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Preamble

The Legal Aid Commission was established on 26 September 2007, pursuant to UNMIK Regulation no. 2006/36, as an independent body, responsible to provide free legal aid, in criminal, civil and administrative cases for citizens of Kosovo, for foreign citizens temporarily residing in Kosovo (policy of reciprocity) and for other individuals as stipulated by law or international covenants, who fulfill the conditions foreseen by law to be provided with free legal aid.

Establishment of this body, first of this type in the region, proves the endeavor of Kosovo state for a better future, where the rule of law and respect of human rights are listed among goals of specific importance.

This goal of Kosovo state is proved also with determination of Legal assistance as a constitutional category. In section 31, paragraph 6 of the Constitution of the Republic of Kosovo is said that: "Free legal assistance shall be provided to those without sufficient financial means if such assistance is necessary to ensure effective access to justice". Whilst with section 142 the permanent legal ground of Legal Aid is provided, as an Independent Agency.

In the third year of operation of LIC, being grateful to the support of UNDP, we have also opened five additional offices, thus having ten Legal Aid offices, throughout the country.

It is obvious that the existing capacities, whether human, organizational, legal especially budgetary, taking into consideration the level of poverty of potential beneficiaries of LAC, are not at the satisfactory level and shall be reviewed for essential reforms, in particular through unification of legal aid of the sole institution, which is LAC.

This will be achieved through promulgation of the Law on free Legal Aid, which we would highly appreciate. We are highly grateful for the support provided by the relevant institutions, in particular the support provided by you dear members of the Parliament of Republic of Kosovo.

In fulfilling its legal mandate, LAC, will closely cooperate with all its local and international partners, especially with the authorized parties dealing with implementation of rule of law standard in the Republic of Kosovo, with the aim to have the LAC, as an independent modern and effective institution, aiming to continuously improve the quantity and quality of services, in order to respond the complexity and importance entrusted by law.

The main goal of this report is the presentation and reflection of LAC function, and full and correct information for the Members of Parliament of Republic of Kosovo, public and other groups of interests involved in the system of justice sector.

In the end, let me assure you on commitment of the entire LAC staff on fulfillment of objectives and obligations, always in the best interest of those citizens who are of utmost need of the legal assistance, who are unfortunately a lot in our country.

Dear Mr. President, the honored leadership, members of parliament, it is a great honor for present the third annual report of the Legal Aid Commission before the Parliament of Republic of Kosovo.

With respect,

Sokol Haziri

Legal Aid Commissioner

Preface

During 2009, the Legal Aid Commission has continued with implementation of its activities in direct provision of legal aid to the citizens of Republic of Kosovo, lacking sufficient resources. The delivery of legal aid to these citizens is effective, efficient, inclusive, flexible and sustainable.

Hence, the citizens who fulfill the criteria specified with standard operating procedures of UNMIK Regulation on Legal Aid in Kosovo (2006/36) will be provided with equal access to justice.

In particular I would stress the expansion of Legal Aid operations throughout Kosovo, through establishment of 5 offices in municipalities of Kosovo, upon signing the Memorandum of Understanding with United Nations Development Programme (UNDP) and Legal Aid Commission in September 2009.

Further, on behalf of justice we continued to improve the awareness of all persons in need of legal aid in Kosovo, to protect their interests lacking sufficient resources, those being denied from equal access to justice especially for vulnerable groups which include, the homeless, the elderly, women, children, persons with a disability and persons from non-Kosovo-Albanian Communities, but is not limited to the poor¹.

The entitlement for access to justice and for a fair judgment, are extensively included in the international covenants and agreements on human rights, which are also directly recognized with the Constitution of Republic of Kosovo.

The institutionalization of legal aid system in Kosovo indicates once again the will of Kosovo institutions to provide Kosovo citizens with access to justice, and to promote the level of rule of law in Kosovo. The long term objective of integrating system of legal aid is to support the consolidation of legislation in Kosovo, through promotion of legal education of citizens on utilization of institutional routes in their dispute resolution, which is possible only through an equal access for all citizens in provision of free legal aid.

The responsibility of States to provide free legal support for the vulnerable groups is also foreseen with various international principles such as Basic Principles of the United Nations on the Role of Advocates and European Card on Fundamental Rights. Furthermore, the Basic Principles of the UN specify that governments are required to allocate sufficient funds and other resources to provide legal services for people in need and to the poor.

Since the establishment of Coordination Office has continued to work on drafting and approval of a strong legal ground of LAC and on its promotion and implementation through Coordination Office. In compliance with its mission, the

legal aid continued to operate in a transparent and consultative manner, aiming to accomplish its aims in the process of development of an appropriate sector of legal system in Kosovo.

During 2009, the LAC has gone off well with numerous challenges in full functioning of its role in promotion of the level of effective access in justice for Kosovo citizens. I would like to emphasize the draft of business plan for 2009, which from 14 listed activities has implemented 90%, draft of development strategic plan of LA, draft and approval of functional organizational chart for LAC (building new organizational structure) including completion of professionalism of LAC staff. These issues remain priorities of Coordination Office also in 2010.

All these activities summarized in 2009, are performed with the aim of professional promotion of LAC personnel, to enable LAC to provide professional services with objective to make this institution independent, modern and effective responding to complexity and importance of mandate entrusted by law.

During 2010, the Commission's Office will remain vigilant and ready to deal with numerous challenges. In near future it will be focused in drafting and approval of the new law on legal aid in Kosovo, the law which will be drafted by the Kosovo Institutions for a significant modification of UNMIK Regulation 2006/36 on legal aid, based on which the LAC functioning is being managed.

Taking into consideration the high level of poorness in our country, we continue to provide in maximum our institutional support especially the financial support in accordance with medium term three-year plan of costs, drafted in cooperation with Ministry of Economy and Finance of Kosovo. Identification of alternative method of support by the potential donors will enable the CO to consistently further its research. All these activities will continue our route in 2010 as well, in order to place this institution appropriately within the institutional structure of Republic of Kosovo.

Drita Rexhepi
Legal Aid Coordinator

I. BRIEF BACKGROUND OF LEGAL AID

The constitution of Republic of Kosovo, which entered into force on 15 June 2008, protects the principal of citizens' right for fair and impartial hearing (section 31). The Constitution of Kosovo reaffirms that *"free legal aid will be provided to those who lack financial resources, if such aid is necessary to ensure effective access to justice"* (section 31). Furthermore, the Constitution foresees that the system of legal aid is established pursuant to applicable law and in particular with Convention Framework for the Protection of National Minorities and the legal aid shall be delivered in required languages.

The legal base of the scope of Legal Aid Commission remains the UNMIK Regulation no. 2006/36 on Legal Aid (hereinafter Regulation 2006/36). In accordance with Regulation 2006/36 on 26 September 2007, commenced the functioning of Legal Aid Commission of Kosovo upon transfer of competencies from the UNMIK Department of Justice. The Concept of legal aid was supported from 2001-2005 as a project of the European Agency for Reconstruction funded the Project: "Free legal aid on civil and administrative cases", implemented by the Kosovo Chamber of Advocates in cooperation with local Non-Governmental Organizations. The Government of Kosovo distributed the Consolidated Budget of Kosovo, allocating a modest budget but important for the functioning and institutionalization of legal aid project upon entry into force of the UNMIK Regulation 2006/36.

