



Republic of Kosovo

Government of Kosovo

Ministry of Justice

STRATEGIC DEVELOPMENT PLAN
2012-2016

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It is the honor and pleasure for Ministry of Justice to introduce its Development Plan for coming years. Through this plan and incorporated policies into it, the Ministry of Justice is attempting to built and shape a clear path of its development, with the purpose of creating better model of the proper functioning of this ministry.

As it is known, the Ministry was established to implement legislation and policies of the Government in the field of law, including drafting and following the policies in this area, preparation of legal as sub legal acts and exercising other functions which the final aim is the rule of law.

In its daily work, the Ministry of Justice develops policies, supports, cooperates and coordinates its activities with the Kosovo Judicial Council of and the Kosovo and Kosovo Prosecutorial Council by offering both political and financial support for building and developing their capacities in order to achieve the common goal by ensuring the highest standard in protecting the rights of our citizens.

The Strategic Development Plan 2012-2016 represents a fundamental document for the Ministry of Justice, which sets out the duties and responsibilities for development and continuous improvement of institutional capacity for next five (5) years to the fulfillment of the obligations according to priorities determined by considering more work and the success that has been achieved so far. As you will see, this Plan provides structural and functional changes within this Ministry, which arises as a result of working experience in past and recommendations of various international institutions with the aim to increase efficiency and legal functioning of the Ministry of Justice. Furthermore, during the development of this Plan we have tried to take into account suggestions and needs of various stakeholders within our society, with the intention of building advanced legal system which will be based on European best practices that will completely serve for our citizens.

Ministry of Justice remains committed of successful accomplishment of goals, ideas of its duties with the sole purpose of the rule of law in Kosovo, and it will be seriously engaged for the implementation of this plan. This Plan will serve as guide in the process of development and institutional capacity building to carry out its duties envisaged by Constitution and by applicable Laws.

Prof. Dr. Hajredin Kuçi, Deputy prime minister and minister of justice

HISTORY

The Ministry of Justice (Ministry) was created on December 20, 2005, through UNMIK Regulation 2005/53, which marked the beginning of the transferring process of authority from the Department of Justice of UNMIK to the Ministry in certain range of fields.

On April 27, 2006, through UNMIK Regulation 2006/26, the Ministry has been carrying some extra responsibilities.

The gradual transfer of powers and responsibilities was followed by the transfer of local staff from the Department of Justice of UNMIK to the Ministry of Justice.

Taking the power gradually ended by adapting the new political-legal circumstances after the Independence of Kosovo and the entry of the Constitution of the Republic of Kosovo into force.

The Ministry's organizational structure, is been inherited from the former organizational structures of the Department of Justice, is been taken into account and assessed by the functional review in the context of the overall reform of the public administration, a process which simultaneously remains as priority of the Government Republic of Kosovo.

The Ministry remains committed to strengthen its role by taking all measures needed for more effective organizational restructuring in order to meet the demands and responsibilities of its legal mandate.

MANDATE OF THE MINISTRY

The mandate of the Ministry is based on legal provisions respectively relying on Article 18 (1) (Appendix 1) of the Government Regulation no. 02/2011 on the areas of administrative responsibility of the Office of the Prime Minister and Ministries, and other legal provisions in force, as follows:

- i. Developing the policies within the area of responsibility, providing preparation and implementation of legislation in the field of justice;
- ii. Management of Administrative, financial and Ministerial budget;
- iii. Exercising executive supervision over the correctional and probation services, in accordance with the provisions in force;
- iv. Developing and implementing the policies in order to ensure fair and effective access to justice for all community members in accordance with the applicable law;
- v. Exercising the power in seeking, obtaining, providing and verifying information concerning the whereabouts and fate of the missing persons and the return of missing persons, the usage of assistance and expertise of the respective personnel, and other specialists, in accordance with the provisions in force;
- vi. Exercising the responsibility to forensics related matters and investigating war crimes in accordance with the provisions in force;
- vii. Provides international legal assistance;
- viii. Legal litigation of the Government bodies in court procedures and arbitration;
- ix. Providing expert support in governmental agreements preparations in the field of international cooperation, in order to comply with the Constitution of the Republic of Kosovo;
- x. Supervising the notary system, mediation and the bar exam;
- xi. Maintaining and administrating the seized or confiscated property in cooperation with the prosecution, courts or other competent bodies, in accordance with applicable law;
- xii. Performing other duties assigned to the Ministry according to the relevant legislation in force.

SUMMARY OF ASSESSMENT OF THE CAPACITY

During the period 2008-2010, the Ministry conducted functional review according to the mandate, organization and its capabilities. The whole process was supported by the Functional

Review and Institutional organization of the Ministries. In this context, the needs were identified to be changed; capacity building and functional reorganization of the organizational units of the Ministry were required.

Moreover, the Ministry reflected the plan for the institutional development within its organizational units, and in order to apply the state strategy and policies of the Government, within the Strategic Development Plan, it set out its strategic objectives intended to be achieved in the medium term.

The Ministry of Justice has established commission to draft Strategic Development Plan of the Ministry for 2012-2016 (Decision no. 01-929 dated 30.06.2011), envisioning the overall development objectives of the Ministry and measures for successful implementation of this plan.

This plan is mainly dealing with structure and activities of the Ministry, the implementation process of this Plan should include the monitoring development during the changes in legal infrastructure (primary and secondary legislation) and also other specified changes in this plan of action in order to achieve the defined five strategic objectives.

