

**LAW NO. 08/L-131****ON KOSOVO CORRECTIONAL SERVICE**

**The Assembly of the Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves:

**LAW ON KOSOVO CORRECTIONAL SERVICE****CHAPTER I  
GENERAL PROVISIONS****Article 1  
Purpose**

The purpose of this Law is to define the status, principles, responsibilities, management and general organization of the Kosovo Correctional Service, special or additional requirements for recruitment, specific rights or obligations, special rules for career development according to the rank system, professional development and training needs, as well as transfer and systematization of Kosovo Correctional Service employees.

**Article 2  
Scope**

This Law applies to all the employees of the Kosovo Correctional Service.

**Article 3  
Definitions and Abbreviations**

1. Terms and abbreviations used in this Law shall have the following meaning:

- 1.1. **KAPS** - the Kosovo Academy for Public Safety;
- 1.2. **Director General** - the Director General of KCS;
- 1.3. **General Directorate** - the organizational structure of KCS of the central level;
- 1.4. **Prisoner** - all persons deprived of their liberty who are in Correctional Institutions;
- 1.5. **Convicted person** - a person convicted by a final judgment;
- 1.6. **Juvenile** - a person as defined in the Juvenile Justice Code;
- 1.7. **Detained person** - the person to whom detention has been imposed;
- 1.8. **OI** - Ombudsperson Institution - National Mechanism for the Prevention of Torture;
- 1.9. **CI** - Detention Centers and Correctional Centers and High Security Prison;
- 1.10. **LEPS** - Law on Execution of Penal Sanctions;

- 1.11. **Ministry** - the Ministry of Justice;
- 1.12. **PEU** - the Prisoner Escort Unit;
- 1.13. **NGO** - non-governmental monitoring organization;
- 1.14. **KCS staff** - all categories of employees in the KCS;
- 1.15. **KCS** - the Kosovo Correctional Service;
- 1.16. **CFO** - Chief Financial Officer;
- 1.17. **Correctional Officer** - uniformed and ranked staff.

#### **Article 4 Principles**

1. Kosovo Correctional Service staff exercise their duties based on the principles of:
  - 1.1. **Legality** - KCS staff exercises all duties in accordance with the Constitution, applicable international instruments and applicable legislation;
  - 1.2. **Appropriateness and Proportionality** - KCS staff applies the principles of appropriateness and proportionality as a constraint on the exercise of duties and authorizations. Authorizations are exercised only when necessary and only to the extent necessary to achieve the legal objectives of KCS, with the least harmful consequences and for the shortest possible time;
  - 1.3. **Obligation to respond to requests and complaints** - KCS staff must respond to requests and complaints submitted by prisoners, individuals or other bodies;
  - 1.4. **Effectiveness and efficiency** - KCS staff shall ensure the implementation of Laws, administrative and security rules and procedures in order to meet the objectives of KCS;
  - 1.5. **Responsibility** - KCS staff is obligated to report, explain and answer for the consequences of their decisions, actions and inactions;
  - 1.6. **Impartiality and professional independence** - KCS staff are not allowed to be biased, which means to have a predisposition in favour of a certain result when assessing a situation, which as a consequence causes unjustifiable damage to the general interest or to the right of other interested parties;
  - 1.7. **Transparency** - The Kosovo Correctional Service is open to the public;
  - 1.8. **Confidentiality** - KCS staff maintains the confidentiality of information in their possession, but without prejudice to the implementation of obligations arising from the legislation relating the access to public documents, or do not provide information which may jeopardize the work of the Institution or KCS, of persons deprived of their liberty or of KCS staff;
  - 1.9. **Avoiding Conflict of Interest** - KCS staff should not allow their private interests to conflict with their public position, avoid performing private or public duties that conflict with their position and that may create conflict of interest. KCS staff acts in accordance with the provisions of this Law and the legislation in force for the prevention of conflict of interest;
  - 1.10. **Principle of Equal Opportunities** - KCS staff have equal opportunities to participate in the activities of the Kosovo Correctional Service;

1.11. **Principle of respect for fundamental human rights and freedoms** - KCS staff is obligated to respect fundamental human rights and freedoms;

1.12. **Principle of non-discrimination** - no direct or indirect discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, affiliation with any community, property, economic or social status or sexual orientation is allowed. Except for the criteria of age and gender quota for employment which, due to the specifics and nature of work for correctional officers, is not considered discrimination;

1.13. **Accountability** - public officials of the KCS are obliged to be accountable in relation to exercise of their authorizations while exercising duties and responsibilities of work in accordance with the relevant legislation in force.

## **CHAPTER II STATUS, ACTIVITY, AND RESPONSIBILITIES OF KCS**

### **Article 5 Status of the Kosovo Correctional Service**

1. KCS is an executive security agency which operates within the Ministry of Justice.
2. KCS has the identification mark, uniform, flag and emblem which are approved by the Minister upon the proposal of the Director General of KCS.

### **Article 6 Independence of KCS**

1. KCS is independent in performing its function in accordance with the Constitution, Laws and sub-legal acts.
2. No public body or institution has the right to influence the functional independence of KCS in any way.

### **Article 7 Management of KCS**

The work of KCS is managed by the Director General, who is appointed based on public vacancy according to the procedure of applicable legislation for the appointment in the positions of senior managerial category.

### **Article 8 Correctional Service Activity**

1. KCS is responsible for:
  - 1.1. organizing, implementing and supervising the execution of imprisonment in accordance with the legislation in force;
  - 1.2. organizing, implementing and supervising juvenile detention and educational measures in CI, unless otherwise provided by the Juvenile Justice Code;
  - 1.3. implementing the detention measures according to the Criminal Procedure Code;
  - 1.4. taking security measures to provide a safe and suitable environment for life and work;

- 1.5. undertaking actions for maintaining order, discipline, and protection of property in the KCS correctional institutions;
- 1.6. risk assessment and treatment needs of prisoners;
- 1.7. planning, organizing, implementing and overseeing programs that contribute to the re-socialization of prisoners;
- 1.8. fostering, motivating and developing prisoners' working skills and abilities;
- 1.9. developing economic activities and income generation through the KCS economic unit;
- 1.10. motivating and creating opportunities for education and vocational training for prisoners;
- 1.11. professional development of KCS staff;
- 1.12. cooperating with relevant institutions and organizations which deal with the issue of monitoring the rights of prisoners;
- 1.13. instructing and supporting convicted persons regarding the post-release plan;
- 1.14. fulfilling other obligations according to the legislation in force.

