

FINAL REPORT

**Final Evaluation of Support to
Strengthening the Rule of Law in Kosovo**

March 2020

PROJECT SUMMARY

Title	Evaluation of Support to Strengthening the Rule of Law in Kosovo
Date of report	March 22, 2020
Type of report	Final Report
Author	Dardan Berisha
Email	berdardan@gmail.com
Project start and end dates	April 2016 – March 2020
Project locations	Kosovo
Thematic areas	Rule of Law, Access to Justice
Sub themes	Policy Development Support, Capacity Development, Rule of Law Reform, Alternative Dispute Resolution, Mediation, Public Outreach, Human Rights, Free Legal Aid
Total budget	1,258,066 USD
Donor	UNDP Global Programme for Justice, Security and Human Rights (BBPS), Norwegian Ministry of Foreign Affairs, Global Focal Point funds, German Government.
Project beneficiaries	Kosovo Judicial Council, Ministry of Justice, Kosovo Prosecutorial Council, Mediation Centers, Justice Academy, Courts, Ombudsperson, Agency for Free Legal Aid, Citizens
Overall objective	To support the provision of an effective, efficient and timely administration of justice.

TABLE OF CONTENTS

Project Summary.....	1
Table of Contents.....	2
List of Acronyms.....	3
Background	4
Scope of the evaluation.....	5
Methodology	8
Evaluation findings.....	10
Relevance	10
Effectiveness.....	12
Efficiency.....	17
Sustainability.....	18
Impact.....	19
Collaborative and human rights centred approach	22
Lessons learned and recommendations.....	24
Annex 1: List of key informants.....	28
Annex 2: Evaluation questions.....	29
Annex 3: Terms of Reference.....	31
Annex 4: Code of Conduct	40

LIST OF ACRONYMS

Acronym	Description
AJ	Academy of Justice
AMC	Action for Mothers and Children
KJC	Kosovo Judicial Council
KPC	Kosovo Prosecutorial Council
MoJ	Ministry of Justice
RoL	Rule of Law
SSROLK	Support to Strengthening the Rule of Law in Kosovo
SAA	Stabilization Association Agreement
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund

BACKGROUND

Rule of Law and Access to Justice are one of the key areas of UNDP's work in Kosovo since 2004. UNDP's work on Rule of Law is based on strong partnerships with Kosovo institutions and international stakeholders working on rule of law. Within its rule of law program, UNDP has implemented the Support to Strengthening the Rule of Law in Kosovo (SSROLK), a project aimed at supporting the provision of an efficient, effective, and timely administration of justice. Rule of Law and Access to Justice are among the main political conditions for Kosovo in the European Integration process, which calls for ensuring that courts and prosecution are effective, independent, accountable and impartial, and free from political influence. The UNDP rule of law program contributes to United Nations' Sustainable Development Goals, specifically goals 16 in relation to promoting peace, justice and strong institutions, and goals 5 to achieve gender equality and empower all women and girls.

The overall purpose of this report is to present the findings of the evaluation of the SSROLK and assess the achievement of the project in terms of its relevance, impact, effectiveness, efficiency, and sustainability, and elaborate on the lessons learned and recommendations for future improvements and interventions in rule of law sector.

The main objective of SSROLK was to support the provision of an efficient, effective, and timely administration of justice. To achieve this objective, the project's strategy was focused on the following three interlinked levels:

1. The policy level: addressing policy and coordination aspects between justice institutions, and harmonization of strategic planning. This results in an increased efficiency on the implementation of reforms and the adoption of legal framework.
2. The capacity development and institutional reform in the justice sector: focusing on providing tailor-made institutional support to increase institutional and individual capacities, efficiency and accountability.
3. Access to justice and service delivery: focusing on increasing access to justice for Kosovo's population through legal aid, mediation, promotion and implementation of human rights, and the backlog reduction in both courts and prosecution offices.

The project was implemented in close cooperation and coordination with the Ministry of Justice (MoJ), Kosovo Judicial Council (KJC), Kosovo Prosecutorial Council (KPC), Academy of Justice (AJ), Agency for Free Legal Aid, the Ombudsperson Institution, civil society, and CSOs. The project activities and indicators for annual work plan were developed jointly with the above noted project beneficiaries and partners. The UNDP rule of law program was supported by the UNDP Global Programme for Justice, Security and Human Rights, the Global Focal Point (GFP) funds, Norwegian Ministry of Foreign Affairs, and the German government and Norwegian Ministry of Affairs through Ministry of Justice.

SCOPE OF THE EVALUATION

Between January 2016 to January 2020, UNDP implemented eight projects and short-term interventions pertaining to rule of law. Each project has its specific logframe, objectives and outcomes it aims to achieve while supporting a multitude of rule of law institutions in areas including rule of law reform, capacity development, institutional coordination, public outreach, alternative dispute resolution, and human rights. Below is a table summarizing the projects implemented by UNDP, timetable of implementation and budgets.

	Project Title	Timeframe of implementation	Donor	Total Budget
1	Support to Strengthening the Rule of Law in Kosovo	01/01/2016 to 31/12/2017	NOR through Ministry of Justice	USD 487,720
2	Reform of the Judicial Bar Exam in Kosovo	01/01/2016 to 31/12/2017	German Ministry of Foreign Affairs	USD 91,1162.31
3	Improving access to justice in Kosovo Phase I	15/08/2017 to 14/08/2018	UNDP Global Programme for Justice, Security and Human Rights	USD 200,000.00
4	Improving Access to Justice in Kosovo Phase II	15/08/2018 to 14/08/2019	UNDP Global Programme for Justice, Security and Human Rights	USD 230,104.00
5	Support to Rule of Law and Anti – Corruption	01/2018 to 07/2018	Norwegian Ministry of Foreign Affairs	USD 40,000.00
6	Improving access to Justice and justice service delivery	01/01/2017 to 31/12/2017	Norwegian Ministry of Foreign Affairs	USD 62,121.60
7	Improving access to justice through legal aid and mediation services – Phase I	15/01/2018 to 30/06/2018	United Nations	USD 102,304.00
8	Improving Access to Justice through legal aid and mediation services, Phase 2	25/01/2019 to 30/06/2019	United Nations	USD 90,909.00

The above table shows the overall budget of 1,258,066 USD for the RoL Programme. As noted in the table above, the programme consisted of eight projects/components forming UNDP's broader rule of law portfolio. While each project or intervention has its specific objectives and outcomes, they all contributed to the UN Common Development Plan, Outcome 1.1 Rule of law system and institutions are accessible to all and perform in a more efficient and effective manner.

The Project team and the evaluator therefore decided to merge all of these projects under a single rule of law program and conduct the evaluation of the entire program as such. The

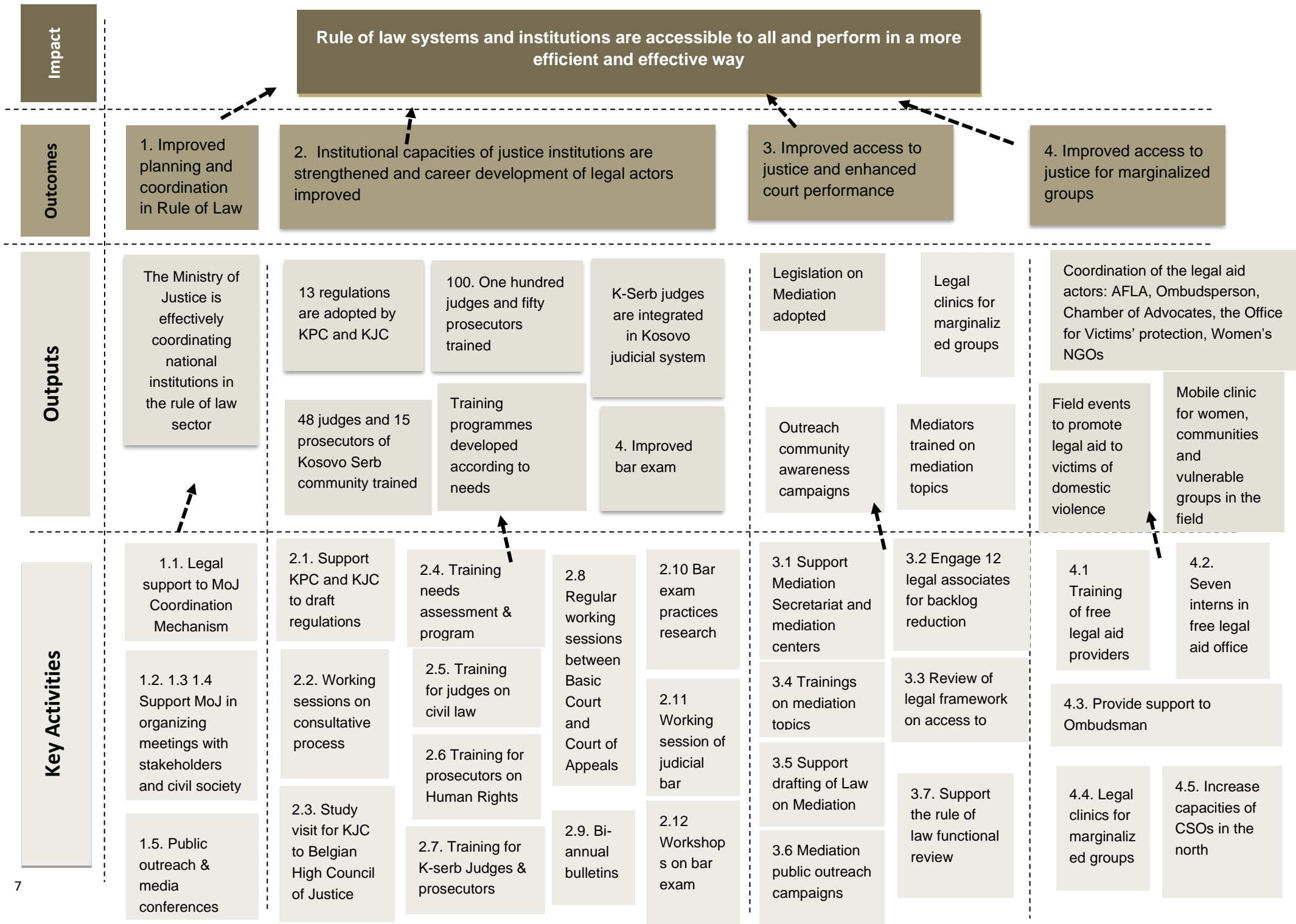
abbreviation SSROLK will therefore be used interchangeably to refer both to the project and the program.