To meet these objectives, the Ministry is committed to strong political support, professional capacity building for better functioning, for drafting legislation in compliance with the Constitution and European Standards, ensuring technical and financial resources, leadership and efficient management and enhanced cooperation with other interest holders, other states and international organizations.

ORGANIZATIONAL CHANGES AND THEIR MANAGEMENT

During the process of functional review and while drafting this plan, we identified several areas in which are necessary changes with the purpose to reorganize the functions of the ministry. This

is essential in order to be more functional with its organizational structure and to control or improve the extended services provided within the ministry.

STRATEGIC OBJECTIVES:

Given the fundamental goals of the Government of the Republic of Kosovo to create well environment and implement reforms of Public Administration, both functional and efficient, the Ministry is committed to create favorable environment where the rule of law and order **is applied**. An initiative to implement reforms in Public Administration enables the Ministry to provide organizational structure, mandate and more efficient capacity service which shall ensure the law and order for all citizens. Since the Institutions of the Republic of Kosovo have as its main objective joining the European Union, the Ministry took over initiative to strengthen its role in realizing this objective and the five main strategic objectives which are as follows:

- 1) Creation and promotion of legal and institutional framework in order to make active the rule of law and order in accordance with the priorities derived from the process of European integration;
- 2) Further strengthening of the system of international legal assistance and cooperation;
- 3) Providing preconditions and more efficient management of the execution of penal sanctions;
- 4) Developing and building the capacity of forensics, locating and identifying missing persons during the war, and investigating war crimes, and
- 5) Developing professional capacity for more efficient operational duties and responsibilities of the Ministry.

FIRST STRATEGIC OBJECTIVE

Creation and promotion of legal and institutional framework in view of the rule of law and order in accordance with the priorities derived from the process of European integration

In order to fulfill its legal mandate, the Ministry develops policies within its area of responsibility, compose drafts and ensures legislative enforcement in the field of justice, takes part in all governmental working groups in drafting legislation, envisaged by the Governmental Legislative Strategy according to the Law on Public Financial Management and Accountability, represents the Government and other public authorities in court proceedings and arbitration.

After detailed and comprehensive analysis on situation, the need of capacity building in the ministry was observed, both in terms of the numbers of staff and associated with adequate experience in policy development in areas that fall within the competence of this ministry. Having in the mind overall budget constraints and despite gradual improvement of conditions for civil servants, however is not been achieved adequate motivation for professional staff, so this has resulted in movement of personnel from the Ministry towards other non-governmental institutions that are providing more favorable conditions for them.

After functional review, as an immediate need was assessed redefining the powers and responsibilities of the ministry. As mentioned above, the Ministry will be responsible for: drafting legislation in the field of justice, including primary legislation regarding the structure, organization, and jurisdiction of the bodies in judiciary, including the state prosecution and Bar Association.

The Ministry will make efforts to continuously harmonize the legislation with the Constitution of the Republic of Kosovo and aligning with '*Acquis communautaire*'. The Ministry will work systematically in advancing the criminal law, anti-corruption legislation, codification of civil law, drafting of commentaries in the field of civil law, etc. While for training and education in the field of justice will be established Academy of Justice

In order to improve the function of the Legal Department (LD), the reorganization of the department will be conducted and will be comprised by: Division for drafting legislation, Litigation Division and will be established the Division of free Professions. Within the Division of free professions a special importance it will be given to the free professions primary and secondary legislation, which includes: notaries, efficient management of bar exam, etc.

In order to fulfill the obligations arising from the European agenda in the field of justice, the Ministry, based on Government Regulation, 01/2011, established the Department for European Integration and Policy Coordination (DEIPC), which is previously been in the office of the Permanent Secretary within the Ministry. The role of this Department is important because it offers assistance and advice in establishing and deciding the ministry's priorities taking into

account the obligations stemming from the European integration process for Kosovo. Therefore, the Department will be targeted to make the overall coordination of activities of other Departments and structures within the Ministry, which works closely with a view to carry out the obligations arising from the Progress Report, EPAP, the Annual Working Plan, Medium Term Expenditure Framework, IPA and other strategic documents.

SECOND STRATEGIC OBJECTIVE

Further Developing of the system of the International legal cooperation

In order to complete the legal mandate and representation in an efficient and professional manner that will obey the interests of the citizens of Kosovo, the accomplishment of international obligations in tackling crime and equal active participation with other countries in the field of international legal cooperation in criminal matters, civil and of different natures, the Division for International Legal Cooperation is being set up in Departmental level, which will consist of the following divisions:

- 1) Division for international judicial cooperation in criminal and civil matters;
- 2) Division for drafting and negotiation of bilateral agreements.

The Ministry will work on professional capacity building, organization and structuring of the department in accordance with the mandate and responsibilities arising from the applicable law of Kosovo and the obligations arising from the bilateral agreements and ratification of the international conventions in the future.

This department will ensure that the processing of requests for the international legal assistance is to be executed in optimal time frame in accordance with the procedures and practices prescribed by the Conventions from European Council, which cover the area of international legal cooperation in criminal and civil matters.

Furthermore, the department will be committed to promote cooperation with the judicial and prosecution authorities in the Republic of Kosovo, through regular meetings, trainings and seminars with experts in international legal cooperation field from Kosovo and abroad. During this period, the Ministry foresees to initiate cooperating with organizations in the field of justice, such as EUROJUST.