#### **Article 9 Budget and Financial Management**

1. KCS has its own budget, allocated within the Ministry of Justice, according to the relevant legislation in force.
2. The CFO prepares the KCS budget and forwards it to the Director General for approval. After the approval, the Director General shall forward it to the Minister for further review and processing.
3. The budget should cover the full cost of the operation of KCS and correctional institutions in order to ensure continuous management according to the respective standards.

#### **Article 10 Organization and Functioning of the Kosovo Correctional Service**

1. KCS consists of:
  - 1.1. The General Directorate of the central level which operates with Departments and Divisions; and
  - 1.2. Correctional institutions.
2. The internal organization and functioning of the Kosovo Correctional Service is regulated by a sub-legal act issued according to the relevant legislation in force.

#### **Article 11 General Directorate**

1. The General Directorate of KCS is authorized to:
  - 1.1. oversee the legality of the work and operation of the organizational units of correctional institutions through its mechanisms;

- 1.2. draft sub-legal acts, rules and standard operating procedures within the scope of KCS;
- 1.3. manage, monitor, analyze and evaluate the overall operational and security situation within the Correctional Service;
- 1.4. evaluate and classify the risk of prisoners;
- 1.5. oversee the treatment of prisoners in CI;
- 1.6. collect and process information that may pose a risk to KCS institutions;
- 1.7. manage actions within the KCS in exceptional or urgent circumstances;
- 1.8. coordinate the development and implementation of strategic state policies to meet the obligations and mission of the KCS;
- 1.9. take care of ensuring work, health, and safety conditions for the staff;
- 1.10. coordinate the administrative functions of KCS, including but not limited to human resource management, staff planning, training and retraining of KCS staff in data maintenance, telecommunications system, budget and case management finance, procurement, engineering, logistics;
- 1.11. cooperate with state institutions, Law enforcement agencies, governmental and non-governmental, cultural, religious organizations and other relevant local and international actors;
- 1.12. conduct internal administrative investigations and coordinate the work of relevant commissions at the level of the KCS;
- 1.13. perform other tasks provided by Law, sub-legal acts, or orders.

2. The General Directorate of the Correctional Service is headed by the Director General of KCS.

## **Article 12** **Duties and Responsibilities of the Director General**

1. The Director General within his functions has the following responsibilities:
  - 1.1. manages and represents the KCS;
  - 1.2. plans, develops, administers and manages KCS and is responsible for ensuring the implementation of the functions defined by the applicable legislation;
  - 1.3. implements the obligations deriving from the state strategic policies of the Government of the Republic of Kosovo;
  - 1.4. oversees security in correctional institutions to ensure a safe environment for prisoners and KCS staff;
  - 1.5. plans and executes the budget and approves the payments according to the legislation in force;
  - 1.6. implements non-discriminatory policies for KCS staff including equal representation in all areas and levels;

- 1.7. coordinates the drafting of KCS policies;
- 1.8. oversees the legality of the work and operation of the organizational units of KCS;
- 1.9. exercises the responsibilities set forth in the LEPS regarding the treatment of prisoners;
- 1.10. issues decisions, rules and internal procedures for the KCS, provided by applicable legislation;
- 1.11. gives operational orders to his subordinates;
- 1.12. authorizes internal investigative commissions for the implementation of administrative investigations within KCS;
- 1.13. establishes temporary committees for work issues and authorizes representatives to participate in working groups, committees and workshops outside KCS;
- 1.14. enters into cooperation agreements and contracts on behalf of KCS with state institutions and governmental and non-governmental organizations;
- 1.15. performs other tasks defined by the legislation in force;
- 1.16. the Director General for performance and activities of the KCS shall report to the Minister of Justice.

### **Article 13** **Selection and Appointment of the Director General**

1. The general requirements for selection on the position of Director General are:
  - 1.1. to be a citizen of the Republic of Kosovo;
  - 1.2. to have full capacity to act;
  - 1.3. to speak one of the official languages, in accordance with the Law on the Use of Languages;
  - 1.4. to be medically fit to perform the relevant duty;
  - 1.5. to not be convicted by a final decision for intentionally committing a criminal offense;
  - 1.6. to not have in force any disciplinary measure for removal from a position of the public official, dismissed according to the Law on Public Officials.
2. In addition to the requirements provided in paragraph 1. of this Article, candidates for selection to the position of Director General must meet specific criteria, such as:
  - 2.1. to have university education;
  - 2.2. to have at least eight (8) years of work experience in the Correctional Service or in security institutions of which at least five (5) years of experience in senior or middle management positions.
3. The Director General is appointed for a four (4) year mandate with the right of extension for another mandate in the same position.
4. The Director General is appointed by the Government of the Republic of Kosovo.

5. For the purpose of this Article, security institutions are: Kosovo Police, Police Inspectorate, Kosovo Intelligence Agency and Kosovo Customs, Kosovo Security Force and Probation Service of Kosovo.

#### **Article 14** **Termination of the Duty of Director General**

1. The Director General is discharged, dismissed, or concludes the mandate when:

- 1.1. has been convicted of a criminal offense by a final decision according to the legislation in force;
- 1.2. reaches retirement age;
- 1.3. resigns;
- 1.4. has been absent in exercising the duty for a period longer than six (6) months;
- 1.5. at the end of the mandate;
- 1.6. due to poorly documented performance.

2. When there is a grounded suspicion that the Director General of KCS has committed a criminal offense, the Minister shall notify the competent authorities and takes actions determined against him according to the relevant legislation in force and notifies the Government of those actions.

3. In cases of discharge, dismissal or suspension of the Director General, the Minister shall immediately temporarily appoint one of the Deputy Directors General directors as Deputy Director General.

4. Upon the end of the mandate of the Director General, the responsible Unit is obligated to appoint the employee whose mandate ends in a middle management position, and then in a low or professional position.

