



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

Ministria e Drejtësisë - Ministarstvo Pravde - Ministry of Justice

ADMINISTRATIVE INSTRUCTION MoJ-No. 21/2023¹
ON THE PROCEDURE FOR EMPLOYMENT, SUSPENSION AND
RELEASE OF CONVICTS FROM WORK, AND REWARD FOR WORK
OF CONVICTS

¹ Administrative Instruction MoJ-No.21/2023 on the procedure for employment, suspension and release of convicts from work, and reward for work of convicts, signed by the minister of justice on 29.12.2023

Minister of the Ministry of Justice,

In support of Article 69 (paragraph 6), Article 73 of Law no. 08/L-132 for the execution of criminal sanctions, based on Article 11 (paragraph 1, sub-paragraph 1.5) of Law No. 08/L-117 for the Government of the Republic of Kosovo and in Appendix 1 (item 3) of the Regulation (QRK) - No. 14/2023 for the Areas of Administrative Responsibility of the Prime Minister's Office and Ministries, as well as in accordance with Article 38 (paragraph 6) of the Government's Work Regulation No. 09/2011 of the Republic of Kosovo,

Issue:

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ON THE PROCEDURE FOR EMPLOYMENT, SUSPENSION AND RELEASE OF
CONVICTS FROM WORK, AND REWARD FOR WORK OF CONVICTS**

**Article 1
Purpose**

This Administrative Instruction aims to define the procedures for employment, suspension and release of convicts from work and reward for the work performed by the convicts.

**Article 2
Scope**

The provisions of this Administrative Instruction are applicable in Correctional Institutions of the Kosovo Correctional Service.

**Article 3
The definition**

1. The expressions used in this Administrative Instruction have the following meaning:

1.1. **Work** - means the convict's or detainee's work inside or outside Correctional Institution and on the properties of the Correctional Service;

1.2. **Work premises** – means any area in the properties of Correctional Service in which work can be provided for convicts or detainees;

1.3. **Panel for the work of prisoners** - means the multi-professional committee of the Correctional Institution;

1.4. **Prisoner Labor Officer** – means the official responsible for the management of the procedures for the work of convicts.

1.5. **Employer** means - Public or private Institution, Organization or Company that offers work to convicted persons;

1.6. **Agreement** means - the agreement between the employer, the Correctional Institution and the convict;

1.7. **Contract** means - the contract concluded between the employer and the convicted person, for work in Correctional Institutions.

Article 4 **Principles for the work of a convicted person**

1. The convicted person in the type of work given cannot be discriminated on the basis of race, color, gender, language, religion, political opinion, national or social origin, economic and social status, sexual orientation.
2. Correctional Institution offers the convicted person the choice of work which is applicable and in accordance with the individual sentence plan and the relevant professional program.
3. The person convicted for the work performed is entitled to the monthly reward.

Article 5 **Purpose of employment**

1. A convicted person capable of work has the right and obligation to work.
2. Correctional Institution, as far as possible shall make sure the work for the convicted person in the premises and facilities of Correctional Institutions or properties outside the Correctional Institution, as well as in workplaces contracted with natural persons or companies within the Correctional Institution.
3. The Correctional Institution, if possible, must provide work for the convicted person, taking into account his physical and mental abilities and skills.
4. The convicted person is offered work that can positively influence the rise and development of professional skills.
5. The work for the convicted person must be useful, influence his re-education, re-socialization and must not be degrading.
6. The work of the convicted person should be considered as a positive element and in no way can it be imposed as a disciplinary punishment.

Article 6

Types of work for convicts

1. Convicts can work in Correctional Institutions or in properties outside the Correctional Institution in work activities which are organized by the Economic Unit of the Kosovo Correctional Service (KCS), as well as the activity according to the contract with the company or natural persons within the Correctional Institution.

2. The work activities in which convicted persons can be engaged are defined as follows but not limited to:

- 2.1. maintenance and servicing of KCS Vehicles;
- 2.2. processing of various metals;
- 2.3. kitchen;
- 2.4. agriculture;
- 2.5. maintenance of equipment in correctional institutions;
- 2.6. cleaning of spaces in Correctional Institution;
- 2.7. laundry;
- 2.8. Production and processing of garbage bags;
- 2.9. Production and processing of toilet paper and kitchen paper;
- 2.10. wood production and processing;
- 2.11. maintenance and renovation of facilities in Correctional Institution;
- 2.12. hair salon;
- 2.13. tailor;
- 2.14. processing of dough products (bread, muffins, pies, pasta);
- 2.15. engagement and maintenance of warehouses in Correctional Institution;
- 2.16. work according to the contract with the company or natural person.