The Ministry will propose and engage that Kosovo is the part of international conventions pertaining to the field of international legal cooperation in criminal and civil matters, and will be committed to negotiate and sign bilateral agreements between Kosovo and other countries in terms of international legal cooperation in criminal matters in accordance with the Constitution of Kosovo and the best practices of the European and international standards. Within this, the Ministry will monitor the implementation of international conventions and bilateral agreements in the field of justice, in which Kosovo is a party. The Ministry will propose and draft legislation related to the field of international legal cooperation.

THIRD STRATEGIC OBJECTIVE

Ensuring the preconditions and more efficient management system of execution of penal sanctions

The Ministry is responsible of developing policies for Kosovo Correctional Service (KCS) and Kosovo Probation Service (KPS). These two services are equal and in future will be functioning within Agency for the Execution of Penal Sanctions. This Agency will be functioning under the supervision of the Ministry of Justice.

KCS currently operates under the supervision of the Ministry as a professional, uniformed and is responsible for organizing, implementing and supervising the imprisonment sentence executions, with long-term imprisonment and supervision of juvenile's detention and correctional-educational measures. In order to be more functional, the Ministry is aiming to create preconditions that cell size does meet European standards by building two new detention centres (DC) which will be established in Prishtina and Gjilan, respectively as defined in the Medium Term Expenditure, the Detention Centre in Gjilan is expected to be built in 2012 and the Detention Center in Prishtina in 2013. High Security prison in Podujeva is currently under construction, which is expected to be finalized in late 2013, this prison will enable the implementation and supervision of a more advanced enforcement of sentence of imprisonment, long-term imprisonment, in accordance with the standards and European conventions. Besides these, the construction plan of the Forensic Psychiatry Institute and juvenile facility with educational and Correctional measures in Lipjan are being worked on.

In accordance with the Juvenile Justice Code, the Ministry will build separate facilities such as Disciplinary Center for Juveniles, Justice Education Institution for Juveniles and In Special Care

Institute for Juveniles, which will also have an important role in the prevention of recidivism among juveniles.

KPS has mandate to enforce penalties and alternative measures, supervision, reintegration, rehabilitation and re-socialization of persons who have committed criminal offenses, including persons who were paroled from prison and are on their re-integration period to join the society back.

Firstly, the importance of KPS should be viewed as a way of saving the state budget and reduce the prisons from overpopulation as more human form and alternative to detention. All these procedure would make it possible, for those who will breach the law, to re-socialize and reintegrate into the society more easily.

In order to fulfill the mandate and duties of the KPS effectively, the Ministry finds it necessary to provide and open two regional KPS centers in (Ferizaj and Gjakova), the staff recruitment for these centers and build three Regional Centers in (Prishtina, Mitrovica and Gjilan).

During the period of 2012-2016, the Ministry will pay special attention to advancing the policies and implement supervisory capacities of KCS and KPS. In the Correction Centers, the Ministry will create necessary conditions for both the compulsory primary education and vocational education through adequate training programs for prisoners. Also, offenders with alternative sentences and measures monitored by KPS to have the needed abilities to train these persons professionally that will assist to easier reconciliation and reintegration of these persons into society.

In meantime, the Ministry will re-evaluate the capacity of these services and consider the creation of appropriate policies and laws in conformity with the relevant needs. In this regard, the Ministry has established an Inspectorate for the control of Correctional Services, which is responsible to oversee the implementation of the Law on Execution of Penal Sanctions.

The Ministry, in order to achieve higher security for inmates and staff engaged in the correctional facilities, will make adequate extension of infrastructure and increase the staff professionalism in accordance with European standards and in support of the Execution of Penal sanctions law, Kosovo Criminal Code, Kosovo Criminal Procedure Code and the Juvenile Justice Code. Given the Ministry's decision to transfer competencies to the KCS, which included changing the organizational structure, staffing, nature and specifics of work in the service and capacity building and organization of the KCS and KPS as an executive Agency within the Ministry, the relevant legislation on this issue will be supplemented and amended.

The specific objective is creating a database for prisoners and other categories within correctional institutions.

Ministry of Justice will endeavour to reach the European standards in terms of respecting human dignity of prisoners and proportion of the Guardians in relation to the prisoners. The ministry will create within correctional institutions necessary space for detained or convicted persons where will be implemented penal sanctions. This will be achieved by building new facilities here including the construction of high-security prison, two detention centers, a center for juveniles with correctional education measures, making the building for convicted protected witnesses fully operational and the correctional center in Smrekonica fully functioning.

Construction of the Forensic Psychiatry Institute where will be placed adult persons convicted with the mass arrest who require psychiatric legal expertise, adult persons who have legal expertise without arrest warrant, the adult convicted persons with mental disorders which are requiring additional psychiatric treatment, those who have mandatory psychiatric treatment etc.

Over the middle term the Economical entity of KCS will be functional and profitable. Creation of an Economical Unit with adequate space within the KCS will require staff to prepare and to apply the training of prisoners working and generating the revenue. Therefore, the consolidation and training of staff for professional work in the Economical Unit in KCS is in process.