#### **Article 15** **Deputy Director General**

1. The Kosovo Correctional Service has two (2) Deputy Directors General:

- 1.1. Deputy Director General for Security-Operations;
- 1.2. Deputy Director for processing.

2. The procedure for the selection of Deputy Directors General is done according to the criteria for senior management positions.

3. The appointment of Deputy Directors General is made according to the relevant applicable legislation.

4. The procedure for termination of employment from the position of Deputy Director General is done mutatis mutandis with the provisions for termination of employment relationship from the position of Director General. The decision-making authority is the Director General of KCS.

5. Upon the end of the mandate for Deputy Director General, the responsible Unit is obligated to appoint the employee whose mandate ends in a middle management position, and then in a low or professional position.

## **Article 16 Economic Unit**

1. KCS, through the responsible unit, develops economic and production activities, provides services, employs prisoners and generates revenues for the needs of KCS in order to re-socialize, meet the needs of KCS and reduce the budgetary expenditures.
2. The economic unit produces and processes agricultural and industrial products from its workshops for the needs of KCS. The products which are considered surplus are placed on the market.
3. Based on the economic activity, the unit generates revenues and uses these revenues for the needs of the Kosovo Correctional Service.
4. Revenues generated from economic activities will be spent in accordance with the relevant legislation in force.
5. The Economic Unit manages purchases and sales, prepares analysis of revenues from relevant institutions based on the cultivation of various agricultural crops and productive activities.
6. The Minister of Justice upon the proposal of the General Director may enter into agreements with various economic operators according to the relevant legislation in force.
7. The organizational structure of the Economic Unit is regulated by the sub-legal acts for the organization and systematization of the Kosovo Correctional Service.
8. The Minister of Justice issues a sub-legal act for functioning of this Unit.

## **Article 17 Evaluation and Classification of Prisoners**

1. KCS conducts individual risk and needs assessment for all convicted persons through the Assessment and Classification Unit.
2. The security assessment for detained persons is done by CI where pre-detainees are admitted.
3. The Unit for Evaluation and Classification after the finality of the judgment for the convicted persons who have been admitted to the CI makes the individual reassessment of the risk and needs through its mechanisms.
4. After the evaluation process, an individual plan for the execution of the sentence is drafted according to the specifics of each convicted person.
5. The Director General or his authorized person with a decision determines the placement of the convicted person in the CI where the individual treatment plan will be implemented.
6. CIs may request the Evaluation and Classification Unit to re-evaluate the individual plan due to the convicted person's needs and other new circumstances created, after the re-evaluation whether the convicted person should be transferred to another Institution, the Evaluation and Classification Unit recommends to the Director General to decide on the transfer.
7. The evaluation and classification of prisoners is done by trained evaluation officers.
8. The organizational structure of the Unit for Evaluation and Classification is regulated by the sub-legal act for the organization and systematization of the Kosovo Correctional Service issued by the Government of Kosovo.
9. The Minister of Justice issues a sub-legal act for the functioning of this Unit.



## **Article 18**

### **Kosovo Correctional Service Intelligence**

1. The Kosovo Correctional Service through the Intelligence Unit does: planning, collecting, systematizing, analyzing, disseminating and protecting specific intelligence information that poses a threat and danger to the order and security of correctional institutions.
2. Based on the evaluation of the information, the Intelligence Unit warns the Director General of KCS and requests that measures be taken in order to prevent the security threat to the KCS and correctional institutions.
3. The KCS intelligence to collect information in the course of its work shall apply specialized correction intelligence techniques, technologies and best practices which are in accordance with applicable legislation and the protection of human rights.
4. The KCS intelligence unit is responsible for identifying individuals and groups that pose a security threat to correctional institutions, informing, exchanging information and intelligence with competent institutions.
5. The KCS Intelligence cooperates with other competent institutions in order to protect the public safety.
6. The organizational structure of the Intelligence Unit is regulated by the sub-legal acts for the organization and systematization of the Kosovo Correctional Service.
7. The functioning of the Intelligence Unit is regulated by a sub-legal act issued by the Minister of Justice.

## **Article 19**

### **Prisoners Escort**

1. KCS, through the Prisoner Escort Unit, implements the orders and requests of the competent bodies for escorting and accompanying prisoners outside the IC to:
  - 1.1. Courts;
  - 1.2. Prosecution offices;
  - 1.3. Hospitals;
  - 1.4. Observing the scene;
  - 1.5. Transfers between CI;
  - 1.6. Humanitarian escort;
  - 1.7. Other escorts as needed.
2. PEU officials are responsible for the safety of prisoners during escort outside the CI.
3. PEU officers during the escort of a prisoner are authorized to carry official firearms and other security equipment according to the legislation in force.
4. The organizational structure of the PEU is regulated by the sub-legal act for the organization and systematization of the Kosovo Correctional Service.
5. The functioning of the PEU is done by sub-legal acts issued by the Minister of Justice.

**Article 20**  
**Health treatment of Kosovo Correctional Service Staff**

1. Health care for KCS staff is done as for all other citizens according to the applicable Laws.
2. During the working hours in KCS staff can receive adequate health services from the IC health unit, including diagnostic, pharmaceutical, and transportation services to the relevant health institution.
3. KCS is responsible for creating safe and healthy working conditions in all aspects of work and to cover all costs for the treatment of the employee who has suffered injuries at work or occupational diseases according to the legislation in force.
4. KCS is obliged to provide employees with medical examinations in health institutions licensed for services by occupational medicine at least once in three (3) years.

**CHAPTER III**  
**CORRECTIONAL INSTITUTIONS**

**Article 21**  
**Categories of Correctional Institutions**

1. The Correctional Service, in order to execute penal sanctions, such as: imprisonment and life imprisonment, juvenile imprisonment, correctional education measure for juveniles and detention measure, consists of the following Correctional Institutions:

- 1.1. Correctional Centers;
- 1.2. Detention Centers;
- 1.3. High Security Institutions.

2. Within a Correctional Institution there may be closed, semi-open and open units, depending on the needs of the institution.

3. Within the Correctional Institutions there are also stationary medical units for health treatment and examination of prisoners.