Article 7

Categorization of work for convicts

1. Work for convicts is categorized as follows:

- 1.1. professional works;

- 1.2. technical works;
 - 1.3. support jobs.
2. For the purposes of this Instruction, professional or heavy work is considered:
- 2.1. maintenance and servicing of KCS vehicles;
 - 2.2. processing of various metals;
 - 2.3. wood production and processing;
 - 2.4. maintenance and renovation of facilities in correctional institutions;
 - 2.5. seamstress;
 - 2.6. production and processing of garbage bags;
 - 2.7. production and processing of toilet paper and kitchen paper;
 - 2.8. other jobs that are approximate in nature.
3. For the purposes of this Instruction, technical works are considered:
- 3.1. kitchen;
 - 3.2. agriculture;
 - 3.3. laundry;
 - 3.4. Hair salon;
 - 3.5. maintenance of equipment in correctional institutions;
 - 3.6. other jobs that are rough in nature;
4. For the purposes of this Instruction, support work is considered:
- 4.1. cleaning the spaces of correctional Institutions;
 - 4.2. engagement and maintenance of warehouses in Correctional Institutions;
 - 4.3. other jobs that are approximate in nature.

Article 8

The procedure for employment of convicts

1. The official responsible for work of the Correctional Institution in cooperation with the leader of the Economic Unit must identify and compile the lists of workplaces in which they plan to employ the convicts.

2. The list of jobs can be reviewed, completed and changed according to the needs of the Correctional Institution.
3. The official responsible for work is responsible for all procedural issues employment of convicts, their suspension and release from work.
4. The official responsible for work has the obligation to notify the convicts with the list of jobs and the employment procedure as early as possible.
5. If it is impossible to provide a job to the convicted person, the convicted person is engaged in other work activities according to the need of the Correctional Institution or the possibility of transferring the convicted person to another Correctional Institution where the individual punishment plan can be applied is considered.

Article 9

Application of the convict for work

1. The convict may submit a request to work according to the list of jobs and the individual sentence plan.
2. If the official responsible for work, after receiving the request from the convict, finds that there are no vacancies for work, he must notify the convict, while if there are vacancies, he will proceed the request for work to the head of the panel for review within a period of five (5) working days.
3. The convict submits the application for employment according to the relevant form which is part of this administrative instruction.

Article 10

Composition of the Panel for employment of convicts

1. The panel for employment of convicts is established by decision of the Director of Correctional Institution, who is competent for evaluation and recommendation.
2. The panel for review of requests consists of at three (3) professional members from relevant fields such as:
 - 2.1. Official from the field of security;
 - 2.2. Legal officer;
 - 2.3. Other professional official.

Article 11

Procedures for reviewing requests

1. The Leader of the Panel, after receiving the job request, is obliged to notify the panel members and set a date for reviewing the requests.

2. The panel reviews the requirements accepted by the convicts and prepares the report with recommendations for the Director of the Correctional Institution within fifteen (15) days from the date of receipt of the request, in which employment is recommended for the convict

Article 12 **Decision-making**

1. The Director of Correctional Institution, after reviewing the panel's recommendations, decides on the employment of the convict.
2. The Director of the Institution can reject the convict's request for work and in this case the decision for rejection by which the convict is notified shall be justified in writing.
3. The Director of Correctional Institution within fifteen (15) days from receiving the recommendation decides to approve or reject the job request submitted by convict.
4. Convicts who are in a closed ward or in a high security prison can engage in work under appropriate circumstances.
5. If the convicted person is given permission to work in companies or natural persons in plants within the Correctional Institution, the convicted person, concludes employment contract with company or relevant natural person.
6. Against the decision of the director of the Correctional Institution on the permission or refusal to work, the convict can submit a complaint to the General Director of the KCS, within three (3) days from the day of acceptance of the decision.

Article 13 **Work permit for the convict**

1. The work permit issued to the convict must contain the personal and necessary data for the convict.
2. The work permit must be made in written form, which the convict is obliged to keep during work engagement and a copy should be placed in the personal file.