Cooperation with governmental and nongovernmental organizations in the service of general interest and prisoners in particular, will be further strengthened in terms of more rigorous monitoring of prisoners treatment and other offered services. Kosovo Correctional Service has a memorandum of understanding with a number of governmental and non-governmental organizations, which cooperates with regard to KCS presenting annual reports to work and cooperate with it.

This cooperation alongside the governmental and non governmental organizations is very necessary in regard to the execution of measures and alternative sanctions, as well as providing various services required for these persons.

FOURTH STRATEGIC OBJECTIVE

Capacity building of forensics, locating and identifying missing persons during the war and investigating war crimes in Kosovo

The Ministry will take necessary actions for the capacity building of forensic personnel within the Department of Forensic Medicine (DFM), as the institution is responsible for providing

forensic expertise, clinical forensic examinations of different abused persons, forensic investigation of the crime scene or other forensic services, public assistance to the competent authorities and providing support services for families of missing persons.

The Ministry through the DFM, in the framework of powers and responsibilities set forth by the Law on Forensic Medicine, will take all actions aimed to clarifying the fate of missing persons ranging from the implementation of the strategy, control, exhumation and identification of the remains, and other actions that go in order to clarify the fate of the missing persons.

In the field of forensics, the Ministry interacts with relevant bodies at national regional and international levels.

The Ministry will engage in the capacity building of the staff in cooperation with relevant partners in terms of staff expertise in specific disciplines, providing additional work space, etc. Moreover, the Ministry plans to build a genetic laboratory-DNA, which helps in providing the scientific findings to establish the evidence required by the court, which would allow shortening the duration of obtaining results and the current cost of services.

In order to investigate war crimes in Kosovo, by the Decision of the Government dated 15 June 2011 the War Crimes Research Institute (WCRI) was established. The WCRI is a public institution with the purpose of collecting research, systematizing, processing, and publication of data on war crimes, crimes against humanity and acts of genocide committed in Kosovo during the year 1998 until June 1999.

The Institute will operate under the Ministry of Justice. The realization of this strategic objective will be achieved in coordination with institutions and Agencies within central and local level. WCRI should be fully functional and completely operational.

FIFTH STRATEGIC OBJECTIVE

Developing and advancing professional capacity and creation of necessary conditions for efficient functioning of the Ministry of Justice

Based on the needs of professional and infrastructural quality and stable capacity, in accordance with government priorities, standards, recommendations of the functional review, and in order to increase the efficiency of alignment of management and supervision, an organizational restructuring of the ministry is required.

The Ministry is currently comprised with some basic departments for sectors policies which are, within the scope of the Ministry, meantime performing and presenting the essential functions of the Ministry. Inside the Ministry there are also a number of units or offices that are reporting directly to the Secretary-General, as follows:

- 1) Public Information Office;
- 2) Human Rights Office;
- 3) Certifying official;
- 4) Translation and lecturing Office;
- 5) Internal Audit Unit; and
- 6) Inspectorate for the Correctional Service.

In the new provided organizational structure of the Ministry will be the following departments: Central Administration Department, Legal Department, International Legal Cooperation Department, Department for European Integration and Policy Coordination, Forensics Department, Kosovo Correctional Service and Kosovo Probation Service which will remain under the supervision of the Ministry but shall operate separately under the Agency for the Execution of Penal Sanctions.

The organizing structure for protecting and assisting victims of domestic violence and human trafficking, will be in accordance with the functional review recommendations regarding Ministry, approved by the Government. Within this, under the Memoranda of Understanding between the Ministry of Justice and respective institutions, the staff of the Access to Justice Department will be transferred to different institutions, respectively the Judicial Integration Division will be transferred in Kosovo Judicial Council, while the rest of the staff of this Department goes to the State Prosecutor's Office and the Ministry of Labor and Social Welfare, accordingly as stipulated in the relevant provisions of the Memoranda.

The Ministry will focus on the realization of its basic functions, while the horizontal support and administrative functions will remain within the Central Administration Department which is expected to consist of the following divisions:

- 1) Human Resources Division (HRD);
- 2) Budget and Finance Division;
- 3) General Services Division;
- 4) Procurement Division;
- 5) Engineering Division; and

6) Information Technology Division.

In the course of fulfilling its legal obligations, the Ministry has established the Agency for Management of the Sequestered and confiscated Assets. The MoJ has created as well the Inspectorate for the control of Correctional Services (ICS). The Ministry will operate in terms of making itself independent the Kosovo Correctional and Probations service, but before that by creating the legal basis for such function.

For advancing its scope, the Ministry will be engaged in the future in providing the necessary preconditions for each unit mentioned above.

COORDINATION AND COOPERATION WITH OTHER GOVERNMENTAL AND NON GOVERNMENTAL INSTITUTIONS

The Ministry has close cooperation with different partners; cooperation with other institutions should be further strengthened even when dealing with related services. Those partners are such as the Prime Minister's Office, Ministry of Labor and Social Welfare (MLSW), Ministry of Education, Science and Technology (MEST), Ministry of Health (MoH), Ministry of Internal Affairs (MIA), Kosovo Police (KP) and other institutions in the field of justice, such as: the Kosovo Judicial Council, the State Prosecution, the Chamber of Advocates, etc. This cooperation will be institutionalized and strengthened.

The development of a close cooperation with the Ombudsman and with specialized organizations to monitor human rights, are some of the priority issues that are consistently taken by the Ministry. The Ministry has cooperation agreements with local organizations, which have the right to monitor prisoners and detainees, etc, which are managed mainly through the functions of KCS and other relevant Departments.