The merging of these projects into a single rule of law program during the evaluation process required the design of a new program intervention logic that encompasses the objectives, outcomes and outputs of each project. A set of indicators were established/grouped based on existing logical framework of each project. Minor adjustments to the logical framework were made to ensure coherence between project outputs, outcomes and overall impact.

The findings of the evaluation are based on data analysis and semi structured interviews with key informants. Interviews were conducted with relevant stakeholders and project beneficiaries in Kosovo which include, but are not limited to: Ministry of Justice, Kosovo Judicial Council, Kosovo Prosecutorial Council, Academy of Justice, Ombudsperson, Agency for Free Legal, representatives of key civil society organizations, and implementing partners. The full list of informants is presented in [Annex I](#) of this report.

Questionnaires were designed in a form that enables the evaluation of project based on relevance, effectiveness, efficiency, impact and sustainability. The questions assessed how the project performed against the indicators foreseen in the project log-frame. To the extent required, the questions were tailored to the various institutions being interviewed. The questions addressed cross-cutting issues on how the project addressed matters pertaining to gender equality, human rights and inclusion of communities. The list of questions used for the evaluation is presented in [Annex II](#) of this report.

After reviewing the project documents and logical frameworks, the scheme below was designed as a form of display of the logic of the evaluation. Project activities and outputs were grouped within the outcome to which they contribute.



METHODOLOGY

Defining the scope of evaluation

Meetings were held with UNDP project staff to define the scope of the evaluation. The overall objective of the evaluation is to assess the achievement of the project in terms of its relevance, impact, effectiveness, efficiency, and sustainability, and elaborate on the lessons learned and recommendations for future improvements and interventions in rule of law sector. The project documents that were reviewed included: project concept, annual reports, inception/midline reports, project log frames, reports of beneficiary institutions, and monitoring and evaluation guidelines shared by UNDP.

Data collection

A rigorous data collection process was implemented to gather valuable information from multiple data sources:

- **Document and Materials Review** - This data source work plans, training materials, guidebooks, as well as other documents such as assessment reports and sustainability plans. The documents also include annual reports and court statistics retrieved from Kosovo Judicial Council, Kosovo Prosecutorial Council, Ministry of Justice and Agency for Free Legal Aid.
- **Key Informant Interviews** - Seventeen (17) semi structured interviews were conducted with relevant stakeholders, project beneficiaries and implementing staff. This included representatives from Ministry of Justice, Kosovo Judicial Council, Kosovo's Chief Prosecutor, Academy of Justice, Ombudsperson, Agency for Free Legal, representatives of key civil society organizations, and implementing partners.
- **Briefing with stakeholders** – A briefing was held on 6th of March 2020 with the stakeholders to present the preliminary findings from the field work. The briefing was attended by the main project beneficiaries, namely the representatives from the Ministry of Justice, Agency for Free Legal Aid, Kosovo Judicial Council, Kosovo Prosecutorial Council, Academy of Justice, Chamber of Mediators, UNICEF and Action for Mothers and Children.

Data Analysis

The data from the above-mentioned sources was compiled, analysed and presented in this report. The input collected from stakeholders was compared and cross-checked with annual reports and project reports to ensure accuracy in findings. In addition, in order to prevent omissions, stakeholders had the chance to participate in the briefing, comment and provide input on the findings presented therein.

Limitations

There are a few of limitations to consider for this evaluation:

- **Effects/contribution of UNDP in comparison to other stakeholders -**
There are a variety of domestic and international organizations working in various capacities in rule of law. The most prominent include the USAID-funded Justice System Strengthening Program, Commercial Justice Activity, and Access to Justice. There are also a number of European Union funded projects. supporting judicial institutions, including *Strengthening Efficiency, Accountability and Transparency of the Judicial and Prosecutorial System in Kosovo*, and *Strengthening Policy Formulation and Legislative Drafting*. As is the case with any evaluation, it is difficult to determine the level of effect of UNDP's contribution versus that of other stakeholders. The best was done to overcome this challenge during the interviews which helped to determine the project's own impact through its interventions.
- **Recall bias -** Because there are many actors supporting rule of law institutions, informants may at time face difficulties in recalling the activities supported by UNDP. In order to mitigate this limitation, the best was done to recall the specific activities supported by UNDP.

EVALUATION FINDINGS

Relevance

UNDP's rule of law program was highly relevant and designed in a collaborative approach with beneficiaries in a manner to address inherited and emerging challenges pertaining to Kosovo's rule of law. During 2015 Kosovo was facing significant challenges as noted in domestic and international reports: inefficiency in administration of justice, large proportion of unresolved cases, lack of coordination between rule of law institutions, lack of coherent strategic and operational planning, overdue adoption of secondary legislation, and an underused mediation system. The 2015 European Commission Kosovo report stated that the judicial system was at an early stage of development, and that the administration of justice was slow and there was insufficient accountability of judicial officials. UNDP's rule of law program was highly relevant to Kosovo's development agenda to strengthen its RoL, and the programme therefore was designed to address these shortcomings and in close collaboration with the institutions. The Program objectives were aligned with and contributed to at least two of United Nation's Sustainable Development Goals, specifically goal 16, which calls for provision of access to justice and building of effective, accountable and inclusive institutions, and; goal 5, which call for promotion of gender equality and empowering of all women and girls.

The project has supported backlog reduction, which has been one of the greatest challenges in administration of justice. According to the 2015 annual report of the Kosovo Judicial Council, during 2015 courts had a total of 791,760 cases, most of which were inherited from the previous years. Similarly, according to the 2015 annual report of the State Prosecutor, the State Prosecutor had 178,687 cases during 2015, nearly 68% of which were inherited from previous years. It is evident that the project objectives of improving effectiveness and efficiency in the judiciary were aligned to the needs and priorities of institutions to resolve leftover cases thereby improving people's access to justice.

The key informants were highly appreciative that UNDP involved the stakeholders and beneficiaries in project design from its outset. Generally, the key informants were of the view that the collaborative project design aligned the project objectives to their strategic plans, priorities and needs. The beneficiaries were also signatories of the project, and this included the Ministry of Justice, Kosovo Judicial Council, Kosovo Prosecutorial Council and the Academy of Justice.

The program was aligned to the reforms in rule of law and human rights legislation and commenced at a critical time for implementation of such reforms. During 2015-2016 the Assembly of Kosovo adopted a package of laws affecting rule of law and human rights: Law on Kosovo Judicial Council, Law Kosovo Prosecutorial Council, Law on Courts, Law on State Prosecutor, Law against Discrimination, and Law on Ombudsperson. It was evident that following the adoption of these laws, both professional and technical support would be needed in drafting secondary legislation for the implementation of these laws. The timely support that UNDP has provided to these institutions in drafting secondary legislation has been highly

relevant and fitting to the situational circumstances. The timeliness of support activities was also aligned to the Functional Review of the Rule of Law Sector, launched in February 2018 by the Ministry of Justice. The review aimed at identifying the functional issues with the rule of law sector, and propose policy recommendations to address the shortcomings.

During 2015 Kosovo and Serbia reached an agreement on justice with the facilitation of the European Union. The agreement among other things called for integrating courts in the northern municipalities of Kosovo into a unified system with the rest of Kosovo. The agreement marked a significant step in enforcing the rule of law in those areas and in process of the normalization of the relations between Kosovo and Serbia. This called for integration of Kosovo Serb judges and prosecutors in the Kosovo judicial system through training to increase their professional capacities based on Kosovo's legal framework. The project contributed in the implementation of the agreement through the specific following interventions: capacity development support for the K-Serb judges and prosecutors in the area of Alternative Dispute Resolution (mediation) based on the amended legislation; provision of 10 Albanian-Serbian court interpreters in the Basic Court of Mitrovica that enabled the members of the Serbian people and other non-Albanian communities easier access to the court and better protection of their rights, hence supporting their language rights in the court.

While Kosovo had adopted legislation on mediation as an alternative dispute resolution mechanism in 2008, during 2015 the mediation system was largely ineffective and underused. There was a need therefore to initiate reforms in mediation system whereby cases are referred for mediation from judges and prosecutors. In addition, there was a need to provide trainings for mediators on how to resolve cases. There was also a need to implement public outreach activities to encourage citizens and businesses to use mediation services. UNDP's support for mediation was tailored to the circumstances concerning the mediation at that time.

As part of its broader spectrum of support in the justice sector, UNDP in 2016 supported the MoJ in initiating the process of reforming of the Bar Exam and developing capacities of the Bar Exam candidates through a theory to practice approach. It had been observed that the Judicial Bar Exam was still organized in a classic manner that was not in line with the latest legislative changes made over the years. Hence, UNDP's support to Bar Exam review was relevant in supporting the MoJ embark in this important area of reform.

The exam contained a written and oral part. It was assessed that the oral part of the Exam was largely based on theoretical aspects only, lacking practical questions and scenarios to a great extent. In addition, in discussions with the candidates of the trainings for the Judicial/Bar Exam, concerns were raised in regard to the content of the training which lack sufficient content on practical skills. Therefore, it was considered that the exam needed to be reformed particularly in view of newly adopted legislation in Kosovo. Moreover, the project, through its capacity development support for over 200 Bar exam candidates, contributed in creating more qualitative legal cadre of resources for the benefit of the system

Taking the above into account, it can be concluded that UNDP's rule of law program has been designed in a collaborative approach with the institutions, has contributed to addressing the most imminent needs in rule of law, and has addressed the rule of law issues from a variety of angles including legislative reforms, capacity building, backlog reduction, public outreach and access to justice.

Effectiveness

The project has provided support to Kosovo Judicial Council and the Kosovo Prosecutorial Council in drafting sub legal acts that were required by the adoption of rule of law reforms during 2015. Through the national legal experts embedded in the KJC and KPC, the project contributed in the process of drafting and adopting these sub-legal acts, covering critical issues pertaining to rule of law: recruitment and appointment of judges and prosecutors, transfer of judges and prosecutors, and performance evaluation. The project has contributed to the drafting of the following Regulations to support the effective implementation of the laws:

1. Regulation on the procedure and criteria of appointing Kosovo Judicial Council's members from the judiciary;
2. Regulation on referral of mediation cases;
3. Regulation on the certification and appointment of judicial translators and interpreters;
4. Regulation for changes to Regulation 06/2017 for training of judges;
5. Regulation on the procedure of appointment, evaluation, discipline and dismissal of professional collaborators;
6. Regulation on disciplinary procedure for judges;
7. Code of Ethics and Responsibilities of judicial translators and interpreters;
8. Regulation on the organization and functioning of the Special Department;
9. Draft Administrative Instruction on the division of responsibilities of KJCS and the Courts on personnel, budget, finance, procurement and logistics issues;
10. Administrative instruction related to the access in Courts buildings.
11. Regulation on Amending and Supplementing the Regulation No. 08/2016 on the Appointment of Chief Prosecutors;
12. Regulation on Disciplinary Responsibility of Judges and Prosecutors;
13. Draft Regulation on the Performance Evaluation of Prosecutors;
14. Regulation on referral of mediation cases.