Article 14 **Working hours**

1. The convicted person who engages in work, works forty (40) hours a week, but the working hours may be longer according to the conditions determined by the legislation in force.
2. The convicted person who follows general education, vocational skills and rehabilitation programs, works proportionally fewer hours and is considered to have worked full time.
3. The convicted person may be ordered to work overtime up to two (2) hours per day for the maintenance of cleanliness and the performance of other usual obligations in the Correctional Institution.

4. The convicted person who has worked for more than six (6) months during his stay in the Correctional Institution has the right to annual leave in accordance with the respective legislation applicable on work.

5. The convicted person is paid during the annual leave period as if he were working.

Article 15 **Protection and safety at work**

Health protection of convicts at work and workplaces, in order to prevent injuries at work, occupational diseases at the workplace and insurance for convicts who suffer disability or injury caused during work, is done according to the provisions of the relevant legislation in force.

Article 16 **Monitoring**

1. Monitoring the work of prisoners at the workplace was done by the labor officer or another official with the authorization of the Director of the Correctional Institution.

2. Other safety measures at work are applied according to the legislation in force.

Article 17 **The reward for the work done and the method of realization**

1. The convicted person has the right to a monthly financial reward for his work.

2. The reward for the work of convicts for each category is set in fair value in proportion to the working hours and the quality of work performed.

3. The amount of the monthly reward for the work performed by the convicted person under Article 7, paragraph 1 of this instruction shall be determined by decision of the Minister of Justice

4. The remuneration for the work performed by the convicts in the company is made according to the contract concluded between the parties.

5. The Correctional Institution keeps an accurate record of the compensation or reward of payment for the convict's work.

6. Financial transactions related to the work of convicts are regulated according to the provisions of the relevant acts in force

Article 18 **Disposition with reward**

1. The convicted person can spend up to seventy (70%) percent of the reward for the work performed, while the remaining part is kept in the cash account.

2. The Director of the Correctional Institution may allow the spending of the funds from the account of saving savings money, if they are necessary for the convicted person or his family.

3. For the implementation of paragraph 2 of this article, the convict's request and authorization for the transfer of funds from his bank account to the bank account of the family member is required, unless it is regulated otherwise by the legislation in force.

Article 19

Suspension from work within the Correctional Institution

1. A convicted person who has engaged in work may be suspended from work if:

1.1. disciplinary proceedings have been initiated against him;

1.2. his health condition made it impossible to continue working even after the paid medical leave;

1.3. if the safety of the institution, other persons or the convicts themselves is endangered;

1.4. other causes which would negatively affect the continuation of the work.

1.5. The decision on suspension from work is taken by the director of the Correctional Institution.

Article 20

Release from work within the Correctional Institution

1. The convicted person engaged in work may be released from work without limited:

1.1. Completion of the sentence;

1.2. By decision of the employer who must justify the dismissal;

1.3. Significant increase in uncontrollable risks;

1.4. At the request of the convicted person which is deemed reasonable;

1.5. Permanent physical or mental incapacity for work;

1.6. Reaching retirement age;

1.7. When the Correctional Institution needs for the workplace have ceased.

1.8. In other cases, foreseen with the general provisions on labour in the Republic of Kosovo

2. The convict who is released from work due to a disciplinary measure for a serious violation cannot engage in work within a period of three (3) months, with the exception of work for maintenance and cleanliness of facilities at the Correctional Institution

3. The employment procedure according to this Administrative Instruction applies to every case where the convicted person submits a request for employment or re-employment.

4. The decision on dismissal is taken by the Director of Correctional Institution for all the cases mentioned in paragraph 1, except under paragraph 1.1 since it is not necessary to issue a decision.

Article 21
Implementation appropriately

The provisions of this Administrative Instruction, related to the employment, suspension and dismissal procedures are applied appropriately and as much as is allowed according to the legal provisions in force, even to detainees.

Article 22
Withdrawal

After the entry into force of this Administrative Instruction, Instruction MJ-NO.02-2015 on the organization of work and the monthly remuneration for the work of the convicted person is repealed.

Article 23
Entry into force

This Administrative Instruction enters into force seven (7) days after publication in the Official Gazette of the Republic of Kosovo.

Albulena Haxhiu

Minister of Justice

29/12/2023