4. In the Correctional Center for Women there is a special facility for the treatment of pregnant prisoners and mothers with children up to the age determined by the legislation in force, as well as the unit for female juveniles.

**Article 22**  
**Types of Correctional Institutions**

1. Depending on the degree of security and the way prisoners are treated, correctional institutions may be closed, semi-open and open.

2. Closed type correctional institutions have maximum elements of physical and material security, such as: high perimeter walls or fences with armed staff, technical equipment and other security measures.

3. Semi-open type correctional institutions have medium elements of physical and material security.

4. Open type correctional institutions have low elements of physical and material security. Conduct of convicted persons is based on their own discipline and personal responsibility, while correctional staff supervise the movement and work of convicted persons.

**Article 23**  
**Establishment, Change and Closing of the Correctional Institution**

On the proposal of the Director General, the Minister of Justice issues a sub-legal act for the establishment, change or closing of the Correctional Institution, which determines the category, type and seat of the Correctional Institution.

**Article 24**  
**Responsibilities of Correctional Institutions**

1. Correctional institutions execute penal sanctions with imprisonment, life imprisonment, detention measure, juvenile imprisonment and correctional educational measure for juveniles according to judgments, rulings and orders of the competent courts.
2. Takes measures to ensure a safe and healthy environment for all.
3. Provide adequate living conditions for prisoners and optimal working conditions for KCS staff.
4. Enables the realization of the rights of prisoners according to the legislation in force.
5. Approval, development and implementation of programs for vocational education and training as well as other programs for re-socialization and re-education of prisoners.

**Article 25**  
**Duties and Responsibilities of the Director of the Correctional Institution**

1. The Director of CI organizes, leads, and controls the general activity of CI according to the legislation in force, instructions and orders of the Director General of KCS.
2. Ensures the legality of the admission and release of prisoners.
3. Takes measures to maintain and guarantee a suitable environment for the life of prisoners and the development of activities in CI.
4. Is responsible for planning the execution of the sentence.
5. Is responsible for the activity of the CI in accordance with the legislation in force as well as for the equal treatment of prisoners.
6. Is responsible for planning and managing finances for CI.
7. Provides working conditions for CI staff.
8. Coordinates, controls and ensures the implementation of tasks and work programs through internal mechanisms.
9. Decides on disciplinary measures against convicted persons.
10. Handles and responds to complaints and requests of prisoners in CI according to his competence.
11. Reports to the Director General.
12. Performs other duties and obligations defined by the legislation in force.

**Article 26**  
**Appointment of the Director of the Correctional Institution**

The appointment to the position of Director of CI is done in accordance with the procedures of transfer and promotion according to the Law on Public Officials.

**Article 27**  
**Appointment of the Deputy Director of CI**

1. Correctional Institutions have one deputy director, except for high security institutions and institutions with complex activities and a large number of employees and high capacity prisoners which may have up to two (2) deputy directors.

2. The procedure for the selection of deputy directors of CI is done according to the criteria provided for the position of director of CI.

**Article 28**  
**Kosovo Correctional Service Staff**

1. The staff of the Kosovo Correctional Service consists of:

- 1.1. civil servants;
- 1.2. armed professional correctional officers in uniform and ranks regulated by this Law;
- 1.3. support staff consisting of technical and administrative staff who perform ancillary activities.

2. KCS personnel according to paragraph 1. of this Article are civil servants and uniformed security employees, according to this Law and the Law on Public Officials.

3. Correctional Service staff according to paragraph 1. of this Article are civil servants with special status according to the Law on Public Officials.

**Article 29**  
**Rights of KCS Staff**

1. In addition to the Rights defined by the Law on Public Officials and the Law on Labour, the KCS staff shall, also, have the following specific rights:

- 1.1. the right to risk allowance on salary;
  - 1.1.1. KCS staff due to exposure to high and direct risk with high-risk and very high risk prisoners, sentenced and life sentenced, infective disease, mental disorders, exposure to risk when escorting prisoners outside the correctional institution, shall enjoy additional allowance for occupational hazards;
  - 1.1.2. the categorization of KCS staff who receive additional risk allowance on salary will be regulated by a sub-legal act issued by the Minister of Justice.
- 1.2. the right to a jubilee salary;
  - 1.2.1. KCS staff enjoys the right to a jubilee salary for every ten (10) years of uninterrupted work experience in the amount of a base salary.
- 1.3. the right to allowance from base salary in the event of the death of a close family member;
- 1.4. the right to a daily meal;

1.4.1. KCS staff during the performance of official duty enjoy the right to a daily meal;

1.4.2. the value of the daily meal is determined by decision of the Director General.

1.5. the right to compensation for death in duty or in the line of duty:

1.5.1. KCS pays the funeral ceremony expenses for KCS staff who die in the line of duty or associated with official duty. The burial site will be determined by family members.

2. KCS will pay the following expenses:

2.1. transport for carrying the corpse;

2.2. travel expenses for two (2) escort persons;

2.3. funeral expenses not paid in other forms;

2.4. other expenses with the approval of the Minister.

3. The KCS shall compensate the spouse, children under the age of eighteen (18) years old of the KCS staff who die in the line of duty or associated with the official duty with an immediate financial assistance in an amount equal to gross monthly salary multiplied by six (6). In certain cases, based on the assessment, the Government may allocate a higher immediate financial assistance for them.

4. KCS staff is entitled to three (3) gross salaries in case of regular retirement.

### **Article 30 Strikes and Protests**

1. Correctional staff do not have the right to strike, but have the right to express their dissatisfaction through protests organized and led by representative and union bodies as long as the functionality of KCS is not endangered.

2. In case of protests, the correctional staff of the KCS is prohibited from carrying an official weapon during the protest.

### **Article 31 Data Confidentiality**

1. The staff of the Kosovo Correctional Service during the exercise of their duties are obligated to preserve and handle information in accordance with the relevant legislation in force.

2. KCS staff are prohibited from making public or giving to third parties data that violate the dignity and private life of prisoners as well as data of a confidential nature.

3. KCS staff are obligated to keep the confidentiality according to paragraph 1. and 2. of this Article even after the termination of employment in accordance with applicable Law.

