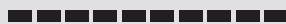




OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVO

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LAW NO. 08/L -129**ON KOSOVO PROBATION SERVICE****Assembly of the Republic of Kosovo;**

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

Adopts:

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

This Law defines the status, principles and general organization of the Kosovo Probation Service for the purpose of social rehabilitation and reintegration of persons under supervision, additionally preventing criminal offenses and reducing the risk of their recurrence, as well as contributing to the protection of public interest.

**Article 2
Scope**

This Law applies to all the public officials of the Kosovo Probation Service.

**Article 3
Definitions**

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

1.1. **Kosovo Probation Service KPS** - an institution that deals with the organization, implementation and supervision of the execution of alternative measures and sentences, supervision on conditionally released persons, and other duties provided by the law;

1.2. **Regional Directorates** - regional directorates operating within the KPS;

1.3. **Case Manager** - is the probation officer who prepares a full social survey and pre-sentence report, oversees the execution of alternative measures or sentences, and supervises conditionally released persons and post-release care for minors;

1.4. **Person under supervision** - refers to any person who is involved in the supervision of the probation service, on the basis of a decision by the competent authority;

1.5. **Pre-sentence report** - is a report prepared by the probation officer at the request of the court in order to propose and select the most appropriate measure or sentence;

1.6. **Report** - is an official document prepared by the case manager/probation officer for the Court, the Prosecution Office, the Conditional Release Panel, and other relevant institutions;

1.7. **Risk assessment** - the assessment of the risk of recidivism, the risk to society, and the risk of suicide or self-harm of persons under the supervision.

1.8. **Alternative sentences** - as provided in the Criminal Code of the Republic of Kosovo and the Juvenile Justice Code, are all sentences that are executed in the community and are aimed at the reintegration and re-socialization of sentenced persons into society;

1.9. **Social Survey** - the full social report for the minor at the request of state prosecutor or court. The social survey includes data on the juvenile's age and psychological development, family biography, biography and circumstances the juvenile lives in, education, educational experience, and any other relevant data.

CHAPTER II STATUS, ACTIVITY AND BUDGET OF KPS

Article 4

Status, Activity and Headquarters of the Kosovo Probation Service

1. The Kosovo Probation Service is an executive Agency that operates within the Ministry of Justice.
2. KPS is independent in the performance of its function in line with the Constitution, laws and sub-legal acts.
3. The Kosovo Probation Service has its identification signs, which are approved by the Minister upon the proposal of the Director General.

Article 5

Principles

1. Public officials of the Kosovo Probation Service exercise their duties based on the principles of:
 - 1.1. **Legality**- KPS exercises all duties and responsibilities based on the legislation into force and applicable international instruments in the area of human rights;
 - 1.2. **Effectiveness and efficiency** - public officials of KPS have to ensure the application of laws, rules and administrative and safety procedures for the fulfilment of the objectives of KPS;
 - 1.3. **Equality and non-discrimination** - there is not allowed any direct or indirect discrimination based on race, colour, gender, language, religion, political or other convictions, national or social background, affiliation with any community, property, economic and social standing, sexual orientation, in compliance with the legislation on protection from discrimination;
 - 1.4. **Transparency** - KPS provides an open access for the citizens and other stakeholders regarding its work;
 - 1.5. **Communication** - is conducted in an understandable language if a person does not speak or understand the official language and in a manner appropriate for the persons with disabilities, in line with standards and legislation into force through the most suitable methods;
 - 1.6. **Respect for private life of the person under supervision and his family**- public officials shall, during their work, be guided by the highest ethical standards, integrity, merit and professionalism. Officials shall, during their work, ensure the preservation of the dignity and integrity of the person under supervision and his family;
 - 1.7. **Protection of data** - information created and administered due to the function shall be ensured in compliance with the legislation into force on the protection of personal data;

1.8. **Avoidance of conflict of interest** - public officials of KPS shall be obliged to avoid any conflict between their private interest and public interest in the exercise of their duties pursuant to the Law;

1.9. **Accountability** – public officials of KPS shall be obliged to be accountable regarding the exercise of their authorizations during the exercise of the duties and accountabilities of the work in compliance with the relevant legislation into force.

Article 6 **Activity of probation service**

1. The probation service is responsible for the performance of duties related to:

1.1. organizing, implementing, supervising the execution of alternative sanctions for the purpose of social reintegration of convicted persons;

1.2. preparing the social survey and pre-sanction reports for the perpetrators of criminal offences;

1.3. assessment of risk and needs for treating the perpetrators of criminal offences;

1.4. executing the measures of diversity and educational measures for minors;

1.5. supervising, supporting and providing necessary help to convicted persons during the execution of alternative sanctions;

1.6. supervising and providing help to perpetrators who are addicted to drugs or alcohol and who are subjected to mandatory rehabilitation treatment, while at liberty;

1.7. supervising and providing help for the reintegration and resocialization of conditionally released persons;

1.8. developing individual supervision programs as provided in the relevant applicable legislation;

1.9. drawing up reports on the execution of measures and alternative sanctions and conditionally released persons for the state prosecutor, courts and conditional release panel.