Moreover, the Department of Forensic Medicine performs well in close coordination with the Governmental Commission for Missing Persons, the International Committee of the Red Cross (ICRC), International Commission on Missing Persons (ICMP), with associations of families of missing persons as well as other relevant stakeholders, local and international. The Ministry also has close cooperation with international organizations such as UNDP, UNICEF, OSCE, Terres des Hommes, ECLO, the EULEX mission in Kosovo, GIZ, etc. Currently they are implementing joint projects in the field of rule of law, reform to the justice system, exchange of experiences

through building professional capacity such as Reform of Juvenile Justice, the EU Standards for the Ministry of Justice, etc.

INSTITUTIONAL DEVELOPMENT MEASURES

In order to meet the strategic objectives, the Ministry needs to address current gaps in human resource capacities and in structural adjustment. The management of the Ministry, based on the analysis that emerged from the functional review process, identified a number of measures which have to be taken. In close consultation with the ministerial committee for the drafting of the Strategic Development Plan, set out a range of measures necessary to enable the implementation of each strategic objective. It is presented as follows.

FIRST STRATEGIC OBJECTIVE

Creation and promotion of legal and institutional framework in view of the rule of law and order in accordance with the priorities derived from the process of European integration

The Ministry exercises the powers and functions of legislation in the field of justice according to its areas of responsibility. In order to develop legislative policy, drafting and implementation of laws, the ministry is taking the following measures in order to fulfil this strategic objective.

Measure 1.1 Reorganization and restructuring of the Department of Legal Affairs and capacity building in drafting legal and sub legal acts implementing legislative policies;

Measure 1.2 Amending the existing legal framework of Kosovo, including the replacement of UNMIK Regulations and Administrative orders with the laws of the Republic of Kosovo¹;;

Measure 1.3 Complete functioning of the Department for European Integration and Policy Coordination in fulfilling its duties, and capacity building;

SECOND STRATEGIC OBJECTIVE

Further Developing of the system of the International legal cooperation

The Ministry, in order to fulfill its legal mandate and international obligations regarding the scope of international legal cooperation, will take the following actions:

Measure 2.1 Full Structuring of the International Legal Cooperation Department;

Measure 2.2 Creating safer conditions for the staff and providing adequate equipment for sensitive and reliable storage of files;

Measure 2.3 Professional capacity building of the ILCD, including judges and prosecutors;

Measure 2.4 Proposing relevant legislation regarding the field of international legal cooperation

THIRD STRATEGIC OBJECTIVE

Ensuring the preconditions and more efficient management system of execution of penal sanctions

In order to fulfil its legal mandate in the field of execution of penal sanctions, with the purpose of enhancement or development of administrative, logistics and the professional capacity, the Ministry will undertake the following measures:

Measure 3.1 Increasing the new capacities of KCS, the reconstruction of existing capacities and creation of special institutions for executing the educational-correctional measures for juveniles in accordance with the Juvenile Justice Code;

¹ The list of laws that should be amended and replaced will be determined and presented in the Annual Working Plans for the Ministry of Justice

- Measure 3.2** Increasing the capacity building of staff and taking measures to re-socialize the prisoners;
- Measure 3.3** Institutional Capacity building of the KPS in supervision of persons sentenced with AMP and those who are paroled;
- Measure 3.4** increasing awareness of professional opinion and broader attentiveness of population regarding the role of KPS; dhe
- Measure 3.5** Creation of sufficient infrastructure in conformity with the Juvenile Justice Code and other laws, for the execution of measures and alternative sanctions.

FOURTH STRATEGIC OBJECTIVE

Capacity building of forensics, locating and identifying missing persons during the war and investigating war crimes in Kosovo

To achieve the desired objectives in development and building capacities for personnel of Forensics, locating and identifying missing persons during the war and researching war crimes the Ministry will implement the following measures to ensure the sustainable and responsible institutional development:

- Measure 4.1** Reorganization and complete structuring of FD in accordance with the new organization of MoJ;
- Measure 4.2** Capacity building of professional staff within FD.
- Measure 4.3** Preparation and capacity building of personnel from the War Crimes Research Institute

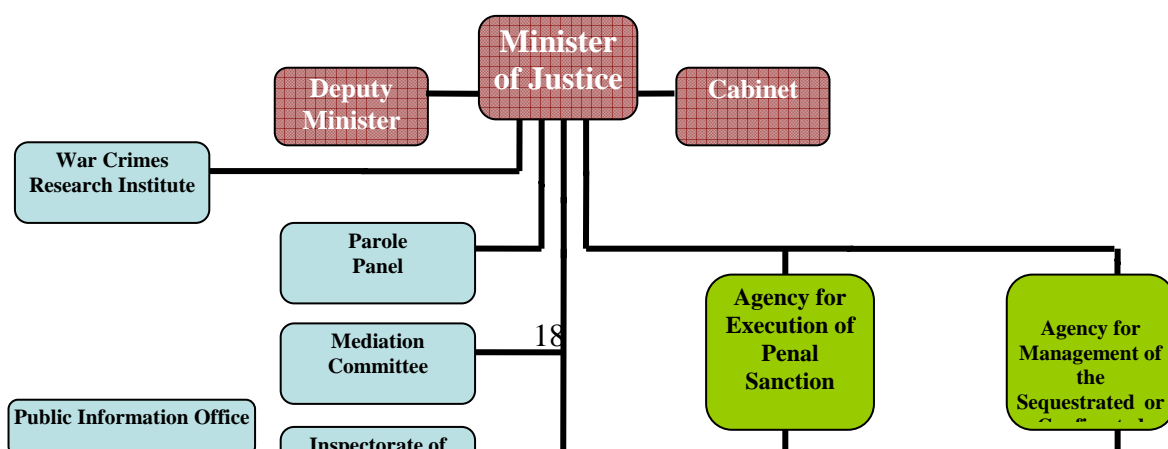
FIFTH STRATEGIC OBJECTIVE

Developing and advancing professional capacity and creation of necessary conditions for efficient functioning of the Ministry of Justice