### **Article 32 Execution of Orders**

1. The KCS staff are obligated to execute the orders given by the superiors according to the functional level and according to the hierarchy of rank. Orders must be issued in accordance with the functional duty and must not be in conflict with applicable legislation.

2. In case the officer doubts the legality of the superior's order, he does not execute the illegal order but informs the superior of the person who gave the order without delay, and requests his written confirmation.

3. The officer has the obligation to execute the order confirmed in writing under paragraph 2. of this Article, except when its execution constitutes a criminal offense.

### **Article 33** **Obligation to Avoid Conflict of Interest**

The KCS staff should not allow their private interests to conflict with their public position, to avoid performing private or public duties that conflict with their position and that may create a conflict of interest. KCS staff act in accordance with the provisions of this Law and the legislation in force for the prevention of conflict of interest.

## **CHAPTER IV** **EMPLOYMENT RELATIONSHIP FOR CORRECTION OFFICER, ADDITIONAL CRITERIA** **AND SPECIAL PROCEDURE**

### **Article 34** **Establishment of Employment Relationship for Correctional Officers Cadets**

1. The establishment of the employment relationship for the position of correctional officer cadets in the Correctional Service is done in accordance with the principle of merit, professional ability, transparency of the process, impartiality, integrity, non-discrimination, equal opportunities and the right to appeal.

2. All persons who meet the criteria set by the public vacancy, which is based on this Law and the Law on Public Officials, have the right to compete and be employed in the position of correctional officer cadets.

3. KCS offers equal employment opportunities to all interested persons regardless of ethnicity, gender, colour, religion, political beliefs, provided that they meet the criteria set out in the announced vacancy.

### **Article 35** **Identification, Evaluation and Planning of Vacancies**

1. Identification of vacancies cadets for correctional officers as well as the assessment of needs for new jobs is done by correctional institutions and the request is sent to the human resources unit of KCS.

2. Periodic planning of recruitment needs is done by the General Directorate of KCS.

### **Article 36** **Recruitment Process**

1. The recruitment process is carried out by the General Directorate of KCS in accordance with the needs for correctional officer cadets according to the staff plan and after confirmation of the availability of budget funds for the respective positions.

2. After fulfilling the conditions from paragraph 1. of this Article, the Director General makes a decision for announcing the vacancy.

### **Article 37** **Deadline of the Recruitment Process**

The deadline of the recruitment process for the position of correctional officer cadets is calculated from the announcement of the vacancy until the publication of the final list of candidates and cannot last more than four (4) months.

### **Article 38**

#### **Job Vacancy**

1. The job vacancy for employment on the position of correctional officer cadets in the Kosovo Correctional Service is done through public announcement in the state employment platform and on the official website of the KCS, no later than five (5) days after the decision of the Director General and the same is announced on the official website of KCS in official languages in accordance with the Law on the Use of Languages.

2. The job vacancy announcement contains the following data:

- 2.1. name of the institution;
- 2.2. job position and description as well as reference number;
- 2.3. criteria for application-participation in the recruitment process;
- 2.4. salary coefficient/grade;
- 2.5. necessary educational qualifications;
- 2.6. age;
- 2.7. the duration of the appointment, as well as the duration of the probationary period;
- 2.8. necessary documentation for application;
- 2.9. announcements of the tests that the candidate will undergo, as well as information brochures for all stages of the candidates' testing;
- 2.10. the exact manner, venue and address where applications are received and submitted;
- 2.11. the closing date of the competition which must be at least fifteen (15) days from the date of publication;
- 2.12. notification on the non-acceptance of applications after the deadline and notification of rejection of the application in case it is incomplete;
- 2.13. the public vacancy contains the clause "Kosovo Correctional Service provides equal employment opportunities to all citizens of Kosovo and welcomes applications from all males and females from all communities in Kosovo";
- 2.14. only shortlisted candidates will be notified through the official KCS website.

### **Article 39**

#### **Special Requirements for Recruitment for the Position of Correctional Officer Cadet**

1. Candidates who apply for correctional officers in addition to the general requirements provided by the Law on Public Officials, must also meet the following special requirements:

- 1.1. be of age eighteen (18) until reaching the age of thirty (30);
- 1.2. be in good mental and physical condition;
- 1.3. not to have a tattoo on the face, neck or hands in a visible place;
- 1.4. not be under investigation for a criminal offense.

2. The application documentation must contain:

- 2.1. application form;
- 2.2. copy of the diploma for secondary education, upper secondary education respectively, while for the candidates who have completed their education abroad, the copy of the nostrified diploma;
- 2.3. CV;
- 2.4. certification by the competent body that he is not under investigation;
- 2.5. copy of ID card or passport.

**Article 40**  
**Acceptance of Applications**

1. Candidates` applications are received and registered by the Human Resources Unit.
2. After the closure of the vacancy, but not later than five (5) working days, the Human Resources Unit shall prepare the list of applicants and submits the same together with the candidate files to the Chairman of the Selection Committee.

**Article 41**  
**Selection Committee**

1. By decision of the Director General is appointed the Selection Committee, which consists of the chairperson and four (4) members from the ranks of the KCS staff and ensures gender and ethnic representation.
2. Members of the Committee for the recruitment and selection of candidates must be employees with professional experience in various fields and competent to make the evaluation of candidates in the respective fields.
3. The committee under paragraph 1. of this Article has the following responsibilities:
  - 3.1. to review, evaluate applications and compiling the list of candidates who meet the criteria according to the vacancy;
  - 3.2. to prepare, organize and evaluate tests according to this Article;
  - 3.3. to review requests for re-assessment of candidates;
  - 3.4. to prepare the report and the final list of successful candidates.
4. The mandate of the Committee ends with the completion of the recruitment procedure.

**Article 42**  
**Testing Procedure**

1. Candidates who meet the conditions defined in the vacancy, shall be subject to testing procedures as in the following order:
  - 1.1. written test;
  - 1.2. physical skills testing;
  - 1.3. oral interview; and
  - 1.4. health test.



2. A candidate who fails in one of the selection stages does not have the right to continue in the other stages of the recruitment process.