The institutionalization of legal aid in Kosovo through establishment of Legal Aid Commission, the first of this type in the region of South-East Europe, providing and ensuring access to justice for citizens of Kosovo, affirming the readiness of Kosovo institutions in promotion, respect and protection of principles of human rights and rule of law in Kosovo.

The LAC acts as an independent body, responsible to provide free legal aid in criminal, civil and administrative matters for all citizens of Kosovo, foreigners temporary residing in Kosovo from the jurisdiction that provide reciprocal legal aid to habitual residents of Kosovo and other persons determined by law or international agreements. The independence of LAC to exercise its function, is guaranteed with Regulation 2006/36, whereof it is specified that the "Commission shall carry out its functions independently ... without direction or interference of any person" (section 1.2).

It is the basic principle of the LAC functioning to provide legal aid for all citizens of Kosovo, pursuant to non-discrimination principle against any person regardless on their ethnicity, race, and political affiliation or sexual orientation or any other status. Furthermore, the transparency principle as well as the full respect of law and International Covenants determines in detail the access of provision of legal aid in Kosovo.

It shall be specified that the LAC provides access to justice and free legal aid to persons lacking financial resources and to vulnerable groups including but not limited to, the poor, the homeless, the elderly, women, and children, persons with a disability and persons from non-Kosovo-Albanian Communities.ⁱⁱ

This category shall also include persons arrested or detained by the police regardless their material situation, including all the cases requiring mandatory protection pursuant to Kosovo Criminal Code (section 73 and 74).ⁱⁱⁱ

II. SCOPE AND ACTIVITIES OF LEGAL AID COMMISSION

In accordance with Regulation 2006/36 on Legal Aid in Kosovo^{iv} it is foreseen the functioning of legal aid in Kosovo. The said Regulation foresees three key institutions of legal aid in Kosovo: the Legal Aid Commission, Legal Aid Coordination Office and Legal Aid District Bureaus.

The Regulation 2006/36 also foresees the LAC cooperation with the Kosovo Chamber of Advocates, in designing and ensuring the fair representation of vulnerable groups amongst users and providers of legal aid and to ensure the quality of legal services delivered in the legal aid system (Chapter 2 of Regulation 2006/36).

a) MANDATE OF LEGAL AID COMMISSION

It is the mandate of the Legal Aid Commission to administer and monitor the legal aid system, which is responsible for ensuring that the delivery of legal aid in Kosovo is effective, efficient, inclusive, flexible and sustainable. It is the duty of the Legal Aid Commission to ensure full access to justice for all members of communities living in Kosovo, and to ensure that the Republic of Kosovo fulfills standards for access in justice as guaranteed with Constitution of Republic of Kosovo and international covenants directly applicable in Kosovo.

Specifically the system of legal aid in Kosovo provides access to justice through ensuring of:

- a) Provision of information and advice for citizens concerning their legal rights and remedies;
- b) Representation of parties before the courts and administrative bodies, including enforcement of resolutions and awards or filing appeals against such resolutions and awards;
- c) Assistance with legal drafting and procedures, including mediation, arbitration and alternative dispute resolution;
- d) Public education on legal matters;
- e) Advising government on ways to simplify legal procedures;

- f) Waiver of fees and expenses incurred in the exercise of legal rights and remedies as provided by law; and
- g) Such other support services as may be required to effectively exercise legal rights and remedies, including the right to legal aid.

The powers and responsibilities of the LAC include:

- (a) Developing policies, procedures and programs for the delivery of legal aid including utilization of donor funds;
- (b) Establishing priorities with respect to the types of matters for which legal aid shall be provided within the limits imposed by available resources;
- (c) Supervising implementation of the decisions given by the Commission;
- (d) Ensuring that levels of funding and expenditures are balanced;
- (e) Soliciting possible donors and providers, supervising negotiations with them and approving contracts relating to the delivery of legal aid;
- (f) Supervising the management, expenditure and accounting of the Commission budget and payments by the Coordination Office;
- (g) Coordinating the legal aid system;
- (h) Ensuring legal aid is accessible to all vulnerable groups to the extent required by law;
- (i) Considering and resolving ethical issues in the delivery of legal aid;
- (j) Monitoring and evaluating the quality and effectiveness of the legal aid;
- (k) Preparing the legal aid budget and addressing donors, government and budgetary authorities to generate support for legal aid system in Kosovo;
- (l) Establishing mechanisms for reviewing decisions concerning the provision or denial of legal aid;
- (m) Selecting and supervising the employees of the Commission;
- (n) Undertaking, promoting and coordinating independent research on legal aid;
- (o) Establishing and maintaining legal aid clinics and other appropriate agencies for the delivery of legal aid;
- (p) Maintaining a registry for the safekeeping of documents and records in relation to the functions of the Commission;
- (q) Contracting for goods and services in relation to the functions of the Commission;
- (r) Suspending or terminating advocates on the service roster who fail to comply with the requirements of the Regulation 2006/36;
- (s) Adopting secondary legal acts on the procedure for the provision of legal aid.^v

Legal Aid Commission is acting and carrying its functions pursuant to UNMIK Regulation on Legal Aid no. 2006/36, and pursuant to secondary legislation herein, approved by the Commission which entered into the force on 12 December 2007, as follow:

- 1. Legal Aid Manual**, as a remedy shall serve to officers of the District Legal Aid Bureau in applying this aid, legal rules and practices and in their daily work.
- 2. Code of Ethics** for LAC and LA personnel, which sets forth the highest standards of staff conduct, including integrity, impartiality and objectiveness.

3. Forms (applications) for the applicants seeking legal aid, for attorneys, experts modified and approved also in 2009.

b) COMMISSION COMPOSITION FOR LEGAL AID

The Commission shall consist of a Commissioner and eight Deputies who are qualified professionals familiar with the justice system and specifically the legal aid. Furthermore, the LAC officers are required to bring with Commission new knowledge and valuable skills of regions where they come. Professional officers of LAC shall not accept any guides from any institution they belonged or being appointed previously. The LAC staff shall directly represent the interests of beneficiaries or to those who received legal aid. They will receive honorarium and will be reimbursed for any costs occurred in relation to their services provided on behalf of Commission.

Appointment of LAC officers is as follow: the Commissioner shall be appointed by the Prime Minister upon consultation with the Minister of Justice, the Assembly Committee on the Rights and Interests of Communities, the President of the Supreme Court, the Kosovo Chamber of Advocates and such national and international non-governmental organizations fostering respect for civil society that he or she deems appropriate. Deputies shall be appointed by the Prime Minister, upon nomination by the institutions as specified with section 4, paragraph 4 of UNMIK Regulation on Legal Aid no. 2006/36.

The LAC, has also in 2009 continued to function with its regular structure, with exception in the second half of 2009 when two regular officers of LAC, Mrs. Gjylieta Mushkolaj and Mr. Altay Suroy irrevocably resigned due to their appointment with Constitutional Court of Kosovo. Thus, they were replaced with two new officers. Upon nomination of Kosovo Women's Network (NGO) in October 2009 was appointed Ms. Shukrije Gashi, and upon nomination of the Ministry of Justice, in December 2009, was appointed Ms. Arta Kelmendi. Both members are appointed with functional title of deputy commissioners with regular mandate of 4 years.