The representatives of the Kosovo Judicial Council were highly appreciative of UNDP's contribution in drafting these regulations. As such, the support helped in supporting the effective implementation of the amended laws. This support activity came at a critical time when legal capacities within the KJC to draft such regulations were weak, and these regulations were much needed to implement provisions of the rule of law reform adopted in 2015. The project also supported the amendments to the rule of law legislation during 2018 and 2019, including Law on Courts, Law on Kosovo Judicial Council, Law on Kosovo Prosecutorial Council.

While the national legal experts are no longer supporting these institutions, the regulations whose drafting was supported by the national legal experts were adopted and contribute to

increased effectiveness and efficiency in rule of law in a sustained manner. Nevertheless, while the embedded staff have had considerable effect in drafting these regulations, their effect is limited within the timeframe of the project. Consideration should be given to providing on-job mentoring and coaching for legal drafters of the institutions to ensure that the outputs of UNDP's embedded advisors are sustainable.

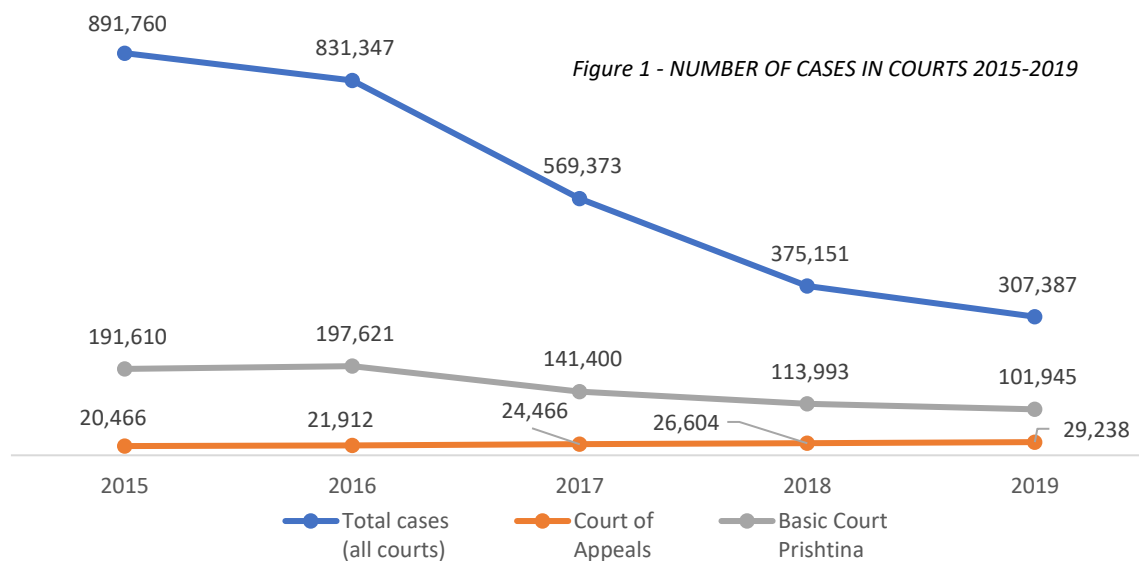
UNDP has also been effective in supporting coordination, strategic and operational planning between rule of law institutions. UNDP facilitated the establishment of the Rule of Law Coordination Mechanism in 2016, comprised of four directors of justice institutions, and supported by four embedded national legal experts in these institutions. The working mechanism was focused on policy development, legislative drafting and strategic developments with the purpose of strengthening good governance and reforming of the rule of law being the key requirements of the SAA.

Regular meetings of the Rule of Law Coordination Mechanism ensured policy coordination, harmonization of strategic planning, improving the policy development, and collaboration among the institutions. Through UNDP's legal expertise, the MoJ, KJC, KPC, and AJ have been benefiting from the Mechanism not only on their day to day activities, but most importantly, in developing better legal infrastructure, strategic planning, and coordination, in view of EU integration processes. The mechanism helped identify key problems and inconsistencies in rule of law, identify possible solutions in approximation of legislation, and bring better consistency in judicial decision making.

The Mechanism has helped to improve communication among the institutions, including but not limited to coordination on strategic planning and policy making activities such as arrangement for the assessment of judges and prosecutors in compliance with the relevant legislation. Through legal experts seconded to respective institutions, UNDP has managed to promote institutional dialogue in addressing and resolving cross-cutting issues among the justice-sector institutions in Kosovo and being the focal points, helped to ensure there is consistent communication between respective institutions, international partners supporting the rule of law in Kosovo and other actors involved in rule of law projects. While this coordination mechanism does not currently operate within the Ministry of Justice as such, the initiatives of MoJ including the Justice 2020 reform and the Functional Review Reform (both ongoing processes) have drawn on practices of coordination established by the Mechanism. The UNDP has also provided substantial professional legal support to the MoJ in the implementing the functional review reform. Specially, UNDP contributed in drafting nine policy papers which will be incorporated in the upcoming Rule of Law development strategy.

Backlog reduction has been another area in which UNDP has contributed. By embedding twelve legal officers in the Basic Court of Pristina and twelve legal officers in the Court of Appeal, UNDP has contributed to improved court's effectiveness and efficiency. The level of direct contribution of UNDP compared to other internal and external factors is difficult to measure in backlog reduction, however the qualitative interviews with the Kosovo Judicial Council and the Court of Appeals indicate that the legal officers engaged by UNDP were important in addressing the issue of backlog. This is also reflected in the KJC's overall backlog official annual statistical information.

The graph below shows the total number of cases in all courts between 2015 to 2019, and the number of cases in Basic Court of Pristina and Court of Appeal where the project provided its professional legal support. Over the years there has been a substantial decrease in case backlog, and this is also evident in the Basic Court of Pristina. Nevertheless, backlog reduction has been evident also in Basic Courts where UNDP did not provide any support. While the number of unresolved cases has slightly increased in the Court of Appeal, this can be mainly attributed to the large number of new cases received by the Court of Appeal, as opposed to lack of efficiency in resolving the cases. The President of the Court of Appeal indicated that as a result of UNDP's support the number of cases resolved by judges per month increased from 22 to 30.



The President of the Court of Appeal also acknowledged UNDP's support in harmonization of judicial practices. The project supported the Basic Courts and Court of Appeal in harmonizing the opinions on judicial practices by developing the Bulletins of Case Law for 2016 and 2017 and 2019. The drafting of specific Guidelines (the Bulletin of Case Law) clarifying and unifying judicial practices at the Basic Courts and Court of Appeal was completed and published into Albanian, English and Serbian language. The project organized working sessions and supported the Academy of Justice and the Court of Appeal to review the Court of Appeal's practices, particularly procedural and material civil cases, where the courts of first instance fail to make fair and lawful decisions. The publication of specific Guidelines (the Bulletin of Case Law) has helped in clarifying and unifying judicial practices at the Basic Courts and Court of Appeal.

Another area of UNDP's work has been to support alternative resolution systems, particularly mediation. UNDP has provided technical and legal assistance in the drafting of the new Law on Mediation, and has provided introductory trainings for legal practitioners involved in mediation procedure including judges, prosecutors, legal associates, mediation clerks and mediators. The Law on Mediation was adopted by the Kosovo Assembly. The new law foresees the functioning of the mediation procedure within the court and prosecution premises resolving the long-standing issue of reliance on international donor's support for mediation. The law foresees that both prosecutors and judges to increasingly refer cases to

mediation for certain cases foreseen by law prior to starting a formal judicial procedure which may take longer for the parties to resolve, and add up to the exiting backlog.

Data indicates that the project has contributed to increase the number of cases in mediation process. During 2016 when the project commenced, the number of cases undergoing mediation was 963, while in 2019 the number of cases increased to 5,090. Not only has the number of cases referred increased by five times over the years of UNDP support, but the data shows that the largest proportion of cases are resolved. Of all cases 5,090 cases referred to mediation by prosecution and courts, 3,859 (76%) were resolved, 991 (19%) were not resolved, and 239 (5%) are still in procedure. The 76% concluded with successful resolution of cases is a clear indication of the project's impact in the capacity development support for the mediators, and other parties involved in the procedure.

	Court referred cases	Prosecution referred cases	Self-referred cases	Total
Total	2,846	2,244	x	5,090
Solved	2,338	1,521	x	3,859
Unsolved	273	718	x	991
In procedure	235	4	x	239

During 2014 to early 2018, the project supported the functioning of three out of seven mediation centers in Prishtina/Priština, Gjakova/Đakovica and Ferizaj/Uroševac to support the courts clear their backlog by referring more cases for mediation, and as a result improving people's access to justice. During 2016 and 2017, the project supported the referral of 1,903 cases from three basic courts and prosecution offices to mediation centers.

The project did not have any effect in increase in the number of mediators as this competence fell under the MoJ responsibility. During 2016 there were 189 certified mediators by the Ministry of Justice. Of those who were certified, 95 exercise the function, 24 do not exercise it anymore, 3 are deceased, and 67 have not informed the ministry about their status. As part of its future work on this field, UNDP will partner with the Chamber of Mediators and the MoJ to clear up the list of mediators and support the Chamber and the MoJ in developing a strategy for mediation.

Following adoption of the new legislation, during 2017 the Kosovo Judicial Institute transformed into what is now the Academy of Justice. UNDP provided full time advisory and technical support in the transformation process and supported the AJ in successfully implementing its legal education programmes. The 2017 training programme for judges and prosecutors was developed in cooperation with the Justice Academy. The program reflected the training needs of judges and prosecutors including those arising from the Kosovo's policies and strategies for the judiciary. The project increased the professional development of legal practitioners (36 judges and prosecutors; 20 men, and 16 women) on the judicial application of the European Convention of Human Rights (ECHR). The trainings helped the judges and prosecutors to (a) understand the core rights of the ECHR Convention (b) discuss ways and measures for concrete application of the ECHR norms; (c) improve the application of the

ECHR cases in the judicial practice. The impact of training is difficult to measure particularly as there seem to be no pre-post-test or training evaluation completed. However, according to the interview with previous head of AJ, prosecutors and judges have generally found these trainings useful for their work. The project also helped establish the E-learning¹, a module in the AJ website that enables legal practitioners to access training modules and legal materials.