1.10. instructing and supporting the conditionally sentenced convicts upon the completion of their sentence;

1.11. keeping records and registers on the execution of alternative measures and sanctions as well as reports;

1.12. proposing amendments and supplements of the legislation in the area of KPS;

1.13. performing other duties provided by the legislation into force.

2. Probation service cooperates with central and local government bodies, legal entities and other relevant institutions in the execution of supervision.

Article 7 **Organization and functioning of the Kosovo Probation Service**

1. For the performance of works and duties, the Kosovo probation service operates under the following organizational structure:

1.1. General Directorate is an organizational structure of central level which operates with departments and divisions;

1.2. Regional directorates are organizational structure of KPS, which are determined on the basis of the territorial competence of courts.

2. Internal organization of the Kosovo Probation Service and assignments in job positions is governed by a sub-legal act as specified in the legislation into force.

Article 8

Budget and financial management

1. The Kosovo Probation Service has its own budget allocated within the Ministry of Justice, according to the relevant legislation into force.

2. The KPS budget is prepared in accordance with the procedures provided by the legislation into force.

3. The budget shall cover the full cost of the functioning of KPS in order to ensure continuous management according to the relevant standards.

Article 9

The Relations between the Probation Service and the Ministry of Justice

1. Kosovo Probation Service operates under the authority of the Minister of Justice and under the control and supervision of the Director General of KPS.

2. The Director General reports directly to the Minister on the administration and management of KPS.

3. The Director General cooperates with the Minister and provides him/her information and reports in the manner prescribed by law.

Article 10

General Directorate

1. The General Directorate of the KPS shall be accountable to:

1.1. oversee the legality of the work and operation of the Regional Directorates through its mechanisms;

1.2. draft standard rules and procedures for the scope of KPS;

1.3. collect and process data from its scope, and share them with security and law enforcement bodies as defined by the legislation into force;

1.4. coordinate the development and implementation of strategic state policies in order to meet the obligations of the Probation Service;

1.5. in line with the relevant institutions ensure the provision of work conditions, health and safety for public officials of KPS;

1.6. supervise the administrative functions of KPS in human resource management, staff planning, training of KPS staff in data maintenance, database system, budget and financial matters management as well as general services;

1.7. cooperate with state institutions, law enforcement agencies, governmental and non-governmental, cultural, religious organizations and other relevant domestic and international stakeholders;

1.8. perform other tasks provided by the legislation in force.

2. The General Directorate of the Probation Service is managed by the Director General of KPS.

3. The office of General Director of KPS consists of:

- 3.1. Director general;
- 3.2. Deputy director general; and
- 3.3. Administrative and support staff.

Article 11 **Appointment of the Director General of the Probation Service**

The Director General of the Probation Service is appointed in accordance with the relevant provisions for senior appointments of the Law on Public Officials.

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 KPS;
- 1.2. plans, develops, administers and manages KPS, and is responsible for ensuring the implementation of the functions defined by applicable law;
- 1.3. implements the obligations deriving from the state strategic policies of the Government of the Republic of Kosovo;
- 1.4. supervises the work of the Regional Directorates;
- 1.5. plans and executes the budget and approval of payments according to the legislation in force;
- 1.6. supervises the drafting of KPS policies;
- 1.7. supervises the legality of the work and activity of KPS;
- 1.8. exercises the responsibilities set forth in the applicable legislation in relation to the persons under supervision;
- 1.9. issues decisions, rules and internal procedures for the KPS, provided by applicable law;
- 1.10. enters into cooperation agreements and contracts on behalf of the KPS with state institutions and non-governmental organizations, as well as international institutions with the same activities;
- 1.11. performs other duties defined by the legislation in force;
- 1.12. Director General shall report on the work of KPS to the Minister of Justice.

CHAPTER III **ORGANIZATION AND FUNCTIONING**

Article 13 **Types of Regional Probation Service Directorates and their Territorial Competence**

1. For the performance of works and duties under the activity of Probation Service, the following

Regional directorates operate:

- 1.1. Regional directorate Prishtina;
- 1.2. Regional directorate Prizren;
- 1.3. Regional directorate Mitrovica;
- 1.4. Regional directorate Peja;
- 1.5. Regional directorate Gjilan;
- 1.6. Regional directorate Ferizaj;
- 1.7. Regional directorate Gjakova.

2. Due to the specifics and complexity of their activity, the Regional directorates perform duties provided in this Law and their territorial competence is as specified by Basic Courts.

Article 14 **Regional directorates**

1. The Regional directorate is obliged to exercise the respective functions according to the following authorizations:

- 1.1. executes the decisions of judicial bodies
- 1.2. organizes the coordination of the process of supervision of persons under supervision;
- 1.3. support and reintegration of persons under supervision
- 1.4. coordination of work with relevant institutions and judicial bodies
- 1.5. compiles evaluation reports for persons under supervision and reports to judicial bodies and other relevant institutions;
- 1.6. designs and supervises the manner of implementation of the individual supervision plan taking into account the risk and needs of the persons under supervision.
- 1.7. compiles regular reports on the activity of the regional directorate for the general directorate.