Herein find the List of members of Commission until 31.12.2009:

The Commission shall consist of a Commissioner and eight (8) Deputies who are qualified professionals familiar with legal aid and the justice system or who bring relevant knowledge and valuable skills from their constituencies to the work of the Commission.

Deputies shall be appointed by the Prime Minister from nominees submitted by stakeholders involved in the legal aid system as follows:

- a) One (1) of three (3) nominees submitted by the Kosovo Chamber of Advocates;
- b) One (1) of three (3) nominees submitted by the Ministry of Justice;

- c) One (1) of three (3) nominees submitted by the Ministry of Labour and Social Welfare;
- d) One (1) of three (3) nominees submitted by the President of the Supreme Court;
- e) Two (2) of three (3) nominees submitted by the association Kosovo Women's Network, registered as a legal entity in the registry of NGOs within the Ministry of Public Services; and
- f) Two (2) of three (3) nominees submitted by the Ministry of Returns and Communities.^{vi}

NO.	Name and surname	Position	Institution	Mandate
1.	Sokol Haziri	Commissioner	Ministry of Justice	4 years
2.	Besa Krajku	Deputy	Supreme Court	3 years
3.	Abdurrahim Broqi	Deputy	Ministry of Returns and Minorities	3 years
4.	Sladjana Vasić	Deputy	Ministry of Returns and Minorities	5 years
5.	Fadil Racaj	Deputy	Ministry of Labor and Social Welfare	3 years
6.	Isa Mustafa	Deputy	Kosovo Chamber of Advocates	3 years
7.	Shukrije Gashi	Deputy	Kosovo Women's Network	4 years
8.	Virgjina Dumnica	Deputy	Kosovo Women's Network	3 years
9.	Arta Kelmendi	Deputy	Ministry of Justice	4 years

c) LEGAL AID COMMISSION ACTIVITIES

The most significant achievement of the LAC worth to be mentioned for 2009 is the MOU signed between the United Nations Development Programme (UNDP) and LAC dated on September 10, 2009 determining in this way rights and obligations between signatory parties in the so-called "Access to Justice" project with purpose of opening the legal aid bureaus in Graçanica, North Part of Mitrovica, Dragashi, Ferizaji and Gjakova Municipalities. These new bureaus present a new address in providing a free of charge legal aid in Kosovo. It must be also mentioned the extraordinary cooperation between the LAC with Municipal Majors of Gjakova, Dragashi, Ferizaji and of Northern part of Mitrovica who have been offering for free bureau space in opening the legal aid bureaus in the respective municipalities. Only in Graçanica municipality the rent continued to be paid through the funds provided by the above mentioned project.

In order to further implement the project, thus opening new legal aid bureaus at the aforementioned municipalities, the LAC decided to go for public announcement of vacancies for 5 bureaus in Graçanica, Northern part of Mitrovica, Dragashi, Ferizaji and Gjakova and for initiating procurement procedures for making these offices operational. Due to difficulties in fictionalization of office supported by UNDP, the office which was supposed to be opened in 2009, in North part of Mitrovica, was postponed for 2010.

During 2009 the LAC opened bureaus in 5 above mentioned municipalities. Also, respective staff recruitment, in total 15 officers, for these offices has been completed. Opening new bureaus the LAC personnel has achieved a number of 42 members.

It is worth mentioning the fact which has been raised as an issue in the LAC 2008 Annual Report to the Kosovo Assembly, saying that, issues inherited from the legal aid system managed by the UNMIK Department of Justice still remain evident. Especially UNMIK failed in harmonization of the criminal legislation, respectively Provisional Criminal Procedure Code of Kosovo with Regulation 2006/36 from where the LAC scope of work derives. In compliance with identified issue, the LAC continued with lobbying on drafting new law for free of charge legal aid, as a new legal and institutional framework for integration of Kosovo legal aid system. It was agreed that in 2010 agenda, which was supported by the Ministry of Justice, the Law on free of charge legal aid is drafted.

In pursuant of the LAC mandate on improvement of the public education and awareness on the Kosovo legal aid system and services provided by the LAC, 2 legal clinics have been established in Kamenica and Vitia municipalities. It was initiated the establishment of other four clinics in Peja region but because of lack of transport this could not be implemented. There is ongoing procedure for opening of a legal clinic in northern part of Mitrovica.

It is worth mentioning that during 2009, the priorities were set on the type of issues on which legal aid shall be provided, supervision of implementation of decisions and instructions provided by the Commission.

d) FUNCTIONING OF COMMITTEES OF THE LEGAL AID COMMISSION

In accordance with Regulation 2006/36,^{vii} the Legal Aid Commission has established the Committees comprised of members of Commission, to whom are delegated discrete responsibilities of the Commission, including Budget and Finance, Quality Control, Appeals, Human Resources, Donor Solicitation and Public Legal Education.

During 2009, within the LAC, 6 Committees continued to operate:

1. Human Resources Committee (Fadil Racaj- President; Arta Kelmendi-member; Abdurrahim Broqi- member)
2. Budget and Finance Committee (Abdurrahim Broqi- President; Slađana Vasić- member; Shukrije Gashi- member)
3. Donor Solicitation Committee (Virgjina Dumnica- President; Slađana Vasić- member; Shukrije Gashi- member)

4. Appeal Committee (Isa Mustafa- President; Besa Krajku- member; Arta Kelmendi- member)
5. Quality Control Committee; (Isa Mustafa-Kryetar; Besa Krajku- member; Arta Kelmendi-member)
6. Public Legal Education Committee (Shukrije Gashi-President; Besa Krajku-member; Arta Kelmendi- member)

Further more, the LAC established also other ad hoc working groups for detailing scope of work and exercise of the LAC responsibilities. E.g. there has been established a working group for cooperation with NGOs which group adopted the partnership criteria with NGOs and determined the budget amount for partnership with NGOs which will be providing legal aid. In order to implement the partnership project with NGOs, there has been established the Commission for opening of the NGOs partnership bids. As result of the LAC invitation for bids, there has been awarded an amount for providing legal aid by 2 local NGOs (look section on Cooperation with NGOs), thus extending further the scope of work of the Kosovo legal aid bureaus. LAC also established the Disciplinary Commission for legal aid.

Committees Activities:

The Human Resources Committee is one among committees which exercises its scope of work under the Legal Aid Commission fully in compliance with provisions deriving from Regulation no. 2006/36.

During 2009 the Human Resources Committee in total held five meetings, discussing issues relevant to development and improvement of the Legal Aid comprehensive system. Among most important issues which were discussed and recommended for the Committee's meetings in 2010 are as follows: a) discussion on administrative capacities of the Legal Aid Coordination Office and Legal Aid District Bureaux; b) Review of applicants' documentation applied to the announced vacancies at the Legal Aid Coordination Offices and District Bureaux; c) Provision of technical assistance on selection and recruitment of the staff for Legal Aid Coordination Offices and District Bureaux;

Budgeting and Finance Committee is a committee which exercises his scope of work supporting the Legal Aid Commission in pursuant of the Regulation no. 2006/36. During 2009, the aforementioned Committee acted fully in compliance with the Law on Public Financial Management and Accountability. Among most important issues which were discussed and recommended for the Committee's meetings in 2010 are as follows: a) Planning and submission of the annual plan of the legal aid budget needs; b) Funds commitment planning based on legal aid identified needs; c) Preparation of additional funds request during the Kosovo Consolidated Budget review; d) Planning for execution of claims and liabilities; e) Contracted Payments Planning; f) Monthly, quarterly and annual expenditure reporting.