The project had little effect in reforming the administration of the Bar Exam, but considerable effect in training of candidates for the bar exam. The project identified key issues in the administration of the Bar Exam through working sessions with stakeholders and provided technical assistance and research on comparative practices on updating the bar exam. The process of reforming the bar exam was not met by willingness of the beneficiary parties to adopt the reform, and as a result the Law on Bar Exam and its form of conduct has remained the same. The trainings provided for candidates who entered the bar exam have proven useful. A total of 264 persons participated in trainings organized by UNDP, and of those who entered the exam, 72 (27%) passed the bar exam more than half of which were women. The trainings were facilitated by experienced professors, lawyers and legal practitioners. The project's intervention on training was focused on the specific period of time when the project was being implemented, and no existing initiatives seem to exist to provide bar exam trainings in a sustained manner.

UNDP had considerable effect in promoting access to justice, particularly among vulnerable groups. During 2017 the project developed public services announcements to increase citizen's understanding and knowledge of their rights, methods of accessing judicial institutions, and how they can utilize free legal aid services. Four video announcements² were transmitted in key TV channels in languages accessible to communities: Albanian, Serbian, Turkish and English. It is estimated that around 200,000 people were exposed to the messages of the campaign.

While the right to free legal aid is guaranteed by the Kosovo Constitution, accessibility to free legal aid services is limited. Within the capacities available, the Agency for Free Legal Aid can offer its services aid to around 5,000 cases annually, and according to representatives of the Agency this does not meet the demand for free legal aid services. In terms of improving access to justice for vulnerable groups, UNDP's intervention was focused on specific municipalities and communities, in settings where UNDP's support was made available, there is evidence of considerable impact. The Agency stated that during 2016 the Agency handled around 3,000 cases per year and in 2019 the number cases handled by the Agency has risen to 5,500 cases as a result of UNDP's support to the agency. UNDP supported the Agency for Free Legal Aid in activation of mobile clinics, which provided legal assistance and counselling in municipalities of Decan/e, Gjakova/Djakovica, Podujeva/o and Fushe Kosova/Kosovo Polje. The program established the Legal Aid Coordination Mechanism in August 2016, which helped

¹ The E-learning platform may be accessed from the home page of the Academy of Justice (<https://ad.rks-gov.net/sq/ballina>)

² Video on judicial rights: https://www.youtube.com/watch?v=BT91rcQE6UI&feature=emb_title

Video on gender-based violence: https://www.youtube.com/watch?v=9CMEw3KRSqk&feature=emb_title

Video on access to courts: https://www.youtube.com/watch?v=ntU_gwmCIVA&feature=emb_title

Video on free legal aid: https://www.youtube.com/watch?v=nhUhsCQLAB0&feature=emb_title

coordinate the planning and implementation of legal aid services. In addition, the program cooperated with two CSOs, NORMA and Femrat Aktive te Gjakoves, to enable equal access to justice for vulnerable communities, specifically Roma, Ashkali, and Egyptian (RAE) communities, women, and youth. In Gjakova/Djakovica, the project reached out to 30 marginalized families, including 15 families from RAE communities, who benefited from legal aid services provided by the CSO. Moreover, over 200 students benefited from information campaigns, thereby contributing to youth empowerment and in the development of work processes. In addition, Roma, Ashkali and Egyptian communities benefited from six information campaigns on free legal aid, and procedures of mediation addressing property and heritage matters. In Decan/e, 64 people (55 women and 9 men), both representatives of non-governmental organizations and of governmental institutions benefited from information sessions, aimed to raise awareness on the provision of the Free Legal Aid and its mechanisms.

To address the issue of domestic violence in northern municipalities, Action Plans on Gender Based Violence/ Domestic Violence were developed and updated jointly with UN Women and raised awareness of the grass root level organizations to prevent violence against women and girls in Kosovo. The project, jointly with other UN Agencies and the institutions marked the 16 Days of Activism Against Gender-Based Violence international campaign through its legal aid activity with the most relevant local institutions, and NGOs protecting the rights of women and girls.

Efficiency

During the evaluation period, 2016 – present, the Support to Strengthening the Rule of Law project contributed to the increase in effectiveness and efficiency of the rule of law system in Kosovo. The project interventions were relevant and broad in nature as they tackled many issues related to for instance policy development in the justice sector, improvement of court efficiency, capacity development support, improvement of access to justice through legal aid and mediation services. .

Considering the resources that UNDP allocated for the rule of law program, there is a reasonable level of output and achievement of results, as indicated in the section on effectiveness. The project used internal professional project capacities in certain components and activities which required no additional recruitment of services or resources to achieve the desired goals. Some examples include: professional legal support to draft the law on mediation and its sub-laws, the sub-laws related to the field of legal aid.

The involvement of beneficiaries at the design stage of the projects, and the regular coordination of activities with beneficiaries and UN agencies has improved the project's efficiency. The program activities were aligned to the needs and priorities of the rule of law institutions and, as a result, all program activities were implemented in a timely manner in accordance the agreed annual workplans of the donor partners and organizations. There was a three month no cost extension (November 2019 – January 2020) for the Enhanced Access to Justice and Rule of Law reform in Kosovo funded by Norwegian embassy to complete the planned activities of the human rights database and the consolidation of the mediation procedure. The project also worked jointly with other UN agencies such the UNFPA, UN

WOMEN and UNICEF on certain areas of mutual interests such as the GBV, legal aid, mediation, the juvenile justice code. As such, it ensured a joint and coherent approach in addressing issues such as: gender-based violence, and capacity development on mediation/juvenile justice code, and the GBV and legal aid support.

Cost reasonableness was taken into account in relation to the support provided to beneficiaries. By amending the law on mediation in cooperation with stakeholders, the project ensured cut down the costs related to operations of mediation centers which entailed considerable costs to keep them running (i.e. rent, utilities, staff etc). The new law on mediation has integrated mediation procedures within court and prosecution offices hence end the reliance on donor financial support. In addition, when providing professional legal support for institutions, the project focused on engaging with national experts, strengthening sustainability and further developing capacities of institutions in the areas of agreement.

One evident shortcoming in the rule of law program is the implementation of eight simultaneous or subsequent projects pertaining to rule of law and drawing a logic between the various interventions in the project's logical framework. Each project had its own specific project document, logical framework, project management and performance reporting requirements. While almost all of the activities seem to be implemented in a timely manner, and there was no evidence that implementing eight projects has disturbed the achievement of project results, consideration should be given to merge the project intervention and logic at the outset of the project, rather than at the end.

It may be more beneficial to look at the planning and the design of the project from a broader perspective of UNDP's work in Kosovo and try to link the interventions across various sectors. This may be achieved by introducing and piloting innovative solutions that seek to address the needed change, and identify possibilities of scaling up the interventions within and across the sectors.

Sustainability

The project's support in drafting legislation, including Law on Mediation and 14 sub-legal acts will have a long-term positive effect in rule of law in Kosovo. These regulations provide a solid basis for courts, prosecution and mediation to operate in a sustained manner, as the key areas and functions of their work, including recruitment and appointment of judges and prosecutors, transfer of judges and prosecutors, and performance evaluation, are now regulated. Most institutions recognize that UNDP's support in drafting and adoption of these regulations was critical. However, the Kosovo Judicial Council in particular continues to lack legal drafting expertise within its secretariat. It may be concluded that should such legislation require further amendments, changes or addition of new regulations, the institutions continue to lack legal drafting expertise. It would have been useful if the project had engaged in enhancing legal drafting skills of the institutions through a specific activity, and that is something that the project may consider in the future.

The project partners generally found that the national experts supported by UNDP in their institutions contributed in improving their performance, and deliver their foreseen objectives. This was evident in a number of interviews with Ministry of Justice, former head of AJ, Court

of Appeals, and Agency for Free Legal Aid. However, some informants were of the view that after the completion of the contracts of the embedded staff, the institutions were back to where they were without the embedded staff. UNDP should consider strategies for long term engagement of the embedded staff within the institution. Consideration should be given to requiring co-financing of the embedded staff by the institution, and prospect of employment by the institution after the end of contract with UNDP.

Generally, the project has had success with the sustainability on its support to electronic programs and databases. Some electronic platforms supported by the project included E-learning with the AJ, case management database in the Agency of Free Legal Aid, and human rights database in the Office of the Ombudsperson. These institutions were of the view that these electronic platforms have improved their effectiveness and efficiency, and they have dedicated funding, program staff and information technology personnel to ensure that these systems are utilized in a sustained manner.

UNDP's support was often required because the institutions did not possess sufficient capacities (professional and technical) to address their objectives related to for instance policy or capacity development. UNDP's approach so far has been to support the institutions address both their short- and long-term priorities. In the future, consideration should be given to advise the institutions to plan, and allocate own funding for both, short- and long-term needs.

Judges, prosecutors, legal officers and practitioners require regular and updated training on matters of judicial practice. The capacity building activities organized by UNDP with judges and prosecutors, with Kosovo Serb judges, and candidates of the bar exam, while generally deemed effective by the key informants, are generally limited in reach and scope, and would not fill the gaps and needs for trainings in the long term. UNDP worked with AJ to conduct a training needs assessment for judicial institutions and designed training programs and modules, but the extent to which these resources are utilized is questionable.

Impact

Between 2016 to present the rule of law sector in Kosovo has undergone significant developments and reforms. A new package of rule of law and human rights legislation was adopted during 2015 and 2016, that was complemented with sub-legal acts, strategies and policies. A variety of actors involved in the process, including the judiciary institutions, international donors, non-governmental organizations, private sector and citizens, and the interaction between these, has contributed to increased effectiveness and efficiency in the rule of law. Given these developments and the wide range of actors, it is therefore difficult to examine the extent to which the increase in effectiveness and efficiency can be attributed to the support provided by UNDP, as opposed to support provided by other donors and other development.

Nevertheless, for the purpose of this evaluation, in order to examine the impact of UNDP's rule of law program, the evaluation will look at how program activities and outputs led to the project outcomes, and if such outcomes were achieved, it will be considered that the rule of law systems and institutions are accessible to all and perform in a more efficient and effective

manner (Please see diagram on page 7 for the scheme of the evaluation). The program would therefore be considered to have had its desired impact if:

- (a) there is improved planning and coordination in rule of law;
- (b) institutional capacities were strengthened;
- (c) there is improved access to justice and court performance, and;
- (d) marginalized communities are better able to access the justice system.

With respect to outcome (a) planning and coordination in rule of law, it is evident that the Moj Mechanism established with the support of UNDP has led to **improved strategic and policy planning on rule of law**. The key informants were generally of the view that when the project commenced there was little to no coordination between justice institutions. Judicial institutions were reluctant to meet with the Ministry of Justice officials to respect the separation of powers between the judicial and executive branches of the state. The four embedded national legal experts in the institutions, focused on policy development, legislative drafting and strategic developments with the purpose of strengthening good governance and reforming of the rule of law being the key requirements of the SAA. While this coordination mechanism does not currently operate within the Ministry of Justice as such, the initiatives of Moj including the Justice 2020 reform and the Judicial Reform Activity have drawn on practices of coordination established by the Mechanism.

