



Republika e Kosovës
Republika Kosovo - Republic of Kosovo
Qeveria - Vlada - Government

Ministria e Drejtësisë - Ministarstvo Pravde - Ministry of Justice

Minister of the Ministry of Justice,

Pursuant to the Law 04/L-017 on Free Legal Aid (Official Gazette no. 3/2012, 22.02. 2012) and Article 19 of Law no. 08/L-063 amending the Laws related to the Rationalization and Establishment of Accountability Lines of Independent Agencies (Official Gazette no. 30/2022, 05.09.2022), in accordance with Article 11, paragraph 1, sub-paragraph 1.5 of Law No. 08/L-117 on the Government of the Republic of Kosovo, Article 8 (sub-paragraph 1.4) of the GRK Regulation NO. 02/2021 on Areas of Administrative Responsibilities of the Office of the Prime Minister and Ministries, as amended by (GRK) Regulation no. 04/2021 and Regulations (GRK) No 03/2011, and Article 38, paragraph 6 of the Rules of Procedure of the Government, no. 09/2011, (Official Gazette no. 15, 12.09.2011),

Hereby issues the following:

REGULATION MOJ - No. 05/2023¹
DETERMINING THE CRITERIA FOR PROVISION OF FREE LEGAL AID BY
NON-GOVERNMENTAL ORGANIZATIONS IN PARTNERSHIP WITH THE
AGENCY FOR FREE LEGAL AID

CHAPTER I
GENERAL PROVISIONS

Article 1
Purpose

The purpose of this Regulation is to provide the criteria on the provision of free legal services by Non-Governmental Organizations, in partnership with the Agency for Free Legal Aid (hereinafter: Agency).

¹ Regulation MoJ - No.05/2023 on, determining the criteria for provision of free legal aid by non-governmental organizations in partnership with the agency for free legal aid, signed by Minister of Justice, date 06.06.2023

Article 2
Scope

The provisions of this Regulation shall apply to the Agency and Non-Governmental Organizations that provide free legal aid, in partnership with the Agency (hereinafter: NGOs).

CHAPTER II
CRITERIA FOR PROVIDING FREE LEGAL AID BY NGOs IN PARTNERSHIP
WITH THE AGENCY

Article 3
General requirements

1. NGOs providing free legal aid services in partnerships shall meet the following general criteria:

- 1.1. NGO registered in the Republic of Kosovo;
- 1.2. NGO with activities focused on one of the following areas, including:
 - 1.2.1. free legal aid;
 - 1.2.2. human rights, and
 - 1.2.3. field of law.
- 1.3. Have an organizational structure as stipulated by the internal bylaws of the organization.

Article 4
Specific requirements

1. An NGO filing an application for stipulating a partnership with the Agency to provide free legal aid shall meet the following special criteria:

- 1.1. Provide in its Charter that it shall provide free legal aid services;
- 1.2. Have at least one staff member who has passed the bar exam;
- 1.3. Not be subject to bankruptcy or winding-up proceedings;
- 1.4. NGO shall not have any indictment confirmed against it;
- 1.5. NGO must not have any outstanding tax dues to the Tax Administration of Kosovo, or must be party to a debt settlement agreement;

1.6. The name, logo and other identifying features of the NGO shall not resemble those of the Agency;

1.7. possess office space suitable in terms of placement, space, equipment and arrangement, which must have a total area of at least 20 m² and contain at least a waiting room and a work room.

CHAPTER III ENTRY INTO A PARTNERSHIP

Article 5 Partnership Agreement

1. The Agency shall conclude a partnership with NGOs providing free legal aid in accordance with the relevant applicable legislation.
2. An NGO desiring to provide free legal aid services must conclude a partnership agreement with the Agency, pursuant to the criteria set forth in this Regulation.
3. A partnership agreement shall be concluded in writing, for a period of time as stipulated in such partnership agreement.
4. A Partnership Agreement shall stipulate:
 - 4.1. Free legal aid services to be provided by the NGO;
 - 4.2. Categories of legal aid beneficiary entities of such NGO, and
 - 4.3. other matters in implementation of the Partnership Agreement.
5. A Partnership Agreement with the NGO shall contain:
 - 5.1. The name of the NGO, as designated in the register of Non-Governmental Organizations held by the relevant Ministry;
 - 5.2. Duration of term for providing free legal aid;
 - 5.3. Free legal aid services to be provided by the NGO;
 - 5.4. Categories of beneficiaries of free legal aid services to be provided by the NGO;
 - 5.5. The area/territory in which such free legal aid services will be provided.
6. The application for extension of such partnerships shall be submitted to the Agency no later than six (6) months before the expiry of the deadline of the original partnership agreement.

Article 6

Application to enter partnership to provide free legal aid

1. The application to enter partnership shall be filed with the Agency, in a format as provided in *Appendix 1* of this Regulation, together with all relevant documentation.
2. The Agency shall decide on such application to enter partnership for the provision of free legal aid within thirty (30) days from the receipt of such application.