Donors Contribution Committee together with Legal Aid Coordination Office has performed many activities in the area of cooperation with different donors acting in Kosovo. During 2009, thanks to many activities of the aforementioned Committee and the Coordination Office, the LAC budget has been added up with a significant amount of money to be used for improvement of legal and professional services quality providing legal aid free of charge.

Among others, we must emphasize meetings on implementation of the below mentioned projects: a) In cooperation with UNDP there have been ensured funds for opening 5 additional offices in order that existing district bureaux are added with offices in Gjakova, Ferizaj, Dragash, Graqanica and Northern Part of Mitrovica; b) The European Commission Liaison Office in Kosovo through the so-called “Human Dynamics” project supporting further on Kosovo justice institutions in providing support for the following three components: 1. Website Design; 2. Data Base Design, and 3. LAC Staff Training (not implemented); c) The USAID financed project called NSCS which offered training to LAC staff in legal writings. Through the aforementioned Committee’s awareness campaign, the level of donor’s interest and attention on the importance for providing support to LAC and legal aid in Kosovo is greater than before.

Other LAC Activities:

Among many activities, the LAC would emphasize the MOU with the American Bar Association Rule of Law Initiative (ABA ROL-i) and Law Faculty in providing practical training to the notable pre-graduate students. In this regard, the LAC referred 4 cases to the engaged lawyers from ABA ROL; two for the civil and two other for the criminal field.

In pursuant to its authorities and responsibilities the LAC instructed that until end 2009, the Legal Aid Coordinator carries out performance evaluation of all legal aid staff. In the meeting held on 29 December 2009, was decided that all legal aid staff employment contracts are extended for a 3 year period subject to successful evaluation carried out by the Coordination Office. There is a general opinion which concludes that committees’ performance was to a level which complies with assigned duties and responsibilities.

The Legal Aid Commission has a legal obligation to gather at least once a month but in 2009 it held 22 meetings 4 of which were not held in absence of quorum. In 2009, from 18 meetings held, 80 decisions were adopted.

III. ACTIVITIES OF LEGAL AID COORDINATION OFFICE

The Legal Aid Coordination Office acts as a Secretariat of Legal Aid Commission and is responsible for administering the legal aid system and supervising the District Legal Aid Bureaux. The Coordination Office shall be managed by the Coordinator, who also serves as Secretary to the Commission and who is

responsible for the proper functioning of the Coordination Office, the assignment and supervision of the work of all employees of the Commission and the performance specified with the scope of LAC, in accordance with Regulation 2006/36.^{viii}

The Coordination Office in 2009 continued with fulfilling its duties and responsibilities in daily operation issues providing qualitative and professional legal aid services, administration of legal aid system and legal aid district bureaux supervision. Also, Coordination Office continued with management and supervision of whole staff performance working under legal aid institution. It held monthly regular meetings with Legal Aid Bureaux representatives aiming to enhance case efficient communication and reporting, and regularly visited these offices. Further more, Coordination Office continuously provided administrative support in favor of proper functioning of the Legal Aid Commission's meetings and at the same time executed all decisions adopted by the LAC.

In respect to the functioning of new offices from the "Access to Justice" project and supported by the UNDP as a donor, the Coordination Office managed with all procurement and recruitment procedures, identification and preparation of potential offices, opening new offices, etc. In favor of further enhancement of the Kosovo legal Aid system, Coordination Office made all necessary preparatory work for entering into partnership with NGOs with purpose for providing legal aid services. In this regard, and supported by LAC officers, Coordination Office defined terms and conditions for the partnership invitation announcement with NGOs, prepared relevant documentation for competitors and established the panel for bids opening and bid evaluation. In respect to extension of the legal aid area in 2009, the Coordination Office achieved to sign partnership agreement with two NGOs. Agreements were signed with NGO "Norma" for opening the Legal Aid Bureau in Podujeva and "Women Association in Gjakova" for opening the Legal Aid Bureau in Gjakova.

The Coordination Office, in particular during 2009, drafted the Coordination Office working plan identifying 15 priorities to be performed by the CO. Only 2 actions of 15 were not implemented as planned. They will be implemented in 2010. A brief summary is provided in the following chart on 2009 business plan, on implementation of that plan:

No.	Activity/Purpose	Implementation	Result
1.	One of the organizers on the Day of Justice	√	1. Workshop on provision of legal aid to citizens. 2. The Coordinator in the panel on public discussion with citizens

2.	Proposal of drafting of Law on Free Legal Aid	√	Incorporation of draft-law on Free Legal Aid within the Legislative Strategy of Government
3.	To cover geographical zones or designated groups, on provision of legal aid through partnership with NGO	√	LAC has entered in partnership with two NGOs
4.	Cooperation with Chamber of Advocates shall be regular	√	CO convenes regular meetings with KCHA in accordance with Memorandum of Understanding on cooperation of 2008.
5.	Drafting new organizational chart for LAC	√	Drafted and approved by LAC
6.	Comprehensive campaign on public legal education	√	Commercial spot in 3 TV channels in languages. .
7.	Professional promotion with training of legal aid personnel	√	Training were continuous
8.	Institutional awareness on LAC, through opening official website	√	The website was designed and started to function
9.	Statistical archiving of cases of LAC through data base	√	The data base is designed and the cases are being archived.
10.	Increase of number of legal beneficiaries through opening new offices	√	Through the project 'Access to Justice' financed by UNDP are opened 5 offices
11.	By creation of legal clinics to approach persons who need legal aid	√	Opening 2 clinic
12.	Practical lectures for students of Law Faculty	√	Study programs are implemented with Law Faculty
13.	Education of practitioners to pass the bar exam	√	Project-proposal is drafted and

			submitted for support to European Commission.
14.	Transfer of budget from the Kosovo Judicial Council to the budget of Legal Aid Commission in criminal cases.	The implementation is expected in 2010	It could not be implemented although the LAC was committed to.
15.	Publication of Bulletin with the purpose to inform the public.	The implementation is expected this year	The implementation is postponed due to technical reasons

√ - Implemented

Special Activities:

1. The Coordination Office in several cases was one of the relevant entities in activities institutionally organized. One of these occasions was the Day of Justice. The CO on this day organized a workshop in cooperation with advocates, whereof has directly provided citizens with legal aid. The Coordinator was also in the panel with the President of Supreme Court, Ombudsperson, Director of Kosovo Institute of Justice, KCHA President, President of Association of Judges; Dean of Law Faculty etc. In this public discussion citizens addressed numerous questions for the Panel.
2. The Coordination Office held regular meetings with the European Commission Liaison Office in Kosovo on establishment of the Kosovo Justice Palace. In coordination with EC, the Coordination Office recommended that Kosovo Legal Aid Commission is systemized in the Justice Palace. Further more, CO offered new organization chart drafted and adopted by the LAC for inclusion of the LAC institution under the Justice Palace.
3. CO drafted and competed with a project-proposal at the European Commission aiming that LAC is holder of the project in providing and ensuring the legal aid to the marginalized groups thus offering effective, efficient, comprehensive, flexible and sustainable means for them. Project in the subject involves 4 activities to be implemented: opening legal clinics; undertake comprehensive campaigns; professional training and improvement of the staff and professional training for practitioners.
4. It must be highlighted the Legal Aid Coordinator's participation in the governmental group drafting the strategy and action plan against violence in the family, prepared under the lead of Kosovo Government. Also, the

Legal Aid Coordinator participated in the debate on the enforcement of the Law on Access to Official Documentation.