The key informants were highly cognizant of UNDP's support in harmonizing judicial practices. The project supported the Academy of Justice and the Court of Appeal to review the Court of Appeal's practices, particularly procedural and material civil cases, where the courts of first instance fail to make fair and lawful decisions. The publication of specific Guidelines (the Bulletin of Case Law) has helped in clarifying and unifying judicial practices at the Basic Courts and Court of Appeal. According to the key informants, the **harmonization of judicial practices has improved the effectiveness and quality of delivery of justice**.

With respect to point (b), it is evident that the program has contributed in a variety of ways in strengthening the capacities of rule of law institutions. The trainings for judges and prosecutors on human rights, civil law and case law of the European Court on Human Rights are reported to have improved the quality of delivery of justice.

The orientation trainings held with Kosovo Serb judges were critical to their integration in the Kosovo legal system. A mediator who attended UNDP mediation trainings was able to apply the knowledge gained in more than 100 mediation cases during 2019, more than 95% of which resulted in an agreement between parties. The UNDP program enhanced the capacities of the staff of Agency for Free Legal Aid by organizing trainings facilitated by senior judges on inheritance rights, property and administrative complaints. Of 264 candidates who participated in UNDP's bar exam trainings, 72 (27%) successfully passed the exam and are currently practicing law. Moreover, the training needs assessment completed with the Academy of Justice and the support in developing of online learning tools continue to serve as tools for learning of legal practice in a sustained manner.

The capacities of the institutions were also advanced by way of **developing innovative case management systems and learning tools**. The case management database developed and updated for the Agency for Free Legal Aid has improved the efficiency of the Agency in handling cases, generating reports and statistics by nature of the case, party involved and year. Similarly, the experts engaged within the Ombudsperson have improved the quality of data management in the Ombudsperson. The E-learning platform of the Academy of Justice incorporates training modules for legal practitioners – and the AJ has engaged two information technology officers to continuously update the e-learning platform.

With respect to point (c), the program has **improved access to justice**. The assessment found that UNDP established the mediation system back in 2008 marking an important achievement in Kosovo's rule of law. Although the legal framework pertaining to mediation has been adopted in Kosovo since 2008, the number of cases being referred to and resolved through mediation was considerably low due to lack of referral system and limited knowledge among the general population regarding the mediation service.

UNDP has provided technical and legal assistance in the drafting of the new Law on Mediation. The new law foresees the functioning of the mediation procedure within the court and prosecution premises resolving the long-standing issue of reliance on international donor's support for mediation. Another important change is the inclusion of the mediation services within the courts. The law foresees that both prosecutors and judges refer cases to mediation. The project operated three out of seven mediation centers in Prishtine/Pristina, Gjakove/Djakovica and Ferizaj/Urosevac to support the courts clear their backlog by referring more cases for mediation, and as a result improving people's access to justice. During 2016 and 2017, the project supported the referral of 1,903 cases from three basic courts and prosecution offices to mediation centres.

To follow-up trainings for mediators have had considerable impact. During the trainings and scenarios and legal provisions were discussed and clarified that help in the better implementation of the Law and Regulations in the field of mediation. This project has also **contributed to the advancement of practical knowledge**, in relation to the initiation of the mediation procedure, the development of the mediation procedure, the drafting of mediation agreements, and the handling of these agreements in the prosecution and court. Data indicates that the project has been effective to increase the number of cases in mediation services. During 2016 when the project commenced, the number of cases undergoing mediation was 963, while in 2019 the number of cases increased to 5,090. Not only has the number of referred cases increased by five times over three years, but the data shows that the largest proportion of cases are resolved and reach an agreement. Of all 5,090 cases referred to mediation by prosecution and courts, 3,859 (76%) were resolved, 991 (19%) were not resolved, and 239 (5%) are still in procedure.

The program had a **partial impact in back-log reduction**. The support in backlog reduction was focused to the Basic Court of Pristina (the largest court in Kosovo) and the Court of Appeals. The data shows that there is a reduction in the backlog of cases in the Basic Court of Pristina from 197,621 total cases in 2016 to 101,945 total cases during 2019. However, over the years there has been a substantial decrease in the number of unresolved cases at

national level, and this is also evident in Basic Courts in which UNDP did not provide support. At the Court of Appeals level, the President of the Court of Appeals indicated that as a result of UNDP's support the number of cases resolved by judges per month increased from 22 to 30. While the number of unresolved cases has slightly increased in the Court of Appeals, this can be mainly attributed to the large number of new cases received by the Court of Appeals, as opposed to lack of efficiency in resolving the cases.

In terms of improving access to justice for vulnerable groups, UNDP's impact was focused on specific municipalities and communities, and in settings where UNDP's support was made available, there is evidence of considerable impact. For example, UNDP supported the Agency for Free Legal Aid establishment and activation of mobile clinics in four other municipalities. The Agency notes that more than 200 cases were supported through the mobile legal clinics. In addition, the program cooperated with two CSOs, NORMA and Femrat Aktive te Gjakoves, to enable equal access to justice for vulnerable communities, specifically Roma, Ashkali, and Egyptian communities, women, and youth. Public outreach campaigns have helped get the message out to more than 200,000 people and were accessible in community languages.

Collaborative and human rights centred approach

Within the Global Focal Point (GFP) component, UNDP coordinated the joint support interventions with other UN agencies, institutions and local partners to strengthen rule of law from the human rights and access to justice perspective. Specifically, UNDP worked closely with other UN agencies including UN Women, UNFPA, UNICEF, and local partners such as Action for Mothers and Children (which was a joint implementing partner of UNDP and UNFPA for a specific activity on GBV) on areas including gender-based violence, juvenile justice, and access to justice for vulnerable communities. As indicated in sections above, the collaborative approach has improved the effectiveness and efficiency in the delivery of the project results, and, most importantly building on UN Agencies joint results through complementarity of actions and identification of synergies on those specific areas mentioned above. Importantly, the approach contributed in implementing the UN Common Development Plan (2016-2020) where all these agencies have a role to play.

By organizing joint activities with UNICEF, UNDP promoted access to mediation for juvenile justice. This included activities to promote referral of juvenile cases to mediation, promotion of mediation as an alternative measure, and trainings for judges on how to enforce juvenile justice. UNICEF notes improvement in the quality of delivery of juvenile justice. During 2013-2014 judges in Kosovo imposed alternative measures only in around 180 cases, while in 2018-2019, there are more than 1,000 cases who are imposed alternative measures. UNDP and UNICEF were also of the view that the training content and messages delivered have greater impact to participants if delivered by two agencies working in synergy with each other.

While this marked a small portion of UNDP's broader rule of law program, generally there is an expressed need to continue this collaboration. Some potential areas of follow-up in juvenile justice include: (a) trainings for judges, prosecutors and mediators on how to handle juvenile cases; (b) training impact assessments, lessons learned and recommendations; (c) improved

accountability in case management, design of case tracking schemes between prosecution, police and courts, and (d) building on capacities of social service providers to deal with child right cases at local level, and (e) enhancing free legal aid for children in need.

In partnership with UN Women, the program supported the development of capacities in non-majority municipalities to identify best practices and challenges in improving access to justice for victims of Gender Based Violence. This resulted in developing and updating four Action Plans on for the northern municipalities of Kosovo. UNDP took the initiative, jointly with UN Women, in helping Kosovo stakeholders benefit from practices and lessons learned from the Northern Republic of Macedonia on GBV. This exchange helped Kosovo to identify best practices and lessons learned by Northern Republic of Macedonia which is already implementing the Istanbul Convention. Both Kosovo and the Northern Republic of Macedonia face common challenges related to GBV, thus the exchange contributed in finding joint solutions to address the issues of access to justice and increase regional cohesion. Other results included identification of avenues, and areas for free legal aid support for the survivals of domestic violence.

The project noted the lack of coordination and proper referral mechanism of key stakeholders who are dealing directly with cases of GBV, with limited prevention and reintegration initiatives. There was also a lack of information among the GBV victims on legal aid services. The service of GBV providers had to be strengthened through catalytic interventions such as capacity-building for health care providers (family doctors, and nurses). To address these challenges UNDP jointly with UNFPA and Action for Mothers and Children trained health care providers in addressing GBV cases, and in implementing the standard operation procedures for gender-based violence developed with the contribution of the UN Women. The training programme also prepared an informative brochure on GBV to be used in healthcare institutions for patients, which, among others includes the municipal legal aid services for the GBV victims.

In its experience of implementing these human rights-centred activities, UNDP has found that there is significant need for advancing rule of law from a human rights and access to services standpoint. Specifically, there is a need to: (a) strengthen coordination and referral system between service providers and rule of law enforcement authorities (including: NGO service providers, centres for social work, police, prosecutors, and judges); (b) organize trainings on enforcement of human rights and strengthening of the capacity of institutions to support immediate and long term protection of victims and persons whose rights are violated, and; (c) expand access to justice for persons in need, including both geographic expansion, and expansion through increased number of legal professionals who provide free legal services for persons in need.

LESSONS LEARNED AND RECOMMENDATIONS

Based on the review of project documents, feedback from key informants and meetings with UNDP program staff, there are several lessons learned:

- **Effectiveness will increase if beneficiaries are involved in program design:** The involvement of beneficiaries and stakeholders in the design of the project has led to improved effectiveness and efficiency in program implementation. The interventions, project activities were designed in a manner as to fit the strategic and operational plans of the institutions, and suitable to their immediate and long-term needs. As a result, all of the project activities were completed in an effective and timely manner.
- **It is important to focus on institutional agenda:** It is noticeable that following the adoption of 2015 and 2018 rule of law reforms and the agreement on justice between Kosovo and Serbia, the critical issues on rule of law were the drafting of secondary legislation and support to integration of Kosovo Serb community judges and prosecutors. The project's adaptive management strategies ensured that its support was tailored to the agenda of the institutions. It is therefore critical that rule of law programs are adopted to immediate needs of the institutions, as well as long term objectives.
- **Intervene from multiple angles:** Rule of law depends on a variety of actors including judiciary institutions, government agencies, non-public legal actors, non-governmental organizations, private sector and citizens. The impact on rule of law is therefore dependent on interventions from all these angles. UNDP's intervention was primarily focused on supporting institutions, but effort was also placed in empowering non-legal actors and improving access to justice for vulnerable groups. The intervention from multiple angles helps identify issues in depth and address them from a variety of perspectives such as institutional coordination, capacity building, rule of law reform, Mediation and Public Outreach. This approach has also had a positive cross-institutional effect, by way that one institution i.e. Ombudsperson can rely on data from Agency of Free Legal Aid, or vice versa. The joint work with the Academy of Justice and the Court of Appeal in developing the Bulletin of the case Law (guidelines for judicial practice), supported the first instance courts to improve the quality of their work in decision hence increasing the number of verified cases by the Court of Appeal. The development of the Human Rights database also positively impacted the work of judicial staff, the local and central administrative institutions, including the CSOs, and law students. The support to one institution has positively affected the work of the other institution.
- **Increase efficiency through digital solutions:** UNDP has supported the development of (a) case management system for the Agency of Free Legal Aid; (b) E-learning training module for the Academy of Justice, and; (c) Human Rights database for the Ombudsperson. All of these institutions were of the view that the such digital

solutions have improved effectiveness and efficiency and has enabled the design and implementation of data-based solutions. As such they present an important foundation to build on their relevance and impact through future interventions.

