps of guaranteeing that all the trials will be fair” - Nikola Kabašić, Court President



Photo by: USAID JSP Program

Sabit Rama (left), one of the 77 judges, and Mihane Miftari, a legal assistant, at their new office in the Mitrovia Basic Court. They are among the Albanian court staff now working in the Mitrovia Basic Court in the north.



Photo by: USAID JSP Program

Marko Jakšić, Deputy Court Administrator of Mitrovia Basic Court, issues IDs for new integrated court staff from the former Serbian parallel system.

December 2017

U.S. Agency for International Development
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Integration of Kosovo’s justice system has been a long time coming. Through the determination and hard work of those involved, an effort spanning four years was finally realized. With assistance from USAID’s Justice System Strengthening Program, citizens in northern Kosovo will soon have full access to the judicial services they need to protect and preserve their rights.

While the 2013 Justice Sector Agreement provided broad parameters for incorporating northern courts into Kosovo’s judicial system, it lacked specific guidance for integrating personnel and cases and for preparing a unified court structure to do business.

The Justice System Strengthening Program paved the way for successful integration, helping the Kosovo Judicial Council (KJC) plan, identify, sequence, and execute the actions required to prepare new court facilities to deliver justice. These efforts included identifying the repairs needed to make court facilities operational, developing protocols for transferring cases to appropriate courts, identifying and addressing the furniture and equipment needs of new court facilities, preparing the courts to accept new cases and provide basic judicial services, and building the capacity of judges and staff to perform their duties.

One month after officially opening their doors to the public, the Kosovo Serb and Albanian staff at the newly integrated Mitrovia Basic Court were ready to work and serve citizens. “It’s historic,” said court president Nikola Kabašić about the unification of Kosovo’s justice system.

Here, on both sides of the Iber River, Mitrovia’s two court houses are open and functioning as part of one institution. And communities have come together. “We are starting from scratch,” said Milan Bigovic, the new president of the Appellate Court division that will serve 10 municipalities with a Serb majority. “As far as professional cooperation is concerned, I don’t have any doubts. I have full trust in all of my colleagues, including Serbian and Albanian, that we can proceed with our work.”

Serb and Albanian staff are ready to join forces to make integration a success. And they are succeeding — services are being provided to the public, and citizens in the north are seeing value in their new court system.

The Justice System Strengthening Program is a four-year rule of law program that builds upon USAID’s prior efforts to advance the rule of law in Kosovo and ensure that the justice system operates in a professional, efficient, and accountable manner.



SUCCESS STORY

Women in Justice: As Leader of Kosovo's Biggest Court, Aferdita Bytyci Takes Toughest Cases and Tackles Case Management



Photo by: USAID JSSP Program

Aferdita Bytyci, President of the Pristina Basic Court

“I was born naturally courageous. I like to break records!” – Aferdita Bytyci, Pristina Basic Court President



Photo by: USAID JSSP Program

Aferdita Bytyci (left) sits next to the Chair of the Kosovo Judicial Council, Nehat Idrizi, as part of a panel organized by USAID's Justice System Strengthening Program that highlighted the latest accomplishments in Kosovo's justice system bearing on efficiency, transparency and accountability.

Aferdita Bytyci has come a long way since opening her modest, one-woman legal aid office in Kosovo's central town of Drenas 15 years ago.

Today, Judge Bytyci serves as president of Kosovo's largest court, the Pristina Basic Court, with 100 judges across all of its branches and over 400 administrative staff. The court has also had the largest backlog of cases, something that Judge Bytyci is determined to address. USAID's Justice System Strengthening Program is helping her.

She has been accelerating the pace of case dispositions, both by trying some of the hardest cases herself and by adopting improved backlog reduction and caseload management measures for her court. During the past year, the first of her four-year mandate as court president, Bytyci has made reducing case backlog and resolving serious crimes her main priorities.

With the support of a specialized backlog reduction team provided by the Program, Judge Bytyci's court reduced its case backlog by 37% between January and September of 2017. The team identified cases that could be quickly resolved and prepared them for disposition. By eliminating these files from a judge's caseload, each judge and the court overall works more efficiently, as they focus on the cases that need the court's attention. This is one of Judge Bytyci's objectives. As a result of the collaboration between her staff and the Program team, the court's clearance rate for all case types increased to 111%, meaning that they disposed of more cases than were received.

Judge Bytyci's court has a particularly impressive clearance rate in dealing serious crimes, which include corruption, terrorism, organized crime and other offenses. During 2017, these saw a clearance rate of 178%. She is setting a pace hard for anyone to match.

Despite her administrative workload in managing Kosovo's largest court, she still finds the time to take some of the most difficult cases.

“Why? Because I feel more powerful in the courtroom, and I love my profession,” she explains. “I want to keep up to speed with my profession, and I also want to set an example for my colleagues.”

Her court has also made great strides in publishing its final decisions online. To date, the Pristina Basic Court has published over 600 final decisions, thanks in part to a new process, introduced earlier this year by the Program, that enables courts to publish decisions faster and more efficiently.