In order to address current capacity gaps, the Ministry will implement the following measures for institutional development:

- Measure 5.1** Internal organizational restructuring of the Ministry for the purpose of efficient management and functioning;
- Measure 5.2** Strengthening professional capacities for the Ministry with the aim to raise the professional competence and enhance performance;
- Measure 5.3** Creating conditions and facilities through the necessary infrastructure in service of more efficient operation;
- Measure 5.4** Providing further preconditions for administrative capacity building, as well logistical support for the Agency for management of sequestered or confiscated assets; and
- Measure 5.5** Advancing and implementing legal infrastructure, building professional and administrative capacities in the field of mediation and notary system, advancing the Bar Exam in accordance with the applicable laws and European standards.

FUTURE ORGANIZATION STRUCTURE OF THE MINISTRY



ACTION PLAN

FIRST STRATEGIC OBJECTIVE

Creation and promotion of legal and institutional framework in view of the rule of law and order in accordance with the priorities derived from the process of European integration

Measure 1.1	Reorganization and restructuring the Legal Department and capacity building	To be completed by	
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		in drafting legal and sub legal acts for implementing legislative policies			
Activities		Time limit	Responsible unit	Involved Institutions	Costs and source
1	Reorganization and restructuring of the Legal Department in more effective organizational units;	2012	GSO/LD		
2	Preparation and approval of the description of duties and responsibilities of the Legal Department including the personnel	2012	GSO/LD		
3	Development and approval of the Training Plan for capacity building of the LD staff based on new mandate.	2012	LD/CAD	MPA	
4	Organization and implementation of the professional capacity building process of LD staff	2012	LD/CAD	IKAP/UP/Donors	
5	Appraisal of situation and the identification of additional needs updating the trainings without being set out from employment	2012-2016	LD/CAD	Donors/UP	

Measure 1.2		Amending the existing legal framework of Kosovo, including the replacement of UNMIK Regulations and Administrative orders with the laws of the Republic of Kosovo		To be completed by	
Activities		Time limit	Responsible unit	Involved Institutions	Costs and source
1	Drafting the Law on Judicial Academy	2012	LD	MF/OPM	
2	Codification and Drafting of Commentaries in the field of Ministries' legislation	2012-2016	MoJ/LD	OPM/MEI/UP/Donors	
3	Drafting the Law on Public Advocacy	2012-2013	LD	MF/OPM	
4	Drafting of the Regulation for Establishing and Functioning of the Chamber of Notaries	2012	LD		

Measure 1.3		Complete organizational structuring of the Department for European Integration and Policy Coordination		To be completed by	
Activities		Time limit	Responsible unit	Involved Institutions	Costs and source
1	Complete functional organization and structuring of the Department for European Integration and Policy Coordination (DEIPC) in compliance with	2012	DEIPC / GSO	CAD	

	Government Regulation no: 01/2011				
2	Preparation and approval of description of duties and responsibilities of the DEIPC personnel	2012	GSO/ DEIPC	CAD	
3	Organization of trainings, study visits, seminars, workshops for the MoJ staff in cooperation with relevant EU institutions	2012	MoJ/ DEIPC	ECLO/ MEI	
4	Establishing Sub-Sector Working Group that will be responsible for coordination of donor support	2012	GSO/DEIPC	MEI / OPM	

SECOND STRATEGIC OBJECTIVE

Further Developing of the system of the International legal cooperation and assistance in compliance with the best European practices

Measure 2.1		Full Structuring of the International Legal Cooperation Department		To be completed by	
Activities		Time limit	Responsible unit	Involved Institutions	Costs and source
1	Preparation and approval of the description of duties and responsibilities of the Department including the personnel	2012	GSO/ILCD		
2	Organization and full functional structuring of the Department in accordance with its new mandate	2012	GSO/ILCD		

Measure 2.2		Creating safer conditions for the staff and providing adequate equipment for sensitive and reliable storage of files		To be completed by	
Activities		Time limit	Responsible unit	Involved Institutions	Costs and source
1	Ensuring sufficient space for Department's work	2012	ILCD	MPA	
2	Ensuring sufficient high security equipments (drawers, safes and space) for sensitive documents	2012-2013	ILCD	MF	
3	Ensuring stable capacities in MoJ/ILCD for translation of documents	2012-2013	GSO/ ILCD		

Measure 2.3		Developing the professionalism of ILCD personnel, judges and prosecutors		To be completed by	
Activities		Time limit	Responsible unit	Involved Institutions	Costs and source