- **Collaborative approach for increased effectiveness:** By working under one umbrella, jointly with other UN agencies including, UNICEF, UNWOMEN, and UNFPA, the UNDP has managed to increase the effectiveness, efficiency and the impact of the program. This collaborative approach ensured coordination in support to institutions between UN agencies and improved impact of delivery of content and messages during trainings. Equally important, such collaborative approach between the UN Agencies, contributed in implementing addressing certain targets and indicators within the UN Common Development Plan 2016-2020.

Based on the analysis of project documents, interviews with UNDP implementing team and the input from the key stakeholders, UNDP shall consider the following recommendations:

- **Follow-up with Ministry of Justice in rule of law coordination and policy planning:** The MoJ initiatives for justice reform (Justice 2020), which have become a more comprehensive form of coordination between justice institutions and a follow through of the Mechanism supported by UNDP, may identify critical areas where reform and capacity building is needed. The rule of law coordination and policy planning may also be subject to change with the establishment of the new government. It is critical that UNDP follow's up in it work with the Ministry of Justice and other stakeholders – in light of new reforms and potential structural change in the rule of law. The MoJ has a total of 19 laws in the legislative agenda and consideration should be given to providing support in the legislative drafting process.
- **Strengthening capacities of legal drafters and trainers:** Due to weak legal drafting capacities within the institutions, UNDP has provided assistance with drafting of sub-legal acts and legislation with respect to rule of law. Nevertheless, when the assistance is completed the capacities of the legal drafters of institutions remain unchanged. Rule of law legislation will be subject to frequent change and it is therefore more sustainable to build the capacities of legal drafters within the institutions, provide trainings on legal drafting, and on the job mentoring and coaching. The same recommendation applies for trainers of the Academy of Justice.
- **Provide assistance in expansion of free legal aid:** As a result of UNDP's support free legal aid services were extended to four additional municipalities, but these legal clinics ceased to operate when the project was completed. Another intervention from GIZ seems to have picked up where UNDP left over and expanded the free legal aid services to fifteen municipalities, but even that is likely to be done on a project basis. It is therefore critical to work with the Agency of Free Legal Aid to expand free legal aid services in a structured and systemic manner, possibly through universities and law schools, law firms, clinics and non-governmental organizations at local level. This

would contribute in addressing the SDGs and specifically support those most left behind.

- **Embedded support should be done with prospect of employment:** During the course of the rule of law program UNDP has embedded national legal experts in key rule of law institutions. While all of the institutions were of the view that these embedded staff have increased their performance and quality of justice, the effects of this support are visible only during the course of the project implementation and there is a return to point zero when the project is completed. UNDP should consider signing cooperation agreement with the institutions so that embedded staff have a prospect of employment at the beneficiary institution following the completion of the project.
- **Assist institutions with budgetary planning for goods and services:** UNDP's support was often required because the institutions either did not plan or had no funding to deliver a specific good or services. For example, the institutions did not have funding to organize a workshop, or facilitate a training, or to hire a legal expert to help drafting of regulations, or to develop or re-design a digital platform. UNDP's approach so far has been to fill in the gaps for funding. In the future, consideration should be given to advising the institutions to plan, allocate and spent own funding for goods and services.
- **Capacity development activities should take into account sustainability issues:** Judges, Prosecutors, legal officers and practitioners require regular and updated training on matters of judicial practice. The capacity building activities organized by UNDP including civil law trainings with judges, human rights trainings with prosecutors, orientation trainings with Kosovo Serb judges, and Bar exam trainings for candidates who entered the exam, while generally deemed effective by the key informants, are generally limited in reach and scope, and would not fill the gaps and needs for trainings in the long term. UNDP worked with AJ to conduct a trainings needs assessment for the judicial institutions and design training programs and modules, but the extent to which these resources are utilized is questionable. In the future, consideration should be given to strengthening the capacity of AJ to provide trainings themselves, including development of a roster of trainers, allocation of budget for and recruitment of domestic and international trainers and more precisely to strengthening the communication and coordination on trainings (including, compilation of training programs, organization of trainings, and trainers' performance), activities between the Academy and the governance bodies of judiciaries, namely the KJC and KPC, among others. Also, to research and analyze feasibility of promoting and enhancing the use of justice E-earning platforms established within the Academy to maximizing training opportunities through distance.
- **Strengthen project logical framework and baseline data collection:** The advantage of intervening from multiple angles (see lesson learned above) comes with

the cost of project activities scattered with a variety of institutions and topics without a coherent logical framework. For the purpose of this evaluation, eight project documents and logical frameworks had to be merged in order to form a rule of law program.

ANNEX I: LIST OF KEY INFORMANTS

Individual interviews		
#	Individual	Institution
1	Hasan Shala	President of Court of Appeals
2	Aferdita Bytyqi	Mediation Referral Officer, State Prosecutor
3	Lulzim Beqiri	Head of Department for European Integration and Policy, Ministry of Justice
4	Shkelzen Maliqi	Director of Secretariat, Kosovo Judicial Council
5	Besim Kelmendi	State Prosecutor
6	Hilmi Jashari	Ombudsperson
7	Anita Kalanderi	Director of Agency for Free Legal Aid
8	Valon Kurtaj	Judge, Basic Court of Pristina (Former Director of Justice Academy)
9	Flutra Berbati Zena	Head of Division for Legal Aid, Agency for Free Legal Aid
10	Faton Morina	Mediator, Head of Chamber of Mediators
11	Nikola Kabašić	President of Basic Court of Mitrovica.
12	Lavdim Krasniqi	Head of Secretariat, Kosovo Prosecutorial Council
13	Valbona Salihu	Lawyers Association "NORMA"
13	Valbona Rizvanolli	Femrat Aktive të Gjakovës
14	Ardian Latifaj	UNDP
15	Virgjina Dumnica	UNDP
16	Drita Berisha	UNDP
17	Sihana Bina	UNDP
Stakeholder Briefing Participants		
18	Ruzhdi Osmani	Division for European Integration, Ministry of Justice
19	Flutra Berbati Zena	Head of Division for Legal Aid, Agency for Free Legal Aid
20	Arlinda Krasniqi	Kosovo Judicial Council
21	Valon Jupa	Kosovo Prosecutorial Council
22	Islam Sllamniku	Academy of Justice
23	Faton Morina	Mediator, Head of Chamber of Mediators
24	Afrim Ibrahimimi	UNICEF
25	Evlanda Gojani	Action for Mothers and Children

ANNEX 2: EVALUATION QUESTIONS

Evaluation Criteria	Key questions
Relevance	<ul style="list-style-type: none"> • Are/Were the project’s activities relevant for the main beneficiaries? Has the initiative tackled key challenges and problems identified? • To what extent have the cross-cutting issues (such as environment, gender equality, women empowerment, human rights based approach and social standards), principles and quality criteria been duly considered/mainstreamed in the project implementation and how well is this reflected in the project reports? How could they have been better integrated? • Have there been any changes in policies and strategy development that have affected the project? If yes, have necessary revisions and adaptations been designed? To what extent has the project been appropriately responsive to political, legal, economic, institutional, etc., changes in Kosovo? • How did the project link and contribute the national development priorities, the UNDP Kosovo programme’s outputs and outcomes, the UNDP Strategic Plan and the SDGs? • How did the project contribute to the theory of change for the relevant UNDP Kosovo programme outcome? • What are the areas of relevance for future interventions in the target area?
Effectiveness	<ul style="list-style-type: none"> • To what level has the project reached the project purpose and the expected results as stated in the project document (logical framework matrix)? • In which areas does the project have the greatest achievements? Why and what have been the supporting factors? How can the project build on or expand these achievements? • In which areas does the project have the fewest achievements? What have been the constraining factors and why? How can or could they be overcome? • To what extent did the project contribute to the Kosovo programme outcomes and outputs, the SDGs, the UNDP Strategic Plan and national development priorities? • What challenges have been faced? What has been done to address the potential challenges/problems? What has been done to mitigate risks? • To what extent has the UNDP partnership strategy been appropriate and effective, and to what extent have stakeholders been involved in project implementation? • To what extent were project management and implementation participatory and is this participation contributing towards achievement of the project objectives? • To what extent has the project been appropriately responsive to the needs of the national constituents and changing partner priorities? • To what extent has the project contributed to gender equality, the empowerment of women and the realization of human rights?
Efficiency	<ul style="list-style-type: none"> • Have the resources been used efficiently? How well have the various activities transformed the available resources into the intended results in terms of quantity, quality and timeliness? (in comparison to the plan)

	<ul style="list-style-type: none"> • Were the project funds and activities delivered in a timely manner? • To what extent do the M&E systems utilized by UNDP ensure effective and efficient project management?
Sustainability	<ul style="list-style-type: none"> • How has the project ensured sustainability of its results and impacts (i.e. strengthened capacities, continuity of use of knowledge, improved practices, etc.)? • Did the project have a concrete and realistic exit strategy to ensure sustainability and what could be done to strengthen exit strategies and sustainability? • Has ownership of the actions and impact been transferred to the corresponding stakeholders? Do the stakeholders / beneficiaries have the capacity to take over the ownership of the actions and results of the project and maintain and further develop the results? • To what extent do stakeholders support the project's long-term objectives? • To what extent the lessons learned were kept and documented by the project team on a continual basis and shared with appropriate parties who could learn from the project?
Impact	<ul style="list-style-type: none"> • Is there evidence of long-lasting desired changes, in which aspects? • Has the project appropriately reached its target groups? Did the project serve the needs of vulnerable groups, i.e. women, youth, non-majority communities?
Stakeholders and Partnership Strategy	<ul style="list-style-type: none"> • How has the project implemented the commitments to promote ownership, alignment, harmonization, management for development results and mutual accountability?
Evaluation	<ul style="list-style-type: none"> • Were intended results (outputs, outcomes) adequately defined, appropriate and stated in measurable terms, and are the results verifiable?
Theory of Change	<ul style="list-style-type: none"> • Was the Theory of Change or project logic feasible and was it realistic? Were assumptions, factors and risks sufficiently taken into consideration?
Human rights	<ul style="list-style-type: none"> • To what extent have poor, minority groups, physically challenged, women and other disadvantaged and marginalized groups benefited from the project?
Gender	<ul style="list-style-type: none"> • To what extent have gender equality and the empowerment of women been addressed in the design, implementation and monitoring of the project? • Is the gender marker data assigned to this project representative of reality? • To what extent has the project promoted positive changes in gender equality and the empowerment of women? Were there any unintended effects?