5. The Coordination Office met also with Serbian NGO representatives acting in Kosovo in order to inform them with the LAC tasks and services provided particularly to the vulnerable groups. This meeting was arranged in close cooperation with NGO "Norma".

Improvement of Public Education and Awareness

In compliance with the LAC mandate for education and enhance of the public awareness on the Kosovo Legal Aid system and LAC services to be offered, the Coordination Office managed and produced 3 video ads in three key TV stations in Kosovo: Kosovo Public Radio and TV Broadcasting Company RTK, Radio and TV 21 and Koha Vision KTV. TV ads were broadcasted in three languages (Albanian, Serbian and Bosnian). Through this campaign LAC managed to increase public awareness on the rights offered in Kosovo through the Legal Aid System.

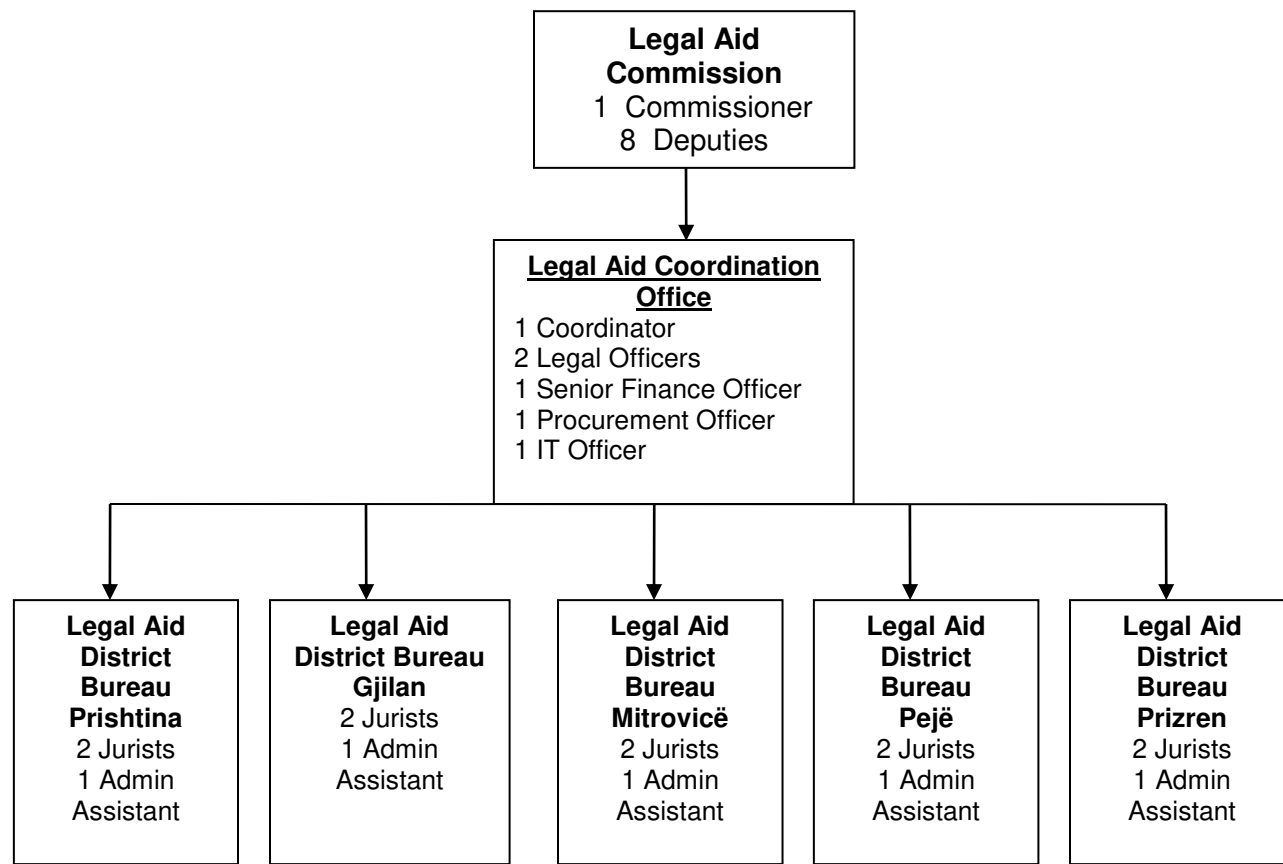
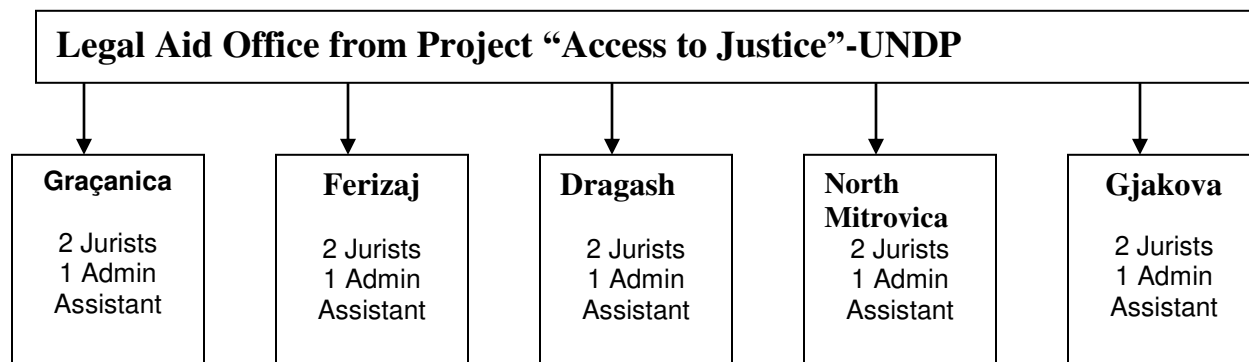
Personnel

In 2009, the LAC continued to operate with the organization structure foreseen under the UNMIK Regulation 2006/36 for legal aid. In 2009 LAC drafted and adopted new organization chart to be implemented after entry in force of the new law for legal aid which is expected to be drafted during 2010.

During first six months in 2009, especially the Coordination Office faced many constraints reflected from the insufficient budget allocations and insufficient number of staff for legal aid. During this period small changes happened in relation to the number of legal aid personnel which was increased by recruiting two legal aid members, one for Coordination Office and one for the District Legal Aid Bureau in Prishtina. An Admin Assistant was recruited for the Prishtina District Bureau for Legal Aid.