1	Development and approval of the Training Plan for capacity building of the ILCD staff, judges and prosecutors in the field of ILC	2012-2016	ILCD	KJC/KPC	
2	Organization and implementation of the professional building process of the ILCD staff, and providing trainings for judges and prosecutors	2012-2016	ILCD	KJC/KPC	

Measure 2.4		Proposal for amending the respective legislation concerning the international legal cooperation		To be completed by	
	Activities	Time limit	Responsible unit	Involved Institutions	Costs and source
1	Approval of the Law on International Legal Cooperation in criminal matters	2012	Parliament	MOJ, KJC, MPC, OPM/MoF/MEI/ KP UP / Parliament	
2	Drafting Administrative instructions for implementing the Law on ILC	2012-2013	MoJ / ILCD	OPM/MoF/MEI/	
3	Drafting administrative instructions for implementing the Law on CAICA	2012	MoJ / ILCD	OPM/MoF/MEI/ Parliament	

THIRD STRATEGIC OBJECTIVE

Efficient supervision and management of the system for execution of penal sanctions

(Correctional Service and Probation Service)

Measure 3.1		Increasing the new capacities of KCS, the reconstruction of existing capacities and creation of special institutions for executing the educational-correctional measures for juveniles in accordance with the Juvenile Justice Code		To be completed by	
	Activities	Time limit	Responsible unit	Involved Institutions	Costs and source
	Construction of High security prison	2012-2013	MoJ-	European Commission and	

1			KCS	Government (MPA)	
2	Building of the DC in Prishtina	2012-2015	MoJ-KCS	MPA	
3	Building of the DC in Gjilan	2012-2015	MoJ-KCS	MPA	
4	Building the facility for minors with educational-correctional measures in Lipjan (age 14-18)	2012-2012	MoJ-KCS	Government / Donors	
5	Building of the Forensic Psychiatry Institute	2012-2013	MoJ-KCS	European Commission / Government (MPA) /MoH (IPA 2010)	

Measure 3.2		Increasing the capacity building of staff and taking measures to re-socialize the prisoners		To be completed by	
Activities		Time limit	Responsible unit	Involved Institutions	Costs and source
1	Establishment of Economical Unit within KCS	2012-2013	MoJ-KCS	MoF	
2	Structuring, restructuring and admission staff under the institutional needs of KCS	2012-2016	MoJ-KCS		
3	Support the re socialisation and reintegration of convicted persons with AMP and care after release.	2012-2016	MoJ-KPS	UNDP UNICEF	
4	Vocational training of persons that are under the KPS supervision	2012 – 2016	MoJ KPS	MLSW UNDP	

Measure 3.3		Institutional Capacity Building of KPS in supervision of persons sentenced with AMP and those who are paroled from KCS		To be completed by	
Activities		Time limit	Responsible unit	Involved Institutions	Costs and source
1	Establishment of the Division who will work with juveniles within KPS	2012 - 2013	MoJ / KPS	UNICEF	
2	Opening of to KPS Regional Centres (Ferizaj and Gjakova).	2012 – 2013	MoJ / KPS	UNDP	
3	Recruitment of staff for these two centres	2012 – 2013	MoJ / KPS		
4	Profiling KPS staff to work with juveniles, adults and those released on bail	2012 – 2013	MoJ / KPS	UNCEP UNDP	
5	Development of individual programs in order to control the persons who are under the	2012 – 2015	MoJ / KPS	UNICEF UNDP	

	supervision of KPS				
6	Training of KPS staff for specific job categories (minor, adults, released on bail	2012 – 2016	MoJ / KPS	Donors	

Measure 3.4		Increasing awareness of professional opinion and broader attentiveness of population regarding the imposition of AMP and the awareness on understanding the role of KPS		To be completed by	
Activities		Time limit	Responsible unit	Involved Institutions	Costs and source
1	Training of partners in Justice sector (Judges and Prosecutors)	2012 – 2016	MoJ - KPS	KJI KJC KPC UNICEF UNDP	
2	Awareness Campaign for partners in the justice system and in the community	2012 – 2016	MoJ- KPS	UNICEF UNDP	
3	Membership of KPS in European Organization for Probation (EOP)	2012	MoJ - KPS	EOP	

Measure 3.5		Creation of sufficient infrastructure in conformity with the Juvenile Justice Code and other laws, for the execution of measures and alternative sanctions		To be completed by	
Activities		Time limit	Responsible unit	Involved Institutions	Costs and source
1	Construction of KPS Regional Centres of in Prishtina, Gjilan and Mitrovica	2012 – 2016	MoJ / KPS	Donors	
2	Construction of Disciplinary Centre for juveniles	2012- 2016		MoJ	
3	Construction of Institution for Special Care for juveniles	2012- 2016	MoJ	Donors	

FOURTH STRATEGIC OBJECTIVE

Capacity building of forensics, locating and identifying missing persons during the war and investigating war crimes in Kosovo

Measure 4.1		Reorganization and complete structuring of FD in accordance with the new organization of MoJ		To be completed by	
Activities		Time limit	Responsible unit	Involved Institutions	Costs and source
1	Preparation and complete functioning of FD according to new organization	2012	GSO /CAD/FD		
2	Preparation and approval of description of duties and responsibilities of FD	2012	GSO /CAD/FD		