ANNEX 3: TERMS OF REFERENCE



Empowered lives.
Resilient nations.

I. Position Information

Title: Local Evaluation Consultant

Department/Unit: Governance and Peacebuilding - UNDP Kosovo

Reports to: Rule of Law Project Manager/ Governance and Peacebuilding Portfolio Manager

Duty Station: Prishtinë/Priština, Kosovo

Expected Places of Travel (if applicable): throughout Kosovo

Duration of Assignment: 03 February 2020 – 10 March 2020 (20 w/ds within this period)

Need for presence of IC consultant in office:

- partial (explain)
- intermittent (explain)
- time/office based (needs justification from the Requesting Unit)

Provision of Support Services:

Office space: No

Equipment (laptop, etc.): No

Secretarial Services: No

II. Background Information

Rule of Law and Access to Justice are one of the key areas of UNDP's work in Kosovo since 2004. UNDP's work on Rule of Law is based on strong partnerships with Kosovo institutions, international stakeholders working on rule of law and financing partners. The overall objective of UNDP's project *Support to Strengthening the Rule of Law in Kosovo (SSROLK)* was to support the provision of an efficient, effective, and timely administration of justice. Rule of Law and Access to Justice are among the main political conditions for Kosovo in the European Integration process, which calls for ensuring that courts and prosecution are effective, independent, accountable and impartial, and free from political influence. As such, the SSROLK was designed to support Kosovo's Rule of Law priorities and strategic objectives focusing on:

- Policy level: addressed the policy and coordination aspects between justice institutions, and harmonization of strategic planning to increase efficiency on the implementation of reforms.
- Capacity development and institutional reform: focused on providing tailor-made institutional support to increase institutional and individual capacities, efficiency and accountability.
- Access to justice and service delivery: increasing access to justice for Kosovo's population and reducing the court case backlog through the mediation system.

The project was implemented in close cooperation and coordination with the Ministry of Justice (MoJ), Kosovo Judicial Council (KJC), Kosovo Prosecutorial Council (KPC), Academy of Justice (AJ),

Agency for Free Legal Aid, civil society, and CSOs. The project activities and indicators for annual work plan were developed jointly with the above noted project beneficiaries and partners.

Due to the limited inter-institutional coordination on rule of law (also highlighted by the EC Kosovo Report 2019) project contributed in establishing a Justice Coordination Mechanism (Secretariat) in 2016. The Secretariat consisted of the MoJ, KJC, KPC, and AJ. Through this coordination platform, the project contributed in improving strategic planning, policy development and coordination of priorities in the rule of sector, especially in light of the European Integration requirements.

With the commencement of the rule of law functional review process under the leadership of MoJ in 2018, the project aligned its professional and legal support to the Ministry in implementing the review process. To date, the review, supported also by other international stakeholders, is nearing completion opening the way to the drafting of the Sectoral Strategic Plan for the Justice System. UNDP' provided professional and legal support in developing the necessary policy papers that will feed into the upcoming Sectoral Strategic Plan for the Justice System.

Project worked with KJC and KPC to improve the administration of justice in light of the 2015 and 2018 amended basic laws on judiciary. Specifically, the project supported KJC and the KPC to prepare the secondary legislations to support the effective implementation of these laws. These regulations and administrative instructions have, among others, regulated the responsibilities, duties and organizational structures of Courts and justice institutions, and divided their work accordingly, thereby improving the administration of justice.

In cooperation with the Academy of Justice, the project provided various capacity development support for judges, prosecutors, and other legal practitioners. The project supported the Academy in drafting its annual training program, updating the e-learning tool to provide online trainings, and conducted various training on topics related to human rights, mediation, case management, drafting of legal opinions, etc. In addition, by publishing the Bulletin for Case Law for 2016, 2017 and 2018 the project contributed in improving judicial practices of the first instance Courts.

To guarantee equal access to justice for all the project worked towards improving the legal aid system. Legal aid in Kosovo is provided by AFLA, but it lacks the necessary capacities and financial resources to respond to citizens' needs. Although several CSOs are supplementing legal aid delivery, the coordination between CSOs and AFLA needs to improve in order to improve the impact and quality of services. By bringing together the legal aid actors and institutions in the *Legal Aid Coordination Forum*, the project contributed in improving the communication and coordination of the actors, and in identifying systematic issues related to the functioning of the legal aid.

In its efforts to promote access to justice, the project supported the mediation system, as an alternative dispute resolution. Over the past years, UNDP's efforts involved preparing the necessary legislation, namely the Law on mediation contributing to the sustainability of the mediation system, developing the capacities of more than 500 legal practitioners, and raising awareness about the advantage of using mediation. This intervention contributed in not only improving citizens' access to justice, but also in decreasing of the court and prosecution backlog.

As the project entered its final stage of implementation a final evaluation of the project activities will be conducted to assess the overall progress of the project towards the expected results, and provide lessons learned and recommendations for future interventions of similar nature. To this end, the project will hire a local evaluation specialist, who will work jointly to achieve the expected results.

III. Project Information

Project/outcome title: (1) Improving Access to Justice in Kosovo, and (2) Enhanced Access to Justice and Rule of Law Reform

Atlas ID: Award No. 00084098 (Output 00092278 and Output 00112988) and **Award No.:** 00109645 (Output 00108950) and **Award No.:** 00070782 (Output 00084601)

Corporate outcome and output:

CDP Outcome I.I Rule of law system and institutions are accessible to all and perform in a more efficient and effective manner.

Country: Kosovo (as per UNSCR 1244/1999)

Region: Western Balkans, ECIS

Project dates: Start: April 2016 Planned end: January 2019

Project budget: USD 1,475,581 (2016-2019)

Funding source: UNDP Global Programme for Justice, Security and Human Rights (BBPS), Norwegian Ministry of Foreign Affairs, German Government, United Nations in Kosovo

Implementing party³: UNDP

IV. Objectives of Assignment

The overall objective of this consultancy assignment is to assess the overall achievement of the project in terms of its relevance, impact, effectiveness, efficiency, and sustainability, and elaborate on the lessons learned and recommendations for future improvements and interventions in rule of law sector. The scope of the evaluation of SSROLK should look both into the outcome-level results as well as the output-level results as key indicators of the overall project performance.

V. Scope of work

- Conduct a desk review of relevant project-related documents and UNDP evaluation policies and, based on this information, draft and submit an inception report with appropriate methodology to be applied during the evaluation, as well as the work plan and any technical instruments to be used during the course of the assignment, while being guided by the set of evaluation questions as presented below **(3 w/ds)**;
- Conduct on-site field visits, meetings, discussions, and interviews with relevant stakeholders and project beneficiaries in Kosovo which include, but are not limited to: Ministry of Justice, Kosovo Judicial Council, Kosovo Prosecutorial Council, Academy of Justice, Ombudsperson Institution, Agency for Free Legal, representatives of key civil society organizations, and implementing partners. The Evaluator is expected to share the list of interviews to be conducted beforehand, and receive feedback and clearance from UNDP **(4 w/ds)**;
- Hold a debriefing workshop at the end of the mission with main stakeholders to summarize initial findings and recommendations **(3 w/d)**;
- Based on the inception report and on the feedback received during the debriefing workshop, draft a final evaluation report containing the methodology applied, a presentation of findings, presentation of the lessons learned and clear strategic recommendations to the UNDP and its partners for future interventions in rule of law. These recommendations should contain specifically to whom of each of the partners of the project they are addressed **(9 w/ds)**;

The final evaluation report should include the elements outlined below:

- Title and opening pages
- Table of contents
- List of acronyms and abbreviations

³ It is the entity that has overall responsibility for implementation of the project (award), effective use of resources and delivery of outputs in the signed project document and workplan.

- Executive summary, including a summary of the lessons learned and recommendations
 - Introduction
 - Description of the intervention
 - Evaluation scope and objectives
 - Evaluation methodology
 - Data analysis
 - Findings and conclusions
 - Lessons learned
 - Recommendations
 - Report annexes
- Finalize the final evaluation report, accounting for UNDP and stakeholders' feedback on the first draft (**1 w/d**).

The following evaluation criteria are to be used as per the UNDP methodology, and related evaluation questions are proposed for the evaluation process; however, these can be expanded, prioritized, and modified by the evaluator during the inception phase in consultation with UNDP.

Evaluation questions:

Relevant evaluation criteria	Key questions suggested
Relevance	<ul style="list-style-type: none"> ▪ Are/Were the project's activities relevant for the main beneficiaries? Has the initiative tackled key challenges and problems identified? ▪ To what extent have the cross-cutting issues (such as environment, gender equality, women empowerment, human rights based approach and social standards), principles and quality criteria been duly considered/mainstreamed in the project implementation? How well is this reflected in the project reports? How could they have been better integrated? ▪ Have there been any changes in policies and strategy development that have affected the project? If yes, have necessary revisions and adaptations been designed? To what extent has the project been appropriately responsive to political, legal, economic, institutional etc., changes in Kosovo? ▪ How did the project link and contribute to the national development priorities, the UNDP Kosovo programme's outputs and outcomes, the UNDP Strategic Plan and the SDGs? ▪ How did the project contribute to the theory of change for the relevant UNDP Kosovo programme outcome? ▪ What are the areas of relevance for future interventions in the target area?
Effectiveness	<ul style="list-style-type: none"> ▪ To what level has the project reached the project purpose and the expected results stated in the project document (logical framework matrix)? ▪ In which areas does the project have the greatest achievements? Why and what have been the supporting factors? How can the project build on or expand these achievements? ▪ In which areas does the project have the fewest achievements? What have been the constraining factors and why? How can or could they be overcome? ▪ To what extent did the project contribute to the Kosovo programme outcomes, outputs, the SDGs, the UNDP Strategic Plan and national development priorities? ▪ What challenges have been faced? What has been done to address the potential challenges/problems? What has been done to mitigate risks? ▪ To what extent has the UNDP partnership strategy been appropriate and effective? To what extent have stakeholders been involved in project implementation? ▪ To what extent were project management and implementation participatory and inclusive, contributing towards achievement of the project objectives? ▪ To what extent has the project been appropriately responsive to the needs of the national constituents and changing partner priorities?