#### **Article 43 Written Test**

1. The written test is compiled in official languages and consists of fifty (50) questions. Each correct answer has the value of two (2) points and the test should assess knowledge in the following areas:

- 1.1. forty percent (40%) general knowledge;
- 1.2. thirty percent (30%) knowledge of the job position; and
- 1.3. thirty percent (30%) mathematics and language and literature.

2. The minimum score required to successfully pass the test is seventy (70) test points.

3. The test lasts one (1) hour and thirty (30) minutes.

#### **Article 44 Physical Skills Testing**

1. Physical skills testing standards must be described in the form, namely in the physical skills booklet.

2. During the physical skills testing process, in addition to the Selection Committee, the medical staff must also be present.

3. If the candidate states that he/she is in good health and ready to undergo a physical skills test, he will be required to complete and sign the form which exempts KCS from liability and compensation, if during this process he is caused any health problems or physical injury.

4. The evaluation of the physical test result is done in three (3) elements such as: running, pumps and crunches. If the candidate fails to pass one of these elements successfully he/she is considered to have failed.

#### **Article 45 Oral Interview**

1. In the case of oral interview, the candidate is evaluated for the way of appearance and presentation, communication skills, general knowledge, ability to analyze, decision making, motivation, dedication and self-confidence.

2. The candidate must achieve at least a score of sixty (60) out of one hundred (100) possible points to proceed further with the recruitment process.

#### **Article 46 Health Testing**

1. Only candidates who have achieved maximum points according to the number required for recruitment will undergo the health test.

2. If any of the candidates is not in good health according to the medical report, other subsequent candidates with the highest number of points in the list will be invited. In cases when the subsequent candidates have an equal number of points, the candidates are invited in an alphabetical order.

3. The health test is performed by the relevant health institution, which includes but is not limited to:

- 3.1. listening skills;
- 3.2. eye tests (near, distance, colour, peripheral);
- 3.3. lung examination;
- 3.4. strength (shoulder, neck, back, finger);
- 3.5. motor skills and nervous system;
- 3.6. skin examination;
- 3.7. skeletal examination;
- 3.8. range of motion;
- 3.9. cardiovascular (3-minute step test);
- 3.10. drug addiction test.

4. The competent medical institution issues the report on the health condition of the candidate which is the basis for the committee to decide whether the candidate passes or does not pass.

#### **Article 47** **Results Required for Appointment**

A successful candidate is considered the one who in the written test and the oral interview has managed to collect the most points but not less than sixty-five percent (65%) of the maximum of certain points, provided that he has passed the health assessment test.

#### **Article 48** **Final Report**

The selection committee appointed in accordance with the provisions of this Law, after the completion of all recruitment procedures, prepares the report and the final list of successful candidates, recommending them to the Director General.

#### **Article 49** **Announcement of Results**

1. After the approval of the list of candidates by the Director General, the Human Resources Unit announces the final results on the KCS website within three (3) days.

2. The announcement contains the data of the candidates as well as the points earned during the selection process.

#### **Article 50** **Request for Reconsideration**

1. After the completion of each stage of the recruitment process, the Human Resources Unit within KCS, publishes the preliminary list of candidates.

2. Dissatisfied candidates have the right to request a reconsideration of the assessment.

3. The request for reconsideration is addressed to the relevant selection committee, within three (3) days from the day of publication of the preliminary list.

4. The selection committee reviews and decides on the request under paragraph 2. of this Article within five (5) days from the day of receipt of the request.

5. Following the decision of the committee on requests for reconsideration, the Human Resources Unit publishes on the official website of KCS the final list of candidates who have passed the relevant phase, together with the announcement of the date, time and venue of the test for the subsequent stage.

#### **Article 51 Right to Appeal**

After the publication of the final list of successful candidates, within thirty (30) days, the dissatisfied candidate has the right to file an appeal to the competent body.

#### **Article 52 Appointment of a Correctional Officer Cadet**

1. After the confirmation by the Human Resources Unit for the regularity of the procedures defined by this Law, the successful candidates are invited to sign the employment contract.
2. The contract under paragraph 1. of this Article is signed by the Director General of KCS and by the employee and contains the elements defined by the relevant labour legislation in force.
3. After the recruitment procedure, the cadets accepted as correctional officers undergo basic training in KAPS, the cadet is appointed correctional officer after successfully passing all training and certification modules.
4. In case the cadet in KAPS even after the re-examination does not pass any of the basic training modules, his/her contract will be terminated.
5. Candidates enter into an employment contract with the Correctional Service, which includes a probationary period of one (1) year.
6. After the successful completion of the probationary period, the contract is concluded based on the provisions of the legislation in force.

### **CHAPTER V RANKS OF CORRECTIONAL OFFICERS**

#### **Article 53 Grade System**

1. The grading system for correctional officers is in accordance with the following ranks:

- 1.1. correctional officer cadet;
- 1.2. correctional officer;
- 1.3. supervisor;
- 1.4. senior supervisor;
- 1.5. head of unit.

2. The procedure and conditions for the promotion of correctional officers is regulated by an act issued by the Minister of Justice.

#### **Article 54 Duties of the Correctional Officer of the Kosovo Correctional Service**

1. The Correctional Officer, in exercising his activity, has these primary duties:

- 1.1. to provide security in correctional institutions;
- 1.2. to take security measures for carrying out the activities of prisoners in correctional institutions;
- 1.3. to implement security rules when escorting or transferring prisoners;
- 1.4. to take measures to protect the life and health of prisoners;
- 1.5. to engage in rehabilitation activities for prisoners if they have relevant skills and qualifications;
- 1.6. to take concrete actions in the prevention and detection of smuggling and other negative phenomena;
- 1.7. to implement Lawful orders according to the chain of command;
- 1.8. to implement the Code of Professional Ethics for correctional officers;
- 1.9. to preserve and maintain CI property;
- 1.10. to perform additional tasks according to the job description.

#### **Article 55** **Vocational Training**

1. Correctional officers after each appointment to a rank, must attend continuous training to increase professional skills for the relevant rank.
2. Correctional officers who work with special groups of prisoners, such as: juveniles, persons with disabilities, persons with special needs, etc., must complete special training and qualifications in the relevant fields.
3. Correctional staff have the right to improve their professional skills for the job through vocational training and ongoing training funded by public funds, foreign donors or own source revenues.