Article 7

Registry of NGOs providing free legal aid

1. The Agency shall establish and maintain a registry of NGOs providing free legal aid, and update it as necessary.
2. The NGO register shall be published on the Agency's official website.

Article 8

Data Exchange

1. The Agency and NGOs shall share general statistical data on beneficiaries and free legal aid services.
2. The Agency shall allow authorized NGOs access to relevant data according to the applicable provisions and as requested by NGOs.
3. The statistical data of the NGOs shall be entered into the Agency's database, under the access arrangements allowed, in accordance with the Law on the protection of personal data.

Article 9

Termination of Partnership on Providing Free Legal Aid services

1. The partnership for provision of free legal aid services shall be terminated in the following cases:
 - 1.1. Dissolution of the NGO;
 - 1.2. Expiry of term as specified in the partnership agreement, and the NGO failure to submit an application for extension of such agreement;
 - 1.3. In case the NGO fails to comply with the terms and conditions for providing free legal aid services, as provided by the present Regulation;
 - 1.4. For other reasons set out by applicable legislation.

**CHAPTER IV
TRANSITORY AND FINAL PROVISIONS**

**Article 10
Annexes**

1. The following annexes shall be integral to the present regulation:

1.1. Annex 1: Application for concluding a partnership with the Agency for Free Legal Aid for the provision of free legal aid;

1.2. Annex 2: List of Documents.

**Article 11
Entry into force**

This Regulation shall enter into force seven (7) days upon its publication in the Official Gazette of the Republic of Kosovo.

Albulena Haxhiu

Minister of Justice

___/___/2023

Annex 1: Application for concluding a partnership with the Agency for Free Legal Aid for the provision of free legal aid

Application for concluding a partnership with the Agency for Free Legal Aid for the provision of free legal aid

Name and surname of the legal representative of the association/organization:

Registered organization Name: _____

The activity of the association/organization and its registration details: _____

Date of registration: _____

Publicly presented name and logo of the organization/unit to provide free legal services

Please attach a copy of the logo.

Contact details

Email: _____

Alternative Email: _____

Tel.: _____

Alternative phone: _____

Seat Address: _____

City: _____

Current status of NGO: _____

Are you registered? Yes No

Do you have any outstanding tax dues to the Tax Administration of Kosovo, or party to a debt settlement agreement? Yes No

Does the association/organization have a confirmed indictment against it? Yes No

Have you applied for or been authorized to provide legal aid before? Yes No

If so, enter the date of partnership agreement and attach prior decisions or rejection notices.

What types of legal services are you applying for in a free legal aid partnership?

- legal information and counselling on legal proceedings;
- Drafting submissions/motions and all other technical assistance in completing the case files;
- Legal representation in civil, criminal, administrative and minor offense proceedings..

Define the territory/municipalities in which you will offer free legal aid: _____

Service provision systems

Do you have appropriate office spaces for the provision of legal aid services? Yes No

Do you have staff members who have passed the bar exam? Yes No

How many staff members do you have in your legal aid office? _____

Enter the names of the association/organization personnel, as applicable:

Administrator _____

Office Manager _____

Lawyer _____

Law student _____

Lawyer, bar exam passed _____

Project Director/Manager _____

For those employees who will interact with the public in providing free legal aid, please provide CVs detailing work experience.

The number of cases handled by the legal aid provider up to the time of filing the application, as far as applicable.

Statement

1. The information that I have provided in this application is accurate and complete.
2. I hereby agree to receive all notices, documents and correspondence from the the Agency for Free Legal Aid.
3. I hereby agree that this information may be used to assess the application to conclude partnerships with non-governmental organizations for the provision of free legal aid services for which I have applied, and for the purposes of reviewing this application pursuant to Regulation MoJ ___/2023 for determining the criteria for the provision of free legal aid by Non-Governmental Organizations
4. I understand that for the purposes of reviewing this application, other information may be required.
5. I understand that I must disclose, as soon as possible, information regarding any matter that may affect my continued eligibility to be authorized as a provider of *pro bono* legal aid services.

Name and surname: _____

Signature: _____

Date: _____

Legal remedy:

The Agency for Free Legal Aid shall acknowledge the receipt of the application. You shall not be deemed fit to provide legal aid in partnership with the Agency until the approval of the application.

If your application is incomplete or is not in the correct format, including the attached documents, the Agency may require you to complete the documentation for further consideration.

Annex 2: List of Documents

List of Documents

Please tick (✓) the box if the required documents are attached.

Document:

Copy of ID of legal representative	
Certificate of NGO Registration	
NGO Charter	
Relevant tax documentation	
Evidence that the organization has no confirmed indictment	
Logo of the organization or unit providing free legal aid services	
Copies of all university completion certificates and lawyer license documents, as applicable, for staff members.	
CVs of all staff interacting with free legal aid applicants.	
Prior partnership decisions	
Organizational chart	

In case of other attachments, please indicate such documents.