The Justice System Strengthening Program is a four-year rule of law program that builds upon USAID's prior efforts to advance the rule of law in Kosovo and ensure that the justice system operates in a professional, efficient, and accountable manner.

December 2017



SUCCESS STORY

Young Legal Professionals Pave the Way to Become the Next Generation of Kosovo's Judiciary



Photo by: USAID JSSP Program

Besnike Miftari, right, discusses a case with Judge Saranda Bogaj Sheremeti from the Basic Court of Pristina.

"It was my wish to become a judge. It's exactly this kind of work that makes us to become a judge. When you close an old case, there's a sense of willpower when you know that you contributed to the closing of cases that are more than 10 years old."

– Besnike Miftari, legal professional at the Basic Court of Pristina

July 2017 – Besnike Miftari and her team of legal professionals are busy reviewing and analyzing the piles of court cases that have landed on their desks. It's a task that comes with a reward.

With the support of USAID's Justice System Strengthening Program, 16 professionals were given the opportunity to work alongside judges and draft decisions throughout Kosovo's courts. In turn, judges received critical assistance to finally close years-old cases while also serving as mentors for the next wave of judicial employees.

"For now, this is the best thing that I can do in my profession," Miftari said. "The judges consider us as equals," adding that her work as a legal professional provides the ideal training ground to eventually obtain a long-term court position.

Finding talented professionals like Miftari is vital for the future of Kosovo's judiciary: in the next three to five years, 30 percent of total court staff and judges are expected to leave the courts through attrition and retirement.

Already five legal professionals are joining Kosovo's courts as professional associates thanks to the training they received through USAID in drafting court decisions, reducing case backlog, and applying their understanding of court procedures to real-life scenarios.

One of these professionals is Festa Zherka. After spending three years in the Basic Court in Gjakova, she was recently promoted to Court Management Information System Trainer where she now trains up to 250 court and prosecutorial staff on how to use an automated case management system that is being rolled out into Kosovo's courts.

"We worked closely with the judges and we were also able to participate in court hearings," she said. "I saw the real situation."

Gazmend Bytyqi, a young professional now employed as a Legal Officer with the Basic Court of Ferizaj and on the path to becoming a judge, says the skills he developed over the years helped him get where he is today.

"Now I feel comfortable to handle any [civil] case," he said. "I have gained the trust and confidence from the court."

Kosovo's new generation of judicial professionals are also supported by the Justice System Strengthening Program through its recent rigorous pilot court internship program in Pristina. These internships equip fresh law school graduates with the necessary skills and disciplines to become successful professional associates, judges, legal officers, and court administrators.

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July 2017



SUCCESS STORY

Citizens Gain Access for the First Time to Kosovo’s Court Decisions



Photo by: USAID JSSP Program

Valbona Dulahu, Case Registry Manager of the Basic Court of Gjilan. She and her team of three court clerks handle more than 10,000 active criminal and civil court cases and are working to publish all final decisions online.

“It’s a good feeling when you know that parties and citizens are more informed.” - Valbona Dulahu, Case Registry Manager of the Basic Court of Gjilan



Photo by: USAID JSSP Program

Active minor offense court cases from the Basic Court of Gjilan

July 2017

U.S. Agency for International Development
www.usaid.gov

July 2017 — Access to the work and decisions of courts is a hallmark of any democratic society.

Until the end of last year, however, less than 100 final court decisions from all of Kosovo’s Basic Courts and Appellate Court were made available to the public.

Now, for the first time in Kosovo, anyone with access to the internet can review Basic and Appellate Court decisions uploaded to the Kosovo Judicial Council’s website. Nearly 2,000 final decisions have been published online in 2017 thanks to USAID’s Justice System Strengthening Program, which helped the courts roll out a new process for publishing decisions faster.

“It is very important for citizens to be informed of the court’s work and performance,” explains Afrim Shala, the Acting President of the Gjilan Basic Court and whose court has seen the most improvement in publishing. “For this reason, I believe that the publication of court decisions is very important because it would increase the citizens’ trust in the justice system.”

The publication of decisions empowers the public to scrutinize the work of the courts and hold judges accountable for their actions. It also helps judges standardize application of the law, thus improving the quality of justice.

“One can see how transparent the court is and its productivity, therefore people have no room to doubt the court’s work,” says Valbona Dulahu, Case Registry Manager and a 10-year veteran of the Basic Court of Gjilan.

With USAID’s assistance, the Judicial Council will soon modernize its website, giving attorneys, civil society, and the public free, searchable online access to cases of interest. Kosovo’s judges and court staff are confident that such access will build citizen trust in the courts and contribute to a more transparent judicial system.

Other Basic Courts in Kosovo are also reaping the benefits of publishing decisions online.

“Reactions have been positive, both from the general public — such as the litigants, lawyers, prosecutors, judges, and media — and NGOs, including those who monitor the work of the judiciary,” says Albenora Bekteshi, the Basic Court of Ferizaj Public Information Officer, adding that the publication of final judgments has had a positive impact on the quality of work by judges, especially in the writing and reasoning of final verdicts.

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