#### **Article 56** **Transfer of Correctional Officers**

1. A Correctional Officer may be transferred from one Correctional Institution to another as:
  - 1.1. Temporary transfer;
  - 1.2. Permanent transfer.
2. Temporary transfer is done by decision of the Director General for the needs of Correctional Institutions or at the request of the correctional officer for up to six (6) months within two (2) years.
3. The permanent transfer is done at the request of the correctional officer and the recommendation of the director of the institution and by decision of the Director General.
4. Permanent transfer is also done in cases of internal reorganization of work or closure of a correctional institution.
5. The correctional officer upon his request can be transferred to the position of civil servant if he meets the criteria set for the position, with the recommendation of the Director of the CI and the approval of the Director General.
6. The civil servant in KCS, upon his request, may be transferred to the position of correctional officer in the equivalent rank provided that he has completed the training for correctional officer.

7. When the transfer of KCS correctional staff is made at the request of the correctional facility, the institution shall cover the transportation costs.

**Article 57**  
**Medical Examination of Correctional Officers**

1. The medical examination for correctional officers is performed once in three (3) years by the competent medical body which confirms the psycho-physical and health capabilities, while as needed, on the proposal of the director of the CI, the officer can be sent for medical examinations even in shorter periods for which the Director General decides.

2. If the employee under paragraph 1. of this Article manifests mental changes, or in the general state of health which made him incapable of performing those tasks, he is instructed by the competent body for the assessment of working ability in accordance with the Law by which the rights to pension and disability insurance are determined.

3. If the competent body determines the existence of the remaining professional ability, the employee is systemized in other jobs in accordance with the possibilities of the Correctional Service, or is re-qualified.

**CHAPTER VI**  
**DISCIPLINARY VIOLATIONS, PROCEDURE, AND MEASURES**

**Article 58**  
**Special Disciplinary Violations**

1. In addition to the violations provided for in the Law on Public Officials, the KCS staff are also responsible for specific disciplinary violations.

2. Minor disciplinary violations for the KCS staff are considered the following:

2.1. is rude or insulting in words or actions towards prisoners, other employees and the public, in the line of duty or in circumstances concerning his duties;

2.2. engages in political activities that negatively affect the unbiased performance of his duties;

2.3. engages a prisoner to perform any work or provide any service without obtaining permission from his supervisor;

2.4. fails to properly maintain official documents and official data related to the workplace;

2.5. leaves the workplace without authorization;

2.6. two (2) unreasonable absences within the year;

3. Serious disciplinary violations for the KCS staff are considered the following:

3.1. theft, fraud, forgery of official documents;

3.2. property damage;

3.3. coming to work under the influence of alcohol or narcotic substances, or their use during working hours;

3.4. serious violations of security rules;

3.5. disclosure of confidential data or information;

- 3.6. gives public statements regarding the Correctional Service, without the authorization of the Director General;
- 3.7. uses his title or authority in an unauthorized manner for personal gain;
- 3.8. provides information for prisoners without authorization;
- 3.9. sexual harassment of any prisoner, employee, or visitor;
- 3.10. discrimination in any form or direct or indirect ill-treatment of prisoners, officials, or other employees;
- 3.11. failure to act or negligence of his duty as a correctional officer;
- 3.12. failure to comply with the Law, sub-legal acts, and internal rules of procedure;
- 3.13. intentionally or negligently issues or signs a false statement regarding the performance of duty;
- 3.14. being responsible, or being a person with authority, ignores or does not take action when an employee violates the rules and duties of work;
- 3.15. does not report to higher authorities any smuggled goods detected to an employee, prisoner, or other member of the public;
- 3.16. negligently endangers or causes physical damage or death of a prisoner, other service employee or other person, directly or indirectly;
- 3.17. uses force which is not limited in intensity and duration to the extent necessary to achieve the legitimate objective;
- 3.18. uses the restraint means in violation of the Law and the rules of Correctional Service;
- 3.19. allows or enables the escape of a prisoner;
- 3.20. does not take appropriate action, when a prisoner violates internal rules, attacks an employee, another prisoner, or members of the public;
- 3.21. does not hold himself responsible, holds inappropriately, and misuses the money and property of the public or the money/property of any other person that he encounters during the performance of his duty;
- 3.22. sleeps during working hours;
- 3.23. compels, incites, or attempts to force at any cost another employee to engage in illegal or unauthorized work, or in violation of the Standards of Professional Ethics;
- 3.24. does not immediately report an incident to the institution; Quarrels with other Service employees or any other member of the public during their duties;
- 3.25. smuggles illicit items in or out of prison;
- 3.26. does not report to the competent officials on cases of ill-treatment of prisoners by other employees;
- 3.27. does not report or take action against violations by prisoners, in accordance with legal provisions;
- 3.28. conceals, maintains, ignores, damages or destroys any complaint or report made against any official or prisoner;
- 3.29. misuses official firearm or loses official firearm.

### **Article 59**

#### **Disciplinary Measures**

1. Disciplinary measures, which can be applied to the KCS staff, are:
  - 1.1. warnings;
  - 1.2. withholding from twenty percent (20%) to forty percent (40%) of salary for a period of up to six (6) months;
  - 1.3. transfer to another correctional institution for up to six (6) months;
  - 1.4. prohibition of promotion, including salary increases for a period from two (2) to five (5) years;
  - 1.5. demotion;
  - 1.6. dismissal from the Civil Service.
2. The disciplinary procedure is conducted in accordance with the Law on Public Officials.
3. The procedure and imposition of disciplinary measures are regulated by a sub-legal act issued by the Minister of Justice.