	<ul style="list-style-type: none"> ▪ To what extent has the project contributed to gender equality, the empowerment of women and the realization of human rights? 	
Efficiency	<ul style="list-style-type: none"> ▪ Have the resources been used efficiently? How well have the various activities transformed the available resources into the intended results in terms of quantity, quality and timeliness? (in comparison to the plan) ▪ Were the project funds and activities delivered in a timely manner? ▪ To what extent do the M&E systems utilized by UNDP ensure effective and efficient project management? 	
Sustainability	<ul style="list-style-type: none"> ▪ How has the project ensured sustainability of its results and impacts (i.e. strengthened capacities, continuity of use of knowledge, improved practices, etc.)? ▪ Did the project have a concrete and realistic exit strategy to ensure sustainability and what could be done to strengthen exit strategies and sustainability? ▪ Has ownership of the actions and impact been transferred to the corresponding stakeholders? Do the stakeholders / beneficiaries have the capacity to take over the ownership of the actions and results of the project and maintain and further develop the results? ▪ To what extent do stakeholders support the project's long-term objectives? ▪ To what extent the lessons learned were kept and documented by the project team on a continual basis and shared with appropriate parties who could learn from the project? 	
Impact	<ul style="list-style-type: none"> ▪ Is there evidence of long-lasting desired changes, in which aspects? ▪ Has the project appropriately reached its target groups? Did the project serve the needs of vulnerable groups, i.e. women, youth, non-majority communities? 	
Stakeholders and Partnership Strategy	<ul style="list-style-type: none"> ▪ How has the project implemented the commitments to promote ownership, alignment, harmonization, management for development results and mutual accountability? 	
Evaluation	<ul style="list-style-type: none"> ▪ Were intended results (outputs, outcomes) adequately defined, appropriate and stated in measurable terms, and are the results verifiable? 	
Theory of Change or Results/Outcome Map	<ul style="list-style-type: none"> ▪ Was the Theory of Change or project logic feasible and was it realistic? Were assumptions, factors and risks sufficiently taken into consideration? 	
Human rights	<ul style="list-style-type: none"> ▪ To what extent have poor, minority groups, physically challenged, women and other disadvantaged and marginalized groups benefited from the project? 	
Gender	<ul style="list-style-type: none"> ▪ To what extent have gender equality and the empowerment of women been addressed in the design, implementation and monitoring of the project? ▪ Is the gender marker data assigned to this project representative of reality? ▪ To what extent has the project promoted positive changes in gender equality and the empowerment of women? Were there any unintended effects? 	

VI. Methodology

Methodological approaches may include some or all of the following. The final methodological approach including the interview schedule, field visits and data to be used in the evaluation should be clearly outlined in the inception report and be fully discussed and agreed with UNDP.

- Evaluation should employ a combination of both qualitative and quantitative evaluation methods and instruments.
- **Document review of all relevant documentation.** This would include a review of inter alia
 - Project document (contribution agreement).
 - Theory of change and results framework.
 - Programme and project quality assurance reports.
 - Annual workplans.
 - Consolidated periodic and annual reports.

- Project board meeting minutes.
- Technical/financial monitoring reports.
- **Semi-structured interviews** with key stakeholders including key central and local institutions (which include, but are not limited to: Ministry of Justice, Kosovo Judicial Council, Kosovo Prosecutorial Council, Academy of Justice, Ombudsperson Institution, Agency for Free Legal, representatives of key civil society organizations, and implementing partners:
 - **Development of evaluation questions** around relevance, effectiveness, efficiency, impact and sustainability and designed for different stakeholders to be interviewed.
 - All interviews should be undertaken in full confidence and anonymity. The final evaluation report should not assign specific comments to individuals.
- **Surveys and questionnaires** including participants in development programmes, and/or surveys and questionnaires involving other stakeholders at strategic and programmatic levels.
- **Field visits** and on-site validation of key tangible outputs and interventions.
- The evaluator is expected to follow a participatory and consultative approach that ensures close engagement with the evaluation managers, implementing partners and direct beneficiaries.
- **Other methods** such as outcome mapping, observational visits, group discussions, etc.
- **Data review and analysis** of monitoring and other data sources and methods.
 - Ensure maximum validity, reliability of data (quality) and promote use; the evaluation team will ensure triangulation of the various data sources.

VII. Expected Outputs and Deliverables

Deliverables/Outputs	Estimated Duration to Complete	Target Due Dates	Review and Approvals Required
Inception report (approx. 15-20 pages) containing appropriate methodology to be applied during the final evaluation, as well as the work plan and technical instruments to be used during the course of the assignment is drafted, submitted, and endorsed by UNDP.	3 w/ds	06 February 2020	Project Manager Portfolio Manager
Field visits, meetings and interviews in Kosovo are conducted, gathering data to be used in the final evaluation report.	4 w/ds	12 February 2020	Project Manager Portfolio Manager
A debriefing workshop with key stakeholders is held and initial findings and recommendations presented.	3 w/d	18 February 2020	Project Manager Portfolio Manager
Draft final Evaluation report with the methodology applied, a presentation of findings, a presentation of the lessons learned and clear strategic and operational recommendations to the UNDP and its partners is formulated, based on the findings acquired during the field mission to Kosovo and through the relevant project documentation, and submitted.	9 w/ds	28 February 2020	Project Manager Portfolio Manager
A finalized Final Evaluation report accounting for the UNDP, and stakeholders' feedback on the first draft is produced, submitted to, and validated by UNDP.	1 w/d	09 March 2020	Project Manager Portfolio Manager

VIII. Implementation Arrangements

The Evaluation Specialist

- The Evaluator will work together the SSROLK Project Manager and project team, in close consultation with the UNDP Governance and Peacebuilding Portfolio Manager. The project team will provide administrative and logistical support as needed.

Evaluation arrangements

- The SSROLK Project Manager and project team will provide necessary information for the evaluation, will lead the logistical support of the evaluation (support in arrangements of meetings, field visits), and will be the primary point of contact for the evaluator.
- The Governance and Peacebuilding Portfolio Manager will perform quality assurance of the evaluation process and its outputs.

IX. Recruitment Qualifications

Education:

- Bachelor's degree in law, or any other social sciences related to the RoL;

Experience:

- Minimum seven (7) years of professional experience in the area of the rule of law;
- Extensive knowledge and familiarity with the Kosovo judiciary;
- Experience in conducting analyses, and evaluations;
- Strong working knowledge of UNDP and its mandate;
- Knowledge of results-based management evaluation, as well as participatory M&E methodologies and approaches is highly regarded;
- Excellent communication skills with various partners including donors;

Language requirements:

- Fluency in English and Albanian is required, knowledge of Serbian is a strong asset.

X. Evaluation Ethics

- This evaluation will be conducted in accordance with the principles outlined in the UNEG 'Ethical Guidelines for Evaluation'. The consultant must safeguard the rights and confidentiality of information providers, interviewees and stakeholders through measures to ensure compliance with legal and other relevant codes governing collection of data and reporting on data. The consultant must also ensure security of collected information before and after the evaluation and protocols to ensure anonymity and confidentiality of sources of information where that is expected. The information knowledge and data gathered in the evaluation process must also be solely used for the evaluation and not for other uses with the express authorization of UNDP and partners.

XI. Scope of price proposal and schedule of payments

Remuneration - Lump Sum Amount:

The Contract is based on lump sum remuneration and shall be processed subject to deliverables as per the schedule listed below:

- Draft Final Evaluation report received: **70% of the total amount of the contract**
- Final version of the Final Evaluation report received and validated: **30% of the total amount of the contract**

XII. Recommended Presentation of Offer

The following documents must be submitted in order to be evaluated and considered for the assignment:

- **PII (signed)**, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the candidate and at least three (3) professional references (PII can be downloaded at UNDP web site: <http://www.ks.undp.org/content/kosovo/en/home/operations/jobs/>)
- **Technical proposal**, a max. 2-page document briefly outlining the methodology envisaged for the assignment for delivering the expected results within the indicated timeframe (an interview will be conducted for the shortlisted candidates);
- **Letter of Confirmation of Interest and Availability;**
- **Financial proposal**, - the consultant is expected to provide an all-inclusive lump sum amount/financial proposal. The Offeror must indicate at this point and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP. If an Offeror is employed by an organization/company/institution, and he/she expects his/her employer to charge a management fee in the process of releasing him/her to UNDP under Reimbursable Loan Agreement (RLA), the Offeror must indicate at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP.

XIII. Criteria for selection of the Best Offer

Offers will be evaluated utilizing a combined Scoring method – where the qualifications, technical proposal, and the interview will be weighted a max. of 70% and combined with the price offer which will be weighted a max of 30%.

XIV. Competencies

a) Corporate Competencies :

- Committed to highest regards of professionalism, impartiality, accountability, transparency, ethics, and integrity;
- Displays cultural, gender, religion, race, nationality, ethnicity, and age sensitivity and adaptability;
- Demonstrates substantial experience in gender equality and social inclusion.
- Treats all people fairly without favouritism.

Functional Competencies:

- Ability to work effectively within a team and develop good relationships with counterparts and stakeholders;
- Ability to synthesise research and draw conclusion on the related subjects;
- Ability to pay attention to details;
- Demonstrates transparency and provides feedback to all those who will contribute to the evaluation;
- Excellent interpersonal skills and ability to communicate effectively, both orally and in writing;
- Ability to establish effective working relations in a multicultural team environment;
- Commitment to accomplish work;
- Responds positively to critical feedback;
- Results and task oriented.

This TOR is approved by:

Signature: _____

Name and Designation: Marta K. Gazideda, Governance and Peacebuilding Portfolio

Manager/Deputy Programme Coordinator

Date of Signing: _____

Acceptance by the IC holder: _____

ANNEX 4: CODE OF CONDUCT

Annex 2: United Nations Evaluation Group Code of Conduct for Evaluation in the UN System

Evaluation Consultants Agreement Form

To be signed by all consultants as individuals (not by or on behalf of a consultancy company) before a contract can be issued.

Agreement to abide by the Code of Conduct for Evaluation in the UN System

Name of Consultant: Dardan Berisha

Name of Consultancy Organisation (where relevant): _____

I confirm that I have received and understood and will abide by the United Nations Code of Conduct for Evaluation.

Signed at Prishtina, Kosovo on April 12, 2020

Signature:  _____