Recruitment Procedures were based on the Administrative Direction no. MPS/DCSA, on recruitment procedures in AI 2003/2, implementing UNMIK Regulation no. 2001/36, on civil services in Kosovo.

Regardless of difficulties which LAC faced in 2009, supported by UNDP in favor of implementing "Access to Justice" project, it managed to increase number of staff for 15 other officers by opening 5 new legal aid offices. Also, through the partnership with 2 NGOs, six other officers for legal aid were recruited. Herein, is presented the organizational chart of LAC, pursuant to Regulation 2006/36.



LAC Partnership with NGOs

<p>Podujevë</p> <p>NGO “Norma” 2 Jurists 1 Admin Assistant</p>	<p>Gjakovë</p> <p>“Women Association Gjakovë” 2 Jurists 1 Admin Assistant</p>
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Staff training in 2009

It must be emphasized that training participation by legal aid staff was at the satisfactory level especially during the first six months of 2009. During this period were offered training opportunities by few international organizations and missions operating in Kosovo as well as by Kosovo Government Institutions like Kosovo Institute for Public Administration. An issue to be mentioned is related to the partial implementation of the European Commission project called “Human Dynamics”. Non implemented part is 5th project component on legal aid staff training.

In the following chart are presented the implemented training for promotion of professional capacities of CO:

Respective institution	Training subject
USAID-NCSC	Legal reasoning
US Office	Investigation and prosecution of criminal actions related to human trafficking and similar criminal cases
US Office	Advocating the victims: The rights and services for victims. The Kosovo training for victims-witnesses.
IKAP	Management of qualities and services
IKAP	Estimation of needs for training
IKAP	Estimation of needs for training
MEF	BDMS and PIPI
UNDP	The planning workshop for legal strengthening, legal education

	and provision of legal aid in Kosovo: Preparation of plan for implementation of strategy within the project supported by UNDP for access to justice.
MEF	Purchase module

During 2008, Coordination Office has faced numerous problems preventing its effective functioning. Among main problems was lack of necessary funds which has made unable to hire more officers as they were needed.

The Coordination Office committed whole its potential in preserving the applicant's legal interest, implementing planned programs on free of charge legal aid and coordinating all legal aid staff activities. The Coordination Office took place in different meetings, round tables and press conferences in order to make aware not only the Kosovo institutions but also other government and non-governmental bodies except wide range public.

Budget

The 2009 Budget to LAC was approved by the Kosovo Assembly in amount of **265.197.00 €**. In comparison with 2008 allocated budget by the Kosovo Assembly in amount of **275.672.00 €**, in 2009 there is a decrease in amount.

Upon request from the Ministry of Economy and Finances, the Coordination Office prepared the cash flow statement for 2009 which in written form has been submitted to the MEF. During this period of reporting, the Coordination Office drafted medium term plan of expenditures, a three year plan, for LAC which in its written form is submitted to the MEF Budgeting Department.

The Coordination Office is committed to timely and regularly payment of all liabilities including salaries to the legal aid lawyers, facilities rent payments and other payments necessary to the LAC operation.

During this period of legal services provided by lawyer are spent **25,107.00 €**.

From the total amount, the LAC in 2009, has spent **90.38 %** from the approved budget or **239.680.21 €** in total.

Budgetary line	Budget amount	Allocation	Consumed funds	Unredeemed pledges	Remained funds	Progress against budget %	Structure in %
Salaries and paydays	66,985.00 €	66,985.00 €	64,433.13 €	-	2,551.87 €	96.19 €	26.88 €
Goods and services	176,952.00€	176,952.00€	158,260.48 €	9,969.03 €	8,722.49 €	89.44 €	66.03 €
Utilities	21,260.00 €	21,260.00 €	16,986.60 €	24.11 €	4,249.29 €	79.90 €	7.09 €
Total	265,197.00€	265,197.00€	239,680.21 €	9,993.14 €	15,523.65 €	90.38 €	100.00 €

Account of 2009 expenditures

Initially, the Legal Aid Commission was awarded with 260,172.00 € as an open balance. Upon the Kosovo Budget review in 2009, additional funds were allocated in amount of 5,025.00 €

In respect to the amount on personnel wages and costs budget line, the same one was executed 96.19%. The other part of 3.81%, respectively the amount of 2,551.87 € was not spend because of that some employees from ND terminated their contracts and their wages were not used.

The budget line for goods and services is executed 89, 44%, i.e. 8,722.49 € remained unused. We have in timely manner requested for their re-allocation but MEF did not approve it. It must be mentioned that Coordination Office faced difficulties related to lack of adequate finance staff having considered that as of September 2009 until end of year 2009 there was missing the Senior Finance Officer because its position was vacant.

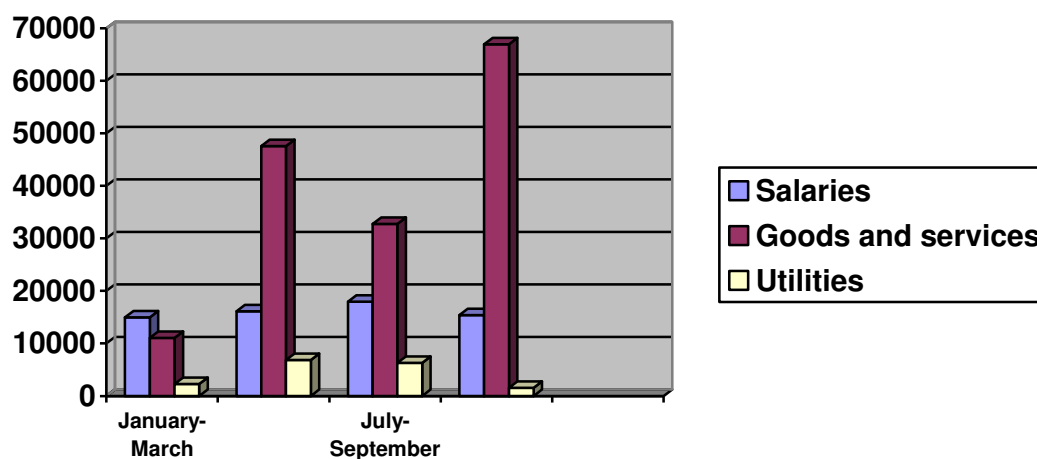
The budget line allocations for municipal liabilities were executed 79.90%. The amount of 4,273.40 €, remained unspent also in absence of the Senior Finance Officer.

Finally the LAC budget left over amount is 15,523.65 €.

Taking into consideration management of the 2009 budget we are presenting interpretation of expenditures based on certain periods with the following table:

Budgetary line	January-March	April-June	July-September	October-December	Total
Salaries	14,968.31 €	16,105.74 €	17,964.24 €	15,394.84 €	64,433.13 €
Goods and services	11,041.12 €	47,550.46 €	32,758.22 €	66,910.68 €	158,260.48€
Utilities	2,286.91 €	6,869.44 €	6,297.80 €	1,532.45 €	16,986.60 €
Total:	28,296.34 €	70,525.64 €	57,020.26 €	83,837.97€	239,680.21 €

Bar graphs of costs for the period January – December 2009:



Procurement

Respective annual operation report is submitted which relates to the public contracts signed and which is submitted to the Public Procurement Regulatory Commission (PPRC) of Kosovo dealing with 16 procurement activities performed by LAC as the contracting authority.