### **Article 60**

#### **Use of Force**

1. The correctional officer shall use force only when it is necessary to prevent:
  - 1.1. escape;
  - 1.2. physical assault on KCS personnel or another person;
  - 1.3. self-harm;
  - 1.4. causing material damage;
  - 1.5. active or passive resistance during the execution of legal orders by the correctional officer.
2. The force used must be as low as possible and proportionate to the danger.
3. Force may be used only when permitted by the director of the correctional institution, unless the correctional officer reasonably considers that the director would allow the use of force and that delay in obtaining permission would result in failure to achieve the goal.
4. If force is used without permission in accordance with paragraph 3. of this Article, the correctional officer shall notify the director of the correctional institution of the action taken as soon as possible.
5. When force is used, the prisoner against whom force has been used shall immediately undergo the appropriate medical examination and recommended treatment.
6. The correctional officer during the performance of official duty may use force against other persons inside and outside the premises of CI who endanger the security, or do not obey their orders.
7. After the use of force, a report on the reason for the use of force shall be compiled without delay.

### **Article 61**

#### **Restraint Means and Security Devices**

1. The correctional officer during the performance of official duty carries and can use restraint means and security devices authorized by KCS.

2. Restraint devices and security devices should be used for the shortest possible time.
3. No one shall be subjected to torture, to cruel, inhuman or degrading treatment or punishment in case of the use of restraint means and other security devices.
4. Upon the proposal of the Director General, the Minister of Justice by decision determines the List of restraint means and other security devices.

## **Article 62** **Possession and Use of Firearms**

1. The correctional officer during the exercise of duty and for the purpose thereof has the right to carry firearms and other security equipment only in cases and according to the criteria set out by the legislation in force.
2. The Correctional Service trains and certifies correctional officers for the use of firearms and other security equipment.
3. In addition to the correctional officer, other officers may be equipped with firearms by decision of the Director General, based on the recommendation of the Security Department.
4. The permit for carrying a firearm is issued by the competent institution.
5. The firearm can be carried also outside working hours within the territory of the Republic of Kosovo.
6. Correctional officers, in addition to the official personal firearm, may also be charged with other firearms, allowed for use by KCS during working hours.
7. The correctional officer and other staff shall not carry personal firearms inside the residential area of the CI, unless otherwise required for the safety of the correctional institution.
8. Firearms can be used as a last resort when the safety of the correctional institution, or the safety of persons is seriously endangered from inside and outside the correctional institution.
9. The use of firearms is preceded by a warning that the firearm will be used or by a warning shot.
10. The use of firearms without prior warning or a warning shot is permitted in emergencies to prevent imminent and direct danger of life.
11. The correctional officer may use the firearm to protect personal life only if he deems that the attack is imminent and his life is directly endangered.
12. The use of firearms must be proportionate to the degree of danger.
13. The Correctional Service provides safe spaces in the CI for the storage of firearms and ammunition.
14. The person against whom the firearm was used should be provided with medical assistance as soon as possible.
15. The use of firearms is reported in writing to the Director General of the Correctional Service.
16. The Director General with internal rules determines the procedure of issuing and withdrawing the permit, storage of firearms and ammunition.



### **Article 63**

#### **Visits of Persons or Groups in Correctional Institutions**

1. The Director General, upon request, allows visits of persons, groups of interest, representatives of local and foreign institutions, as well as associations which deal with the protection of human rights, of scientific workers who deal with the investigation of criminality, representatives of the media as well as students of the respective faculties in correctional institutions.
2. The provisions of paragraph 1. of this Article do not apply in relation to the representatives of state bodies when performing tasks within their competence.
3. To persons visiting the Correctional Institution, the Director General may allow conversation with convicted persons, or with certain convicted persons, in the presence or absence of an official person. This paragraph does not affect the powers of the Ombudsperson.

### **Article 64**

#### **Work publicity**

1. The Minister and the Director General of KCS, directly or through persons authorized by them, shall inform the public about the execution of penal sanctions, about the work and processes in KCS, provided that the official secret is not violated and the security is not endangered in the correctional institution.
2. All information regarding convicted persons and detained persons is confidential, not disclosed and are not made known to the public or the media.
3. Notwithstanding paragraph 2. of this Article, the Minister or the Director General may disclose confidential information to the media or other public information groups provided that the provision of such information is in accordance with the general public interest.
4. Convicted persons may not be interviewed by the media or other persons without their prior consent and without the permission of the Director General.
5. The provisions of the Juvenile Justice Code apply to juveniles.
6. The Director General, according to the concluded agreement, allows access to documents of organizations which deal with the protection of human rights.
7. The provisions of this Article do not affect the powers of the Ombudsperson or other institutions authorized according to the Laws in force.

### **Article 65**

#### **Medals, Praise and Acknowledgements**

1. The Prime Minister, the Minister and the Director General are authorized to award medals, praise, awards and gratitude to correctional officers, other KCS employees, natural and legal persons of the country and foreigners who have distinguished themselves with their merits.
2. The Prime Minister awards the following medal:
  - 2.1. medal of honour.
3. The Minister awards the following medals:
  - 3.1. medal of merit;
  - 3.2. medal for bravery; and
  - 3.3. lifesaving medal.
4. The Director General awards the following medals:

- 4.1. medal for outstanding service;
- 4.2. corrections medal for praise; and
- 4.3. medal for loyal service.

5. Acknowledgments and praise are awarded by the Director General and the Director of CI.

6. The procedure for awarding medals, praises and acknowledgments provided for in paragraph 4. of this Article shall be determined by the Director General.

#### **Article 66** **Oversight of the Kosovo Correctional Service**

Oversight of KCS is done by the competent institutions authorized according to the legislation in force.

### **CHAPTER VII** **TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 67** **Mandate of Directors and Deputy Directors of CI**

1. Upon entry into force of this Law, the Directors and Deputy Directors of CI continue to exercise their duties until the end of the existing mandate.

2. At the end of the existing mandate, the candidate who is not re-elected to the position of director and deputy director of CI shall be systemized in a low management position or in a professional position.

#### **Article 68** **Adoption of Sub-Legal Acts**

1. Sub-legal acts for the implementation of this Law are adopted within one (1) year from the entry into force of this Law.

2. Until the adoption of sub-legal acts of this Law, the sub-legal acts in force shall apply, provided that they are not in conflict with the provisions of this Law.

#### **Article 69** **Entry into force**

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 08/L-131**  
**14 July 2022**

**Promulgated by Decree No. DL-252/2022 dated 01.08.2022 President of the Republic of Kosovo Vjosa Osmani-Sadriu**