Measure 4.2		Capacity building of professional staff within FD		To be completed by	
Activities		Time limit	Responsible unit	Involved Institutions	Costs and source
1	Creating working space (offices) for professional staff (experts of forensics)	2013-2016	MoJ / FD	Donors	
2	Professional capacity building in following areas: forensic anthropology, forensic histopathology, forensic toxicology, forensic archaeology	2012-20	MoJ / FD	MoJ and Donors .	
3	Reviewing the future status of the FD	2015	MoJ / FD		

Measure 4.3		Preparation and capacity building of personnel from the War Crimes Research Institute		To be completed by	
Activities		Time limit	Responsible unit	Involved Institutions	Costs and source
1	Full operation of the WCRI	2012-2016	MoJ / WCRI	Government / MoJ	
2	Filling and structuring the WCRI with scientific, professional and administrative personnel	2012-2013	MoJ / WCRI	Government / MoJ	

FIFTH STRATEGIC OBJECTIVE

Developing and advancing professional capacity and creation of necessary conditions for efficient functioning of the Ministry of Justice

Measure 5.1	Organizational restructuring of the Ministry for the purpose of efficient management and functioning			To be completed by	
	Activities	Time limit	Responsible unit	Involved Institutions	Costs and source
1	Drafting and approving of the Regulation on Systematization and job descriptions in MoJ	2012	CAD / MOJ	MPA	
2	Reviewing of the MoJ Organogram, and the restructuring of the Ministry	2012	Senior management of MoJ and ILCD	CAD/GSO	
3	Transfer of competence and responsibilities from MoJ to KCS	2012	Senior management of MoJ	CAD / GSO	
4	Full Functioning of the KCS Inspectorate	2012	Senior management of MoJ	MoJ/MF	
5	Full functioning of the Mediation Committee	2012	MoJ, Mediation Committee		

Measure 5.2	Strengthening professional capacities for the Ministry with the aim to raise the professional competence and enhance performance			To be completed by	
	Activities	Time limit	Responsible unit	Involved Institutions	Costs and source
1	Development and approval of training plans for capacity building of the staff of MoJ (based on job descriptions and capacities required based on their competences)	2012-2016	Agencies / Departments / GSO	MPA / ECLO / Donors	
2	Drafting of Procedures and methods for assessing the needs for training and training impact evaluation	2012	Agencies / Departments / GSO		
3	Drafting the manual for internal work procedure in Departments	2012	Agencies / Departments / GSO	MPA, Donors	

Measure 5.3	Creating conditions and facilities through	To be	
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		the necessary infrastructure in service of more efficient operation	completed by		
Activities		Time limit	Responsible unit	Involved Institutions	Costs and source
1	Building the Palace of Justice	2012-2016	MoJ	Government/ Municipality of Prishtina/ European Commission	
2	Building of facilities for Prosecutors in Peja, Gjilan and Ferizaj	2012-2014	MoJ	MoF	
3	Creating and managing the database for the Legal Department	2012-2013	MoJ	KB MoF/ Donors	
4	Creating and managing the database of persons which served their sentence and those still serving the sentence	2012	KCS / CAD	MoF/ Donors	
5	System for unifying the database functioning in the MoJ and the integration of Applications used by the former UNMIK administration	2012-2016	MoJ	KB MoF/ Donors	
6	Training of the staff from IT Division	2012-2016	MoJ-KCS	KB MoF/ Donors	

Measure 5.4	Providing further preconditions for administrative capacity building, as well logistical support for the Agency for management of sequestrated or confiscated assets	To be completed by		2012-2013	
Activities		Time limit	Responsible unit	Involved Institutions	Costs and source
1	Full Functioning of the Agency for Management of Sequestrated and Confiscated assets	2012-2013	MoJ/AMSCA	MoF, Donors	
2	Ensuring the database for the work of AMSCA	2012	MoJ/ AMSCA	MoF / Donors	
3	Increasing the performance of the staff of the agency in an optimal level, especially of the Operational Department of the Agency through specific and continuous trainings	2012	MoJ/ AMSCA	MPA / Donors	

4	Application of the Public Auction (selling of assets through internet)	2013	MD/AMSCA		
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Measure 5.5		Advancing and implementing legal infrastructure, building professional and administrative capacities in the field of mediation and notary system, advancing the Bar Exam in accordance with the applicable laws and European standards			To be completed by	
Activities		Time limit	Responsible unit	Involved Institutions	Costs and source	
1	Proposals and amendments of legislation on the subject of mediation	2012-2013	MC / LD	Donors		
2	Drafting and approving regulations, administrative instructions and other sub legal acts	2012-2016	Mediation Committee / MoJ	Donors		
3	Ensuring space in some municipalities for mediation centres and administrative costs for these centres	2012	MC	KJC/ MLGA Donors		
4	Crating and keeping of the registers and folders for mediators	2012-2016	MC	KJC		
5	Monitoring the Mediation Centres	2012-2016	MC	MoJ		
6	Training of new mediators and advanced trainings for licensed mediators	2012-2016	MC	MoJ /Donors		
7	Raising awareness on Mediation and training of judges, prosecutors, etc	2012-2016	MC	KJC / KPC /MoJ / Donors		
8	Profiling the mediators in particular areas	2012-2016	MC	MoJ / Donors		
9	Creating and maintaining the registers and notary records of notaries	2012-2016	LD / MoJ	MoJ		
10	Creating and maintaining the registers and files of certified / licensed candidates (by MoJ) who have passed the bar exam	2012-2016	LD/MoJ	MoJ		