The Procurement Office under the LAC during the fiscal year 2009 performed in total 16 public procurement procedures. Six of them were quotation based procurement activities with minimum value between 100, 00 € to 1, 000, 00 €.

Below you may see the list of procurement activities based on minimum value quoted prices:

1. LAC vehicle insurances.
2. LAC car wash.
3. Security alert system for LAC
4. Supply with drinking water dispensers for LAC.
5. Drinking water supplies for LAC needs
6. LAC cleaning consumables.

Ten public procurement activities quotation based prices were performed in minimum amounts between 1.000,00 € until 10, 000, 00 €.

Below you may see the list of quotations with the smallest price value:

1. LAC translation services,
2. Air-conditioning for the Legal Aid District Bureaus in Peja, Prizren, Mitrovicë and Gjilan.
3. LAC office cleaning services.
4. Fuel supplies for LAC needs.
5. English course for LAC employees.
6. Supply with office consumables for LAC needs

In 2009, eight existing contracts related to procurement procedures were renewed. They are as follows:

1. Maintenance and servicing of the IT for LAC needs.
2. Supply of furniture for LAC needs in amount of
3. Maintenance of the LAC cars.
4. LAC facility security services.
5. Notebooks and calendar printouts for the LAC needs.
6. TV ads broadcasting fees for LAC needs.
7. Renewal of rent contracts for the Legal Aid District Bureaus in Peja, Prizren, Mitrovicë and Gjilan

For the procured cases, appropriate procedure of procurement has been undertaken in compliance with the law and rules on public procurement in Kosovo. Always implementing standard procedures on receiving bids from bidders, the establishment of boards to open bids and their evaluation in relation to contracts with economic operators which were elected.

V. DISTRICT BUREAUX FOR LEGAL AID (DBLA)

Currently the legal aid is provided throughout the territory of the Republic of Kosovo, through district legal aid bureaux in 5 regions of the Republic of Kosovo: Prishtina, Prizren, Pejë, Mitrovicë and Gjilan. In DLAB, directly every citizen of difficult material – economical situation, who fulfill criteria determined by the

Regulation 2006/36, will be provided with legal aid in civil, administrative and criminal matters.

All district bureaux are placed in private rented facilities. Recently as a result of cooperation and engagement of LAC with Mayors of Municipalities of Gjakova, Dragash, Ferizaj and north part of Mitrovica, are opened three legal aid offices which are released from the rent provided by the UNDP project "Access to Justice". In municipality of Gracanica the rent is being paid.

Except the DLAB in Prishtina and the Coordination Office in Prishtina, no other DLAB has vehicle, which makes unable establishment of legal clinics in other municipalities where the citizens would receive free legal aid, on those days as determined. This was the reason why the Commissioner was addressed to the Government upon the request to review the possibility of providing vehicles for other four DLAB.

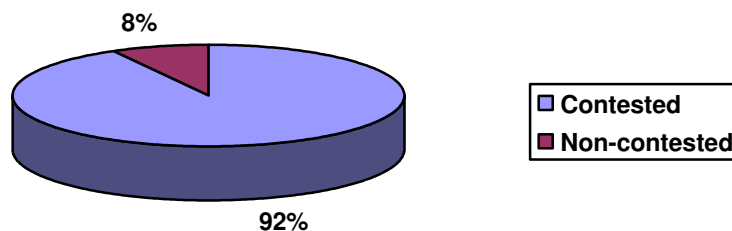
DBLA Activities on Legal Aid:

The DBLA in accordance with Regulation 2006/26 has several scopes such as:

a) Receive applications for legal aid including, b) Determine whether the applicant is a qualified recipient of legal aid; c) Determine whether the applicant is financially eligible for primary or secondary legal aid; d) determine whether the assistance applied for is within the scope of legal aid services; address the applicant to direct provider of legal aid such as appointed advocates, contracted advocates, legal aid clinics, NGOs in partnership and studying programs. Herein, we are providing the chart of cases of legal aid provided by DBLA in 2009, in different fields. The chart reflects the number of cases as per applications. In most cases up to 5 (five) legal actions were undertaken.^{ix}

Civil cases

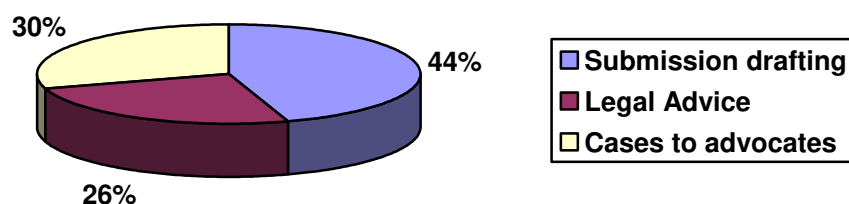
From the following pie chart, the factual situation is provided on free legal aid applicants, whereby 92% are contested procedure (family, legal ownership, liabilities etc.) and 8% in non-contested procedure (heritage consideration, physical division, announcement of missing person as dead, boundary adjustment etc.).



Pie chart of civil procedure cases

Legal actions in civil cases are undertaken in drafting the submissions with 44%, legal advice 26%, and cases referred to advocates 30%.

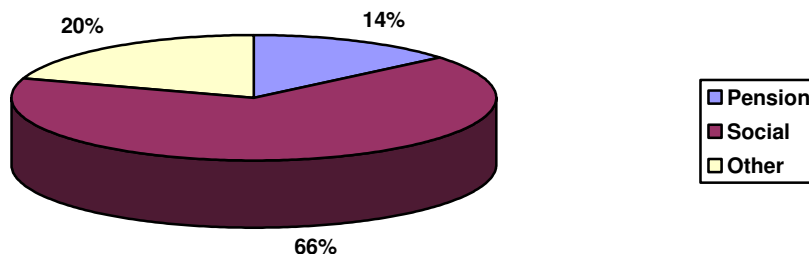
Pie Chart:



Administrative cases

In virtue from the chart herein provides the factual situation of the free legal aid applicants, whereof 66% of the applicants were provided with legal aid on social matters (granting the social support entitlement, conclusion of contract on separation from the family union, etc) whilst 14% in pension matters (old age pension, disabled pension, limited abilities persons pension etc.). In 20% the legal aid was provided in other administrative matters.

Pie chart:

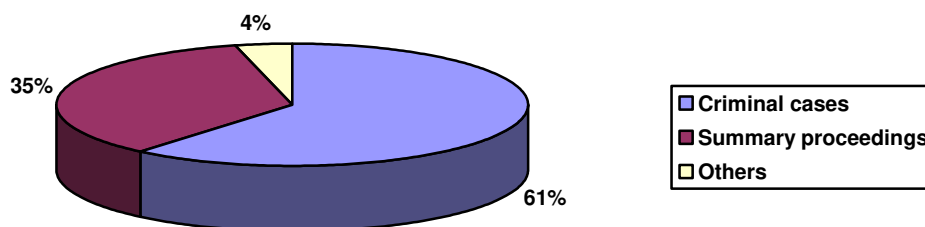


Criminal cases

As the Kosovo Judicial Council denied making an agreement of understanding with LAC, to transfer the budget from the Kosovo Judicial Council to the LAC, for provision of legal aid on criminal cases, respectively appointment of advocates *ex officio*. This was case also in 2009, to appoint advocates in these cases. Due to this reason the DBLA offered legal aid in criminal cases, only providing legal advice and assisting in drawing up submissions.