Article 15 **Duties of the Director of Regional directorate**

1. The duties of the Director of the Regional directorate are as follows:

- 1.1. is responsible for directing, coordinating, cooperating and controlling the fulfilment of the duties of the Regional directorate;
- 1.2. cooperates and enters into agreements with public institutions and non-governmental organizations for the execution of alternative measures and sentences at regional level;
- 1.3. maintains contacts and cooperates with courts, prosecutors, correctional institutions and other institutions;

- 1.4. maintains contacts and reports to the general directorate;
- 1.5. supervises and evaluates the results of the work of officials as well as supervises and coordinates all activities of the Regional directorate;
- 1.6. performs other duties according to the legislation in force and the request of the leader;
- 1.7. The Director of the Regional directorate reports on his work to the General Director.

Article 16
Duties of probation officer of Kosovo Probation Service

1. The duties of the probation officer are as follows:
 - 1.1. compiles the report before the sentence is issued, for adults and the complete social survey for juveniles;
 - 1.2. carries out supervision, correction, re-socialization and reintegration into society of persons under supervision.
 - 1.3. supervises persons who have been conditionally released and assists their reintegration into society;
 - 1.4. compiles individual plans and programs for the cases that are under supervision;
 - 1.5. compiles evaluation reports of persons who are under the supervision of the Kosovo Probation Service, as well as makes proposals for the revocation of the alternative sentence to imprisonment;
 - 1.6. cooperates with all other institutions which support the intention to assist persons under supervision;
 - 1.7. oversees the rehabilitation program, medical treatment, for supervised persons who are addicted to drugs and alcohol;
 - 1.8. at the request of judicial bodies, participates during the court session.
 - 1.9. performs other duties according to the legislation in force and the request of the leader.

Article 17
Public officials of the Kosovo Probation Service

1. The public officials of the Kosovo probation service are:
 - 1.1. civil servants; and
 - 1.2. administrative and support staff.
2. Public officials of the Kosovo Probation Service, according to the Law on Public Officials, are civil servants.

Article 18
Rights of KPS Staff

1. In addition to the rights defined by the Law on Public Officials, the KPS staff also have the following specific rights and obligations:

1.1. due to their exposure to high and direct risk with conditionally released persons, convicted persons under alternative sentences, special work conditions, and exposure to risk at workplace and during family visits, the public officials of KPS enjoy salary allowance for hazard at work;

1.2. the categorization of KPS staff who receive a risk allowance on pay, will be regulated by a sub-legal act issued by the Minister of Justice.

2. The public officials of KPS enjoy the rights under the legislation into force.

Article 19

Professional training of public officials of KPS

1. The general directorate of KPS is responsible for drafting and developing the strategy for professional training of public officials of KPS for the improvement of their role and professional responsibilities.

2. The training program is drawn up in two (2) main directions:

2.1. basic training;

2.2. continuous training.

Article 20

Data protection

1. Public officials of the Kosovo Probation Service during the exercise of their duties are obliged to store and handle information in accordance with the relevant legislation in force.

2. Public officials of the KPS are prohibited from making public or giving to third parties data that violate the dignity and private life of persons under supervision as well as data of a confidential nature.

3. Public officials of the KPS are obliged to maintain confidentiality according to paragraph 1 and 2 of this article even after the termination of employment in accordance with the legislation into force.

Article 21

Obligation to avoid conflict of interest

Public Officials of KPS shall not allow their private interests to conflict with their public position, shall avoid performing private or public duties that conflict with their position and that may create a conflict of interest. Public Officials of KPS shall act in accordance with the provisions of this law and the legislation in force for the prevention of conflict of interest.

Article 22

Work Publicity

1. The Minister and the KPS Director General, directly or through official persons, inform the public about the execution of alternative measures and sentences, the conditionally released persons, and the work and processes in the KPS, unless otherwise provided by law.

2. The provisions of the Juvenile Justice Code shall apply mutatis mutandis to the juveniles.

3. In accordance with applicable legislation and based on a special agreement the Director General may allow access to documents as per the request of organizations dealing with the protection of human rights.

Article 23
Disciplinary Violations and Disciplinary Measures

Disciplinary violations, procedure, and measures for public officials of KPS are implemented in accordance with the Law on Public Officials.

Article 24
Oversight of the Kosovo Probation Service

Supervision of the work of KPS is done according to the legislation in force.

CHAPTER IV
TRANSITIONAL AND FINAL PROVISIONS

Article 25
Issuance of sub-legal acts

1. The sub-legal acts for the execution of this law shall be issued within 1 (one) year from the entry into force of this law.
2. Until the issuance of sub-legal acts under this Law, the sub-legal acts in force shall apply unless they are in contradiction with the provisions of this Law.

Article 26
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-129
14 July 2022

Promulgated by Decree No. DL-248/2022 dated 01.08.2022 President of the Republic of Kosovo Vjosa Osmani-Sadriu