The legal aid is provided in 61% of criminal cases for various actions (criminal reports, legal advice, appeals etc.), in 35% the legal aid is provided on summary proceedings (objection against the punitive order, judicial admonition etc.), and 4% other criminal affair.

Pie chart:



VI. COOPERATION OF THE LEGAL AID COMMISSION WITH THE KOSOVO CHAMBER OF ADVOCATES (KCHA)

In accordance with section 7.1 of Regulation no. 2006/37, the Commission shall cooperate with the Kosovo Chamber of Advocates in designing positive measures to ensure the fair representation of vulnerable groups amongst users and providers of legal aid and to ensure the quality of legal services delivered in the legal aid system. The LAC continues to cooperate with KCHA, pursuant to Memorandum of Understanding entered between the KCHA and LAC in 2008, on cooperation, with the aim to appoint advocates in cases when beneficiaries of legal aid shall be represented in judicial processes.

The Memorandum of Understanding sets for the KCHA responsibility, on quarterly basis for LAC, to update the list of available advocates to represent beneficiaries of legal aid.

In the reporting period of 2009, 404 advocates were engaged.

VII. COOPERATION OF THE LEGAL AID COMMISSION WITH NGOS IN PARTNERSHIP

Pursuant to section 8, item (d) of Regulation no. 2006/36, in fulfilling its responsibilities the Commission may enter into partnerships with non-governmental organizations (NGOs) for delivery of legal aid to vulnerable groups or within defined geographical areas or specialized competencies.

During 2009, the LAC entered into partnership with two NGOs, the Jurist Association “NORMA” on opening legal aid office in Podujeva and the “Women Association” in Gjakova for establishment of legal aid office in Gjakova. Both NGOs are funded with 5,000.00 euro for implementation of legal aid.

VIII. FINANCIAL RESOURCES AND THE LEVEL OF FINANCING OF LEGAL AID

Since the LAC as an independent, state institution, the financing matter is stipulated with the Regulation 2006/36 (Section 4.14) whereby the budget of the Commission shall be appropriated annually from the Kosovo Consolidated Budget and the budget plan presented by the LAC is approved by the Assembly.

In accordance with paragraph 4.15 (k) of Regulation 2006/36, the LAC powers and responsibilities of LAC include: Preparing the legal aid budget and addressing donors, government and budgetary authorities to generate support for legal aid and the budget.

It is significant to emphasize that for the LAC, it has been encouraging the acceptance of first circular of budget for 2010, by the Ministry of Economy and Finance, which was increased for 30.000€ for Capital Projects, and in amount of 6.504 € for goods and services.

For 2009, the Kosovo Assembly allocated for the legal aid, the budget in amount of **265.197.00 €**.

MAIN BUDGETARY LINES		AMOUNT
1.	Salaries and paydays in amount of	66.985.00 €
2.	Goods and services in amount of	176.952.00 €
3.	Utilities in amount of	21.260.00 €

IX. DEFECTS AND CHALLENGES IN THE LEGAL AID SYSTEM

Funds for the functioning of LAC are provided from the Kosovo Budget. However, so far, the LAC is continuously challenged by numerous problems due to lack of sufficient funds, which are necessary for proper functioning of LAC, and in protection of independence of this important institution. Although in 2009, the LAC achieved progress in opening new offices and raised the number of personnel with the support of donor UNDP, a more serious support by the governmental institutions is expected. Hence, the LAC has figured out its real costs for a proper functioning and drafted a medium term of three years Plan for costs, to the Ministry of Economy and Finances.

Herein, are specified LAC challenges on implementation of its mandate, in accordance with law:

Insufficient and small number of personnel – Short number of officers and impossibility to hire needed staff has consequence from the limited budget, which reflected in essential problems to fulfill the mission of this institution. Not having the needed officers has also resulted in the deadlines of completion of duties.

Salaries – The level of salaries for the LAC staff is non-stimulating and not motivating at all for the experts in this field. The staff of this important institution shall be stimulated and the positions (functional titles) of special importance shall be categorized.

Risk possible voluntary resignation of the existing personnel – Due to low salary payments for the staff of LAC, there is a potential risk to lose the current officers, to whom the LAC has mobilized all the available sources for their professional improvements. Eventual loss of officers directly involved in all business processes of the Legal Aid Commission, would risk the entire LAC function.

Budget - In the last three years, the Ministry of Economy and Finance, has not approved the LAC application for budgetary funds on wages and daily

allowances. The lack of funds made the LAC to face obstacles and difficulties in its successful performance.

Lack of material means – Regulation no. 2006/36 on Legal Aid has foreseen the establishment of legal clinics in other municipalities of the Republic of Kosovo. Taking into account the fact that one region covers many municipalities, the recipients of free legal aid have subjective and objective difficulties to be provided with their rights, as the district bureaux are located in large distances. Therefore establishment of these clinics is necessary. Due to lack of funds to purchase vehicles, the LAC could not achieve through these clinics to provide the citizens in different municipalities, the legal aid services.

Legal Aid District Bureaus – are located in private premises and are not guaranteed to perform their responsibilities in long term. Owners of these premises often claim to be released due to various reasons.

X. RECOMMENDATIONS

1. Drafting the **Law on Free Legal Aid**, remains priority for 2010. The experience so far, has proven that the Regulation 2006/36 does not cover all the important matters on legal aid. In addition, this Regulation is not in compliance with legislation of the Republic of Kosovo. Upon entry into force, of the said law, the LAC will substantially reflect its needs and to claim the implementation of organizational structure drafted and approved by LAC during 2009.
2. It is necessary the continuous awareness of institutions and bodies of the Republic of Kosovo for the importance of this institution which shall be taken into consideration and education and promotion of citizens awareness on the role and opportunities provided by the LAC.
3. It is necessary further professional capacity building of the staff hired with this institution on usage of all existing legal mechanism for legal aid.
4. Drafting the medium three year Plan (planning the increased costs required by MEF), on proper functioning of LAC.
5. Achievement of LAC clear objectives and exceeding challenges also in 2010, continuing with maximum engagement in active manner, establishment of particular and practical preconditions as a part of integration of legal aid system, in order to make the services on provision of legal aid, to be effective, efficient, inclusive, flexible and sustainable.

ANNEX

Statistical chart on cases of Legal Aid in 5 LADB, during 2009

ⁱ Section 3 point (u) Regulation on Legal Aid 2006/36

ⁱⁱ Section 3, point (u); UNMIK Regulation 2006/36.

ⁱⁱⁱ Kosovo Criminal Code, amended by the Kosovo Assembly 2008.

^{iv} Regulation 2006/36 entered into force on 7 June 2006, signed by the Special Representative of the United Nations in Kosovo.

^v Taken from Section 4, Ibid.

^{vi} Section 4.2. and 4.4. of Regulation on Legal Aid

^{vii} Section 4.15. point (t) of UNMIK Regulation 2006/36 on legal aid.

^{viii} Section 5.

^{ix} Section 6 of Regulation on Legal Aid.